

EMPLOYMENT EQUITY PLAN

1. DEFINITIONS

- 1.1 . **Designated Groups:** Blacks, Women and People with disabilities
- 1.2 **Blacks:** Africans, Coloureds and Indians.
- 1.3 **Race:** racial groups in our country
- 1.4 **People with disabilities:** People with long term or recurring physical or mental impairment, which substantially limits their prospects of entry into their advancement.
- 1.5 **Demographics:** Total population of the different racial and gender groups within a geographical area, region or country.
- 1.6 **Suitably qualified:** A person may be suitably qualified for a job as a result of any one of, or a combination of the following:
 - Formal Education
 - Prior Learning
 - Relevant experience or the capacity to acquire within a reasonable time, the ability to do the job
- 1.7 **Affirmative Action:** A set of specific and result oriented procedures aimed at Redressing historically generated imbalances by creating opportunities through training and developing and advancing African, Coloureds, Indians, Women and disabled persons to enable them to operate effectively at all levels within the Municipal

2. PREAMBLE

The Central District Municipality commit itself to a more conscious and deliberate effort to correct the imbalance of the past within the Municipality, by building capacity of blacks, coloureds, Indians, women, and people with disabilities in line with the employment Equity Act no. 55 of 1998. This process requires commitment, dedication and support of all stakeholders to ensure success.

3. BROADER OBJECTIVES

The Municipality endeavours to achieve equality in the workplace by:

- 3.1 Promoting equal opportunity and fair treatment in employment through the elimination of unfair discrimination.
- 3.2 Implementing Affirmative Action Measures to address the disadvantages in employment experienced by black people, women and people with disabilities, in order to ensure their equitable representation in all occupational categories and levels in the workplace.
- 3.3 Ensuring the Municipality's policies, procedures, practices and the environment are non-discriminatory, leading to labour harmony and reduction of disputes.
- 3.4 Ensuring a more representative and trained workforce that will support our diverse customers.
- 3.5 Ensuring that diversity management programme is rolled out through the organisation, in order to foster a culture of embracing our diversity.
- 3.6 Building capacity through training of staff to ensure ongoing staff development.

3.2. SHORT – TERM OBJECTIVE FOR 2005

- 3.2.1 Focus on appointment of staff from designated groups when vacancies are advertised.
- 3.2.2 Ensure accountability of the Municipality Manager and Heads of Departments in the implementation of the EE Plan
- 3.2.3 Build capacity through training of staff to ensure ongoing staff development.
- 3.2.4 Monitor successes registered in the removal of barriers in the implementation of the plan and provide feedback to staff.
- 3.2.5 Ensure ongoing communication regarding employment equity.

3.3 SHORT – TERM OBJECTIVES FOR 2006

- 3.3.1 Develop and implement workplace skills plan which will assist Departments in meeting their Affirmative Action targets.
- 3.3.2 Monitor and implement of all policies identified in 2004.

- 3.3.3 Monitor and evaluate the result of the report submitted to the Department of Labour.

3.4 SHORT – TERM OBJECTIVES FOR 2007

- 3.4.1 Ensure that diversity management programme has been rolled out throughout the municipality.
- 3.4.2 Monitor and evaluate the implementation of the workplace skills plan.
- 3.4.3 Ensure ongoing compliance to recruitment objectives including recruitment from designated groups.

3.5 SHORT – TERM OBJECTIVES FOR 2008

- 3.5.1 Conduct an audit of organisation culture
- 3.5.2 Monitor ongoing successes in terms of removal of barriers and give feedback.
- 3.5.3 Monitor and evaluate the result of the report submitted to the Department of Labour.

3.6 SHORT – TERM OBJECTIVES FOR 2009

- 3.6.1 Monitor the success made regarding findings on organisational Culture and communicate them.
- 3.6.2 Evaluate whether the Municipality has achieved the numerical goals set in accordance with the plan.
- 3.6.3 Ensure that all barriers identified in 2004 have been removed.

