

IMPLEMENTATION GUIDELINES FOR THE WESTERN CAPE EDUCATION DEPARTMENT: SEXUAL HARASSMENT POLICY
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1. INTRODUCTION

The **Implementation Guidelines** document must be read in conjunction with the **Western Cape Education Department: Sexual Harassment Policy**.

The purpose of the Implementation Guidelines is to provide WCED employees with information on the following:

- The procedures which must be followed in the handling of cases of sexual harassment;
- The roles and duties of the role players in the reporting of cases of sexual harassment; and
- How to report cases of sexual harassment.

2. INFORMAL PROCEDURE FOR HANDLING COMPLAINTS

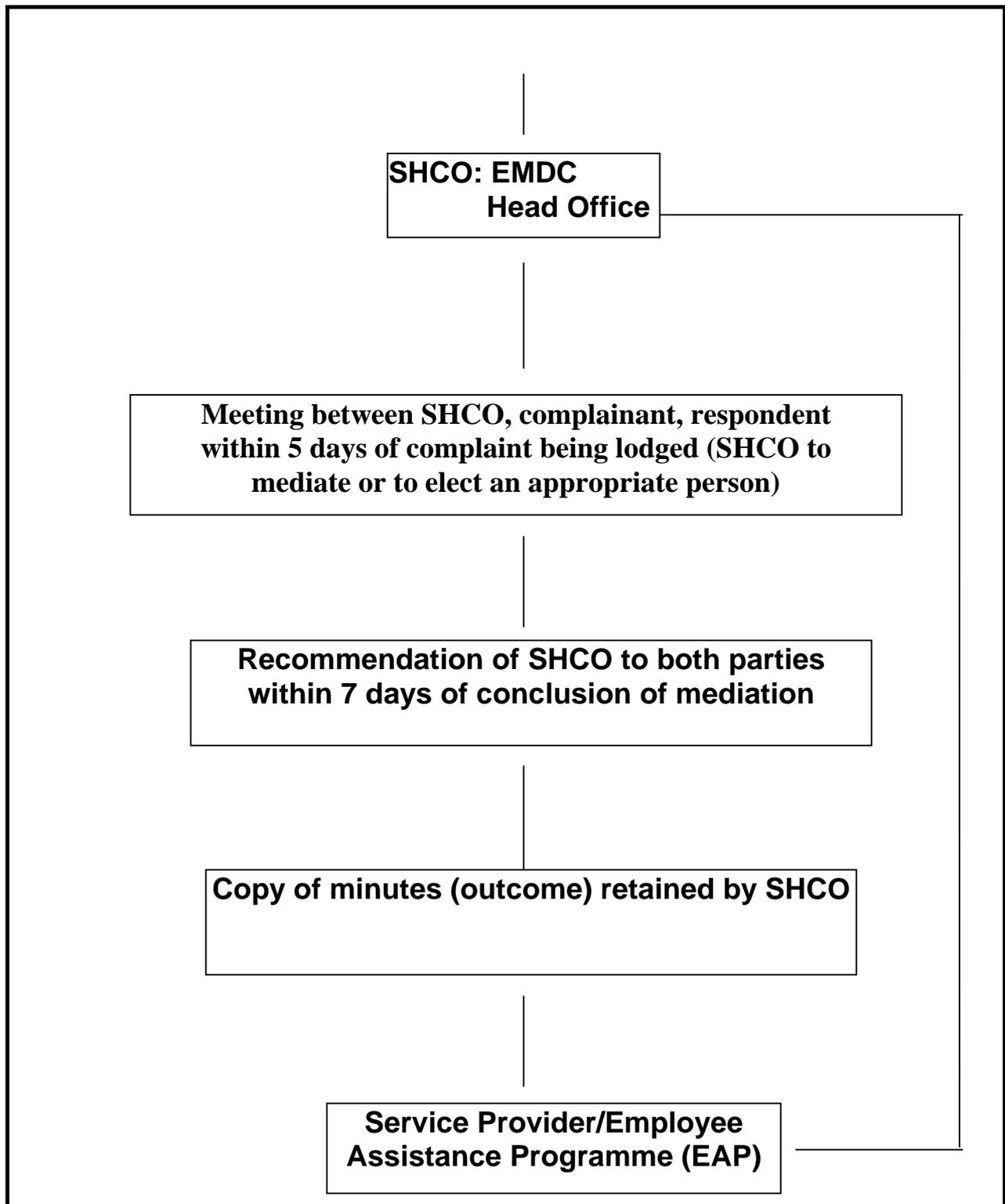
- 2.1** The informal procedure involves discussion, advice, assistance and mediation and is recommended where the complainant does not want to file a formal complaint against the harasser (respondent) but wants the harassment to stop and believes that it can be achieved through discussion, advice, assistance, or mediation.
- 2.2** In the event that the complaint relates to circumstances as contained in Section 3 (Formal Procedure) below, or where such complaint relates to sexual harassment as defined in the WCED: Sexual Harassment Policy under **“Sexual Harassment” (3) Forms of sexual harassment I** (ii) and (iii)), the complainant may elect whether to invoke the formal procedure or the informal procedure and the SHCO (Sexual Harassment Contact Officer) shall act upon the instruction of the complainant.
- 2.3** The informal procedure shall be conducted in the following manner:
- 2.3.1** The SHCO who mediates the complaint shall convene a meeting between the complainant and respondent within five (5) days of the complaint being lodged with the SHCO;
- 2.3.2** The SHCO shall facilitate or elect an appropriate person from other support services (where applicable) to facilitate the meeting and minute the proceedings;
- 2.3.3** The complainant will explain the nature of the unwanted sexual conduct and the manner in which the conduct has offended or made him/her uncomfortable, that it interferes with his/her work, and that he/she wants the respondent to refrain from the unwelcome conduct;

