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POLOKWANE, 0700
REG NO: 2009/004805/07
VAT NO: 451 018 0344

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NATIONAL NUMBER: 0861 379 542

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Subject:	Sexual Harassment Policy (HRP0003)
Compiled by:	CTL Group (Pty) Ltd
Authorised by:	Directors of E.P.X Courier Services
Implemented:	April 2021
Amended dates:	

SEXUAL HARASSMENT POLICY

(HRP0003)

1. INTRODUCTION:

- 1.1. The objective of this code is to eliminate sexual harassment or any other form of harassment within the workplace.
- 1.2. This code provides appropriate procedures to deal with the problem and prevent its recurrence.
- 1.3. This code encourages and promotes the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy, and their right to equity in the workplace.
- 1.4. This code encourages and expects all employees to report any acts of sexual harassment on or by any staff member immediately. Any person who witnesses any form of sexual harassment and fails to report such behaviour, will be in breach of the company's disciplinary code as well as the company's code of conduct and will be subjected to a formal disciplinary enquiry which it should be noted has the power of dismissal.



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2. VALUES:

- 2.1. The company strives to develop and maintain positive interpersonal relationships, in the context of a workplace, free of tensions involving matters unrelated to the company's business.
- 2.2. Further, the company believes that all employees have a right to be treated with dignity and respect. Justice and fair play are encouraged. An atmosphere of tension created by ethnic, racial, or religious remarks or animosity, unwelcome advances, requests for sexual favours or other verbal or physical conduct of a sexual nature will not be permitted in the workplace. Any discriminatory practices, which permit harassment, must therefore be identified, challenged, and eliminated.
- 2.3. An employee shall not involve him/herself in any unwanted conduct of a sexual nature, which includes unwelcome physical, verbal, or non-verbal conduct including but not limited to the following:
 - 2.3.1. Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a search by or in the presence of the opposite sex.
 - 2.3.2. Verbal forms of sexual harassment include unwelcome insinuations, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes, insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquires about a person's sex life, and unwelcoming whistling directed at a person or a group of persons.



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- 2.3.3. Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 2.3.4. Quid pro quo harassment occurs when an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- 2.3.5. Any act of harassment, which disrupts or threatens to disrupt relationships in the workplace will not be tolerated, and employees have the right to complain should such circumstances occur. Any investigation following a complaint needs to address accusations adequately.
- 2.3.6. The company would view as a significant aggravating factor the fact that the harasser was a more senior person than the person harassed, especially in a senior and subordinate relationship.
- 2.3.7. Any form of sexual harassment is prohibited and persons contravening this policy will be subjected to the company's disciplinary process which will lead to the convening of a disciplinary enquiry, which it should be noted has the power of dismissal.
- 2.3.8. Complainants must be able to rely on the company's willingness to investigate the complaint and take appropriate remedial action within a reasonable space of time. Furthermore, complainants must be able to report such behaviour without fear of any reprisal from any member of staff.



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3. DEFINITION OF SEXUAL HARASSMENT:

3.1. Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Sexual attention becomes sexual harassment if:

- 3.1.1. The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
- 3.1.2. The recipient has made it clear that the behaviour is considered offensive; and/or
- 3.1.3. The perpetrator should have known that the behaviour is regarded as unacceptable.
- 3.1.4. A normal and reasonable person would view the alleged conduct as offensive and sexual harassment.

4. FORMS OF SEXUAL HARASSMENT:

4.1. Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the examples listed as follows:

- 4.1.1. Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- 4.1.2. Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them,



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unwelcome and inappropriate enquiries about a person's sex life, and
unwelcome whistling directed at a person or group of persons.

- 4.1.3. Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 4.1.4. Quid pro quo harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- 4.1.5. One the lesser known form of sexual harassment is sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or salary increases.

5. GUIDING PRINCIPLES:

- 5.1. Employers should create and maintain a working environment in which the dignity of employees are respected. A climate in the workplace should also be created and maintained in which victims of sexual harassment will not feel that their grievances are ignored or trivialized, or fear reprisals.
- 5.2. Implementing the following guidelines can assist in achieving these ends:
 - 5.2.1. Employers/management and employees are required to refrain from committing acts of sexual harassment.
 - 5.2.2. All employers/management and employees have a role to play in contributing towards creating and maintaining a working environment in



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which sexual harassment is unacceptable. They should ensure that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others.