4. DURATION OF THE PLAN

The duration of the plan is five (5) years, commencing 2004

5. EMPLOYMENT EQUITY POLICY

- 5.1 The Municipality shall ensure that all barriers identified that hinder access to equal employment opportunity for all previously disadvantaged people are removed
- 5.2 The Municipality shall ensure that Employment Equity become the responsibility and accountability of the Municipal Manager and Heads of Department, and shall be included as such in their performance agreement.

- 5.3 The Municipality shall ensure that the Municipality Manager, and the Heads of Departments are assessed or evaluated in terms of the following variables:
- On the achievement of employment equity objectives in their respective departments.
 - On the development of employees in their objectives in their respective departments.
 - On the achievement of Affirmative Action.
- 5.4 Training and development of affirmative action candidates shall be given priority for the success of Employment Equity
- 5.5 Training of designated groups shall not be unreasonably withheld
- 5.6 Innovative programmes and processes should be initiated to accelerate the development of candidates with potential for development.
- 5.7 Adult Basic Education, supervisory and managerial training shall be emphasised particularly for affirmative action candidates.
- 5.8 The Municipality will ensure that all forms of discrimination and racism in the workplace are eradicated to make the environment equity compliant.
- 5.9 The Municipality will ensure that communication of the Employment Equity Plan and Employment Equity Report takes place monthly in various departments to ensure understanding.
- 5.10 The Municipality will strive to ensure that all categories and levels portray the demographics of the province.
- 5.11 Psychometric testing is also prohibited unless:
- 5.11.1 The use of the test has been scientifically shown to be valid and reliable.
 - 5.11.2 The test can be applied to all employees.
 - 5.11.3 The test is not against any employee or a group

6. **AFFIRMATIVE ACTION MEASURES**

- 6.1 All advertisements shall contain the phrase **“CDM is an equal opportunity employer”**.
- 6.2 Sources of designated groups in the district/province will be identified and followed upon to ensure that they are aware of the Municipality’s policy on employment equity.

- 6.3 The recruitment strategy of the Municipality shall attempt to actively seek designated groups **where under representation of these groups had been identified.**
- 6.4 Targeted recruitment will be followed where necessary.
- 6.5 Members of the designated groups will be encouraged to apply for vacant positions.
- 6.6 Employees, particularly members of the designated groups, will be encouraged to voluntarily participate in programmes that will increase their job skills and knowledge.
- 6.7 The Municipality will ensure that all employees, job applicants and other stakeholders are informed and educated about this policy.
- 6.8 For the purpose of this plan the following will not constitute an unfair discrimination:
- 6.8.1 Affirmative Action measures consistent with the purpose of Employment Equity Act
 - 6.8.2 To exclude or prefer any person due to inherent requirement of the job.
- 6.9 Counselling and guidance will be provided by Heads of Department to all employees who need special assistance to adjust to their job situation and who have indicated a desire to discuss career opportunities.
- 6.10 Heads of Departments will be responsible for the progress, performance and development of employees in their department

BARRIERS IDENTIFIED	POSSIBLE SOLUTIONS	ACTION BY	DATE
Recruitment & selection	Policy on recruitment & selection be reviewed and adopted by Council to accommodate HoD in the process.	MM & MHR	28 FEB 2005
	Advertisement to clearly state the skills, competencies, qualifications and experience required for the post based on the job description.	“	
	The use of media must be chosen based on targeted group. Managers and personnel in HR dealing with appointments be trained in best practice.	“	
Job Assignments/Description	Job description for every job or vacancy must exist	MM, HoD &MANAGE	31 Mar 2005