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- 2.3.4** The respondent will then be given an opportunity to reply to the allegations and the complainant may respond thereto;
- 2.3.5** The SHCO will then make his/her recommendation and the reason therefore, which shall be handed to both parties within seven (7) days from the date of the conclusion of mediation;
- 2.3.6** A copy of the minutes of the meeting and the recommendation shall be retained by the SHCO.

Informal procedure for handling a complaint of sexual harassment





3. FORMAL PROCEDURE FOR HANDLING COMPLAINTS

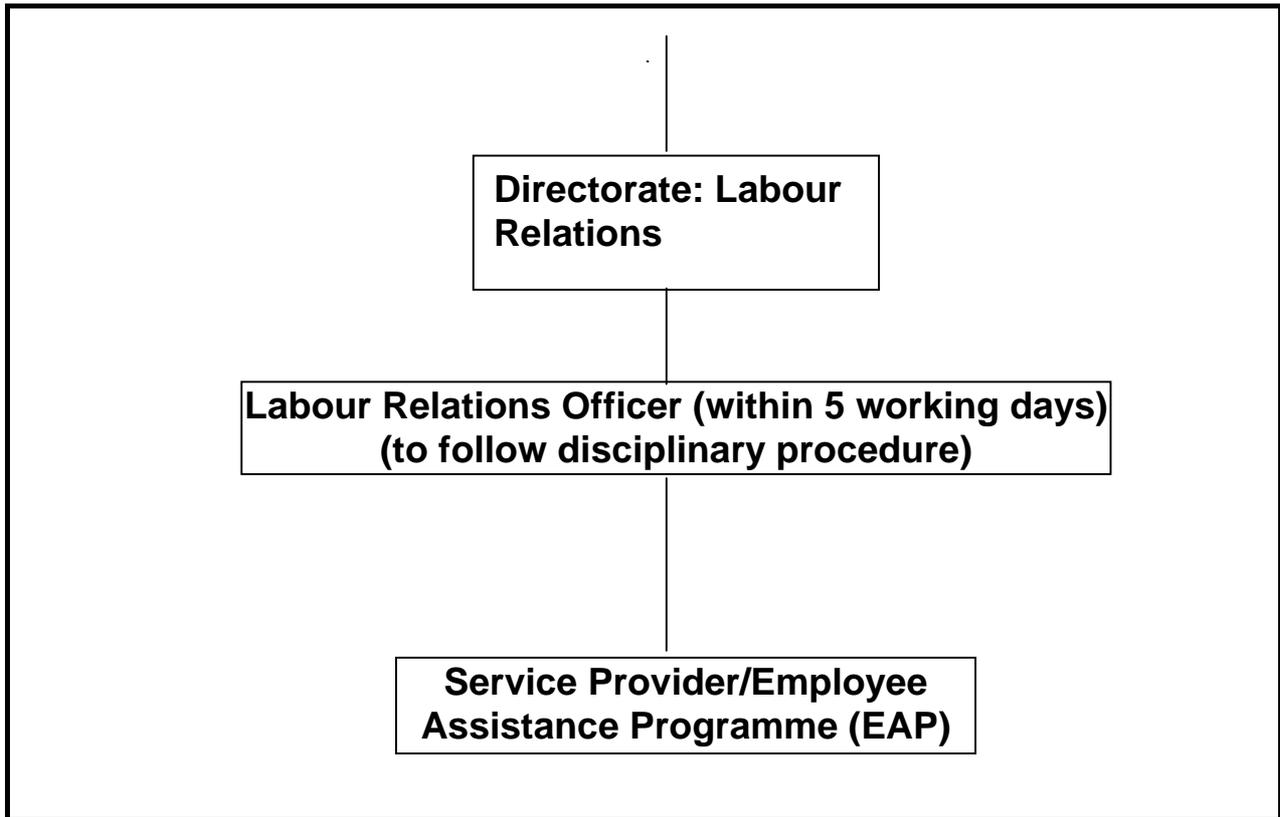
- 3.1** The formal procedure should be implemented in any of the following circumstances:
- I. Where the sexual harassment is of a serious nature.

- II. The informal procedure has already been applied without success.
- III. The harassment continues after the informal procedure has been followed.
- IV. Where the aggrieved person has chosen to follow a formal route.

- 3.2** The complainant must lodge a formal complaint in writing with Directorate: Labour Relations, Head Office.
- 3.3** The matter may be dealt with in terms of Sections 17 or 18 of the Employment of Educators Act No 76 of 1998, or the Disciplinary Code and Procedure for the Public Service (Resolution 2/99).
- 3.4** A detailed statement must be taken from the complainant, including details relating to the date, time and place where the offence occurred, using the checklist (Annexure A) as a guide.
- 3.5** Forward the original record to the Directorate: Labour Relations at Head Office within five (5) working days of such complaint being lodged.
