**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: PQ 716 (NW790E)**

**DATE OF PUBLICATION: 9 MARCH 2018**

**Mr S C Motau (DA) to ask the Minister for Human Settlements:**

1. Whether her department has a Sexual Harassment and Assault Policy in place; if not, (a) why not and (b) by what date will her Department have such a policy in place; if so (i) how are reports investigated and (ii) what are the details of the consequence management and sanctions stipulated by the policy;
2. (a) what is the total number of incidents of sexual harassment and assault that have been reported in her department (i) in each of the past three financial years and (ii) since 1 April 2017, (b) what number of cases were (i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty.”

**REPLY**

* 1. The Department has a Policy and Procedure on the Prevention and Management of Sexual Harassment, approved on 7 April 2017 by the Director-General. (Annexure A)
  2. In terms of Section 12.1.1 the policy states that “The Head of Department shall appoint the Director responsible for Labour Relations as the Department Sexual Harassment Advisor to deal with sexual harassment complaints. This shall be a permanent appointment.”
  3. In Section 13.3 (13.3.1 to 13.3.9) of the Policy it outlines the manner on how sexual harassment should be investigated, with provisions that
     1. “The Sexual Harassment Advisor serves as the first line of contact to complaints of alleged sexual harassment.
     2. The role of the sexual harassment advisor is to provide a neutral, confidential and supportive environment for employees who have reported that they have been sexually harassed;
     3. Explain the disciplinary procedure and time frames to complainants and respondents in both formal and informal procedures; and advise the complainant on the appropriate course of action and support available;
     4. Provide guidance (if necessary) on how to complete the appropriate grievance form; and provide the respondent with a copy of this policy and any relevant document on disciplinary rules and procedures in the department;
     5. Issue a written notice of the complainant to the respondent and explain the protective measures available to the complainant;
     6. Investigate the complaint and bring the case to the attention of the Director-General;
     7. Avoid unreasonable delays during the investigation and conclusion of any sexual harassment complaint;
     8. Monitor and submit quarterly statistical reports on all cases reported, resolved and pending to the Director-General;
     9. Contribute to the development, coordination, and implementation of educational programmes and awareness raising activities for prevention and management of sexual harassment in the department.”
  4. In terms of Section 13.2.5 of the Policy it provides for ensuring that “Disciplinary measures are applied in accordance with the Disciplinary Code and Procedures (PSCBC Resolution 1 of 2003) in the Public Service, and its specified timeframes.” In addition Section 16.4.1 of the Policy provides that, “Should the respondent be found guilty of the offence, in line with Section 19.3.2, the Presiding Officer shall recommend a disciplinary sanction which may include any of the following or a combination of them: Mandatory referral for counselling and/or EHW intervention/s; Verbal warning; Written warning; Final written warning; Suspension (without pay for not more than 3 months); Demotion (as an alternative to dismissal) and Dismissal.

2(a) Two incidents of sexual harassment and assault were reported in the Department in the past three financial years:

**2(b)** The complaints were reported to the Employee Health and Wellness (EHW) unit although no formal grievances lodged by complainants to the Labour Relations unit, in terms of the policy.

2(c) The 1st incident was investigated with the perpetrator being reprimanded by the appointed supervisor; The 2nd incident resulted in the perpetrator being issued with a warning by his supervisor; the perpetrator apologizing to the complainant; and approval granted for the complainant to be transferred to another unit was as requested by the complainant.