	<p>All descriptions must be updated regularly.</p> <p>Job descriptions must be discussed with all employees and be signed.</p> <p>Clarity on what is expected must be given to all employees.</p> <p>Each employee to be given a copy of a his/her signed job description.</p>	<p>RS</p> <p>“</p> <p>“</p> <p>“</p> <p>“</p>	
Training & Development	<p>Ensure alignment of training and development initiatives with the strategic priorities of the Municipality</p> <p>Implement workplace skill plan to complement Employee Equity Plan</p> <p>Develop accelerate development training for Affirmative Action candidates</p> <p>Develop training and development policy to ensure uniform approach to Training and development</p>	<p>SDF</p> <p>“</p> <p>SDF</p> <p>MHR</p>	<p>30 June 2005</p> <p>30 June 2005</p>
Work environment, resources & facilities	<p>Conduct audit on organisational culture and climate to make the working environment conducive for equal treatment</p> <p>Provision of facilities and accessibility to the building even by disabled people will be ensured.</p> <p>Conduct training in diversity management (race, disability etc), discrimination training and change management (e.g. perceptions, attitudes and stereotypes)</p>	<p>MM</p> <p>MM</p> <p>MM & EEF</p>	<p>30 June 2005</p> <p>30 Sept 2005</p>
Performance Management System	<p>Performance Management System be cascaded to all employees</p> <p>Appraisals to be conducted to all employees</p> <p>Feedback on performance be given to all employees</p> <p>Corrective measures to address poor performance</p>	<p>MM</p> <p>“</p> <p>“</p> <p>“</p>	<p>30 June 2005</p>
Disciplinary Measures	<p>Management and employees to be re-work-shopped on Grievance & Disciplinary procedures to ensure full understanding.</p> <p>Consistent application of disciplinary measures by all departments</p>	<p>LRO</p> <p>MM</p>	<p>30 June 2005</p> <p>31 Mar 2005</p>
HIV/AIDS Programme	<p>Management support to the committee is crucial</p>	<p>MM</p>	<p>31 Mar 2005</p>

	Budget for HIV/AIDS activities to be made available	MM	01 July 2005
	HIV/AIDS policy to be reviewed and communicated to all stakeholders	committee	30 June 2005
Succession Planning	Succession planning policy to be developed	EEM & MHR	30 Sept 2005
Fire Personnel	Salaries need to be upgraded to Grade 10 Municipality	MM	31 Dec 2005

7. DISPUTE RESOLUTION PROCESS

All dispute arising from Employment Equity Plan shall be resolved or taken up through the normal Grievance Procedures as determined by the South African Local Government Bargaining Council

8. CONSULTATION

All trade unions, members of the management, councillors and employees will be consulted prior to the adoption and implementation of this plan.

9. COMMUNICATION

Heads of Departments, EE Forum members together with the Trade Union shall report to their constituencies on regular basis at their departmental meetings or briefing sessions on the progress made as far as the implementation of employment equity is concerned.

The EE Forum will ensure that Employment Equity Plan, Employment Equity Report and Affirmative Action goals are thoroughly communicated to all employees in the Municipality.

Employment Equity Plan will be made available to all employees of Municipality.

10. MONITORING AND IMPLEMENTATION OF EMPLOYMENT EQUITY PLAN

10.1 COUNCIL

Council as the employer will monitor the overall progress made in compliance with the Act.

10.2 MUNICIPAL MANAGER

The Municipal Manager will have the responsibility to implement the Employment Equity Plan and monitor progress registered in different departments.

The Municipal Manager will give the Mayoral Committee and Council quarterly feedback on the progress made in implementing of the plan.

SIGNED:
UNION REPRESENTATIVE **DATE**

SIGNED:
EMPLOYEE EQUITY MANAGER **DATE**

SIGNED:
MUNICIPAL MANAGER **DATE**

TABLE 1: WORKFORCE PROFILE: COMPOSITION OF THE ENTIRE WORKFORCE IN THE MUNICIPALITY

DATE OF THE WORKFORCE PREFILE: 31 DECEMBER 2004

Occupational Categories	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Legislators, senior officials and managers	9	-	-	-	4	-	-	1	14
Professionals	10	-	-	-	9	1	-	-	20
Technicians and associate professionals	6	-	-	-	-	-	-	-	6
Clerks	13	-	-	-	22	1	-	-	36
Service and sales workers	78	-	-	-	-	-	-	-	78
Skilled agricultural and fishery workers	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	10	1	-	-	-	-	-	-	11
Elementary occupations	17	1	-	-	10	-	-	-	28
TOTAL PERMANENT	143	2	-	-	45	2	-	1	193
Non – permanent employees									
TOTAL	143	2	-	-	45	2	-	1	193

Percentage representation of racial groups (Current scenario)

