



**POLICY ON HARASSMENT AND PROFESSIONAL
CONDUCT OF THE PRACTICE OF DR RUDI HAYDEN**

(referred to as “the
practice”)

This policy applies to all staff of the practice, on short term contracts and
temporary staff belonging to employment agencies.

1. Objective

This policy aims to regulate the general behavior in the practice or by practice staff within the course of their employment, irrespective of the location. This policy also serves to confirm the commitment of the practice to protect employees, patients / clients and others as far as possible against instances of harassment, and, if not possible, to take appropriate action to remedy any instance of harassment.

2. Scope and application

This Policy applies to all employees, contractors, patient / clients, suppliers and others who may find themselves within the scope of the Practice.

3. Policy & procedures

3.1 Professionalism:

3.1.1 Employees and contractors are expected to adhere to the principle of professionalism at all times.

3.1.2 “Professionalism” includes the way in which a person dresses, behaves and talks. It includes specific directions issued by the practice, as well as behavior that employees ought to have known is expected from them.



3.1.3 All employees and contractors act as agents of the practice and have to portray the values of the practice in all respects, even where circumstances may be difficult or stressful. Employees are encouraged to talk about instances they found difficult to handle, and to seek guidance from peers and managers, on how to handle such difficult situations.

3.2 Harassment:

3.2.1 Harassment of other staff or patients/clients of this practice, including sexual or racial harassment, as well as any other harassment is forbidden by law and is strictly prohibited by the practice.

3.2.2 Employees who violate this policy are subject to disciplinary procedures, including possible termination.

3.2.3 Racial and other forms of prohibited harassment include, but are not limited to:

- 3.2.3.1 Visual conduct, including displaying of derogatory objects or pictures, cartoons, e-mails, insignia, logo's or posters;
- 3.2.3.2 Verbal conduct, including making or using derogatory comments, epithets, slurs, and jokes;
- 3.2.4 Harassment has an impact on the individual and / or his or her work environment. The fact that the person regards the behavior as unacceptable or unwanted, or that a reasonable person would have known that such behaviour is unacceptable in the workplace, is at the heart of the matter. Whether the alleged harasser intended to offend or demean the harassed person is not relevant.
- 3.2.5 Harassment also includes instances where the acceptance or tolerance of the harassment is made a condition of (continued) employment, promotion or of a sale, contract or other business actions.
- 3.2.6 It is good practice for employees to immediately indicate the unacceptability or unwanted nature of conduct. However, it is recognized that this may not always be possible within the context of a practice.





3.3 Sexual Harassment:

3.3.1 Sexual harassment is unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. Sexual harassment includes gender harassment and harassment on the basis of pregnancy, childbirth, or related medical conditions, and also includes sexual harassment of an employee of the same offensive gender as the harasser. This includes, but is not limited to, the following types of behavior:

- 3.3.1.1 Unwanted sexual advances;
- 3.3.1.2 Offering employment benefits in exchange for sexual favors;
- 3.3.1.3 Making or threatening reprisals after a negative response to sexual advances;
- 3.3.1.4 Visual conduct, including leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, or posters;
- 3.3.1.5 Verbal conduct, including making or using derogatory comments, epithets, slurs, and jokes;
- 3.3.1.6 Unwanted verbal sexual advances or propositions;
- 3.3.1.7 Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations;
- 3.3.1.8 Physical conduct, including touching, assault, impeding or blocking movements.
- 3.3.1.9 All employees are prohibited from using nicknames or terms of endearment with a racial or sexual orientation.

3.3.2 Examples of sexual harassment include (a) an employee being fired or denied a job or an employment benefit because the employee refused to grant sexual favors or because he or she complained about the harassment; (b) an employee reasonably quitting his or her job to escape harassment; or (c) an employee being exposed to a hostile work environment (e.g. where sexual innuendo is commonplace and tolerated).

