



Making an Impact

Handout 20

CCMA Harassment Information

HARASSMENT



WHAT IS HARASSMENT?

Harassment is an incident that has happened to an individual at the workplace that is unwelcome, unwanted and has a destructive effect. Examples of harassment are—

- ◆ bullying;
- ◆ spreading malicious rumours, or insulting someone, particularly on gender, race or disability grounds;
- ◆ ridiculing or degrading someone – picking on them or setting them up to fail;
- ◆ exclusion or victimisation;
- ◆ unfair treatment, for example based on race, gender, sexual orientation, pregnancy, age, disability, religion, HIV status, etc;
- ◆ overbearing supervision or other misuses of power or position;
- ◆ unwelcome sexual advances – touching, standing too close and displaying of offensive material;
- ◆ making threats/comments about job security without foundation;
- ◆ deliberately undermining a competent worker by overloading and constant criticism;
- ◆ preventing individuals progressing by intentionally blocking promotion or training opportunities.

HARASSMENT AT THE WORKPLACE

Each individual should be treated with dignity and respect at work. Harassment of any kind is in no one's interest and should not be tolerated at the workplace. This document has been compiled to offer guidelines to employers and employees to help avoid harassment.

EMPLOYERS AND WORKERS AGAINST HARASSMENT

Employers have a duty to protect their workers from harassment and to inform and educate them about this issue. Employers are encouraged to develop a code of conduct on harassment. This can be done in consultation with employees and employee representatives.

Harassment is one of the issues that are protected by the law, it is recognised as unfair discrimination.

WHY DO EMPLOYEES NEED TO TAKE ACTION ON HARASSMENT

Harassment is not only unacceptable on moral grounds but may create problems for an organisation including—

- ◆ violating human rights;
- ◆ poor morale and poor employee relations;
- ◆ it threatens the physical, psychological performance of employees;
- ◆ it often results in unexplained absenteeism, late coming and poor concentration at work;
- ◆ it creates a hostile intimidating and offensive work environment and it can lead to loss of productivity and often to workers resigning.

WHAT YOU CAN DO WHEN YOU ARE BEING HARASSED

Keep a record of all incidents, taking notes on date and time, potential witness and what was done.

Confront the harasser. Firstly you can act informally and speak to the harasser directly, taking a witness with you. You could also make a formal complaint following the normal complaint procedure.

Use a grievance or disciplinary procedure as a formal way of dealing with harassment cases. Report the matter to the appropriate person at work:

- ◆ If you are a member of a union or employees' association, contact your shop steward or representative.
- ◆ If you are not a union member, contact the company's Human Resources Manager or someone else in a position of authority, like your Supervisor or Senior Manager.
- ◆ If you work in a very small business and the above options are not open to you, contact the CCMA for assistance regarding your rights in terms of the labour laws.

Once the case has been reported, the company management (or union) must investigate the case. Usually, there will be a disciplinary inquiry to establish the facts, hear both sides of the story and decide on the appropriate disciplinary measures for the harasser. The matter can be referred to the CCMA for conciliation and, if unresolved, the matter is referred to the Labour Court.

RELEVANT LEGISLATION:

Employment Equity Act