Black: 97% **Women: 24%**
Coloured: 2% **Disabled: 1%**
Indian: 0%
White: 1%

TABLE 2 : TOTAL NUMBER OF EMPLOYEES IN EACH OCCUPATIONAL LEVEL INCLUDING EMPLOYEES WITH DISABILITIES

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Top management	4	-	-	-	2	-	-	1	7
Senior management	5	-	-	-	2	-	-	-	7
Professionally qualified and experienced specialists and mid-management	10	-	-	-	9	1	-	-	20
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendent	99	-	-	-	22	1	-	-	122
Semi-skilled	8	1	-	-		-	-	-	9
Un-skilled and defined decision making	17	1	-	-	10	-	-	-	28
TOTAL PERMANENT	143	2	-	-	45	2	-	1	193
Non – permanent employees									
TOTAL	143	2	-	-	45	2	-	1	109

WORKFORCE MOVEMENT

1. RECRUITMENT (Total number of new recruits during the past twelve months)

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Top management		-	-	-		-	-		
Senior management		-	-	-		-	-	-	-
Professionally qualified and experienced specialists and mid-management	3	-	-	-	-	-	-	-	3
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendent	7	-	-	-	3	1	-	-	11
Semi-skilled	3	-	-	-		-	-	-	3
Un-skilled and defined decision making	5	-	-	-	-	-	-	-	5
TOTAL PERMANENT	18	-	-	-	3	1	-	-	22
Non – permanent employees									
TOTAL	18	-	-	-	3	1	-	-	22

1.3 PROMOTIONS (Total number of promotions into each occupational Level during the past twelve months)

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Top management		-	-	-	1	-	-		1
Senior management	1	-	-	-	1	-	-	-	2
Professionally qualified and experienced specialists and mid-management		-	-	-	-	-	-	-	-
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendent	2	-	-	-	3	1	-	-	5
Semi-skilled	-	-	-	-		-	-	-	-
Un-skilled and defined decision making	-	-	-	-	-	-	-	-	-
TOTAL PERMANENT	3	-	-	-	5	1	-	-	8
Non – permanent employees									
TOTAL	3	-	-	-	5	1	-	-	8

1.4 TERMINATIONS

TERMINATION CATEGORY (Total number of terminations in each category during the past twelve months)

Occupational Levels	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Top management		-	-	-	-	-	-		-
Senior management	-	-	-	-	-	-	-	-	-
Professionally qualified and experienced specialists and mid-management		-	-	-	1	-	-	-	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendent	1	-	1	-	-	-	-	-	2
Semi-skilled	-	-	-	-		-	-	-	-
Un-skilled and defined decision making	-	-	-	-	-	-	-	-	-
TOTAL PERMANENT	1	-	1	-	1	-	-	-	3
Non – permanent employees									
TOTAL	1	-	1	-	1	-	-	-	3

TERMINATION CATEGORIES (Total number of terminations in each category during the past twelve months)

TERMINATIONS	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Resignation	1	-	1	-	1	-	-		3
Non – renewal of contract	-	-	-	-	-	-	-	-	-
Dismissal – Operational Requirements (retrenchment)		-	-	-	-	-	-	-	-
Dismissal – misconduct - incapacity	-	-	-	-	-	-	-	-	-
Deceased	2	-	-	-	-	-	-	-	2
TOTAL PERMANENT	1	-	1	-	1	-	-	-	3

Disciplinary Action (Total number of disciplinary action during the past twelve months)

	Male	Female	
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	African	Coloured	Indian	White	African	Coloured	Indian	white	TOTAL
Resignation	-	-	-	-	-	-	-		-

SKILLS DEVELOPMENT

Occupational Categories	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Legislators, senior officials and managers	10	-	-	-	-	-	-	1	11
Professionals	5	-	-	-	-	-	-	-	5
Technicians and associate professionals	2	-	-	-	-	-	-	-	2
Clerks	6	-	-	-	22	1	-	-	29
Service and sales workers	25	-	-	-	-	-	-	-	25
Skilled agricultural and fishery workers	-	-	-	-		-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
TOTAL PERMANENT	-	-	-	-	-5	-	-	-	-
Non – permanent employees									
TOTAL	48	1	-	-	22	1	-	1	61

NUMERICAL GOALS:

