


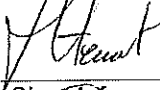
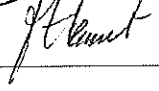
# GOLD ONE

## GROUP LIMITED

Reference No.	01.2020	Effective Date	March 20
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HUMAN RESOURCES

### SEXUAL HARASSMENT POLICY AND PROCEDURE

Compiled by	Legal Advisor	Signature		Date	
				12/03/2020	
Reviewed	Mancom	Signature		Date	
				12/03/2020	
Approved	Exco	Signature		Date	
				12/03/2020	

## 1. Definitions

1.1. The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings, namely –

1.1.1. "**Alleged Perpetrator**" means a person, irrespective whether an employee of Gold One Group Limited and any of its subsidiaries ("**Gold One**") or not, who is accused of sexually harassing another person, irrespective whether that person is an employee of Gold One or not;

1.1.2. "**Complainant**" means a person, irrespective whether an employee of Gold One or not, who lodges a complaint of sexual harassment against another person, irrespective whether that person is an employee of Gold One or not;

1.1.3. "**Policy**" means this Sexual Harassment Policy and Procedure;

1.1.4. "**Perpetrator**" means a person, irrespective whether an employee of Gold One or not, who is found guilty of sexually harassing another person, irrespective whether that person is an employee of Gold One or not;

1.1.5. "**SAPS**" means the South African Police Service; and

1.1.6. "**Third Parties**" means, but is not limited to, contractors, volunteers, interns, vendors, donors, grantees, clients, the representatives or employees of suppliers, and any other persons who have dealings with Gold One.

## 2. Introduction

2.1. Gold One is committed to providing a working environment where everyone can work together comfortably and productively and a working environment which protects the safety, dignity, privacy, integrity and right to equity of all of its employees, job applicants and any persons who have dealings with Gold One. Gold One promotes mutual respect amongst individuals. The working environment is not limited to the premises of Gold One but any place where work is carried out by Gold One employees or where the employees' conduct may be associated and/or linked with the name and brand of Gold One.

2.2. In order to give effect to its commitment, Gold One has established this Policy which, amongst other things, seeks to encourage the development and implementation of practices aimed at creating a working environment that is free from harassment, including sexual harassment and to ensure that adequate measures and procedures are readily available to deal with any form of harassment and, where applicable, to prevent its re-occurrence.

- 2.3. Gold One has a zero-tolerance policy towards any form of harassment, including sexual harassment. Sexual harassment constitutes a serious disciplinary offence and will not be tolerated at Gold One. Gold One views sexual harassment, in any form, extremely seriously and disciplinary action, including summary dismissal, may result. However, false and malicious claims of sexual harassment that cannot be substantiated will also be viewed in a serious light and disciplinary action including dismissal may result.
- 2.4. Reports received by Gold One of alleged unwelcome advances or inappropriate conduct of a sexual nature committed by employees or non-employees of Gold One against employees or non-employees of Gold One will be taken seriously and will be dealt with appropriately as soon as reasonably possible in terms of this Policy.
- 2.5. Employees must familiarise themselves with this Policy and must ensure that they strictly comply with it at all times.

### 3. Purpose

- 3.1. The purpose of this Policy is to:-
- 3.1.1. provide practical guidelines to employees, job applicants and any persons who have dealings with Gold One in respect of what type of conduct constitutes sexual harassment;
  - 3.1.2. outline Gold One's approach to addressing allegations of sexual harassment in the working environment; and
  - 3.1.3. provide Gold One, its employees, job applicants any persons who have dealings with Gold One with a procedure for handling of alleged incidents of sexual harassment if and when they occur in a fair, sensitive, confidential and expedient manner.

### 4. Scope

- 4.1. This Policy applies to all employees of Gold One.
- 4.2. The right not to be subjected to sexual harassment extends not only to employees, but also to job applicants and all persons who have dealings with Gold One including Third Parties. The Policy therefore applies in respect of these persons as well.
- 4.3. This Policy and procedure does not form part of any employee's contract of employment nor does it replace or supersede any condition of employment in existence. Gold One may accordingly amend this Policy at its discretion without the need for agreement by employees and employees shall be bound by the amended Policy.

