



Ketric Building. No 19 Ngcwalazi Drive
Ilitha Park. 7784



021 361 7109



info@zibonelefm.co.za



www.zibonelefm.co.za



ANTI-DISCRIMINATION AND HARASSMENT POLICY

1) Policy Statement

Zibonele FM is committed to providing a happy and satisfying work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Zibonele expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

Zibonele FM takes claims of discrimination and harassment, as well as the procedures outlined below very seriously. We expect all employees to similarly appreciate the seriousness of these issues, and ask that all employees report any violations of this policy as soon as they occur by utilizing the procedure set forth herein. Employees must not only commit themselves to following this policy and acting appropriately if they become aware of or feel they are a victim of discrimination or harassment, but Zibonele prohibits the misuse of this policy by employees. Interfering with the proper functioning of this policy or improper use of the procedures set forth herein will be considered misconduct and dealt with in accordance with our regular disciplinary procedures.

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2) Purpose

Zibonele FM is committed to a safe, healthy, and harassment-free work environment for all our employees.

3) Objective

This policy is intended to prevent harassment of any type, including sexual harassment, of its employees and to deal quickly and effectively with any incident that might occur.

4) Responsibilities

Each Manager and Assistant Manager is expected to maintain the work place free of discrimination and harassment. It is the responsibility of anyone supervising one or more employees to take immediate and appropriate action to report or deal with incidents of harassment of any type whether brought to their attention or personally observed.

5) Definition of Discrimination

Discrimination is any action taken against an employee, which affects the terms and conditions of his or her employment, because of that person's, or because that person associates with another of a certain, race, color, national origin, religion, sex, age, disability, citizenship, marital status or any other characteristic protected by law. Forms of discrimination can include improper discipline, discriminatory hiring or promotion decisions, derogatory comments, harassment, as well as any other action or inaction by another which adversely affects the terms or conditions of your employment.

6) Definitions of Harassment

Harassment, on the basis of a protected characteristic, is a form of discrimination and is strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age, disability, citizenship, marital status or any other

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characteristic protected by law or that of his/her relatives, friends or associates, and that:

a) Has the purpose or effect of creating an intimidating, hostile or offensive work environment;

b) Has the purpose or effect of unreasonably interfering with an individual's work performance; or

c) Otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display, or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

1. Sexual harassment constitutes discrimination and is define as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

In general terms, sexual harassment is unwanted sexual attention or conduct of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention or conduct is unwelcome or sexually offensive. Sexual harassment does not refer to occasional compliments of a socially acceptable nature or even indications of affection, which are immediately ceased once an employee indicates that they are unwelcome.

Sexual harassment, however, may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal

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abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

7) Individuals and Conduct Covered

This policy apply to all applicants and employees, and prohibit harassment, discrimination and retaliation whether engaged in by fellow employees or by someone not directly connected to this organization (e.g. an outside vendor, consultant or client). Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Zibonele FM never condones or approves of any conduct in violation of this policy. The HR is responsible for assuring that no employee is subjected to conduct that constitutes discrimination or harassment under this policy.

8) Complaint Procedure

i) Reporting the Incident

Zibonele FM strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to Zibonele's policies or who have concerns about such matters should file their complaints with Human Resource Manager.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, Zibonele strongly urges the prompt reporting of complaints or concerns so that rapid and constructive

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9) The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. All decisions regarding the scope and duration of the investigation, who is interviewed, etc. are in the sole discretion of Human Resource Manager.

It is the employee's responsibility to disclose any and all information regarding the incidents of discrimination or harassment to Human Resource Manager. All documents or other physical evidence of the harassment or discrimination must be turned over to the investigators, as soon as possible after an employee reports the incident. Additionally, the employee must identify all known witnesses. Failure to do so will adversely affect the investigative process. Confidentiality will be maintained throughout the investigation process to the extent consistent with adequate investigation and appropriate corrective action.

10) Responsive Action

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately at Human Resource Manager's discretion. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as Zibonele believes appropriate under the circumstances. To protect everyone's privacy or everyone involved, Zibonele does not have a policy of disclosing the nature of any disciplinary actions it chooses to take as a result of the investigation.

Individuals who have questions or concerns about these policies should talk with any of the individuals previously identified in this complaint procedure.

Finally, these policy should not, and may not, be used as a basis for excluding or

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separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of Zibonele FM prohibit

disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

11) Retaliation Is Strictly Prohibited

Zibonele FM will not in any way retaliate against an employee, potential employee, or former employee who, in good faith, makes a complaint or report of harassment or participates in the investigation of such a complaint or report. Zibonele similarly prohibits retaliation by any of its employees against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

12) Retaliation Is Strictly Prohibited

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Annexure 1: Guidelines for Investigating Complaints

- 1) Under Zibonele FM's policy against harassment, assistant managers and managers have been instructed to immediately report all claims of harassment to the Human Resource Manager (HR) or to the Station Manager (SM). The function then, of the HR or SM is to provide guidance and resources to investigate, in a manner necessary

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2) Zibonele FM is responsible for making sure that the following occurs:

- a) Zibonele thoroughly investigates and reaches a conclusion on each complaint of harassment or discrimination within 10 (ten) days after management receives notice of the complaint unless additional time is necessary to ensure all information is gathered.
- b) The investigation must be appropriately documented.
- c) Zibonele FM arrives at a conclusion based on the facts uncovered during the investigation and that disciplinary action taken is documented. It is possible Zibonele FM will not be able to draw a conclusion and this fact should be documented.
- d) Zibonele FM will take appropriate disciplinary action based on the facts uncovered during the investigation, and that the disciplinary action taken is documented. In most cases, a solicitor to ensure legality will preview the ultimate decision as to what discipline should be imposed.

