

NATIONAL ASSEMBLY
QUESTION FOR WRITTEN REPLY
QUESTION NUMBER: 712 [NW786E]
DATE OF PUBLICATION: 9 MARCH 2018

712. Mr D J Stubbe (DA) to ask the Minister of Finance:

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past three financial years and (ii) since 1 April 2017, (b) what number of cases were (i) opened and concluded, (ii) withdrawn and (iii) remain open based on the incidents and (c) what sanctions were issued for each person who was found to have been guilty?

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REPLY:

- (1) Yes.
 - (a) Not applicable.
 - (b) (i) Any National Treasury employee who feels that he / she is the victim of sexual harassment has the right to seek redress without prejudice. The procedure for dealing with the reports / complaints has the following two stages:

The informal approach

This is the first phase. This includes speaking to the harasser preferably in the presence of the witness, describing the unwelcome behavior and asking for it to stop. The victim can also write a letter to the harasser outlining the unwelcome behaviour detailing where and how events occurred, the letter should be signed and dated and a copy kept.

A third party intervention can be used where the aggrieved party is not comfortable in approaching the harasser personally. A shop steward or any neutral employee could approach the harasser on behalf of the victim and could mediate the matter informally. The Human Resources Management unit or a trusted colleague could also intervene and mediate.

The formal approach

The victim may lay a grievance against the perpetrator and follow the National Treasury's grievance and disciplinary procedures. If this process fails, a statutory conciliation may be considered, which is a process by which a neutral person from

a bargaining council assist the parties to reach an agreement. The Labour Court can adjudicate when none of the above processes yield a result with which both parties are satisfied.

Victims could institute a civil claim and sue the harasser and lay a charge under criminal law at the same time as they pursue labour procedures when the sexual harassment is rape, attempted rape or sexual assault.

(ii) The disciplinary code and procedure and the relevant resolutions of the PSCBC and GPSSBC will apply when discipline takes place.

- (2) (a)(i-ii) Nil
- (b) (i-iii) Nil
- (c) Not applicable.