

1. Introduction:

Afrimat has made a pledge against all forms of unfair discrimination and harassment. We are committed to a culture where people are valued, where a caring environment is created within which all employees treat each other with mutual respect, dignity and courtesy, free from any physical and emotional abuse. We are committed not only to speaking up for those that are victims of abuse, but also to taking appropriate disciplinary measures against perpetrators of any form of abuse, and to teach those in our care about equality and respect, and to create a safe and peaceful environment at Afrimat.

2. Scope:

This guideline applies to all operations in the Afrimat group.

3. Purpose:

The purpose of this Code is to:

- a) encourage and promote behaviour which supports the creation of workplaces that are free of unfair discrimination, harassment, sexual harassment, and racial, ethnic, or social origin harassment, where employees respect one another's integrity and dignity, their privacy and their right to not be discriminated against in an unfair way.
- b) provide appropriate procedures to deal with these issues and prevent their recurrence. Creating an environment where victims will not feel that their grievances are ignored, trivialized or fear reprisals.
- c) ensure for a workplace that fosters diversity and inclusion.

4. Definitions: (Refer to Appendix A for the types of harassment)**• *Unfair Discrimination:***

Section 6(1) of the EEA states that unfair discrimination refers to the instance where an individual is treated differently on one or more grounds, including race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, birth or on any other arbitrary ground. Harassment is a further form of unfair discrimination, which employers are required to eliminate as it acts as a barrier to equity in the workplace. This treatment ultimately impairs the dignity of individuals as human beings.

• *Harassment:*

Harassment is generally understood to be-

- o Unwanted conduct, which impairs dignity.
- o Repeated or serious conduct.
- o Which creates a hostile or intimidating work environment for one or more employees or is calculated to, or has the effect of, including submission by actual or threatened adverse consequences; and
- o Is related to one or more grounds in respect of which discrimination is prohibited in terms of section 6(1) of the EEA.

• *Sexual Harassment:*

Sexual harassment of an employee is a form of unfair discrimination and is prohibited on the grounds of sex, gender, or sexual orientation. Same-sex harassment can amount to discrimination on the basis of sex, gender, sexual orientation and gender-based harassment.

• *Racial, Ethnic, or Social Origin Harassment:*

Racist conduct, including derogatory language, is contrary to the founding principles of the Constitution, in particular the values of non-racialism, dignity, and equality. Racial harassment can be regarded as the unwanted conduct which can be persistent or a single incident that is harmful, demeaning, humiliating or creates a hostile or intimidating environment.

5. Application:

This Code is applicable to all individuals associated with Afrimat (e.g., owners, employers, managers, supervisors, employees, job seekers and job applicants, interns, apprentices and persons on learnerships, volunteers, clients and customers, suppliers, contractors, and others having dealings with the business). Therefore, both perpetrators and victims are subjected to the Code. The protection of employees against harassment also applies in any situation in which the employee is working, or which is related to their work. This includes, but is not limited to: the workplace which includes both public and private spaces in which people perform their work, places where the employee is paid, takes a break or a meal, or uses sanitary, washing or changing, breastfeeding or medical visits, work-related trips, travel, training, events or social activities, work-related communication, employer-provided accommodation, employer provided or controlled transport, and in the case of employees working from their homes, or any other place than the employer's premises.

6. Philosophy:

The company holds to the following philosophy with regard to its approach to unfair discrimination, harassment, sexual harassment, and racial, ethnic, or social origin harassment:

- Afrimat has an attitude of zero-tolerance towards harassment, sexual harassment, and racial, ethnic, or social origin harassment.
- A climate in the workplace where employees who do raise complaints about harassment do not feel that their grievances are ignored or trivialized, or fear reprisals.
- No form of unfair discrimination, harassment, sexual harassment, and racial, ethnic, or social origin harassment will be permitted or condoned. Employees have the right to raise a grievance should any of the above mentioned occur and appropriate action will be taken by management. In the case where fear is instilled, and an employee wishes to stay anonymous – the complainant can report it up to a level where they will feel safe to disclose the incident.

