



Premier FMCG (Pty) Limited

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Code of good practice on the prevention and elimination of violence and harassment

PREMIER FMCG (PTY) LIMITED GROUP OF COMPANIES, INCL. SUBSIDIARIES ("Premier")

Purpose

To create and maintain a workplace in which all employees can work together in an atmosphere free from all forms of harassment, discrimination, intimidation, including those of a sexual nature, and to discourage any inappropriate workplace behaviour which may be regarded as harassment. This policy aims to provide appropriate procedures to deal with the problem of all types of harassment, to provide guidelines for the handling of such incidents should they occur and prevent its recurrence.

All forms of harassment, including sexual harassment in the workplace will not be permitted or condoned by Premier FMCG.

Persons who have been subjected to harassment in the workplace have a right to raise a grievance regarding it, should it occur, and appropriate action will be taken by Premier FMCG, details of which are contained below.

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

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

1. Harassment

1.1 Harassment is an act which is intended to intimidate, threaten, harass or harm a person. Harassment is any unwanted conduct which impairs dignity, and which creates a hostile or intimidating work environment for one or more employees. Harassment includes violence, physical abuse which includes the use of physical force or power, whether threatened or actual, psychological abuse, emotional abuse, sexual abuse, gender-based abuse, racial abuse or verbal abuse.

1.2 Forms and types of harassment

- Physical harassment includes attacks, threatened violence or gestures such as raising a fist as if to strike a person or throwing an object near a person.
- Verbal bullying includes threats, shaming, hostile teasing, insults, constant negative judgement, and criticism, or racist, sexist or LGBTQIA+ phobic language. Slandering or maligning a person or spreading rumours maliciously, conduct which humiliates, insults or demeans a person.
- Psychological harassment may be associated with emotional abuse and involves behaviour that has serious negative psychological consequences for the person.
- Workplace bullying involves aggressive behaviour in which someone repeatedly causes injury and discomfort to another.
- Passive-aggressive or covert harassment includes negative gossip, negative joking at another person's expense, sarcasm, condescending eye contact, facial expressions or gestures, mimicking or ridicule,

- deliberately causing embarrassment and insecurity, marginalisation, social exclusion, professional isolation, and deliberately sabotaging another person's dignity and well-being.
- Online harassment or cyber bullying is harassment that is committed, assisted, or aggravated in part or fully using information and communications technology such as mobile phones, smart phones, the internet, social media platforms or email.

2. Definition of sexual harassment

2.1 Sexual harassment is any unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

2.2 Sexual attention becomes sexual harassment if:

- The behaviour is persistent, although a single incident of harassment can constitute sexual harassment; and/or
- The recipient has made it clear that the behaviour is considered offensive; and/or
- The perpetrator should have known that the behaviour is regarded as unacceptable.

3. Forms of sexual harassment

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

- 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.
- Verbal forms of sexual harassment include unwelcome innuendos, suggestions and hints, sexual advances, comments with sexual overtones, sex related jokes or insults or unwelcome comments about a person's body made in their presence or directed towards them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling (catcalling) directed at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 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.
- 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.
- Victimisation occurs when a person is victimised or intimidated for failing to submit to sexual advances, attention, proposals or for complaining about gender-insensitive conduct.

4. Racial, ethnic or social origin harassment

4.1 **Racial** harassment is an incident, or a series of incidents intended or likely to intimidate, offend or harm an individual or group because of their ethnic origin, colour, race, religion or nationality. A racist incident is any incident that is perceived to be racist by the victim or any other person.

4.2 Types of racial harassment

- Abusive language and racist jokes, cartoons, including communications that amount to hate speech.
- Racially offensive written or visual material, including online harassment.
- Racist name calling or negative stereotyping impacting on a person's dignity.
- Offensive behaviour in the form of open hostility to a person of a specific racial or ethnic group.
- Subtle or blatant exclusion from workplace interaction and activities and other forms of marginalisation.

5. Factors to consider in sexual, racial and other harassment cases

- Whether the language or conduct complained of is abusive, impairs the dignity of a person, is directed at a particular person or group, and the impact of the conduct.
- Whether harassment is on the grounds of sex and /or gender and /or sexual orientation.
- Whether sexual conduct was wanted or unacceptable.
- The nature and extent of the sexual conduct.
- The impact of the sexual conduct on the person.

6. Management of harassment cases

There are two options to resolve a problem relating to harassment. Either an attempt can be made to resolve the problem in an informal way, or a formal procedure can be embarked upon. Employees can choose one or the other option.

6.1 Informal procedure:

- It may be sufficient for the employee concerned to have an opportunity where he/she can explain to the person engaging in 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.
- 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 or physical assault, rape, a strip search, and quid pro quo harassment.

6.2 Formal procedure:

Where a formal process has been chosen by the aggrieved, a formal procedure resolving the grievance is available:

- The employee should lodge the grievance with their manager. Should the matter involve the aggrieved employee's manager, then the employee may approach the manager above their manager/ or their site manager.
- The employee should lodge their grievance as soon as possible from the date of the harassment.
- A formal investigation will be called immediately upon receipt of the grievance.
- If the grievance remains unresolved, the appropriate provisions of the Act may be pursued within thirty (30) days from the date of the decision of the manager.

6.3 Investigation and disciplinary action:

- Care will be taken during any investigation of a grievance of harassment that the aggrieved person is not disadvantaged, and that the position of the other parties is not prejudiced if the grievance is found to be unwarranted.
- Serious incidents of harassment or continued harassment after warnings are considered dismissible offences.
- It is a disciplinary offence to victimise or retaliate against any employee who lodges a grievance of harassment in good faith.

6.4 Criminal or civil charges:

- A victim of harassment 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 to this policy.

7. Dispute resolution:

- Should a complaint of alleged harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute having arisen, refer the matter to the CCMA for conciliation. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 90 days of receipt of the certificate issued by the Commissioner.

8. Confidentiality:

- Premier FMCG and its employees will ensure that grievances about harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 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 at the enquiry.
- Employers are required to disclose to either party or to their representative, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this code.