

KUMBA IRON ORE

Herein after referred to as the Company or the Employer

COMPANY POLICY: UNFAIR DISCRIMINATION

This policy effective, 20 November 2006, replaces all previous policy and correspondence in this regard.

1. PURPOSE

The purpose of this policy is to provide the rules and guidelines to regulate the management of unfair discrimination should it occur in the Company.

2. COMPANY POLICY

The Company policy on unfair discrimination is as follows:

- 2.1 Giving effect to the Constitutional right of equality and in compliance with the Employment Equity Act, the Company prohibits any form of direct or indirect unfair discrimination against any employee on one or more grounds in terms of 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 or birth.
- 2.2 The Company will endeavor to ensure that all its policies, procedures, practices and the workplace environment are free of any form of unfair discrimination.
- 2.3 It will further be a violation of Company policy and will constitute serious misconduct for any staff member to unfairly discriminate against an individual whether directly or indirectly, in any employment decision on any one of the grounds as set out in 2.1 above.
- 2.4 It will be a violation of Company policy to unfairly discriminate against any employee in any decision for the promotion of any person or the award of any privilege or benefit or the determination of any form of remuneration.
- 2.5 Any distinction, exclusion or preference based on the inherent requirements of a particular job or made to give effect to the implementation of an employment equity plan will not constitute unfair discrimination.

3. DEFINITIONS

- 3.1 Unfair discrimination is any act of distinction, exclusion or preference made based on a ground which is not related to the inherent requirements of the job, or which has the effect of nullifying or impairing equality of opportunity in the treatment of employment or occupation, or which has no other recognized rational justification.

- 3.2 Direct Unfair Discrimination is any distinction, exclusion or preference based on any one of the characteristics as set out in 2.1 above that is not justified by the inherent requirements of a particular job or not in the pursuance of affirmative action in terms of an employment equity plan.
- 3.3 Indirect Unfair Discrimination occurs when the result of any measure or practice which appears to be impartial or unbiased, has the effect of creating an inequality of opportunity or treatment based on any of the characteristics as set out in 2.1. This will, for example, be the case when requirements, which cannot generally be met by persons of a particular race, sex or group, are needlessly laid down.

4. GUIDING PRINCIPLES

- 4.1 All managers and other supervisors of employees are required to ensure that their actions are at all times free from any form of direct or indirect unfair discrimination in accordance with this policy.
- 4.2 Management will further attempt to ensure that no employee subjects any person such as a customer; a supplier; a job applicant; and any others who have dealings with the business, to any form of unfair discrimination.
- 4.3 Management will further ensure that all incidents of alleged unfair discrimination are treated seriously and expeditiously and that complainants and witnesses are not victimized in any way.
- 4.4 All employees are expected to conduct themselves with dignity, courtesy, and respect the self-esteem and worth of other individuals. Consequently, they should refrain from committing any acts of unfair discrimination.
- 4.5 The Company will implement and maintain a process of developing shared values in the workplace based on diversity and the respect for the dignity of each individual. Each business unit and centre will develop and implement a code of ethical behaviour that will support a culture of non-discrimination.

5. IMPLEMENTATION GUIDELINES

- 5.1 All advertisements for positions at the Company must be free of any element of unfair discrimination.
- 5.2 All procedures for the interviewing and assessment of job applications must be free of any direct or indirect unfair discriminatory content.
- 5.3 No testing or assessment of candidates for employment which is biased against any racial, cultural or ethnic groups shall be used by the Company.
- 5.4 No wage policy or differentiation based on any of the grounds as set out in 2.1. above, shall be permitted at the Company.
- 5.5 No amenities or facilities shall be arbitrarily reserved for any person or group of persons within the Company.

6. PROCEDURE FOR DEALING WITH DISCRIMINATION GRIEVANCES

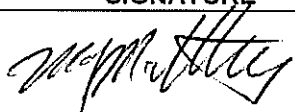
- 6.1 Any employee or group of employees who believe that they have been unfairly discriminated against on any one of the grounds as set out in 2.1 above, have the right to lodge a formal grievance with the appropriate direct supervisor, stating the nature, extent and impact of the alleged unfair discrimination and the remedy sought. Should the employee or group of employees

feel that the complaint has a direct link the direct supervisor, the grievance may be lodged with the Human Resources department.

- 6.2 Line management and the Human Resources department will investigate the reasons and facts provided for the grievance and will submit the findings to the relevant Employment Equity Committee.
- 6.3 The Employment Equity Committee will endeavor to gain a full understanding of the aggrieved employees' claims, and test the facts in order to determine whether valid grounds exist for a claim of unfair discrimination. A representative of the aggrieved employee or group, who may be a shop steward; employee representative; or co-worker, as well as the accused employee, will be entitled to state their cases before the Employment Equity Committee.
- 6.4 Should the Employment Equity Committee find that there are grounds to support the aggrieved employees' claim of unfair discrimination, it will submit its findings together with a proposal of how to remedy or remove the discrimination to the applicable Management Committee for consideration and decision. In those instances where the Employment Equity Committee is unable to reach consensus on a conclusion or recommendation, the viewpoints from the various constituencies represented on the Committee will be submitted to the Management Committee for consideration.
- 6.5 The decision of the Management Committee will then be conveyed to the aggrieved employee / employees with reasons.
- 6.6 Should the aggrieved employee / employees not accept the decision by the Management Committee, such aggrieved employee / employees may declare a dispute, which will be handled in terms of the provisions of the Employment Equity Act.
- 6.7 In those instances where the Management Committee is of the opinion that prima facie evidence may exist that an act of unfair discrimination contrary to the policies and practices of the Company may have been committed by a member of staff, the staff member concerned may be subjected to disciplinary action in terms of the Disciplinary Procedure.

7. APPROVAL

This policy is approved by the Head, Human Resources

	NAME	TITLE	SIGNATURE
Recommended for approval	M. MATTHEE	HEAD INDUSTRIAL RELATIONS AND ELLNESS	
Approved	F. MARUPEN	HEAD HUMAN RESOURCES	