## 5. Guiding Principles

- 5.1. Sexual harassment is unwelcome conduct of a sexual nature that violates the rights of an individual and constitutes a barrier to equity in the workplace.
- 5.2. There are different ways in which an individual may indicate that sexual conduct is unwelcome, including non-verbal conduct such as walking away or not responding to the perpetrator.
- 5.3. Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome.
- 5.4. Gold One adopts a zero-tolerance approach to sexual harassment. This means that sexual harassment in the working environment will not be permitted or condoned. Conduct which can constitute sexual harassment may include, but is not limited to, physical conduct, verbal conduct, non-verbal conduct, *quid pro quo* harassment and sexual favouritism.
- 5.5. Physical conduct of a sexual nature includes all unwanted physical contact ranging from touching to sexual assault, attempted rape and rape, and includes but is not limited to, a strip search by or in the presence of the opposite sex, hugging, invading another's personal space, attempted or actual kissing or fondling, petting or pinching.
- 5.6. Verbal forms of sexual harassment include but are not limited to unwelcome innuendoes or taunting, 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 to them, unwelcome and inappropriate enquiries about a person's sex life, unwelcome whistling at a person or group of persons, wolf-whistling or kissing sounds, derogatory or patronising name calling and telephone calls with sexual overtones.
- 5.7. Non-verbal forms of sexual harassment include but are not limited to unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
- 5.8. *Quid pro quo* harassment occurs where a person such as a supervisor, member of management or co-employee undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee or job applicant in exchange for sexual favours. It also occurs where an employee who is capable of influencing the procurement of services seeks sexual favours from an employee or representative of a service provider in exchange for the appointment of that service provider.
- 5.9. Sexual favouritism exists where a person who is in a position of authority rewards only those who respond to his or her sexual advances, whilst other deserving employees who do not submit to sexual advances are denied promotions, merit rating or salary increases.

- 5.10. The Complainant in sexual harassment matters does not necessarily have to be the person against whom the conduct has been directed – it may be that an employee or a Third Party finds the conduct offensive and wishes to take action. A complaint made in such circumstances shall not be excluded on grounds that the conduct was not specifically directed at the Complainant.
- 5.11. While Gold One is committed to ensuring a working environment free from sexual harassment and will take appropriate steps to address a complaint of sexual harassment made against a Third Party, it must be noted that Gold One is not entitled to take disciplinary action against Third Parties because they are not employees of Gold One.
- 5.12. Where appropriate, Gold One will educate employees on the prevention of and dealing with sexual harassment through the use of education and induction programmes.

## 6. Dress Code

- 6.1. All employees are required to dress in a manner which is appropriate for the workplace within which they operate.
- 6.2. Employees are to refrain from wearing any clothing which is revealing or provocative.
- 6.3. Employees must wear appropriate shoes at all times and in conformance with the requisite health and safety requirements provided by Management.

## 7. Procedure to address sexual harassment by an employee of Gold One

- 7.1. The procedures to be followed to lodge a complaint of sexual harassment are set out below. All allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and, where appropriate, confidentially. Employees will also be protected against victimisation or retaliation for lodging sexual harassment complaints. However, whilst an employee who in good faith lodges a complaint of sexual harassment will not be victimised, employees who are wilfully and falsely accused of harassment will also be protected.
- 7.2. Any employee who believes that they have been subjected to sexual harassment may lodge a complaint with:
- 7.2.1. his or her superior; or
  - 7.2.2. if the superior is the Alleged Perpetrator, the Human Resource Manager; or
  - 7.2.3. any other senior person in the organization who may render assistance to him or her.
- 7.3. Employees should note that there are two ways to resolve a sexual harassment complaint, either informally or formally through a grievance procedure. Both are described below.
- 7.4. **The Informal Procedure**