3.3.3 The Practice will take all reasonable steps to prevent harassment from occurring and will take immediate and appropriate action when the practice knows that unlawful harassment has occurred.





4. Procedure

4.1 Professionalism:

Disciplinary action may be taken in cases of contravention of the requirement of professionalism, but the practice will first attempt to assist employees in attaining the highest possible standards of professionalism, unless the instance(s) of unprofessionalism is so serious, that a disciplinary hearing is deemed necessary.

4.2 Harassment:

4.2.1 Regardless of whether the action occurred on or off the practice's premises, if you believe that you have been harassed by a co-worker, supervisor, agent, vendor or patient or patient's companion, or if you believe that another employee has been harassed, you have a duty to promptly report the facts of the incident or incidents, and names of the individuals involved, to the designated employer.

4.2.2 Where the complainant is an employee, s/he may bring the case to the attention of the employer in an informal manner, or use the formal grievance procedures.

4.2.3 Where the complainant is a person not in the employ of the practice, s/he may still choose to use the informal procedure, or formalize the complaint in writing.

4.2.4 Should a complainant not be satisfied with the outcome of an informal process s/he may still utilize the formal procedure.

4.2.5 Any complaint whether informal or formal will be immediately and thoroughly investigated, and confidentiality will be maintained to the extent possible. After reviewing the evidence, a determination will be made concerning whether reasonable grounds exist to believe that harassment has occurred. It is the obligation of all employees to cooperate fully in the investigation process. The practice considers any harassing conduct to be a major offense which can result in disciplinary action for the offender, up to and including dismissal.

4.2.6 The practice will take action to deter any future harassment. In addition, disciplinary action will be taken against any employee who attempts to discourage or prevent another employee from bringing harassment to the attention of the practice. The persons involved will be advised of the determination if appropriate.





4.2.7 The practice wants to assure all of its employees that measures will be undertaken to protect those who complain about harassment from any further acts of harassment, coercion or intimidation, and from retaliation due to their reporting an incident or participating in an investigation or proceeding concerning the alleged harassment.

4.2.8 In the event that you feel aggrieved by the procedure and outcome followed by the practice, nothing in this Policy prevents any complainant from taking civil, criminal or labour law action against any alleged offender.

4.2.9 Where the alleged offender is a contractor, patient, client, supplier or any other third party with whom the Practice deals:

- 4.2.9.1 The practice will inform all contractors, patients, clients and suppliers of this harassment policy; and
- 4.2.9.2 The practice must, in cases where a complaint is directed at a contractor, supplier, patient or client, take immediate action to inform the employer of such person of the complaint, and take reasonable steps to ensure that processes are started by such employer or other entity to resolve the matter.

4.2.10 Informal process:

- 4.2.10.1 In this process the practice will ensure that another employee, a supervisor or another appropriate person facilitates (“the facilitator”) a meeting whereby the complainant will set out the nature of the complaint.
- 4.2.10.2 Should the complainant so wish, a meeting with the alleged offender may be facilitated by facilitator, or the facilitator may be mandated to address the issue with the alleged offender.
- 4.2.10.3 Possible outcomes of this process may be that the alleged offender apologizes, undertakes to undergo, at his / her own cost counseling or, training or coaching, etc. The complainant may request support in the form of access to counseling, coaching or training. This clause does not entitle the complainant or the offender to financial support for this by the practice whatsoever.





4.2.11 Formal process:

- 4.2.11.1 A formal written grievance, indicating the names, designations of the parties and the nature of the grievance, has to be completed should the complainant wish to institute a formal procedure. Where the complainant is a patient, client, supplier or other person, such complaint has to be submitted in writing to the practice.
- 4.2.11.2 The Practice will investigate the matter and decide on the appropriate disciplinary action to be taken, if the alleged offender is an employee. Disciplinary action can range from written warnings to a disciplinary hearing, undertaken in terms of the Practice's Disciplinary Code and any appropriate sanctions may be imposed, including dismissal.