3) Who Should Conduct the Investigation:

- a) An upper level manager, and/or a member of the Human Resources Department, and/or legal counsel, and/or a third party investigator, trained in investigation and interviewing can undertake the investigation. It is recommended that two persons conduct the investigation. All information obtained should be discussed only with those that have a need to know.

4) Interview the Complainant:

- a) The investigator (s) should meet with the complainant and request details of the alleged harassment or discrimination. Ensure complainant is aware that the

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investigation will be kept as confidential as possible, but it might be necessary to disclose allegations in order to properly investigate the complaint. The investigator should request that the complainant put the complaint in writing. If the complainant

does not wish to put the complaint in writing, then that fact should be documented and noted by Zibonele FM when attempting to reach a conclusion. In this case the investigator will document the specifics of the complaint and ask the complainant to confirm the accuracy of the written version. Ask who, when, where, what was said or done by those involved, how often did it occur, and whether there were any collaborating witnesses or writings. Witnesses named will also be interviewed. Reiterate Zibonele FM's Policy against discrimination and harassment, but do not voice your personal expectations resulting from the interviews.

5) Interview the Accused:

- a) The Investigator/Zibonele's official will present the allegations to the accused and give that employee an opportunity to explain. Ask for details of the alleged harassment from the accused. Ask if there are any witnesses or writings that would substantiate the employee's explanation. Inform the accused that Zibonele FM will attempt to keep the allegations confidential but it may be necessary to reveal information to other employees in order to properly investigate the complaint. Instruct the accused to keep the allegations confidential. Remind the accused of Zibonele FM policy against discrimination and harassment.

6) Interview Witnesses:

- a) Interview witnesses identified by both the complainant and the accused. Ask that they keep all discussions confidential. Find out what the witness(es) has personally observed and heard. A distinction should be noted between what information is based on, e.g., personal knowledge, rumour or what others have told the witness. This is important when evaluating the credibility and reliability of the witness. The investigator may also wish to interview other employees who were not named by either party, if they may aid in the investigation.

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- a) Depending on the facts, Zibonele FM Officer may suspend either the complainant or the accused (or both) during the investigation. If they are not suspended, Zibonele FM Officer should consider separating these employees during the investigation. Zibonele FM must make sure no retaliation occurs to the complainant.

8) Establish an Investigation File:

- a) A separate confidential investigation file should be established, and the complainant and the accused should be notified of this file. It is imperative that all recorded information concerning the investigation be maintained in a secure location.
- b) The following should be maintained in the investigation file.
- i) Detailed notes of each interview. Zibonele FM may request interviewees to initial the notes indicating their accuracy. Keep in mind that these notes most likely would be introduced as evidence should a lawsuit occur.
 - ii) The name of each witness whether interviewed or not.
 - iii) If a witness is not interviewed, a notation should be included as to why this witness was not interviewed and who made the decision not to interview this witness.
 - iv) Any writings, notes, or memorandums relating to the investigation prepared by any witness or company official.
 - v) The reason for the factual determination as to whether harassment occurred.
 - vi) If harassment occurred, the disciplinary action taken and the reason for that particular action.
 - vii) If for some reason, the investigation cannot be completed within the time period previously determined, both parties should be informed of the new time frame.

9) Conclude the Investigation:

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a) After the investigation is complete, human resources and station manager should be advised by Zibonele FM official or the investigator of the discussions and written statements garnered for the investigation. A factual determination should be made that most likely will include credibility assessments. *If it is determined that harassment in violation of Zibonele's policy has occurred, appropriate disciplinary action up to and including the discharge of the offending employee must be taken.* It would be well to include Zibonele's legal council in this exercise. The appropriate action will depend on several factors:

- i) the severity, frequency and pervasiveness of the conduct;
 - ii) prior complaints made by the complainant;
 - iii) prior complaints made against the accused;
 - iv) the quality of the evidence available to support whatever action is taken.
- b) In the event the investigation is inconclusive or it is determined that there has been no harassment in violation of Zibonele FM's policy, but there is potentially problematic conduct, then some preventive action should be taken.
- c) The accused and the complainant must be notified, in person, of the Zibonele FM's conclusions and informed of the actions taken or that will be taken.
- d) Zibonele FM officials should conduct a follow-up investigation to ensure that the action taken was effective in eliminating the harassing conduct.

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