- 7.4.1. The Complainant may choose to follow any of the following informal procedures:
- 7.4.1.1. The Complainant or another appropriate person explains to the Alleged Perpetrator that the conduct in question is:
    - 7.4.1.1.1. not welcome; and/or
    - 7.4.1.1.2. offends the Complainant; and/or
    - 7.4.1.1.3. making him or her feel uncomfortable; and/or
    - 7.4.1.1.4. interfering with his or her work.
  - 7.4.1.2. An appropriate person approaches the Alleged Perpetrator, without revealing the identity of the Complainant, and explains to the Alleged Perpetrator that a certain form of conduct constitutes sexual harassment, is offensive and unwelcome, and makes a certain employee feel uncomfortable and interferes with the employee's work.
- 7.4.2. Where informal procedures are not applicable or have not been effective in resolving the case, the formal enquiry will be held in accordance with Gold One Disciplinary and Grievance procedure.
- 7.4.3. Should the informal procedure resolve the matter to the satisfaction of the Complainant and/or Gold One, no disciplinary action will be taken against the Alleged Perpetrator.
- 7.4.4. Should the informal procedure not resolve the complaint, or the case is severe or if the conduct continues, it may be appropriate to embark upon a formal procedure.

## 7.5. The Formal Procedure

- 7.5.1. Should a Complainant elect to follow a formal procedure, the following procedure will apply:
- 7.5.1.1. The Complainant will lodge a grievance with the Human Resource Manager. If the Alleged Perpetrator is the Human Resource Manager, the grievance must be lodged with the General Manager or any other appropriate person.
  - 7.5.1.2. Once a formal complaint is brought to the attention of the Human Resource Manager or any other appropriate person, whether through a formal process or otherwise, an investigating officer shall be appointed by Human Resource Manager within five working days to investigate the complaint.
  - 7.5.1.3. Care should be taken during such an investigation that the Complainant is not disadvantaged, and that the position of the

Alleged Perpetrator is not prejudiced if the complaint is found to be unwarranted.

7.5.1.4. An investigating officer shall:

7.5.1.4.1. be someone from outside the line of management from which the complaint originates;

7.5.1.4.2. be required to have relevant labour relations skills;

7.5.1.4.3. have appropriate investigating skills and be given adequate resources;

7.5.1.4.4. ensure confidentiality so as not to disadvantage either party; and

7.5.1.4.5. make recommendations on the course of action to be taken based on the evidence gathered.

## 7.6. Disciplinary proceedings

7.6.1. If it is found during the investigation that there is *prima facie* evidence indicating that the Alleged Perpetrator, who is an employee of Gold One, sexually harassed the Complainant, Gold One will initiate disciplinary proceedings against the Alleged Perpetrator.

7.6.2. The disciplinary proceedings shall, so far as is possible, take place in a manner designed to ensure the complete confidentiality of the proceedings.

7.6.3. All parties, especially any witnesses called, must be made aware at the time of being notified, of the need for confidentiality and the consequences of breach thereof, which can include disciplinary action up to and inclusive of a sanction of dismissal.

7.6.4. The proceedings must be recorded in detail, in writing and by means of a recording device.

7.6.5. The proceedings must be structured in a manner conducive to the presentation of clear evidence free of duress or any other contaminating factors. The Chairperson of the disciplinary hearing shall have discretion in this regard, although any decision taken must have due regard for the rights of the Alleged Perpetrator to hear evidence, cross examine any witness, and make statements in their own defence.

7.6.6. The outcome of the process must be made available by the Chairperson within five days or as soon as reasonably possible, after the finalization of the evidence, and must be comprehensively documented and reduced to writing.

7.6.7. The Chairperson shall be empowered to make any finding that he or she deems fit in light of the evidence presented before him or her.

**7.7. Appeal proceedings**

7.7.1. The Alleged Perpetrator, if found guilty, may appeal against the outcome of the disciplinary proceedings within five days of receiving the outcome.

7.7.2. The Complainant may also appeal the outcome of the disciplinary proceedings within five days of receiving the outcome.

