

Workplace Harassment Policy

1. INTRODUCTION

- Rand Refinery is committed to creating and maintaining a climate where all associates, job applicants and other persons who have dealings with the business are treated with dignity and respect. To meet these ends Rand Refinery has formulated the following policy statements:
- Harassment in the workplace will not be permitted or condoned under any circumstances.
 - Persons who have been subjected to harassment in the workplace have the right to raise a grievance in respect of such harassment.
 - Grievances raised in respect of harassment will be dealt with timeously, sensitively and confidentially.
 - No person who raises a grievance about harassment will be victimised.
 - All persons will be protected against false accusations of harassment.
 - Perpetrators will be severely disciplined.
 - Managers responsible for dealing with grievances will be appropriately trained to deal with minor grievances such as harassment.
 - Handling of harassment cases will be underpinned by consistent, fair and non-discriminatory practice and procedures.
 - Any form of harassment of a fellow associate and/or non-associate will constitute a serious act of misconduct. Therefore any allegation of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.

2. POLICY STATEMENT

- All associates, job applicants and other persons who have dealings with Rand Refinery have the right to be treated with dignity.
- Workplace harassment in the workplace will not be permitted or condoned.
- Persons who have been or are being subjected to workplace harassment in the workplace have the right to lodge a grievance about it and appropriate action will be taken.
- Allegations of workplace harassment will be dealt with seriously, sensitively and confidentially.
- Associates will be protected against victimisation, retaliation for lodging grievances and from false accusations.

3. APPLICATION

- The perpetrators and victims of workplace harassment may include management, supervisors, associates, job applicants, clients, suppliers, contractors and others having dealings with the Company.
- A fixed term/outsourced contractor who is a victim of workplace harassment may lodge a grievance with Rand Refinery management if the harassment has taken place at Rand Refinery or in the course of the harasser's employment at Rand Refinery.

4. DEFINITION OF WORKPLACE HARASSMENT

- Harassment means directly or indirectly engaging in conduct that the respondent knows or ought to know –
 - Following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or a related person resides, works, carries on business, studies or happens to be;
 - Engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether conversation ensues; or
 - Sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects to the complainant or a related person or leaving it where it will be found by or given to, or brought to the attention of, the complainant or a related person.

5. FORMS OF WORKPLACE HARASSMENT

- Forms of harassment include but are not limited to:
- Sexual Harassment**
 - Sexual harassment is unwelcome conduct of a sexual nature that violates the rights of an Associate. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual. Sexual harassment constitutes a barrier to equity in the workplace, considering the following factors:
 - Whether the harassment is on the prohibited grounds of sex and/or gender and/or sexual orientation;
 - Whether the sexual conduct was unwelcome;
 - The nature and extent of the sexual conduct; and
 - The impact of the sexual conduct on the associate.
 - Physical conduct of a sexual nature which may cover any physical contact, touching, kissing or rape, a strip search by or in the presence of the opposite sex, forceful advances of sexual harassment which cover, unwelcome suggestions, graphic comments, comments with sexual overtones, sex related jokes or insults, sexual comments about the person's body made in their presence or directed towards the

- person, inappropriate inquiries about a person's sex, life, whistling directed at a person or group of persons, offensive written, telephonic or electronic communication, unwelcome sexual greetings, etc.
- Nonverbal forms of sexual harassment which may cover sexual gestures, indecent exposure, the display of sexually explicit pictures and objects, stalking etc.

6. Quid pro quo harassment

- Quid pro quo harassment (commonly known as "you scratch my back and I scratch your back") occurs when any person such as an employer, supervisor, member of management or Fellow Associate, influences or attempts to influence an Associate's employment circumstances (for example engagement, promotion, training, discipline, dismissal, salary increments or other benefits) by coercing or attempting to coerce an Associate to comply with a sexual demand. Specific action or threats may be taken for a refusal to comply with a sexual demand. Associates who are subjected to this kind of harassment are invariably subordinates of the perpetrator who have to contend with the very real likelihood of career related prejudice.

Favouritism

- Favouritism exists where a person who is in a position of authority rewards only those who respond to their undue influence, such as sexual advances, whilst other deserving Associates who do not submit themselves to any sexual advances are denied promotions, merit ratings and salary increases etc.

Racial harassment

- Racial harassment can be described as a form of racial discrimination, and this is in line with section 6(3) of the EEA which provides that harassment of an Associate is a form of unfair discrimination and is prohibited on any one, or a combination of grounds of unfair discrimination listed in section 6(1).
- These grounds include race, ethnic or social origin, colour, culture, and language. It is an unwanted conduct which is persistent or serious and degrades, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which is related to (a) sex, gender or sexual orientation; or (b) a person's membership or presumed membership of a group identified by one or more of the prohibited grounds or a characteristic associated with such group.

Bullying

- Bullying, intimidation, direct insults, malicious gossip and victimization is linked to a feeling of incompetence in handling the job, to a sense of alienation from colleagues, to anxiety that there will be no promotion or recognition, to job insecurity, to feelings of inadequacy, to knock-on tensions in personal relationships, and to depression.
- Bullying is basically a persistent pattern of mistreatment from others in the workplace that causes either physical or emotional harm. It can include such tactics as verbal, nonverbal, psychological, physical abuse and humiliation. Workplace bullies often operate within the established rules and policies of the organisation. In most cases, bullying in the workplace is reported as having been by someone who has authority over their victim. However, bullies can also be peers, and occasionally subordinates.

6. PRINCIPLES

- Associates are required to refrain from committing acts of workplace harassment.
- Management and Associates should ensure that their conduct does not cause offence and they should discourage unacceptable behaviour on the part of others.

7. PROCEDURES

- Options**
 - Although the process entails one of two possible options, the Associate should feel under no duress to accept one or the other option.
- Informal Procedure**
 - The Associate concerned is given an opportunity to 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.
 - If the informal approach does not resolve the matter satisfactorily, if the case is severe or if the conduct continues, it may be more appropriate to embark upon a formal procedure. (Severe cases of harassment may include: Sexual assault, rape, a strip search and quid pro quo harassment i.e. promise for promotion / raise in exchange for sexual favours).
- Formal Procedure**
 - A grievance may be lodged with a representative from Human Resources;
 - Whistle Blowing;
 - If the case is not resolved satisfactorily, it will be dealt with in terms of the dispute procedures (see below).

Investigation And Disciplinary Action

- Case will be taken during each investigation of a workplace harassment grievance that the person is not disadvantaged, and that the position of other parties is not prejudiced if it is found that no offence is found to be groundless.
- Serious incidents of workplace harassment or continued harassment after warnings are dismissible offences.

Criminal And Civil Charges

- A victim of harassment assault has the right to press separate criminal and/or civil charges against an alleged perpetrator. The legal rights of the victim are in no way limited by this policy.

Dispute Resolution

- Should a complaint of alleged workplace harassment not be satisfactorily resolved by the internal procedures set out above, either party may within 30 days of the dispute having arisen, refer the matter to the CCMA for conciliation in accordance with the provisions of section 135 of 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).

Confidentiality

- Employers and Associates must ensure that grievances about workplace harassment are investigated and handled in a manner that ensures that the identities of the associates involved are kept confidential.
- In cases of workplace harassment, management, associates and the parties concerned must endeavour to ensure confidentiality at the disciplinary enquiry. Only appropriate members of management, and the aggrieved person, his or her representative, the alleged perpetrator, witnesses and an interpreter, if required, should be present at the disciplinary enquiry.
- Employers are required to disclose to either party or to their representatives such information as may reasonably be necessary to enable the parties to prepare for any proceedings in terms of this policy.

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