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| HUMAN RESOURCES POLICY | |
| SEXUAL HARASSMENT | |
| CUSTODIAN: HUMAN RESOURCES | |
| REFERENCE NUMBER: HRPOL004 | REVISION DATE: March 2002 |

1. POLICY

AngloGold strives towards a working environment free of unfair discrimination and harassment, where personal integrity and dignity is respected by all.

The purpose of this policy is to facilitate the elimination of sexual harassment and deal with it as a serious form of misconduct and when sexual harassment does occur, the expeditious reporting and handling thereof.

2. COMPOSITION

2.1. Definition Of Sexual Harassment

Sexual harassment is unwanted and uninvited conduct of a sexual nature, which causes discomfort and has a negative effect on the dignity of the recipient. A conduct constitutes sexual harassment when:

- 2.1.1. the recipient has made it clear that the behaviour is considered offensive and/or unwanted,
- 2.1.2. the perpetrator should have known that the behaviour is, or would be considered unacceptable.

2.2. Forms Of Sexual Harassment

The following incidents may, but are not limited to, constitute sexual harassment:

2.2.1 Physical forms

Touching, fondling, brushing against someone, pinching, patting, sexual assault, strip search by or in the presence of a member of the opposite sex, rape, unwelcome gestures, indecent exposure, display of sexually explicit pictures such as, but not limited to, photographs or graphic material, objects and literature, including e-mail which may be demeaning to a particular gender.

2.2.2 Verbal forms

Unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes, insults or unwelcome graphic comments about a person's body made in their presence and/or directed towards them, unwelcome and inappropriate enquiries about a person's sex life and unwelcome whistling directed at a person or group of persons.

2.2.3 Quid pro quo harassment

This occurs where a person in authority or co-worker undertakes or attempts to influence the process of employment, promotion, training, discipline, grievance, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.

This form of sexual harassment also occurs where a person in authority rewards those who respond to his/her sexual advances, whilst the other deserving employees who do not submit themselves to any such advances are either subjected to an offensive, hostile working environment or are denied such rewards.

3. HANDLING OF SEXUAL HARASSMENT CASES:

3.1 Reporting An Incident Of Sexual Harassment

- 3.1.1 Any employee who feels that he/she has been harassed or knows of the occurrence of probable sexual harassment should report the matter (preferably in writing) to his/her Human Resources Manager or his/her immediate superior, line manager, colleague or shop/shaft steward who must assist in bringing the incident to the attention of AngloGold management.
- 3.1.2 Any allegation of sexual harassment should be treated seriously, expeditiously, sensitively and with confidentiality.
- 3.1.3 The alleged offender(s) should be notified of the allegation/s against him/her.
- 3.1.4 The identities of the employees involved must be kept confidential.
- 3.1.5 The alleged offender(s) may respond to the allegation/s orally or in writing.
- 3.1.6 The Human Resources Manager has discretion, in consultation with the aggrieved, to decide which procedure must be followed.

3.2 The Informal Procedure

3.2.1 Under the informal procedure, the Head of Department of the alleged offender, Supervisor or Human Resource Manager will ask a suitable colleague to facilitate a meeting between the alleged offender and the affected employee. The affected employee will be afforded the opportunity to tell the alleged offender that his/her behaviour is offensive. The alleged offender will be provided with an opportunity to respond to the allegations, to apologise if necessary and to desist from such behaviour that warranted the grievance.

3.2.2 If the matter is so severe that it cannot be resolved by this informal procedure or the conduct continues, a formal procedure should be embarked upon.

3.3 The Formal Procedure

3.3.1 Where a formal procedure is followed, corrective action should be held in terms of AngloGold's disciplinary code and procedures.

3.4 Penalties For Sexual Harassment

3.4.1 Employees found guilty of sexual harassment will be subjected to corrective action ranging from professional counselling, to formal warnings and/or dismissal from AngloGold.

3.4.2 Employees found guilty of deliberately, falsely accusing another employee of sexual harassment will be subjected to corrective action, which may range from counselling, to warnings and/or dismissal from AngloGold.

3.5 Management's Responsibility

3.5.1 It is the responsibility of every manager or employee in authority to ensure that behaviour that could constitute sexual harassment is discouraged.

3.5.2 Managers have a further responsibility to ensure that employees in their area are aware of this policy. Managers should initiate corrective action when sexual harassment is observed or reported.

3.5.3 Procedures relating to the "Strip Search" and "Body Search" should be conducted in conjunction with procedures within the AngloGold - Asset Protection Department.