7.7.3. An appeal hearing will take place within 5 days of the lodging of the appeal.

7.7.4. Both parties shall have the right to institute the appropriate action in the appropriate forum if they are not satisfied with the appeal outcome.

7.7.5. Should a complaint of alleged harassment not be satisfactorily resolved by the internal procedures set out above, the victim may within six months of the dispute having arisen refer their complaint to the CCMA. Should the dispute remain unresolved, either party may refer the dispute to the CCMA for arbitration or adjudication in accordance with the provisions of the Labour Relations Act 66 of 1995 ("LRA").

7.7.6. An alleged perpetrator of sexual harassment may also refer a dispute arising from any disciplinary action taken by the employer to the CCMA in accordance with the LRA.

**7.8. Consequences of an Alleged Perpetrator remaining at the workplace**

7.8.1. In the event of a "not guilty" finding, the Complainant may be uncomfortable working with, or unable to work with, the Alleged Perpetrator in future. The Complainant must, unless it is established that the complaint was malicious and/or deliberately false, be offered counselling to assist him or her in this regard, and if constructive, a process of managed mediation may be initiated to attempt to resolve any interpersonal difficulties which may exist between the two parties.

7.8.2. Where the Alleged Perpetrator has been found guilty but dismissal was not recommended, which will happen only in extremely rare cases, the Alleged Perpetrator shall be subject to behavioral evaluations on a regular and ongoing basis, to ensure the implementation of the required behavioral changes contemplated by the sanction. Gold One will appoint a responsible person for this purpose, which may be an external person.



7.8.3. Counseling for the Perpetrator must be included as part of the recommendation of sanction, if short of dismissal, and shall be compulsory. A refusal to attend or to participate fully shall be deemed a serious offence, and may result in the Perpetrator's dismissal, after following a fair procedure.

7.8.4. The confidentiality of the proceedings must be maintained at all times, even subsequent to the conclusion of any proceedings, save for any specific recommendation of publication of the outcome by the Chairperson.

## 8. Procedure to address Sexual Harassment by Third Parties

8.1. This procedure should be followed by Complainants who experience sexual harassment by Third Parties. The external procedure must be read and applied in addition to the internal procedure above, where applicable. Where an employee of Gold One experiences sexual harassment by a Third Party, the employee may take the following steps:

8.1.1. Inform the Alleged Perpetrator to desist from the unwanted conduct and/or report the incident to Gold One Human Resource Manager.

8.1.2. Gold One Human Resource Manager must liaise with an authorized person at the relevant workplace to address the complaint and must escalate the matter to higher levels of Gold One management in the event that an organization that employs or has control over the Third Party who is an Alleged Perpetrator fails to take appropriate steps to address the matter.

8.1.3. Gold One will liaise with, and take appropriate action in relation to, Third Parties and (where appropriate) their employers, including but not limited to utilising the terms of relevant provisions of applicable service level agreements or statutes, to endeavour to secure appropriate action against such Third Parties and/or employers to address any instances of alleged sexual harassment of Gold One employees by Third Parties.

