

# Group Disciplinary and Grievance Policy


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Role	Name	Position Title	Signature	Date
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## CONCURRENCE

Required if contents impact internal/ external groups, departments or processes. Concurrences must be listed within the document.

Name	Position Title	Signature	Date
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	<input type="checkbox"/> Confidential Sensitive information that may have a noticeable impact on the organisation or employees	<input type="checkbox"/> Classified Need-to-know information, as it may have a severe impact on no the organisation or employees

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## PURPOSE OF THE POLICY

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The Gold Fields Group (the Group) recognises that its people are the core of the business and strives to foster a conducive professional work environment which treats all its Employees fairly and with respect for human dignity. All Employees are expected to act correctly and irreproachably in the interest of workplace harmony, safety and effectiveness.

The purpose of this policy is to provide a framework for all employees and for each Group company to deal with disciplinary issues, poor work performance, incapacity and any grievances raised effectively and at the earliest possible stage.

## SCOPE AND APPLICATION

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These principles will apply to all employees across the Group and to each Group company.

The provisions of this policy constitute guidelines rather than binding rules. This policy is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the procedures prescribed herein. Each case must be considered according to its particular factual circumstances and each Region may depart from this policy should the circumstances and Country of operation legislation require such a departure.

Each Region should have their own procedures which adhere to legal requirements and local business practices in its particular Country of operation. Such procedures should be read together with this Group policy and the minimum standards as set out in the Group policy must be met. Where appropriate, and at the discretion of the EVP: People and Organisational Effectiveness and the CEO, members of the Corporate office (HR and/or Legal) can be requested to assist in the interpretation and or implementation of this Group Policy.

The Corporate Office who finalises Group Policy reserves the right to modify or amend this policy, in whole or in part, from time to time. The Group also reserves the right to interpret the provisions of this Policy at its sole discretion and as it deems appropriate. As the Group Code of Conduct is the basis for any disciplinary and grievance process it will and should always be considered as a starting point and therefore the Group will have the sole discretion to intervene in regional matters should it be appropriate where the Code of Conduct has been transgressed and the alleged behaviour brings the Company's reputation into disrepute.

In instances where alleged misconduct is reported through the Gold Fields Tip Off hotline the Board can request the involvement of the Group company's Internal Audit, Human Resources and Legal and Compliance departments and where applicable external legal counsel to support the Group company's Regional Executive teams.

## PURPOSE OF DISCIPLINE

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The Group requires the highest professional and personal ethics in order to achieve its objectives. Each Region should maintain rules and principles regulating behavioural norms and standards required of all Employees for the effective management of the business.

The Group Disciplinary Policy aims to ensure that employees conduct themselves irreproachably in the workplace and provide a framework to investigate and to find potential solutions to Employee conduct which, in the Group's opinion, should be subject to disciplinary action.

It further aims to ensure that the Group provides the required support to employees where appropriate and to ensure that the outcome of any disciplinary action is understood by all the relevant parties.

## GENERAL DISCIPLINARY PRINCIPLES

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The Values of the Group are of paramount importance and must be applied by all Group companies. Employees should treat one another with mutual respect. The Group encourages both employment justice and the efficient operation of business. While employees should be protected from arbitrary action, the Group is entitled to satisfactory conduct and work performance from its employees. The Group Code of Conduct and other relevant Group Policies should always be considered.

Employees are responsible for familiarising themselves with the Group Code of Conduct and other relevant Group Policies and for ensuring that their knowledge thereof remains up to date, and it must be anticipated and understood that amendments are made to the Group's Code of Conduct from time to time.

The Group will not victimize or unfairly discriminate against any employee for anything said or done in connection with the implementation of this policy.

## THE DISCIPLINARY PROCEDURE

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As disciplinary processes may be regulated by local legislation, each Group company should outline the disciplinary procedures that should be followed by the Group in their particular Region which will be in accordance with the local legislation requirements and local business practices. For the avoidance of doubt, this Policy is intended to establish base level procedural requirements that may be added to but not detracted from, by disciplinary and grievances processes established by Group companies in the various Regions.