5.2.3. Employers/management should attempt to ensure that persons such as customers, suppliers, job applicants and others, who have dealings with the business, are not subjected to sexual harassment by the employer or its employees.

5.2.4. Employers/management are required to take appropriate action in accordance with this code, when instances of sexual harassment which occur within the workplace are brought to their attention.

6. POLICY STATEMENTS:

6.1. As a first step in expressing concern and commitment to dealing with the problem of sexual harassment, this policy should be made available to all employees and its provisions explained in detail namely that:

6.1.1. All employees, job applicants and other persons, who have dealings with the business, have the right to be treated with dignity.

6.1.2. Sexual harassment or any other form of harassment in the workplace, of whatsoever nature will not be permitted or condoned.

6.1.3. Persons who have been subjected to sexual harassment in the workplace have a right to raise a grievance regarding such



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behaviour should it occur, and appropriate and timeous action will be taken by the employer.

6.1.4. Management is placed under a positive duty to implement this policy and take the appropriate disciplinary action against employees who do not comply with the policy.

6.2. This policy on sexual harassment must also explain the procedure which should be followed by employees who are victims of sexual harassment. The policy states that:

6.2.1. Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively, and confidentially.

6.2.2. Employees will be protected against victimization, retaliation for lodging grievances and from false accusations.

6.2.3. If necessary, the appropriate counselling will be offered by the company.

6.2.4. Policy statements on sexual harassment must be communicated effectively to all employees.

7. PROCEDURE:

7.1. Two (2) procedures are made available to be followed when dealing with any alleged incidents of sexual harassment. This will ensure the resolution of problems in a sensitive, efficient, and effective way.



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7.2. Sexual harassment is a sensitive issue and a victim may feel unable to approach the perpetrator, lodge a formal grievance or turn to colleagues for support. As far as it is practicable, employers should designate a person outside of line management whom victims may approach for confidential advice. Such a person –

- 7.2.1. Could include persons employed by the company to perform inter alia such a function, a trade union representative or co-employee, or outside professionals.
- 7.2.2. Should have the appropriate skills and experience or be properly trained and given adequate resources.
- 7.2.3. Could be required to have counselling and relevant labour relations skills and be able to provide support and advice on a confidential basis.
- 7.2.4. To effectively deal with such a report/incident, the human resources department must be properly informed.

7.3. Informal Approach:

- 7.3.1. It may be sufficient for the employee concerned to have an opportunity where she/he can explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.
- 7.3.2. If the informal approach has not provided a satisfactory outcome, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include sexual assault, rape, a search and quid pro quo harassment.



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7.4. Formal Approach:

- 7.4.1. Where a formal procedure has been chosen by the aggrieved, a grievance form must be completed and submitted to HR immediately.
- 7.4.2. The normal grievance procedure will take place – please read the policy in conjunction with this clause.
- 7.4.3. Should either party still not feel satisfied with the outcome of the grievance hearing, that either party may refer the dispute within 30 days from the date of outcome to the road freight bargaining council or alternatively the CCMA if applicable.
- 7.4.4. Thereafter, this dispute may be reviewed by the Labour Court.
- 7.4.5. A victim of sexual assault has the right to press separate criminal and/or civil charges against an alleged perpetrator, and the legal rights of the victim are in no way limited by this code.

8. CONFIDENTIALITY:

- 8.1. Employers and employees must ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 8.2. In cases of sexual harassment, management, employees, and the parties concerned must endeavour to ensure confidentiality in the disciplinary enquiry. Only appropriate members of management as well as the aggrieved person, representative, alleged perpetrator, witnesses, and interpreter if required, must be present in the disciplinary enquiry.



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8.3. Employers are required to disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this code.

8.4. The relevant provisions of the POPIA Act, Protection of Personal Information Act, applies.

Applicable Form: Complete a grievance form and submit to your direct supervisor/manager or HR. Alternatively, kindly book an appointment with HR for guidance and assistance.