Occupational Categories	Male				Female				TOTAL
	African	Coloured	Indian	White	African	Coloured	Indian	white	
Legislators, senior officials and managers		-	-	1	-	1	1	-	3
Professionals		-	-	-	-	-	-	-	
Technicians and associate professionals		-	-	-	-	-	-	-	
Clerks	-	1	-	-	-	1	1	1	4
Service and sales workers	-	-	-	-	-	-	-	-	-
Skilled agricultural and fishery workers	-	-	-	-		-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	-	-	-	-	-	-	-	-	-
Elementary occupations	-	-	-	-	-	-	-	-	-
TOTAL PERMANENT	0	1	-	1	0	3	3	1	9
Non – permanent employees	1				1				2
TOTAL	1	1	-	1	1	3	3	1	11

The above-mentioned numerical goals will be achieved by **2009**

SEXUAL HARASSMENT POLICY

1. INTRODUCTION

The Central District Municipality in line with Section 203 (2) of the Labour Relations Act, 1995 (Act No. 66 of 1995) endeavours to create and maintain a working environment in which the dignity of its employees is respected. It will also embrace practices that promote justice and create a workplace that is free of sexual harassment in which both the employer and the employee respect one another's integrity, dignity, the right to privacy and recognition to the right to equality.

2. DEFINITION

SEXUAL HARASSMENT IS AN UNWANTED CONDUCT OF A SEXUAL NATURE/BEHAVIOUR

- It is any speech (verbal or non verbal) and/or conduct of a sexual nature which is discriminatory and is neither welcomed nor encouraged, committed by an employee towards any person(s) in the aforementioned categories.

- The speech and/or conduct should be offensive to a reasonable person to an extent that it creates an abusive working environment and/or weaken job performance.

SEXUAL ATTENTION BECOMES SEXUAL HARASSMENT IF:-

- The behaviour is persistent notwithstanding that is unwanted
- The victim has made it clear that the behaviour is offensive
- The perpetrator should reasonably have known or expected that the behaviour would be perceived as unacceptable.
- The incident took place within the premises of the employer during and in the course of employment or in an area where official duties were to be performed.
- Suppliers
- Contractors
- Others having dealings with the Municipality

5. FORMS OF SEXUAL HARASSMENT

Sexual harassment may include unwelcomed physical, verbal or non verbal conduct.

5.1 PHYSICAL FORM

The physical conduct of a sexual nature includes all unwanted physical contacts, from touching to sexual assault or rape, and includes but not limited to fondling breasts, pinching of buttocks, sexual battering, and strips search by or in the presence of the opposite sex.

This form of harassment also relates to people of the **same sex** and also to female harassing males.

5.2 VERBAL FORMS

This form of sexual harassment includes unwelcome allusive remarks, suggestions and hints, sexual advances, sex related jokes or insults, or unwelcome graphic comments about a person's body made in their presence and/or direct towards them, unwelcome and inappropriate enquiries about a persons sex life, and unwelcome whistling directed at an individual or group of individuals.

5.3 NON – VERBAL FORMS

They include unwelcome gestures, indecent exposure, and the unwelcome display of sexual explicit pictures and objects, including winking.

5.4 QUAD PRO QUO

Quad Pro Quo harassment is an act of intentional abuse of authority by an employer, supervisor, member of management or co-worker where there is an attempt to influence the process of employment, promotion, training, discipline, dismissal, salary increment or benefits of an employee of job applicant in exchange of sexual favours.

Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, while other deserving employees who do not submit to sexual advances are denied, for example, promotion, merit rating or salary increases.

6. PROCEDURES REGARDING SEXUAL HARASSMENT

6.1 THE INFORMAL PROCEDURE

The informal procedure shall be used for subtle forms of sexual harassment.

However, the informal procedure shall not be used for cases that involve sexual assault, rape, strip search by or in the presence of the opposite sex, quid pro quo harassment or other forms of persistent sexual harassment unless the aggrieved chooses to follow the informal procedure.

