

COSATU



Sexual Harassment Code of Conduct

Adopted at EXCO May 1995

We thank the COSATU affiliates for contributing to the development of the Code of Conduct on Sexual Harassment.

A special thank you to the members of the National Women Sub-Committee (NWSC) and the NALEDI Gender Researchers who compiled and produced the Code of Conduct on Sexual Harassment.

A further thank you to Sexual Harassment Education Project (SHEP) for assisting COSATU in drawing up the Code.

SAM SHILOWA
General Secretary

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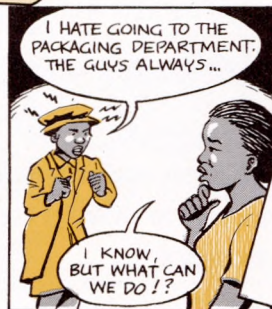
AT THE UNION CONGRESS



IN THE FILING ROOM



ON THE SHOP FLOOR



COSATU and affiliates commit themselves to the elimination of sexual harassment in the labour movement through this code of conduct. The code governs the behaviour of all members of these unions.

What is sexual harassment?

Sexual harassment is any unwanted or unwelcome conduct of a sexual nature or other conduct based on sex which causes discomfort to the victim. This can include unwelcome physical, verbal or non-verbal conduct.

COSATU's Sexual Harassment Code of Conduct

The main points

- COSATU recognises that sexual harassment discriminates against women.
- COSATU and its affiliates are committed to taking action to stop sexual harassment within the federation.
- Union officials and members must not ask for sexual favours in return for help at work, including promotion and pay rises.
- Union officials and members must not victimise or threaten to dismiss any grievant in a sexual harassment case.
- Union officials, union members and employers should strive to create an environment free from sexual harassment.
- Sexual harassment cases must be handled sensitively, honestly, quickly and confidentially.
- COSATU will ensure that its affiliates negotiate a sexual harassment code and procedure with employers to show its commitment to fighting sexual harassment in the workplace.

How the code was developed

COSATU and affiliates have committed themselves to preventing and addressing sexual harassment in the unions.

The COSATU Sexual Harassment Code of Conduct is the outcome of a long process of debate within the federation.

In 1989 the Transport and General Workers' Union (TGWU) raised the issue of sexual harassment when they submitted a resolution on harassment to the COSATU National Congress. The resolution was referred to affiliates for further discussion.

In 1991 the COSATU National Congress discussed the TGWU resolution on sexual harassment again. No agreement was reached over the resolution.

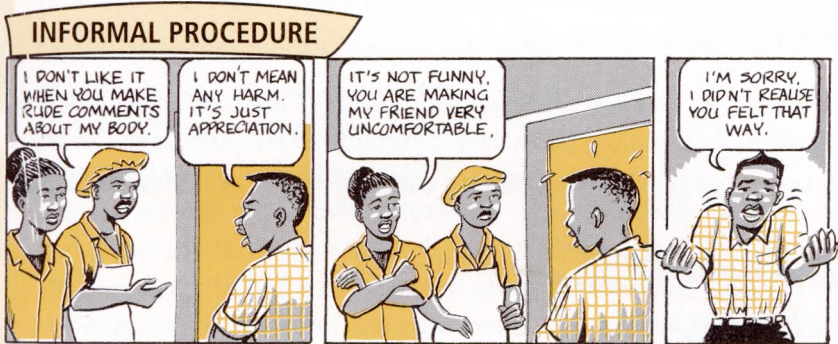
In 1994 the COSATU National Congress adopted a resolution to draw up a code of conduct on sexual harassment.

In May 1995 the Executive Committee adopted the code of conduct on sexual harassment.



If you are being sexually harassed you can take action in two ways according to the code of conduct:

- *You can speak to the person directly (informal)*
- *You can report the case to a union disciplinary committee (formal)*



- You have the right to tell the person who is harassing you to stop. Take a colleague with you as a witness and for support.
- This procedure gives the harasser a chance to change his (or her) behaviour without any other disciplinary measures being taken against him (or her).
- If the harasser does not listen to you, or you feel unable to talk to the person directly about it, you can follow the formal procedure.



