

HARASSMENT AND DISCRIMINATION POLICY AND PROCEDURES

EPHRAIM RESOURCES LIMITED ("COMPANY")

INTRODUCTION

All personnel have a right to a workplace free of harassment and discrimination of any kind, and the company has an obligation to provide it. This requires specific preventative measures and clear mechanisms for making complaints and carrying out investigations.

Workplace harassment and/or discrimination is unlawful. The company is required by law to take every reasonable step to preventing unlawful behaviour in the workplace. Should the company fail to do this it can be prosecuted along with the offending employee(s).

This policy provides information on discrimination and harassment including:

- Definitions on what constitutes discrimination and harassment
- Information on your contact officer
- Grievance procedures

WHAT IS HARASSMENT/DISCRIMINATION?

Workplace harassment/discrimination is based on intimidation and intolerance with an underlying element of power and control. It is usually related to another workers' appearance, gender, life-style preferences, culture or abilities, and it is often directed at someone who is not in a position to prevent such harassing or discriminating behaviour.

Workplace harassment/discrimination covers a wide range of behaviours, many of which are so common place that they are often overlooked or dismissed as unimportant.

When the harassment involves discrimination against another worker on the basis of race, gender, religion, ethnicity, marital status, impairment, pregnancy, age, or sexual preference it is illegal and may lead to prosecution. Discrimination is defined as unfair treatment of a person or group on the basis of prejudice.

Sexual Harassment is defined by the Human Rights and Equal Opportunity Commission (HREOC) as:

"Sexual harassment is any unwanted, unwelcome or uninvited behaviour of a sexual nature which makes a person feel humiliated, intimidated or offended. Sexual harassment can take many different forms and may include physical contact, verbal comments, jokes, propositions, the display of offensive material or other behaviour which creates a sexually hostile working environment."

Workplace harassment and discrimination is always bad work practice. It interferes with productivity, lowers workplace morale, and may have dangerous consequences.

CONTACT OFFICER

Your Contact Officer should be the first point of contact with respect to a grievance in relation to harassment/discrimination. At Ephraim Resources the Managing Director, or equivalent, is the designated Contact Officer although grievances can be reported through any of the company's directors should that be a preferred way. The main aim is to have the grievance heard.

The role of the Contact Officer is to listen to the complaint, provide you with information as to the types of behaviour which constitute harassment/discrimination and to advise on options that are available to deal with the complaint.

The Contact Officer may be involved in the formal investigation of a complaint. Complaints **will be treated with strict confidentiality** and only those who need to know will receive information. It is hoped that most disputes can be settled by negotiation without the matter becoming formal. However, if necessary, formal channels may be utilised to resolve the complaint.

HARASSMENT AND DISCRIMINATION GRIEVANCE PROCEDURE

The grievance procedure provides all personnel with a process for reporting and resolving any issues relating to matters of a discriminatory or harassing nature.

The emphasis of this procedure is upon fair and just resolution of the complaint, not retribution on behalf of the complainant. Wherever possible personnel will be encouraged to resolve their grievance directly with the person creating the alleged offence.

The Company has a contact officer who will act as a facilitator in the event that an employee wishes to utilise this grievance procedure.

The principal aims of the grievance procedure is to ensure:

- that any unfair treatment or offending behaviour stops;
- that there are no reprisals for having made a complaint; and
- that where disadvantage has occurred the situation is redressed as far as possible.

The company's grievance procedure is a three option process as follows:

1. Informal Complaint;
2. Mediation and Conciliation; and
3. Formal Complaint Investigation and Arbitration.

1. Informal Complaint

The company encourages individuals who believe they are victims of harassment or discrimination to speak directly to the person creating the offence. If this is not possible or this approach has failed, the individual should speak with the contact officer who will assist them with their grievance.

Where an individual is unable to resolve the complaint informally they may request the contact officer to refer the matter for conciliation or formal investigation and arbitration.

2. Mediation and Conciliation

The contact officer will inform in confidence the person or persons against whom the complaint is being made of the nature of the complaint and offer conciliation.

The contact officer will appoint an independent mediator to facilitate the conciliation of the complaint.

If conciliation is refused by the respondent to the complaint, or conciliation between the complainant and the respondent is not successful in either the short or long term, the complainant may request that the matter be formally investigated and arbitrated.

If a formal investigation and arbitration is requested the contact officer will ask the complainant for a written request for arbitration along with details of their complaint.

3. Formal complaint investigation and arbitration:

The Managing Director, or equivalent, will appoint an independent person or group ("investigator") who will investigate and arbitrate the complaint.

The investigator will provide the respondent to the complaint with a copy of the written complaint and provide them with information on the process that will be used to investigate and arbitrate the complaint. The respondent will be asked to provide the investigator with a written response to the complaint within seven days. The investigator may extend the time by which a response is required, should the respondent so request, if they deem that to refuse would result in the respondent not having had a fair and reasonable opportunity to respond.

The investigator will interview all persons they deem appropriate and will have unrestricted access to all documents, information and personnel necessary to complete a thorough investigation.

The investigator will determine the validity or otherwise of the complaint and provide their findings in writing, with reasons for their conclusions, to the Managing Director, or equivalent.

If a complaint has been substantiated, the results will be communicated to the parties and the respondent will be subject to disciplinary action. This action could include a verbal warning, written warning, counselling or dismissal where this is deemed appropriate.

If a complaint is not substantiated, the finding will be communicated to the parties. No record of the matter will be placed on personnel files.

Should either party not be satisfied with the outcome of this process they have a right to take their grievance to the Human Rights and Equal Opportunity Commission or the Anti Discrimination Board.