## 9. Victimization

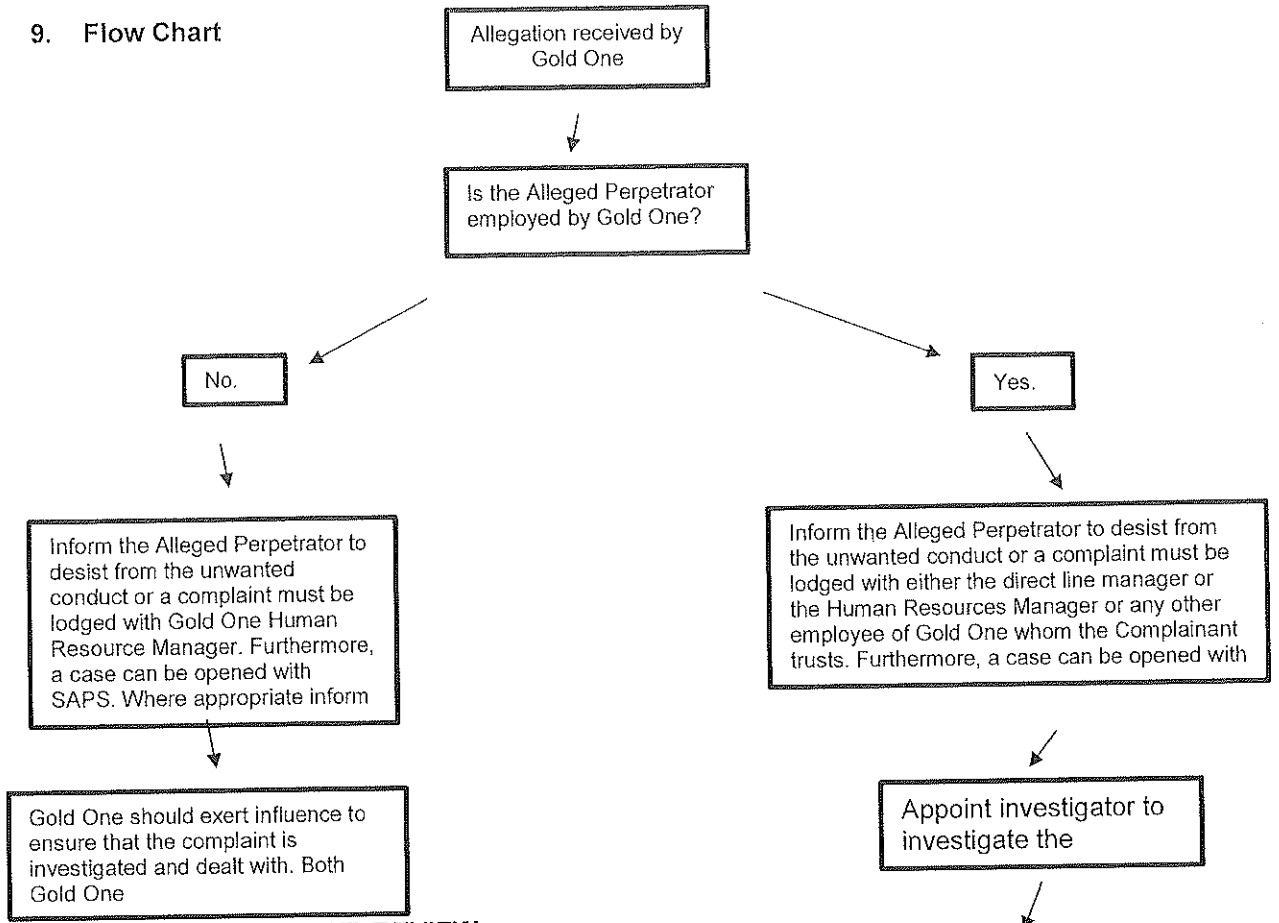
9.1. Gold One prohibits victimization of the Complainant as a result of lodging an informal or formal grievance, nor does it allow any form of pressure to be brought to bear on the Complainant to withdraw or reduce the seriousness of the complaint laid.

9.2. Serious action will be taken against any person interfering with the freedom of any employee to take action in regard to an allegation of sexual harassment, or in any way altering the working environment or acting to the detriment of an employee's career, working conditions or environment as a result of the complaint or grievance being laid, especially if that pressure comes from the Alleged Perpetrator.