- You have the right to report the case directly to your union's gender co-ordinator, shop steward or union official. They must report it to the Disciplinary Committee within two days.

Remember

At least half the people on the Disciplinary Committee must be women.

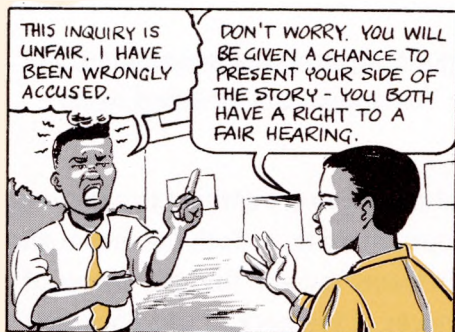
Anything you tell the Committee must be dealt with confidentially.

- The Committee will hear both sides of the case and decide on the appropriate disciplinary measures.
- The gender co-ordinator must be involved in the inquiry.
- Within five days from the date the Committee received your complaint, the person who harassed you will receive a notice about the disciplinary inquiry.

If you are sexually harassed by a shop steward or union official you can also report them directly to the Disciplinary Committee.

Your union's gender co-ordinator or COSATU's gender co-ordinator are there to help you and give you more advice about the grievance procedures.

Keep a record of all the sexual harassment incidents, noting dates, times, places, who else was present and what was done to you. If you can't write ask someone else to make notes for you.



THE INQUIRY



Your rights during the inquiry

- You must get reasonable notice of the date of the inquiry.
- You can choose someone to represent you at the inquiry, but you will have to give evidence yourself.
- If anyone else saw what happened you can ask them to be witnesses at the inquiry.
- You have the right to ask questions of the other side.

Remember
Both the grievant and the alleged harasser share these rights to a fair hearing.

Disciplinary measures

The type of disciplinary action taken by the Committee could include, but will not be limited to, counselling, verbal warning, written warning, final written warning, dismissal.

Appeals

You and the alleged harasser have the right to appeal if either of you is not satisfied with the outcome of the inquiry. The appeal can be heard by an independent arbitration service.

- If you have suffered emotional or physical stress you are entitled to additional paid sick leave so you can receive appropriate therapy. Both the victim and the alleged harasser are entitled to such leave. You will find the names of organisations that offer counselling services at the back of this booklet.

COSATU Sexual Harassment Code of Conduct and Procedure

1. General principles

- 1.1 Sexual harassment is discriminatory against victims, and can even occur within a relationship. It reflects the unequal power relations between men and women in society and in most cases entrenches the subordinate position of women.**
- 1.2 COSATU and affiliates commit themselves to the elimination of sexual harassment in the labour movement by taking active measures to prevent sexual harassment.**
- 1.3 No union official or union member shall demand sexual favours in return for representation, employment, retention of employment, promotion or to secure a salary increase.**
- 1.4 No union official or union member shall victimise the grievant or jeopardise her or his job security.**
- 1.5 Sexual harassment cases shall be dealt with in a very sensitive, honest, quick and confidential manner.**
- 1.6 Union officials and union members shall create a working environment that is free from sexual harassment.**
- 1.7 The job security of the grievant shall be guaranteed.**
- 1.8 Employers shall create a working environment that is free from sexual harassment.**

2. What is sexual harassment?

Sexual harassment is any unwanted or unwelcome conduct of a sexual nature or other conduct based on sex which causes discomfort to the victim. This can include unwelcome physical, verbal or non-verbal conduct.

2.1 Types of harassment

There are various forms of sexual harassment that range from subtle attention to the worst form of violence like rape.

Examples of sexual harassment may include the following but are not limited to the listed examples:

2.1.1 *Physical form*

Touching, patting, pinching, fondling, molestation, assault, attempted rape or rape.

2.1.2 *Verbal form*

Sexual advances, telephone calls with sexual overtones, sex related jokes or insults, enquiries about a person's life, whistling, comments about a person's body.

2.1.2 *Non-verbal form*

Leering, winking, public display of offensive or derogatory pictures.

3. Procedures for settling complaints or grievances relating to allegations of sexual harassment

The procedure is divided into two levels:

3.1 Informal

3.2 Formal

The grievant has an option to decide whether she or he wants to follow a formal or informal procedure.