Each Group company's disciplinary Policy and procedure must be compliant with the laws of the country concerned and this Policy.

Any form of alleged misconduct must be thoroughly investigated and if, on the face of it, the investigation indicates that misconduct has occurred, disciplinary action may be instituted against the Employee

In the event of alleged misconduct by an Employee, it is mandatory in any disciplinary process that an Employee is afforded the opportunity to be heard and to reflect and comment on their behaviour before any disciplinary sanctioning decision is taken by the Region. Any Employee that is subjected to disciplinary action should therefore be informed of the complaint or complaints against him/her and provided with sufficient information and opportunity to understand and answer to the complaint or complaints before any disciplinary sanction is imposed on him/her.

Each Group company shall be entitled to take appropriate action against an employee who conducts her/himself in a manner which, in the company's opinion, is inappropriate in its work environment. Each Region shall furthermore be entitled to consider and determine the severity of the disciplinary action to be taken provided that the principles set out in this Policy are substantially adhered to and that all Employees are treated fairly and with respect.

In the event of alleged breach of the Group Code of Conduct, by an executive manager or senior Employee (Group company Regional Executive, Operations Executive and above), and where such alleged breach has brought and/or has the potential to bring the Group's reputation into disrepute, each Group company is obliged(must) to inform the CEO, EVP: People and Organisational Effectiveness and EVP Legal and Compliance prior to the investigation and/or institution of a disciplinary process.

No Group company may pursue an informal/formal disciplinary process against an executive manager or senior Employee ((Group company Regional Executive, Operations Executive and above)) without having informed the CEO, EVP: People and Organisational Effectiveness and the EVP Legal and Compliance of the alleged misconduct and the disciplinary process to be undertaken.

Disciplinary action taken against employees will, whenever possible, be corrective in nature. This approach regards the purpose of discipline as a means for employees to know and understand what standards are required of them. Efforts should be made to correct employees' behaviour through a system of graduated disciplinary measures such as counselling and warnings. As far as it is practical, similar transgressions committed in similar circumstances should be treated equally and discipline should be applied fairly.

Formal procedures do not have to be invoked every time a rule is broken or a standard is not met. Informal procedures and correction may be the most effective way for the Group to deal with minor violations of work discipline.

Disciplinary sanctions, which may include dismissal, may, however, be imposed when earlier corrective steps have proved ineffectual or when a transgression is very serious. Each Region should ensure compliance with its local laws prior to any disciplinary action.

Employees who come forward with legitimate complaints in a disciplinary, grievance or hotline allegation will and must be protected from victimization and/or bullying. Employees who serve as witnesses for legitimate complaints will also be protected from victimization and/or bullying.

Employees are entitled to representation by a fellow employee during a disciplinary procedure.

Each Group company may, if it chooses to do so, outline an appeal procedure which will be in accordance with the local legislation requirements and local business practices.

## **PURPOSE OF GRIEVANCES**

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A grievance is any feeling of dissatisfaction or perceived unfair treatment, which employees experience in relation to their work and employment situation. Unresolved grievances may be damaging to the morale of an employee and can have a significant impact on productivity.

A grievance procedure is necessary to eliminate the possibility of any detrimental effects arising out of unresolved grievances.

Its aims to ensure that all communication channels are open and receptive, and that all employees have an adequate opportunity to express their grievances. It further aims to ensure that grievances are resolved timeously and fairly by adopting a problem solving approach and implementing any appropriate corrective action which may be necessary.

Every Group company is required to have a Grievance Policy that is compliant with the local laws of the Region within which it operates.

## **GENERAL PRINCIPLES**

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1. The objects and purposes of this policy will only be achieved if it functions effectively and is properly utilised.
2. The Group Code of Conduct should always be used and considered in Disciplinary and Grievance Policy. If there is ambiguity in relation to any provision of the Code of Conduct, the VP Legal in each of the Regions, and/or the EVP, Group Head of Legal and Compliance should be contacted for assistance.
3. This policy should not be used by an employee to amend any provisions of an agreement between parties, challenge conditions of employment or to oppose the outcome of the disciplinary procedure.
4. Managers are responsible to coordinate the grievance process and provide assistance to all of the parties involved.
5. Employees and employee representatives will not suffer any prejudice in their employment as a consequence of lodging or assisting with a grievance in terms of this policy.