- 6.1.1 Where possible, the aggrieved may wish to resolve the complaint without reference to formal procedure. That is, it may be sufficient for the employee concerned to have an opportunity to explain to the person engaging in the unwanted conduct that the behaviour in question is unacceptable.
- 6.1.2 Should the informal mediation process be successful in resolving the matter, no disciplinary action shall be taken against the alleged harasser.
- 6.1.3 The aggrieved and the alleged harasser shall be referred for counselling, should they so wish.
- 6.1.4 Municipality shall take responsibility for cost of counselling for aggrieved.
- 6.1.5 Municipality shall only take responsibility for cost of counselling of the offender/harasser only if found innocent after investigation and/or enquiry.

6.2 THE FORMAL PROCEDURE

Where the formal procedure does not resolve the matter satisfactorily not, the Municipality shall adopt the formal procedure.

Only the disciplinary procedure shall be used to address such complaints because of the sensitivity and seriousness of sexual harassment.

6.2.1 LODGING OF HARASSMENT GRIEVANCE

- An aggrieved employee may lodge a complaint of sexual harassment with his/her Head of Department, if the complaint is against the Head

of Department complaint may be lodged with the Municipal Manager, and if complaints is against the Municipal Manager grievances may be lodged with the Executive Mayor of the Municipality.

- A grievance / complaint of sexual harassment may be investigated and resolved within (10) working days.
- Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures, either party may within thirty (30) days of the dispute having arisen, refer the matter to the Bargaining Council for conciliation in accordance with the provision of section 135 of the Act. Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within thirty (30) days of the receipts of the certificate, issued by the commissioner in terms of section 135 (5).

6.2.2 INVESTIGATION AND DISCIPLINARY ACTION

6.2.2.1 Care should be taken during investigation of a sexual harassment grievance that the aggrieved person is not disadvantaged, and that the position of the parties in the matter is not prejudiced if the grievance is found to be groundless.

6.2.2.2 It will be a disciplinary offence to victimize or retaliate against an employee who in good faith lodges a grievance of sexual harassment.

6.2.2.3 In case of serious incidents of sexual harassment or continued harassment the sanction of dismissal is allowed, after action had been instituted in terms of the Municipality's disciplinary and grievance procedure.

6.2.2.4 A victim of sexual assault has the right to institute criminal and/or civil action against an alleged perpetrator, as the legal rights of the victim are no way limited by this policy.

6.2.3 SUSPENSION

In extreme forms of sexual harassment that involves sexual assault such as rape, strip search by or in the presence of the opposite sex, molestation or attempted rape, the alleged harasser may be suspended with or without emoluments pending the outcome of the disciplinary and/or criminal action.

Such suspension shall be in accordance with Municipality's Disciplinary Code.

7. CONFIDENTIALITY

7.1 Although no guarantee can be given, Municipality shall as much as possible attempt to ensure that a number of persons in and outside the workplace shall come to know about the alleged sexual harassment case.

Cognizance should be taken that it is difficult for Municipality to guarantee absolute confidentiality in sexual harassment cases given the legal duties involved and frequent conflict of rights and obligations.

7.2 Municipality, management, employees and the parties involved must undertake all reasonable steps to ensure that sexual harassment complaints are investigated and handled promptly and in a manner which shall ensure that the identities of the persons involved are kept confidential.

7.3 Management, employees and the parties concerned shall endeavour to ensure confidentiality at the disciplinary enquiry. Only appropriate and necessary members of management as well as the aggrieved party, the alleged harasser, witness and interpreter if necessary, shall be present at the actual disciplinary hearing.

7.4 Municipality shall ensure that such information as may be reasonably necessary is disclosed or given to either party or their representative to enable preparations for any subsequent proceedings.

8. EMPLOYEE RESPONSIBILITIES

8.1 All employees have a duty to ensure that working environment is created and maintained in which sexual harassment is totally unacceptable.

8.2 All employees should ensure that their conduct does not cause offence and should completely discourage unacceptable behaviour on the part of others.

9. IMPLEMENTATION OF SEXUAL HARASSMENT POLICY

9.1 The Municipality shall ensure that a copy of this policy is made available to all employees.

9.2 Municipality shall include the subject of sexual harassment in their induction programmes.

3. OBJECTIVE

- The policy seeks to prevent and eliminate all forms of sexual harassment within the Municipality.
- To set down procedures that would deal with the problem in a manner that would completely eliminate and prevent its recurrence.
- To promote the development and implementation of policies and procedures that will lead to the creation of a workplace free of sexual harassment.
- To deal with sexual harassment cases in accordance with the laid down procedure and in a very sensitive and prompt manner.
- To deal with sexual harassment cases in an unbiased manner and with strict confidence.

