

Updates on Sexual Harassment From The SABPP Special Interest Group



This Special Interest Group, which was set up in 2019, held a virtual meeting in November at which some important updates were shared.

Annelie Gildenhuis of Aequitas Consultants, an Employment Equity Commissioner representing the Business Constituency of NEDLAC, provided information on the current status of the revised Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, which will be published as a Code of Good Practice on the Elimination of Violence and Harassment in the World of Work. NEDLAC is in the final stages of work on incorporating comments on the published draft and also has a multi-disciplinary team working on alignment of other pieces of legislation which refer to harassment. It should be noted that the revised draft Code includes workplace bullying and will highlight the difference between processing a formal grievance and handling an harassment complaint. Organisations will need to review their policies to comply with this new Code. Annelie also drew members' attention to some recent case law on harassment. Annelie has had success with introducing e-learning to assist organisations with their harassment awareness campaigns (aequitasconsultants.co.za)

Carlene January-Wright and Zanele Masoek of Tokiso Dispute Settlement prepared a reflection on current trends in workplace harassment since the Covid disruptions, noting that most of the disputes coming before them at the moment were rooted in pre-Covid issues. However, the increase in virtual working, combined with the general increase in Gender-based Violence (GBV) and Domestic Violence, is likely to bring to the fore new problems such as the probability of fewer witnesses to bullying and

harassment, difficulties in monitoring employee interactions, the merging of private and business life, an increase in 'casualness' in interactions, Zoom 'slip-ups' and so on.

They also noted that organisations are increasing using more flexible forms of investigation of harassment complaints and at the same time, there is an increase in doubt about the independence of chairperson of hearings and this gave rise to a discussion in the group on the use of the so-called Inquisitorial Approach. This topic is the subject of an article included in the Sexual Harassment Toolkit which is available at no charge on the SABPP website under Product Solutions/Virtual HR.

Thandi van Heyningen from the Institute of Security Studies presented her work on developing a workplace programme raising awareness of GBV and Domestic Violence. The thinking behind this is that violence at home spills over into the workplace in various ways and workplace violence is underpinned by the same norms and values as domestic violence. Studies from overseas and locally have shown that workplace GBV programmes can have the effect of positioning the workplace as a safe space for vulnerable people, and this results in increased attendance and productivity. Having successfully piloted the programme at a small agri-processing company in the Eastern Cape, she is keen to link up with other employers to replicate the programme. The group noted that Employee Assistance Programme providers do good work in offering such programmes as well.

The group participants are finding that the inclusion of different viewpoints and experience backgrounds among group members is providing valuable insights. Running the group meetings virtually has offered people from around the country the opportunity to participate in what started out as a Gauteng based group, and therefore SABPP will continue to run the group at least partly virtually in future. The next meeting of the group will be in February 2022. If you would like to be included in the mailing list for the group, please email research@sabpp.co.za. Membership is open to both members and non-members of SABPP.