7. **Procedure to follow in the case of unfair discrimination, victimization, harassment, violence or abuse:**

- Complainant to inform management or HR: Any form of unfair discrimination harassment, sexual harassment, and racial, ethnic, or social origin harassment must immediately be brought to the attention of management by the complainant or any other person aware of the incident or act, for example a friend, colleague, or Human Resources official acting on the request of the complainant. This should either be done *informally* by private discussion or via the anonymous hotline, or *formally* via the grievance procedure, with the proviso that level(s) of reporting may be by-passed where there is a potential subjectivity or fear of reprisal.
- Management's response: Once informed of a complaint management will:
 - Consult with all the relevant parties and take the necessary steps to eliminate harassment.
 - These steps may be informal or formal, depending on the graveness of the alleged conduct, and the wish of the victim of the alleged conduct.
 - Advise the complainant whether it may be appropriate to lay a criminal charge or to obtain a protection order.
 - In the event that a complainant chooses not to follow a formal procedure, the employer should still assess the risk to other persons in the workplace where formal steps have not been taken against the perpetrator.
 - Ensure that the identities of persons involved are kept confidential and all internal and external communications relating to an incident of harassment are similarly treated as confidential.
 - Re-assure the complainant that they will not face job loss or any adverse consequences if they choose to follow either the formal or informal procedure.
 - Indicate that threats of reprisals and any other action by perpetrators will be strongly dealt with and will compound the seriousness of any complaints that are established to be valid.
 - Indicate that mischievous complaints that do not meet the good faith standards can attract discipline.
 - Offer the complainant advice, assistance and counselling, treatment, care, and additional sick, including during any disciplinary enquiry that may be instituted.
 - Take the necessary steps to address the complaint in accordance with this Code.

Informal Procedure may include any of the following:

- In a meeting facilitated by the complainant's manager or HR, the complainant, or another appropriate person, explains to the offender that the conduct in question is not welcome, that it offends the complainant, makes him or her feel uncomfortable and that it interferes with his or her work; or
- An appropriate person approaches the perpetrator, without revealing the identity of the complainant, and explains to the offender that certain forms of conduct are offensive and unwelcome, make employees feel uncomfortable, and interfere with their work.

Formal Procedure may be followed as set out below, either with or without first following an informal procedure:

- After considering the alleged conduct as represented by the complainant, and depending on the graveness of the alleged conduct, a manager may decide to consider following a formal procedure. The purpose of the formal procedure is to handle the complaint in terms of the employer's grievance and disciplinary procedure (with the proviso that level(s) of reporting may be by-passed where there is potential subjectivity or a fear of reprisal).
- Should it however be established that a serious misconduct such as rape of a complainant took place at the premises of the employer the option of referring the matter to law-enforcement agencies (SAPS) will be provided.
- After completion of a grievance hearing, the manager must apply their mind as to what action should follow a formal disciplinary hearing, or an informal counselling of the person who has been alleged to be guilty of conduct related to unfair discrimination, harassment, sexual harassment, and racial, ethnic, or social origin harassment.
- After completion of a (formal or informal) grievance related to unfair discrimination, harassment, sexual harassment, and racial, ethnic, or social origin harassment, the responsible manager should take special care to monitor that the victim of such conduct is reintegrated within their team with no blaming or shaming, nor any retribution for standing up for their rights for fair treatment.

