
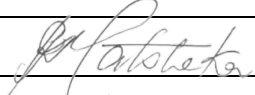










Transnet SOC Ltd

Anti-Harassment, Discrimination and Workplace Bullying Policy



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Policy Owner	General Manager: Safety, Occupational Health and Wellness
Signature	
Policy Sponsor	Chief of People Management and Learning
Signature	
Date Approved	12 August 2022

Stakeholders

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Recommended by Policy Owner and Policy Sponsor:

I hereby acknowledge that a search has been conducted and that the Policy is not duplicated or in conflict with any other Transnet Policies.

	Name	Designation	Approval Signature	Date	E-Mail	Contact Number
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Final Approval

Name of Committee

Date Approved

Summary of Version Control

Version Number	Effective Date	Summary of Changes
1.0	01 December 2016	<ul style="list-style-type: none"> • First Adoption/New Policy
2.0	Approved on 23 July 2022	<ul style="list-style-type: none"> • Amended Background Statement • Amended Purpose Statement • Amended Definitions: "Harassment, Perpetrator" • Added new Definitions: "Complainant, Employee, Violence and Victimization" • Clauses 5.1 to 5.2.6: Amended • Clauses 5.1 to 5.3.5: Incorporated into Policy Statement • Clauses 6.2 and 6.6: Amended • Amended Policy Scope • Amended and Updated Policy statements for relevance to the guiding principles contained in the Code of Practice on the Prevention and Elimination of Harassment in the Workplace, 2022 • Amended and Updated Roles and Responsibilities; Deleted: Informed category • Deleted Clauses relevant to Standard Operating Procedure • Updated: Clauses under Financial Implications and Compliance Monitoring • Human Resources replaced with People Management wording

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1. BACKGROUND

- 1.1 Transnet aims to protect the right to dignity and respect of all employees and visitors in the workplace and recognises that unfair discrimination, violence, victimisation, harassment, and workplace bullying, is a violation of an individual's human rights, which leaves victims physically, psychologically and professionally scarred.
- 1.2 All employees, visitors and contractors of Transnet are required to treat each other with dignity and respect.

2. PURPOSE

The purpose of this policy is:

- 2.1 To provide a safe and secure working environment that is free from unfair discrimination, harassment and workplace bullying.
- 2.2 To ensure that Transnet meets its legal obligations.

3. DEFINITIONS

- 3.1 **"Bullying"** means unwanted conduct in the workplace, which is persistent, demeaning, humiliating or creates a hostile or intimidating environment and either deliberately or unconsciously induces submission by actual or threatened adverse consequences.
- 3.2 **"Complainant (s)"** means any person who alleges a contravention of this policy.
- 3.3 **"Employee"** means any person who is employed on an indefinite contract of employment or on a fixed term contract of employment excluding independent contractors.
- 3.4 **"Harassment"** means directly or indirectly engaging in unreasonable conduct that the perpetrator knows or ought to know causes harm or inspires the reasonable belief that harm may be caused to the complainant. Harassment includes, however is not limited to violence, physical abuse, unfair discrimination, psychological abuse, emotional abuse, sexual abuse, gender-based abuse and racial abuse.
- 3.5 **"Management"** means supervisors, line managers, senior and executive management of Transnet for the purposes of this policy.
- 3.6 **"Perpetrator"** means any person who in terms of this policy, is alleged to have bullied or harassed a complainant or another person.
- 3.7 **"Recognised Labour or trade union representative"** means any person recognised by Transnet as a trade union representative in terms of the Transnet Recognition Agreement.

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- 3.8 **"Violence"** means an act or threat of violence, ranging from verbal abuse to physical assaults directed toward persons at work or on duty. The impact of violence can range from psychological issues to physical injury or even death.
- 3.9 **"Target"** means a person who is subjected to psychological assault by the alleged perpetrator.
- 3.10 **"Unfair discrimination"** means direct or indirect unfair differentiation against an employee/s in any employment practice or policy on one or more grounds.
- 3.11 **"Visitor(s)"** means applicants for employment, job seekers, people in training, volunteers, customers, suppliers, independent contractors, employees of labour broker or any person who comes to Transnet premises for trade, social or business purposes.
- 3.12 **"Victimisation"** means when an employee is intentionally treated poorly or unfairly in relation to race, sex, belief, and any other ground as provided for in relevant Employment Equity Act legislation.

4. SCOPE

- 4.1 This policy applies to all employees of Transnet and all visitors to Transnet premises.
- 4.2 This policy covers harassment, unfair discrimination or bullying which occurs both in and outside of the work environment including during business trips, at work related events, in facilities provided by the employer and through work related communication channels including technology-based platforms.

