

SEXUAL HARASSMENT POLICY

1. Introduction

1. The objective of this code is to eliminate sexual harassment in the workplace and particularly on the set of the Production.
2. All parties involved with the Production have the right to be treated with dignity.
3. Sexual harassment in the workplace will not be permitted or condoned.
4. Persons who have been subjected to sexual harassment in relation to their involvement with the Production have a right to raise a grievance about it should it occur and appropriate action will be taken by the Producer.
5. This code provides appropriate procedures to deal with the problem and prevent its recurrence.
6. This code encourages and promotes the creation of workplaces and production sets that are free of sexual harassment, where all parties respect one another's integrity and dignity, their privacy, and their right to equity in the workplace and on the set of the Production.

2. Application of the code

1. This code is intended to guide all parties directly involved in the Production or indirect involvement with the Production.
2. Nothing in 2(1) above confers the authority on employers involved in the Production to take disciplinary action in respect of persons who are not directly employed by them ("non-employee").
3. A person who is a victim of sexual harassment may lodge a grievance with the employer of the harasser or the person responsible for the appointment of the harasser (with respect to an independent contractor) where the harassment has taken place in the workplace or on the set of the Production or in the course of the harasser's employment or appointment.

3. Definition of sexual harassment

1. Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.
2. Sexual attention becomes sexual harassment if:
 - 2.1. The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or
 - 2.2. The recipient has made it clear that the behaviour is considered offensive; and/or
 - 2.3. The perpetrator should have known that the behaviour is regarded as unacceptable.

4. Forms of sexual harassment

1. Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, but is not limited to the examples listed as follows:
 - 1.1. Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
 - 1.2. Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.

- 1.3. Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 1.4. Quid pro quo harassment occurs where an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, remuneration increment or other benefit of an employee or job applicant, in exchange for sexual favours.
- 1.5. Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his/her sexual advances, whilst other deserving employees who do not submit themselves to any sexual advances are denied promotions, merit rating or remuneration increases.

5. Guiding principles

1. The Production aims to create and maintain a working environment in which the dignity of all persons is respected and in which victims of sexual harassment will not feel that their grievances are ignored or trivialised, or fear reprisals.
2. All parties involved in the Production are required to be aware of and comply with the following guidelines:
 - 2.1. do not commit any acts of sexual harassment; and
 - 2.2. ensure that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others.
3. Disciplinary steps will be taken against any person involved in the Production who breaches the guidelines of the Code and commits an act of sexual harassment.

1. Procedure for reporting sexual harassment

- 1.1. Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially by the Production.
- 1.2. All persons involved with the Production will be protected against victimisation, retaliation for lodging grievances and from false accusations.
- 1.3. Persons involved in the Production who either experience or witness an act of sexual harassment or a breach of this code are accordingly required to immediately approach the safety officer assigned to the set to report or discuss any incidents.
- 1.4. Once an incident has been reported to the safety officer, there are two courses in which the incident can be dealt with, either through informal procedures or formal procedures. The person reporting an incident is under no obligation to follow either one of these procedures:
 - 1.4.1. Informal Procedures:
 - 1.4.1.1. The person may decide that it is sufficient to, with the assistance of the safety officer, explain to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable, and that it interferes with their work.
 - 1.4.1.2. If the informal approach has not provided a satisfactory outcome, or if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. Severe cases may include: sexual assault, rape, a strip search and quid pro quo harassment.
 - 1.4.2. Formal Procedures:
 - 1.4.2.1. immediately report the conduct to the safety officer on set;
 - 1.4.2.2. should medical attention be required, request the safety officer to accompany you to the nearest medical centre;

- 1.4.2.3. should you be the victim of sexual harassment, by law you have the rights to report the incident to the nearest police station. It is advised that you approach the safety officer or the head of department to accompany you to the police station in order to lay a charge of sexual harassment; and
 - 1.4.2.4. within 2 (two) days of the incident, send a written notice of complaint to the department head of the relevant department of the Production informing them of the full details of the incident and all parties involved.
 - 1.5. Once a written complaint has been received by the Producers, a formal investigation will be conducted by the Producers and a report concluded within 2 (two) weeks of receiving the written complaint. Should a complaint of alleged sexual harassment not be satisfactorily resolved by the internal procedures set out above, where applicable, either party may within 30 (thirty) days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of the Labour Relations Act ("the Act"). Should the dispute remain unresolved, either party may refer the dispute to the Labour Court within 30 days of receipt of the certificate issued by the commissioner in terms of section 135(5).

2. Investigation and Disciplinary Action

- 2.1. The Producers will take the utmost care during any investigation of a grievance of sexual harassment to ensure that the aggrieved person is not disadvantaged, and that the position of other parties is not prejudiced if the grievance is found to be unwarranted.
- 2.2. The Producers hold the right and sole discretion to suspend the contracts of any party involved in the Production, pending an investigation into any allegation of sexual harassment against that party or an employee of that party.
- 2.3. In the case of an employee, the Code of Good Practice regulating dismissal contained in Schedule 8 of the Act, reinforces the provisions of Chapter VIII of the Act and provides that an employee may be dismissed for serious misconduct or repeated offences. Serious incidents of sexual harassment or continued harassment after warnings are dismissible offences.
- 2.4. In the case of an independent contractor contracted for the Production, the Producers hold the right and sole discretion to termination the contract should the outcome of the investigation conclude that the independent contractor, or any employee of the independent contractor has committed an act of sexual harassment.
- 2.5. None of the above steps will in any way prohibit or prevent the victim of alleged sexual harassment from enforcing their rights to lay a separate criminal or civil charge against the alleged perpetrator, and the legal rights of the victim are in no way limited by this code.

3. Confidentiality

- 3.1. The Producer and all parties concerned will ensure that grievances about sexual harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential.
- 3.2. In cases of sexual harassment the parties concerned must endeavour to ensure confidentiality in the disciplinary enquiry. Only appropriate relevant representatives of the Producers as well as the aggrieved person, representative, alleged perpetrator, witnesses and interpreter if required, will be present in the disciplinary enquiry.
- 3.3. The Producers will disclose to either party or to their representatives, such information as may be reasonably necessary to enable the parties to prepare for any proceedings in terms of this code.
- 3.4. Where applicable, the relevant provisions of section 16 of the Act will apply to the disclosure of information in terms of this code.