Appendix A**4.1 Harassment may include:**

- Harassment might be the result of physical, verbal, or psychological conduct.
- Physical harassment includes physical attacks, stimulated or threatened violence, or gesture (such as raising a fist as if to strike a person or throwing objects near a person).
- Verbal bullying may include threats, shaming, hostile teasing, insults, constant negative judgment, and criticism, or racist, sexist, or LGBTQIA+ phobic language.
- Psychological harassment in the workplace may be associated with emotional abuse and involves behavior that has serious negative psychological consequences for the complaint(s) such as is often the case with verbal abuse, bullying, and mobbing.
- Bullying – where harassment involves the abuse of coercive power by an individual or group of individuals in the workplace. Intimidation – this is intentional behavior that would cause a person or ordinary sensibilities to fear injury or harm. Workplace bullying may involve aggressive behaviour in which someone repeatedly causes another person injury or discomfort.
- Psychological harassment in the workplace may be associated with emotional abuse and involves behaviour that has serious negative psychological consequences for the complainant(s) such as is often the case with verbal abuse, bullying and mobbing.
- Harassment may be referred to as being “vertical” or “horizontal”. Vertical harassment (also known as “tangible or material”) involves the use of formal power (i.e., title, position, or supervisory control) or material leverage (i.e., financial, informational, resource or legal) to intimidate, threaten, harass, or harm an employee or to dominate and control the complainant. Vertical harassment refers to harassment between the employer/manager and employee. Horizontal harassment refers to harassment between employees in the same position or on the same level.
- Passive-aggressive or covert harassment may include negative gossip, negative joking at someone’s expense, sarcasm, condescending eye contact, facial expression, or gestures, mimicking to ridicule, deliberately causing embarrassment and insecurity, invisible treatment, marginalisation, social exclusion, professional isolation, and deliberately sabotaging someone’s dignity, well-being, happiness, success, and career performance.
- Mobbing is a form of harassment by a group of people targeted at one or more individual.
- Online harassment is harassment which is committed, assisted, or aggravated in part or fully, by the use of information and communications technology such as mobile phones, smart phones, the Internet, social media platforms or email. Bullying when conducted online is referred to as cyber-bullying.
- A wide range of conduct in the workplace may constitute harassment. Examples include, but are not limited to:
 - slandering or maligning an employee or spreading rumours maliciously.
 - conduct which humiliates, insults or demeans an employee.
 - withholding work-related information or supplying incorrect information.
 - sabotaging or impeding the performance of work.
 - ostracising, boycotting, or excluding the employee from work or work-related activities.
 - persecution such as threats, and the inspiration of fear and degradation.
 - intolerance of psychological, medical, disability or personal circumstances.
 - surveillance of an employee without their knowledge and with harmful intent.
 - use of disciplinary or administrative sanctions without objective cause, explanation, or efforts to problem solving.
 - demotion without justification.
 - abuse, or selective use of, disciplinary proceedings.
 - pressuring an employee to engage in illegal activities or not to exercise legal rights; or
 - pressuring an employee to resign.

4.2 Sexual harassment may include:

- Physical conduct of a sexual nature, ranging from touching, kissing, to sexual assault or rape.
- Following, watching, pursuing or accosting of an employee.
- Sexual attention, advances or proposals; or other behavior, whether explicit or implicit, including suggestions, messages, advances, attention or proposals of a sexual nature.
- Non-verbal conduct such as unwelcome gestures, indecent exposure and the display or sending by electronic means or otherwise of sexually explicit pictures or objects.
- Victimization occurs where an employee is victimized or intimidated for failing to submit to sexual advances, attention, or proposals or for complaining about gender-insensitive conduct.
- Quid pro quo harassment occurs 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 increments or other benefits) by coercing or attempting to coerce an employee to surrender to sexual advances.
- Sexual favoritism is a form of quid pro quo harassment, which occurs where a person in authority in the workplace seeks to utilise this power to reward those who respond to his or her sexual advances.
- A single incident of unwelcome sexual conduct may constitute sexual harassment.

4.3 Racial harassment may include:

- Abusive language and racist jokes, cartoons, or memes, including communications that amount to hate speech.
- Racially offensive written or visual material, including on-line harassment.
- Racist name calling or negative stereotyping impacting on a person's dignity.
- Offensive behavior in the form of open hostility to persons of a specific racial or ethnic group.
- Subtle or blatant exclusion from workplace interaction and activities and other forms of marginalization; and
- Threatening behavior, which intimidates a person or creates a hostile work environment.

Developed by: Renier van Coller General Manager - People	 Signature	29/06/2022 Date
Approved: Collin Ramukhubathi Executive Director HR & Sustainability	 Signature	04/10/2022 Date