5. POLICY STATEMENT

- 5.1 Transnet is committed to the principles of anti-harassment, discrimination and workplace bullying, in compliance to legislative provisions and regulatory principles.
- 5.2 Transnet shall ensure:
- 5.2.1 A safe working environment by addressing and protecting employees and visitors from harassment, unfair discrimination and workplace bullying.
 - 5.3.1 A Transnet culture of treating each other with dignity and respect is the foundation of all workplace behaviour.
 - 5.4.1 Confidentiality is always maintained when investigating, disciplining and /or resolving complaints made in terms of this policy.
- 5.3 All complaints of bullying, violence, victimisation, unfair discrimination or harassment are handled fairly, impartially, promptly and without prejudice.
- 5.4 Transnet employees may not engage in harassing, unfairly discriminatory, or bullying behaviour towards another employee, or a member of the public or a visitor to Transnet with whom they have contact in the course of their employment.

- 5.5 Transnet will not tolerate any bullying, violence, unfair discrimination, victimisation and harassment.
- 5.6 Workplace bullying does not refer to firm, legitimate performance standards required from an employee.
- 5.7 Harassment on any prohibited ground is a form of unfair discrimination which infringes the rights of the complainant and constitutes a barrier to equality in the workplace.
- 5.8 All Transnet employees have a responsibility to uphold this policy and not to bully or perpetrate harassment and unfair discrimination against other employees or any person having dealings with Transnet.
- 5.9 All Transnet employees have an obligation to report all incidents of bullying, violence, victimisation, unfair discrimination and harassment in the workplace including incidents directed toward applicants for employment, job seekers, people in training, volunteers, customers, suppliers, independent contractors, employees of labour brokers and any other visitors to Transnet, using the defined Standard Operating Procedure and Guidelines.
- 5.10 This policy may not be used maliciously by the complainant or the perpetrator to victimise, retaliate, settle personal differences, avoid accountability nor to resist performance management measures. Any malicious accusations will be dealt with through the disciplinary procedures.

6. ROLES AND RESPONSIBILITIES

- 6.1 Accountable : People Management, Line Managers
- 6.2 Responsible : People Management, Line Managers
- 6.3 Consultation : Group Safety, Occupational Health
- 6.4 Supports and Wellness, Labour Representatives
- 6.5 Monitors and Maintains : People Management
: Group Safety, Occupational Health
and Wellness

7. RELATED INFORMATION AND REFERENCE

This policy should be read in conjunction with the following supporting guidelines:

7.1 Internal Documents:

- 7.1.1 Transnet Equity, Diversity, Inclusion and Transformation Policy
- 7.1.2 Transnet Disciplinary Code and Procedure
- 7.1.3 Anti-Harassment, Discrimination and Workplace Bullying Standard Operating Procedure

7.2 **External Documents:**

- 7.2.1 The Constitution of the Republic of South Africa Act 108, 1996
- 7.2.2 Employment Equity Amendment Act 47, 2014
- 7.2.3 Occupational Health and Safety Act 85, 1993
- 7.2.4 Protection of Personal Information Act 4, 2013
- 7.2.5 Skills Development Act 97, 2008
- 7.2.6 Protection from Harassment Act 17, 2011
- 7.2.7 Promotion of Equality & Prevention of Unfair Discrimination Act 4, 2000
- 7.2.8 The Labour Relations Act 65, 1995
- 7.2.9 Protected Disclosures Act 26, 2002
- 7.2.10 Code of Practice on the Prevention and Elimination of Harassment in the Workplace, 2022

8. **FINANCIAL IMPLICATIONS**

- 8.1 Transnet will provide the resources to support the implementation and maintenance of this policy.

9. **EXCLUSIONS**

There are no exclusions to this Policy.

10. **REQUEST TO DEVIATE FROM POLICY**

- 10.1 In cases where material and compelling circumstances merit deviation(s) from particular provision(s) of this policy, written submissions shall be sent to the Group Chief Executive, who shall have full authority to grant such request, in whole or in part, or to refuse same.

11. **COMPLIANCE MONITORING**

- 11.1 Regular audits will be undertaken to monitor compliance to this policy.

12. **NON-COMPLIANCE**

- 12.1 Breaches of this policy will be seen in a very serious light. Employees who do not conform to this Policy or the standard operating procedures applicable to the Policy, will be subject to disciplinary action in terms of the applicable Transnet disciplinary processes and procedures.