3.1 Informal procedure

The informal procedure shall include direct contact with the alleged wrongdoer or an intervention by another person in the organisation. The purpose of this procedure is to let the alleged wrongdoer stop his or her unwelcome behaviour.

3.2 Formal procedure - disciplinary inquiry

The disciplinary inquiry represents the first stage of the procedure.

3.3 Composition of the Disciplinary Committee and levels of handling discipline

The existing unions' Disciplinary Committees should be gender balanced - meaning that women should be included in these Committees. Where possible, at least 50% of the Committee members should be women.

Where there is a gender co-ordinator that person shall be part of the Committee.

- 3.3.1 If the alleged wrongdoer is a union member, the case shall be heard by the Region/Branch except where the member is a National Office Bearer, in which event, the case shall be heard by the National Office Bearers.
- 3.3.2 Where the grievant is a union member, she or he shall report the case to the shop steward or directly to the Disciplinary Committee.
- 3.3.3 The shop steward shall report the case to the Disciplinary Committee within two (2) days.
- 3.3.4 Where the shop steward is the alleged wrongdoer, the grievant shall report the case directly to the Disciplinary Committee.
- 3.3.5 Where the alleged wrongdoer is a union official, the grievant shall report the case to the Disciplinary Committee within two (2) days.
- 3.3.6 A notice of a disciplinary inquiry shall be issued to the alleged wrongdoer within five (5) days from the date on which the Disciplinary Committee received the complaint.

3.4 Rights of the grievant and alleged wrongdoer

- 3.4.1 Right to reasonable notice.
- 3.4.2 Right to representation by a person of one's choice within the organisation or, where applicable, the grievant may be represented by the Sexual Harassment Complaints Officer.
- 3.4.3 Right to call witnesses and to produce other evidence.
- 3.4.4 Right to cross-examination and re-examination.
- 3.4.5 Right to lead evidence in mitigation and evidence of aggravating circumstances.

4. Disciplinary measures

Disciplinary measures could include the following, but will not be limited to:

- counselling
- verbal warning
- written warning
- final written warning
- dismissal

5. Appeal

The appeal procedures shall take the form of arbitration. Where the alleged wrongdoer or the grievant is not satisfied with the disciplinary inquiry, they shall be given the right to appeal. The appeal shall be heard by an arbitration service agreed upon by the parties.

6. Sick leave

In cases where the grievant or alleged wrongdoer has suffered emotional or physical stress, the union or federation shall grant additional paid sick leave for therapy. The Disciplinary Committee shall ensure that the grievant and/or alleged wrongdoer receives counselling. A list of service organisations that deal with trauma cases shall be kept by the unions and made available to the grievant or alleged wrongdoer by the union.

7. Implementation of code

7.1 Education and training

Education and awareness raising programmes which encourage gender sensitive practices and behaviour shall be included in the union education programmes for all officials and members. This policy shall be actively promoted within COSATU and its affiliates.

7.2 Campaign

COSATU and affiliates shall organise a campaign against sexual harassment. COSATU shall ensure that where practical, sexual harassment officers are elected.

7.3 Negotiation of sexual harassment policy with employers

COSATU shall ensure that its affiliates negotiate a sexual harassment code and procedure with employers to show its commitment to fighting sexual harassment in the workplace.

7.4 Legislation

COSATU and its affiliates shall ensure that current legislation, including the Labour Relations Act, prohibits violence against women and sexual harassment is codified as an offence.

***Rape and attempted rape is a criminal offence -
report it to the police as soon as possible.***

***It takes a lot of courage to report such incidents to the police
but it is important to do so.***

***Remember you are not alone. There are many organisations that
provide help, such as legal advice and counselling for women
that have suffered sexual assault.***

Contact organisations

There are many organisations who provide support and advice for women who are victims of sexual harassment or assault. The main ones are listed below. Even if their offices are not in your area, they may be able to give advice on the phone or suggest organisations based nearer you who you could contact.

Sexual Harassment Education Project (SHEP)

SHEP is an organisation that works to address the problem of sexual harassment through the following services:

- training and awareness raising;
- developing rules and procedures, including codes of conduct, grievance and disciplinary procedures;
- producing educational materials;
- promoting legislative change;
- operating a resource materials centre;
- providing advisory and referral services.