- 3.6** The complainant must be advised of assistance available and choose whether to be referred to the appropriate service providers including social workers, psychologists, medical services or any other non-governmental organisation available within the EMDC, if it is their wish.

Formal procedure for handling a complaint of sexual harassment

<table border="1"><tr><td>Complainant</td></tr></table>	Complainant
Complainant	



4. **ROLES**

4.1 **Role of EMDC Director**

- Liaise with Directorate: Human Resource Development to train and develop capacity of SHCO.
- Arrange for counselling or any other appropriate services that are required.
- Refer the complaint received by the SHCO to the other service providers.
- Advise the SHCO of any other member of staff or family members who have been affected by the alleged.
- Develop co-operation and co-ordination mechanisms with other service providers.
- Ensure that the privacy and confidentiality of the complainant and the alleged perpetrator is maintained at all times.

4.2 **Role of the Directorate: Labour Relations, Head Office**

- Receive complaints and allegations.
- Investigate all complaints and allegations and handle them in terms of relevant legislation/disciplinary code.
- Ensure that the complainant's privacy and confidentiality is maintained at all times.

5. DUTIES

5.1 Duties of Line Managers (Head Office) and EMDC Managers

- Designate SHCO(s) and ensure that such person(s) is/are properly trained.
- Ensure the overall implementation of the Implementation Guidelines.