## 10. Criminal and civil proceedings

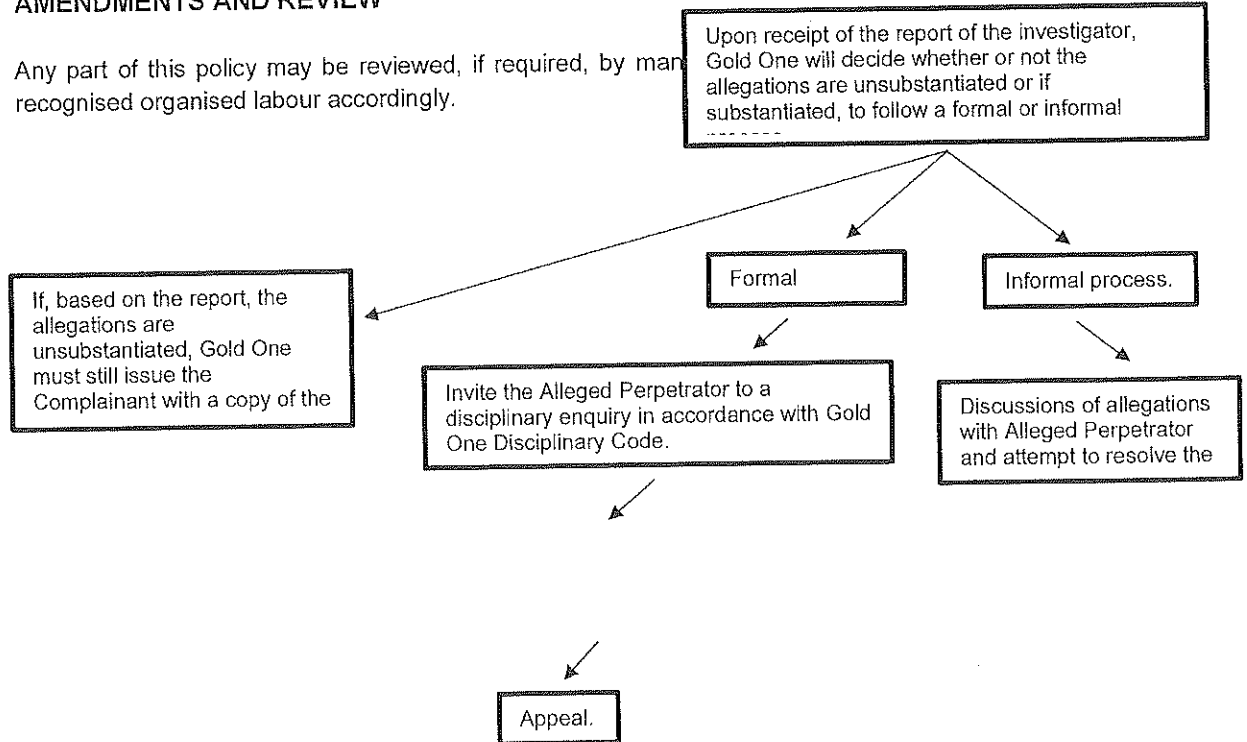
- 10.1. A Complainant of sexual harassment has the right to lay separate criminal and/or civil charges against an Alleged Perpetrator, and the legal rights of the Complainant are in no way limited by reason of the provisions of this Policy.
- 10.2. In that regard, the Complainant may report a sexual harassment matter to the relevant authorities such as the SAPS or a doctor. The Complainant is encouraged to advise Gold One of this if he or she is contemplating this step, or if he or she has already done so. If the Complainant requires support or assistance in doing so, Gold One may provide this.

9. Flow Chart



6. AMENDMENTS AND REVIEW

Any part of this policy may be reviewed, if required, by management and recognised organised labour accordingly.

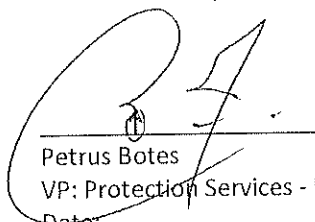


Approved by the Executive Committee of Gold One Group Ltd.

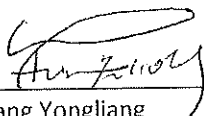
由第一黄金执行委员会批准。



Jiyu Yuan  
Chief Executive Officer – EXCO  
Date: March 12, 2020



Petrus Botes  
VP: Protection Services - EXCO  
Date:



Zhang Yongliang  
VP: Technical Services - EXCO  
Date:



Jonathan Hericourt  
SVP: Operations - EXCO  
Date: 12/03/2020



Louis Bezuidenhout  
General Manager - EXCO  
Date: 23/03/2020