SHEP

4th Floor, Braamfontein Centre,
23 Jorissen Street, Braamfontein

Postal address:

PO Box 30778, Braamfontein,
Johannesburg 2017

Tel: (011) 403-0541

Fax: (011) 403-7535

Advice Desk for Abused Women
Counselling and advice
Tel: (031) 2044-862/923

**Agishanang Domestic Abuse Prevention
and Training (ADAPT)**
Counselling and legal assistance
Tel: (011) 885-3305

Black Sash Advice Office
Legal assistance
Tel: (011) 834-8361

Cape Town Rape Crisis
Counselling
Tel: (021) 47-9762

Ilitha Labanthu
Counselling
Tel: (021) 633-2383

Life Line
Counselling
National Office Tel: (011) 880-9676
Durban Tel: (031) 23-2323
Johannesburg Tel: (011) 728-1347
Klerksdorp Tel: (018) 462-1234
Krugersdorp Tel: (011) 953-4111
Nelspruit Tel: (013) 755-3606
Pietermaritzburg Tel: (0331) 94-4444
Pretoria Tel: (012) 46-0666
Rustenburg Tel: (0142) 97-2000
Vaal Triangle Tel: (016) 33-7333
Western Cape Tel: (021) 461-1111/3

NICRO Women's Support Centre
Counselling
Tel: (021) 22-1690

NISAA Women's Institute
Counselling
Tel: (011) 854-5804

People Against Human Abuse (PAHA)
Counselling
Tel: (012) 805-7416

Port Elizabeth Rape Crisis
Counselling
Tel: (041) 54-3804

POWA (People Opposing Women Abuse)
Counselling
Tel: (011) 642-4345

**University of the North Counselling
Centre**
Tel: (0152) 268-2552

**The Trauma Clinic Centre for the Study
of Violence and Reconciliation**
Counselling
Tel: (011) 403-5102

Women Against Women Abuse (WAWA)
Counselling
Tel: (011) 945-5531

Most universities have law clinics that you can contact for legal advice.

COSATU Offices

HEAD OFFICE

1 Leyds Street
Cnr Biccard Street
ICI House
Braamfontein

PO Box 1019
Johannesburg 2000
Tel: (011) 339-4911
Fax: (011) 339-5080
E-mail: cosatu@wn.apc.org

WITS REGION

Stand 213 Shop no. 7
Cnr High and Park
Germiston 1401
Tel: (011) 873-2610
Fax: (011) 873-1272
E-mail: cosatuws@wn.apc.org

WESTERN TRANSVAAL

67 Church Street
4th Floor Sanlam Property Building
Klerksdorp 2580
PO Box 11909
Klerksdorp 2580
Tel: (018) 462-2406
Fax: (018) 462-3993
E-mail: cosatuwt@wn.apc.org

NORTHERN TRANSVAAL

Pryra Building
69a Bok Street
Pietersburg 0700
Tel: (0152) 291-2981
Fax: (0152) 291-3232
E-mail: cosatunt@wn.apc.org

MPUMALANGA

113 Blackseed Centre
2134 Zwane Street, 1st Floor
Embalenhle 2285
Tel: (017) 685-4217
Fax: (017) 685-4737
E-mail: cosatump@wn.apc.org

NORTHERN CAPE/FREE STATE

24b De Beers Road
Kimberley 8300
Tel: (0531) 81-1088
Fax: (0531) 82-5189
E-mail: cosatunc@wn.apc.org

KWAZULU-NATAL

10th Floor Liberty Life
269 Smith Street
Durban 4000
Tel: (031) 304-1690
Fax: (031) 304-1822
E-mail: cosatukzn@wn.apc.org

WESTERN CAPE

1st Floor Castle Mews
16a New Market Street
Cape Town 8001
Tel: (021) 462-3673
Fax: (021) 461-5909
E-mail: cosatuwc@wn.apc.org

EASTERN CAPE

4th Floor
Mutual Building
Terminus Street
East London 5200
Tel: (0431) 43-1951
Fax: (0431) 43-6334
E-mail: cosatuec@wn.apc.org