




Employment law

A BETTER PLACE TO WORK

Preventing Harassment
in the Workplace



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OR



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WHAT IS HARASSMENT?

Harassment is a form of unfair discrimination which impairs the rights of employees to dignity and equality and a safe working environment. Sexual harassment as a sub-sect of harassment has been described by the courts as “[...] the most heinous misconduct that plagues a workplace; not only is it demeaning to the victim, it undermines the dignity, integrity and self-worth of the employee harassed. The harshness of the wrong is compounded when the victim suffers it at the hands of his/her supervisor. Harassment goes to the root of one’s being and must therefore be viewed from the point of view of a victim: how does he/she perceive it, and whether or not the perception is reasonable.”

Motsamai v Everite Building Products (Pty) Ltd [2011] 2 BLLR 144 (LAC)



A BETTER PLACE TO WORK:

Harassment is morally reprehensible behavior that must be eradicated in the workplace.

Employers who ignore harassment not only fail in their legal responsibility to their employees to create a safe working environment but also expose themselves to serious financial risk and reputational damage. These risks can be alleviated by equipping management and other employees, through education and training, with the right skills to properly deal with harassment. Properly trained employees should be able to identify, act on and prevent incidents of harassment in the workplace.

The Code of Good Practice on the Prevention and Elimination of Harassment in the Workplace, 2022 (Code) requires employers to include harassment as part of their orientation, education and training programmes. “*A better place to work*” allows employers to meet this requirement and effectively monitor compliance with the training. The training can also be included in the employer’s annual Employment Equity Act and skills development reports for SETA purposes.

CDH offers “*A better place to work*”, an eLearning module created by legal experts in conjunction with teaching specialists, to assist employers to address harassment in the workplace.

“*A better place to work*” is an interactive, three-part online module of 20-30 minutes each, which will enable employers to educate and train employees on harassment within the workplace. The eLearning module will also assist employers to implement consistent, comprehensive and effective training on harassment in the workplace. The “*A better place to work*” eLearning module allows for productive, cost-effective access to training by an employee, at a time convenient to the employee, and irrespective of his or her geographical location.





A BETTER PLACE TO WORK:

The eLearning module provides the learner with the skills required to:

- understand what harassment is;
- identify different types of harassment;
- recognise the role players that may be involved in harassment; and
- know what to do if faced with harassment.

Learning occurs in an interactive, lifelike way. The module commences with introducing the learner to important concepts. The learner is then taken through practical scenarios, demonstrating comprehensively the many ways in which harassment may play out in the workplace, and equipping the learner with the skills to identify, and take the appropriate action if this should occur.

The eLearning module includes multiple assessments, at various stages, to test the learners' understanding of harassment, including a final assessment at the end of each part of the module in which the learner will need to obtain 80% to pass.

Employers also have an option of including our HR and management specific content which covers investigating and prosecuting claims of harassment effectively and consistently, so as to limit any liability from poor management of claims of harassment.

Benefits of the eLearning module:

- simple and understandable;
- training and awareness;
- reduce the time employees spend in training;
- more effective learning through involvement of eLearning experts;
- employee's understanding can be monitored and evaluated;
- greater efficiency as the employee completes the modules in their own time;
- improves employers' compliance levels;
- assists in reducing the number of HR and/or legal issues around harassment;
- specific content designed to assist HR and management with investigating and prosecuting claims of harassment;
- reduce costs;
- risk mitigation; and
- accurate training reports.

A BETTER PLACE TO WORK:

The eLearning module is structured as follows:



PART A

Understanding Harassment, Racial, Ethnic and Social Origin Harassment and the procedures to report and deal with Harassment in the workplace.



PART B

Sexual Harassment and the procedures to report and deal with sexual harassment in the workplace.



PART C

Who should report harassment, how to report harassment and a detailed explanation of the difference between formal and informal procedures for dealing with harassment.



ADDITIONAL HR/ MANAGEMENT RELATED CONTENT

Employer obligations in relation to claims of harassment and how HR and management can effectively and consistently investigate and prosecute claims of harassment.



The eLearning module further includes a sexual harassment workbook for employees as well as an investigation guideline to assist management and HR practitioners with investigating claims of harassment.



FOR MORE INFORMATION

on this eLearning module, please contact a member of our Employment Law team.

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MARKET RECOGNITION

Our Employment Law team is externally praised for its depth of resources, capabilities and experience.

Chambers Global 2014–2024 ranked our Employment Law practice in Band 2 for employment. *The Legal 500 EMEA 2020–2024* recommended the South African practice in Tier 1. *The Legal 500 EMEA 2023–2024* recommended the Kenyan practice in Tier 3 for employment.

The way we support and interact with our clients attracts significant external recognition.

Aadil Patel is the Practice Head of our Employment Law team, and the Head of our Government & State-Owned Entities sector. *Chambers Global 2024* ranked Aadil in Band 1 for employment. *Chambers Global 2015–2023* ranked him in Band 2 for employment. *The Legal 500 EMEA 2021–2024* recommended Aadil as a 'Leading Individual' for employment and recommended him from 2012–2020.

The Legal 500 EMEA 2021–2024 recommended **Anli Bezuidenhout** for employment.

Chambers Global 2018–2024 ranked **Fiona Leppan** in Band 2 for employment. *The Legal 500 EMEA 2022–2024* recommend Fiona for mining. *The Legal 500 EMEA 2019–2024* recommended her as a 'Leading Individual' for employment, and recommended her from 2012–2018.

Chambers Global 2021–2024 ranked **Imraan Mahomed** in Band 2 for employment and in Band 3 from 2014–2020. *The Legal 500 EMEA 2020–2024* recommended him for employment.

The Legal 500 EMEA 2023–2024 recommended **Phetheni Nkuna** for employment.

The Legal 500 EMEA 2022–2024 recommended **Desmond Odhiambo** for dispute resolution.

The Legal 500 EMEA 2023 recommended **Thabang Rapuleng** for employment.

Chambers Global 2024 ranked **Njeri Wagacha** in Band 3 for FinTech. *The Legal 500 EMEA 2022–2024* recommended Njeri for employment.

The Legal 500 EMEA 2023–2024 recommends her for corporate, commercial/M&A.



BBBEE STATUS: LEVEL ONE CONTRIBUTOR

Our BBBEE verification is one of several components of our transformation strategy and we continue to seek ways of improving it in a meaningful manner.

PLEASE NOTE

This information is published for general information purposes and is not intended to constitute legal advice. Specialist legal advice should always be sought in relation to any particular situation. Cliffe Dekker Hofmeyr will accept no responsibility for any actions taken or not taken on the basis of this publication.

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