- To ensure that neither party (the aggrieved employee nor the alleged offender/harasser) are victimized in any way by either management or workers during investigation or after the enquiry had been finalized.
- To prevent sexual favouritism by way of ensuring that employees, job applicants, temporary and part time employees do not engage in any sexual activities in return for employment, job creation, salary increases, promotion or other service benefits.
- To guarantee the aggrieved employee/victim of job security and benefits subsequent to the event.
- To ensure that all employees in the municipality are conversant with the phenomenon of sexual harassment and any other related conduct.

4. APPLICATION AND SCOPE OF THE ACT

The potential victims and perpetrators of sexual harassment include the following:

- Top Management
- Middle Management
- Junior Management
- Employees, co-workers and Subordinates
- Job Applicants
- Clients

DISTRICT MUNICIPALITY
DRAFT POLICY ON SMOKING
IN
THE
WORKING
ENVIRONMENT

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1. PREAMBLE

Smoking means to inhale, exhale, hold or otherwise have control over an ignited tobacco product, weed or plant.

The Council would like to accommodate the right of both smokers and non-smokers as far as possible. Believing that smoking is hazardous to both the health of employees and the environment in which they are working, Council therefore introduce a smoking policy which all employees, Councillors and the public.

2. PURPOSE OF THE POLICY

- 2.1** To create a healthy and safe working environment.
- 2.2** To uphold the right of non-smoking employees, councillors, members of the public while still accommodating smokers.
- 2.3** To reduce the risk of passive smoking.
- 2.4** To accommodate the preference of smokers and non-smokers and their differences.

3. LEGAL FRAMEWORK

3.1 CONSTITUTION ACT 108 OF 1996

Chapter 2, section 24 (a) of the constitution (Act 108, of 1996) provides that every one has the right to an environment that is not harmful to their health and/or their well being.

3.2 OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993

Section 14 (a) of the Occupational Health and Safety Act 1993 provides that every employee shall at work take care of health

and safety of himself and of other persons who may be affected by this Act or omission.

3.3 TOBACCO PRODUCTS CONTROL ACT 83 of 1993

Section 2 (1) (a) provides that smoking of tobacco in any public place is prohibited. And Section 2 (6) provides that a local authority which has made regulations relating to control of smoking in public in terms of this act shall have the power, duty and obligation in its area of jurisdiction.

4. CONTROL OVER SMOKING

The policy takes into account the preference of both smokers and non-smokers. The employees and councillors will therefore, be permitted to smoke in certain places but not in others meaning that there will be non-smoking and smoking signs substantiated by written statements throughout the premises.

4.1 WHERE AND WHEN YOU MAY NOT SMOKE

4.1.1 In public e.g. reception area, council chamber, boardrooms, offices, tea rooms and kitchen.

4.1.2 In places where there is high risk of fire.

4.1.3 In official or municipal pool cars.

4.1.4 At meetings, seminar, conferences and other gatherings organised by the council.

4.1.5 Where there is a non-smoking sign.

4.2 WHERE AND WHEN YOU MAY SMOKE

4.2.1 In those areas specifically designated for smoking.

4.2.2 In the area where there is a smoking sign.

4.2.3 Outside buildings and only in designated areas.

5. FACILITIES AVAILABLE TO SMOKERS WHO WISH TO STOP SMOKING

Because the health and welfare of individuals are important, the council would like to encourage those smokers who would like to give up smoking and encourage non-smokers not to smoke.

6. GRIEVANCE PROCEDURES

In the event of an employee not observing the position of this policy, such individual will be reported to the immediate supervisor or departmental head. In the event a councillor is not observing the provision of this provision, such a person will be reported to the Speaker / Executive Mayor.

7. AREA DESIGNATED FOR SMOKING

Any areas designated for smoking should be accessible by councillors and employees of various departments.