5.2 Duties of Supervisors, Managers and Institutional Heads

- Create and maintain an environment that will not support or tolerate any form of sexual harassment.
- Ensure that staff members are familiar with the Implementation Guidelines and that they adhere to its provisions.
- Ensure that the WCED: Sexual Harassment Policy and Implementation Guidelines are handed to every new employee as part of her/his appointment documents.
- Take appropriate action in relation to complaints received in the workplace (directly or via the SHCO) by monitoring the procedures to deal effectively with sexual harassment (formal and informal).
- Take appropriate action on any complaints of victimisation that may follow a complaint of sexual harassment.
- Bring the Implementation Guidelines to the attention of service providers and members of the school governing bodies (SGBs).
- Refer all formal complaints to the Directorate: Labour Relations.
- Ensure that all statistics are forwarded on a monthly basis to the Directorate: Labour Relations.
- Ensure that the SGB sets up a procedure to deal with a complaint lodged by an educator against a learner.
- Provide support in cases where staff members in their official capacity are harassed by members of the public who are not employed by the WCED.

5.3 Duties of the designated Sexual Harassment Contact Officer (SHCO)

The designated SHCO should do the following:

- 5.3.1** Ensure that school communities are aware of the existence of the SHCO.
- 5.3.2** Encourage the staff (through advocacy) to use the services.
- 5.3.3** Be available to attend to complaints of sexual harassment in the workplace.

- 5.3.4** Identify a suitable venue for counselling.
- 5.3.5** Give advice on the various options available to the complainant (when dealing with a problem), including the option of lodging a formal complaint.
- 5.3.6** Explain the formal and informal procedure when the complaint is lodged.
- 5.3.7** Take a statement from the complainant about the nature of the offence, including details relating to the date, time and place that the offence occurred using the checklist (Annexure A) as a guide.
- 5.3.8** Maintain records of all complaints received and complaints lodged.
- 5.3.9** Maintain the confidentiality of the complainant at all times.
- 5.3.10** Establish a recording procedure of all complaints lodged that ensures that the confidentiality of the complainant is maintained at all times.
- 5.3.11** Advise the complainant of other legal remedies available, including the option to lay criminal charges.
- 5.3.12** Refer the complainant to the appropriate service providers including social workers, psychologists, medical services or any relevant non-governmental organisations available within the area.
- 5.3.13** In consultation with the Directorate: HRD ensure that a list of the appropriate service providers working within the area of the institution be maintained, which should include but not be limited to social workers, psychologists, medical services or any non-governmental organisation providing appropriate services.
- 5.3.14** Should the complainant feel unsafe, refer the complainant to the WCED Safe Schools Programme, toll free number 0800 45 46 47.
- 5.3.15** The referral list should include the following:
- Name of organisation
 - Contact person
 - Address
 - Tel./Fax
 - Nature of service
- 5.3.16** Ensure that all statistics are forwarded to the Directorate: Labour Relations at Head Office on a quarterly basis.
- 5.3.17** Participate in all structures, which aim to support the school (e.g. EAP, multi-disciplinary teams).

6. **DISCLOSURE TO AN EMPLOYEE OTHER THAN THE SHCO**

6.1 If a complainant lodges a complaint with an employee or any other person who is not the SHCO then such person shall do the following:

6.1.1 Refer the complainant to the SHCO.

6.1.2 Provide assistance or support to lodge such complaint.

6.1.3 Liaise with the SHCO to determine whether such complaint has been lodged.

6.1.4 If the complaint has not been lodged, then provide a written statement about the complaint and deliver such statement to the SHCO.

6.2 If a complainant does not wish to lodge a complaint with the SHCO then

6.2.1 such person as the complainant trusts should temporarily enact the duties of the SHCO; and

6.2.2 the SHCO shall

- I. support the trusted confidant.
- II. ensure that the Policy and Implementation Guidelines are followed.
- III. ensure that the complainant's confidentiality is maintained at all times.

ANNEXURE A

Checklist

1. THE COMPLAINANT'S DETAILS	
• Name in full	
• Sex	
• Home address and telephone number	

