

Human Resource Management

Sexual Harassment Policy

Authorised by: Chief People Officer

OVERVIEW

Scope

MTO Forestry (PTY) LTD believes that each individual employed by the company has the right to be free from all forms of harassment and discrimination, including but not limited to sexual harassment and discrimination based on race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, color, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language and birth, both the employment process and during their career with MTO Forestry (PTY) LTD.

Thus, we will endeavor to create a culture of mutual respect, dignity, respect to privacy and tolerance towards all employees and any relevant stakeholder dealing with our company, in which personal victimisation or discrimination of any nature will not be tolerated.

Introduction

MTO Forestry (PTY) LTD is committed to ensuring that employees or any other individual dealing with the company are not subjected to any form of sexual harassment. A non-employee who is a victim of sexual harassment may also lodge a grievance with the employer of the harasser. Persistent, unsolicited and unwanted sexual advances or suggestions made by one employee to another individual, regardless of gender and/or sexual orientation will not be tolerated. Violations of this policy will lead to disciplinary action, which will include dismissal, and/or criminal charges. The Company has a responsibility for promptly addressing all reports of harassment.

In dealing with cases of sexual harassment, the company shall be guided by the relevant section of the Labour Relations Act as amended and the "Amended code of good practice on the handling of sexual harassment cases in the workplace – 4 August 2005".

Definition

In terms of the amended code of good practice on the handling of sexual harassment cases in the workplace, the code refers to sexual harassment in the working environment as a form of unfair discrimination and is prohibited on the grounds of sex and/ or gender and/ or sexual orientation. Sexual harassment has nothing to do with romance or relationships when both parties consent freely thereto. Sexual harassment is viewed as unwelcome conduct of a sexual nature that violates the rights of an employee and constitutes a barrier to equity in the workplace, taking into account 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 extend of the sexual conduct.
- The impact of the sexual conduct on the employee.

Sexual harassment may include:

- Unwelcome remarks, jokes, innuendoes or taunts about a person's body, clothing or sex.
- Unwelcome physical contact, ranging from touching to sexual assault and rape.
- Comments with sexual overtones, sex related jokes or insults, enquiries about a person's sex life, whistling of a sexual nature.
- Insulting gestures and practical jokes of a sexual nature which causes awkwardness or embarrassment.
- Displaying pornographic, pin-up pictures, graffiti or other offensive material.
- Leering (suggestive staring).

- Refusing to talk to or work with an employee because of his or her gender.
- Demands for sexual favours.
- *Quid pro quo* harassment where a person such as an owner, employer, supervisor, member of management or co-employee, influences or attempts to influence an employee's employment circumstances (for example: engagement, promotion, training, discipline, dismissal, salary adjustment or other benefits) by coercing or attempting to coerce an employee to surrender to sexual advances.
- Use of intranet or e-mail as a medium for sexual harassment.
- Previous consensual participation in sexual conduct does not necessarily mean that the conduct continues to be welcome.

The company will make every reasonable effort to ensure that no employee is subjected to sexual harassment. In the event that sexual harassment is alleged, the disciplinary procedure must be applied.

The MTO Whistleblowing Hotline, independently managed by Deloitte, is designed to help you report workplace dishonesty and any form of discrimination including but not limited to sexual harassment, bribery and corruption anonymously and confidentially.

Principles

The company wishes to create and maintain a working environment which is free of sexual harassment, where all employees respect one another's integrity and dignity, privacy and their right to equity in the workplace. The company views sexual harassment of a fellow employee or of a non-employee as serious misconduct. The company undertakes to take strict action in sexual harassment cases but cannot be held criminally or civilly liable for the actions of its employees where the company has acted appropriately.

