

Stricter action needed against workplace harassment

The Department of Employment and Labour has called on employers to take sterner action to stem the tide of harassment in the workplace.



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“Harassment must not be cheap; culprits must be held accountable and disciplined,” employment and labour deputy director for Employment Equity (EE) Registry Lucia Rayner said.

Rayner said employers need to have a harassment policy in place to specify the range of disciplinary sanctions that must be proportionate to the seriousness of the harassment in question.

She said sanctions must include, but not be limited to, warnings to perpetrator, dismissal, transfer of perpetrator and encouraging the complainant to lay criminal charges or institute civil proceedings against the alleged perpetrator.

Rayner was speaking during the joint Department of Employment and Labour, and the Commission for Conciliation Mediation and Arbitration (CCMA) 2022 Employment Equity workshop, held at Mbombela on Thursday, 18 August.



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Johan Botes 31 Mar 2022



National roadshow

The workshop is part of a national series of roadshows, currently underway throughout the country, under the theme 'Real transformation makes business sense'.

The objective of the roadshows is to create awareness on compliance with the Employment Equity (EE) Act, share the most current information on what happens in the workplaces on equity and related matters, share information on EE disputes and help prepare employers to submit full and accurate EE reports online to the department.

Rayner was speaking to dissect the *Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace* that was published earlier this year.

According to the code, the EE Act states that harassment of an employee is a form of unfair discrimination and is prohibited on any one, or a combination of grounds of unfair discrimination listed in the legislation. It is intended to address the prevention, elimination and management of all forms of harassment that pervade the workplace.

The code defines harassment to include the use of physical force or power, threatened or actual, against another person or against a group or community, which either results in, or has a high likelihood of resulting in social injustice, economic harm, injury, death, physical and psychological harm, mal-development or deprivation.

The CCMA has jurisdiction to conciliate all workplace-related harassment disputes.



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Over 1,000 disputes handed to CCMA

CCMA regional senior commissioner Letsema Mokoena said during 2019/2020, the CCMA dealt with a total of 1,834 disputes; during 2020/21, the cases dropped to 1,157; and during 2021/2022, there were 1,260 disputes.

Mokoena said the dip in the number of disputes during 2020/21 may, in the main, be the result of the Covid-19 pandemic and the work-from-home phenomenon. He said with the introduction of the code and people going back to workplaces, the number of disputes is expected to pick up.

Mokoena noted that there was a low number of sexual harassment referrals or low number of unresolved workplace incidents or low level of sexual harassment in the workplace. He said some people end up in psychiatric wards because they are afraid to report incidents.

“Some of the reasons that make complainants remain silent include the fear to lose jobs, making the harasser angry, not being believed, being seen as trouble-makers, being blamed or accused of ‘asking for it’, and getting the harasser into trouble,” he said.



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EE annual reporting

Meanwhile, the department announced that the EE annual manual and online reporting season opens on 1 September 2022. The manual reporting deadline is 1 October, while the online reporting submission closing date is 15 January 2023.

More information on EE is obtainable from the department website, www.labour.gov.za, including updates on the schedule for workshop venues.

For more, visit: <https://www.bizcommunity.com>