6. Grievances must be lodged within a period of 7 to 14 days after the incident giving rise to the grievance, although the Group may condone non-compliance with this time period, on good cause shown.
7. Grievances must be addressed swiftly and within a reasonable time.
8. The Group is committed to ensuring that:
  - employees are aware of the opportunity to express grievances;
  - employees feel free to express their grievances without fear of victimization or intimidation or prejudice to their employment relationship;
  - employees are encouraged to use the grievance process, but are also warned not to abuse it with false grievances;
  - to the extent possible, grievances are dealt with privately and the confidentiality of information is maintained.

## THE GRIEVANCE PROCEDURE

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Each Group company should outline the grievance procedure that should be followed by employees in their particular region. The grievance procedure must comply with local laws and will be in accordance with any local legislation requirements and local business practices. The grievance procedure should also apply the Code of Conduct for the Group and the values of Gold Fields should always be applied. Further, each Group company should provide their employees with the relevant forms or documents required to lodge a grievance.

This grievance procedure is a guideline only and each Region must be flexible when applying it. A Region may deviate from the grievance procedure set out below subject to local legislation requirements, this Policy and the Group Code of Conduct..

An employee who believes s/he has a grievance must first report such a grievance to her/his immediate manager. In the event that the employee has a complaint about her/his immediate manager, s/he must approach the next reporting level for the purpose of resolving the grievance and/or the appropriate HR office/manager responsible for the department into which the employee falls (the relevant HR Manager)

Except in instances where the grievance is of a serious nature, or where the employee so requests, a formal process need not be followed in each and every instance. Instead, an informal meeting may be arranged between the parties to encourage direct communication and resolution of minor complaints. This discussion should be aimed at relationship building, where possible.

In the event of a grievance of a serious nature being lodged, the leadership and management team of the relevant Region or Operation may elect to proceed with a formal process which may consist of *inter alia* investigating the grievance and making recommendations on its resolution or convening a formal hearing into the facts of the grievance.



Whether an informal or formal process should be followed depends on *inter alia* the degree or severity of dissatisfaction or the seriousness of the incident. Employees are encouraged to consult with the relevant HR manager in order to determine whether an informal or formal process should be followed.

Each Region must endeavour to resolve a grievance and communicate the outcome of the grievance to the employee and any person against whom the grievance is lodged as soon as possible.

## **PURPOSE OF POOR WORK PERFORMANCE MANAGEMENT**

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The Group is entitled to require its employees to perform their work in accordance with the standards prescribed by the Group and each Region and to do it to the best of their ability.

Where an employee displays poor work performance, such employee should be given appropriate evaluation, instruction, training, guidance or counselling to assist her/him to render a satisfactory service. The employee should be given a fair opportunity to meet the required performance standard before further action is taken.

Subject to local legislation requirements, each Region should provide guidelines and procedures by which the company can manage, in a fair and objective manner, the treatment of employees who are performing poorly.

## **PURPOSE OF INCAPACITY MANAGEMENT**

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Gold Fields strives to embody a strong performance culture. The Group is entitled to require its employees to perform their work in accordance with the standards prescribed by the Group and each Group company, and to the best of their ability.

An employee may be unable to perform work or may be absent from work for a lengthy period of time due to ill health or injury. Subject to local legislation requirements, each Group company should provide guidelines and procedures by which the company can manage, in a fair and objective manner, the treatment of employees who are unable to work due to their incapacity. If an employee is unable to work or is absent from work for a period of time, each Region should conduct an investigation into the employee's incapacity in order to determine the employee's ability to continue rendering services to the company.

Nothing in this policy should be construed as superseding or replacing applicable local laws in the regions. Each case must be considered according to its particular factual circumstances and each Region may depart from this policy at its sole and absolute discretion should the circumstances require such a departure.