In addition, victims of sexual harassment must not be made to feel that their grievances are ignored, trivialised or fear reprisals. Implementation of the following guidelines can assist in achieving these ends:

- All employees are required to refrain from committing acts of sexual harassment.
- All employees have a role to play in contributing towards a working environment in which sexual harassment is unacceptable. They should therefore ensure that their standards of conduct do not cause offence and they should discourage unacceptable behaviour on the part of others.
- The Company will attempt to ensure that persons such as the public, suppliers, job applicants and others who have dealings with the company, are not subjected to sexual harassment by the company or its employees.
- The Company is required to take prompt and appropriate action in accordance with this policy, when instances of sexual harassment, which occur within the workplace, are brought to their attention.
- A victim of sexual assault/harassment has the right to institute separate criminal and/or civil proceedings against an alleged perpetrator, and the legal rights of the victim are in no way limited by this policy.

Policy Statement

It is thus the policy of the company that:

- All employees, job applicants, service providers, and other persons who have dealings with the company, have the right to be treated with dignity.
- Sexual harassment in the workplace will not be permitted or condoned.
- Persons who have been or are being subjected to sexual harassment in the workplace have a right to raise a complaint about it, should it occur, and appropriate action will be taken by management.
- Section 60(1) of the EEA provides that conduct in contravention of the EEA must immediately be brought to the attention of the employer.
- In instances of sexual harassment, the word immediately shall mean as soon as is reasonably possible in the circumstances and without undue delay.
- Sexual harassment may be brought to the attention of the employer by the complainant or any other person aware of the sexual harassment, for example a friend, colleague or HR Official acting on the request of the complainant, where the complainant has indicated that she/ he wishes the employer to be made aware of the conduct.
- The Company should, in the first instance:
 - consult all relevant parties;
 - take the necessary steps to address the complaint in accordance with this policy; and
 - take the necessary steps to eliminate the sexual harassment.
- The Company is required to implement this policy and take disciplinary action against employees who do not

comply with this policy.

- Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentially.
- It is a disciplinary offence to victimise or retaliate against any employee who in good faith lodges a complaint of sexual harassment.
- False or vindictive accusations shall be viewed in a very serious light.

Informal and formal procedures

The "Amended code of good practice on the handling of sexual harassment cases in the workplace – 4 August 2005" makes provision in which the complainant can decide whether the case can be dealt with in a formal or informal manner.

In event of the case being dealt with informally:

- The complainant or another person explains to the perpetrator that the conduct in question is not welcome, that it offends the complainant, makes him/her feel uncomfortable and that it interferes with his/her work.
- An appropriate person approaches the perpetrator without revealing the identity of the complainant and explains to the perpetrator that certain forms of conduct constitute sexual harassment, are offensive and unwelcome.
- An employer should consider any further action steps to be taken.

In event of a formal procedure:

- The complainant may opt to have a formal inquiry into the matter, either with or without first following an informal procedure.
- In event of the complainant choosing not to follow a formal procedure, the employer should establish the severity and risk of the complaint.
- After proper investigation, the employer may follow a formal procedure, irrespective the wishes of the complainant, and advise the complainant accordingly.
- A formal disciplinary enquiry will be held and should the matter not be satisfactorily resolved by the internal procedures, the complainant of sexual harassment may refer the matter to the CCMA (Commission for Conciliation, Mediation and Arbitration).

Specific Considerations

Confidentiality

The Company will endeavor to proceed with its investigation with caution and such protocol as to ensure that a case exists before proceeding. Because of the sensitivity and the nature of the issue employee confidentiality and protection must be ensured.

Identify

The Company will withhold the identity of the complainant until such time as the investigation has been completed and it has been decided to pursue the enquiry route.

Protection/Assistance

The Company will investigate every complaint, whether reported or not, as the company could be found liable where steps have not been taken to resolve a case of sexual harassment. Sexually harassed employees should be given adequate sick leave and/or assistance for counselling where appropriate.

This policy replaces and cancels all other related policies regarding the same subject matter.



Pp CEO MTO FORESTRY (PTY) LTD

This Policy comes in place with effect from January 2020