**NATIONAL ASSEMBLY**

**QUSTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO: 718**

**DATE OF QUESTION: 09 MARCH 2018**

**DATE OF SUBMISSION: 26 MARCH 2018**

**718. Mr S Mokgalapa (DA) to ask the Minister of Justice and Correctional Services:**

1. Whether his department has a sexual harassment and assault policy in place; if not, (a) why not and (b) by what date will his 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 his 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the past three financial years and (ii) since 1 April 2017, (b) what number of cases were(i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty?

**NW792E**

**DRAFT REPLY:**

1. The Department of Justice and Constitutional Development has a policy and procedure on sexual harassment in place, which came into effect in 2008 and was reviewed in 2015 to ensure compliance with the Policy and Procedure on the Management of Sexual Harassment of the Department of Public Service and Administration (DPSA).
2. Reports/cases are investigated by a Committee which is established in terms of the departmental policy and procedure, and which is constituted by officials from the following components within the Department:
3. Employee Relations;
4. Employment Equity; and
5. Change Management and Gender Unit.
6. Details of the consequence management and sanctions stipulated by the policy are:
7. Counseling;
8. Verbal warning;
9. Written warning;
10. Final written warning;
11. Suspension without pay;
12. Demotion (as an alternative to dismissal);
13. Dismissal; and
14. Change Management.
15. (a) Total number of incidents of sexual harassment that have been reported in the Department of Justice and Constitutional Development are as follows:
16. In each of the past three financial years:
* 2014/15 : Five (5) cases were reported
* 2015/16 : One (1) case was reported
* 2016/17 : One (1) case was reported
1. From 01 April 2017: Three (3) cases were reported
2. The number of cases that were:
3. Opened and concluded:
* 2014/15 : Five (5) cases were opened, of which three (3) were concluded
* 2015/16 : One (1) case was opened and two (2) cases were carried over from previous financial year. The two (2) cases concluded during this financial year were those carried over from previous financial year.
* 2016/2017 : One (1) case was opened and one (1) case was carried over from previous financial year making, of which both cases were concluded.
* From 01 April 2017: Three (3) cases were opened, with two (2) cases

 concluded.

1. Withdrawn:
* 2014/15 : Zero (0) cases
* 2015/16 : One (1) case
* 2016/17 : One (1) case
* From 01 April 2017: Two (2) cases
1. Remained Open, based on incidents:
* 2014/15 : Two (2) cases (carried over to next financial year)
* 2015/16 : One (1) case (carried over to next financial year)
* 2016/17 : Zero (0) cases
* From 01 April 2017: One (1) case
1. Sanctions issued for each person who was found to have been guilty:
* 2014/15 : From the three (3) cases finalised, three (3) employees were found guilty and a sanction of *Suspension without pay* was imposed.
* 2015/16 : From the two (2) cases finalised, one (1) employee was found guilty and a sanction of *Suspension without pay* was imposed, and one (1) case was withdrawn after the parties agreed on a settlement - deemed closed and finalised.
* 2016/17 : From the two (2) cases finalised, one (1) employee was found guilty and a sanction of *Suspension without pay* was imposed, and one (1) case was withdrawn/closed due to a lack of evidence - deemed closed and finalised.
* From 01 April 2017: Two (2) finalised cases were withdrawn, as there was lack of cooperation by the one complainant and the other case was concluded informally - deemed closed and finalised.