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HUMAN RESOURCES POLICY

HUMAN RESOURCES POLICY
TABLE OF CONTENTS

1.	The Firms Human Rights Statement	3
2.	Enrollment and Appointment	4
3.	Conditions of Employment	5
4.	Termination of Service	9
5.	Development	13
6.	Entitlements	17
7.	Employee Benefits	21
8.	Principles	22
9.	Workplace Practices	34
10.	Behaviour	37
11.	Disciplinary Procedures	46
12.	Dismissal	52
	Annexure A: Grievance / Complaints Procedure – Sexual Harassment and Bullying	
	Annexure B: Disciplinary Code	
	Annexure C: Tiers / Levels of Personnel Management in 2024	
	Annexure D: Written Warning	
	Annexure E: Incident Report	
	Annexure F: Notice of Disciplinary Investigation	
	Annexure G: Witness Form	
	Annexure H: Notice of Work Performance Meeting	
	Annexure I: Record of Poor Work Performance Meeting	
	Annexure J: Report on Disciplinary Investigation	
	Annexure K: Appeal Form	
	Definitions and Interpretation	

HUMAN RESOURCES POLICY

1. THE FIRM'S HUMAN RIGHTS' STATEMENT

- 1.1 The firm recognises its corporate responsibility to respect and protect human rights in its operations and business dealings.
- 1.2 The firm will not tolerate any infringement of any person's human rights. Reports of any infringement of human rights in the firm's operations and/or its business dealings will be investigated and addressed.
- 1.3 Each employee is, within the scope of their work, expected to observe the human rights of all persons (regardless of whether they are natural or juristic persons, and/or whether internal or external to the firm).
- 1.4 This Human Rights Statement confirms the firm's commitment to respect and uphold all South African and international human rights standards, including the Constitution of South Africa and the International Bill of Rights and the International Labour Organization's Declaration of the Fundamental Principles and Rights at Work, in all its business dealings.
- 1.5 This Statement seeks to embed the respect for human rights throughout the firm. The firm's commitment to respect human rights should be read as incorporated into all its Policies and Procedures.
- 1.6 This Statement applies to all of the firm's employees. The firm expects all business partners, suppliers, and other relevant stakeholders to respect and observe its principles, values, and respect for human rights. It will respond appropriately where there is a violation of any human rights by external stakeholders or associates.
- 1.7 This Statement is available to everyone on the firm's website and in the office of the HR Directors.
- 1.8 The firm will be prioritizing its focus on respecting the human rights of its employees and of its suppliers and stakeholders.
- 1.9 In respect of our employees, we commit to:
 - 1.9.1 freedom of association,
 - 1.9.2 ensuring that there is no forced labour,
 - 1.9.3 ensuring that there is no child labour,
 - 1.9.4 adopting a zero-tolerance approach to any form of unfair discrimination in the workplace
- 1.10 In respect of our suppliers and stake holders, we commit to:
 - 1.10.1 requiring that our suppliers and stake holders respect and comply with all international human rights standards,
 - 1.10.2 encouraging suppliers and stake holders to share the firm's principles and values, and respect for human rights,
 - 1.10.3 holding suppliers and stake holders accountable for any human rights violations,
 - 1.10.4 reporting human rights violations within the scope of our suppliers and stakeholders.

HUMAN RESOURCES POLICY

- 1.11 The Managing Directors of the firm will ensure implementation of this Statement in order to raise awareness and understanding of the firm's human rights impact, align operational policies and procedures, and to build leadership commitment to the respect of human rights.
- 1.12 The corporate responsibility to enforce respect of human rights lies with the Managing Directors and the Executive team of the firm.
- 1.13 If any employee or any stakeholder believes that there has been a violation of any human right in the operations of or in any business dealing involving the firm, then that person should report it immediately by addressing an email to the Managing Directors of the firm, so that appropriate steps may be taken to address reported violation.
- 1.14 Corporate responsibility is not a static concept. We value the views of our stakeholders, particularly our employees, clients and suppliers.
- 1.15 This Policy is a living document and will be reviewed regularly to ensure that the firm complies with its human rights obligations and responds appropriately to the needs of its stakeholders.

2. ENROLLMENT AND APPOINTMENT

2.1. Recruitment and Selection Policy

- 2.1.1 A non-discriminatory and non-biased process is the backbone to the firm's recruitment and selection process. This covers prospective employees in the application, interview and selection process. It also covers internal candidates who are already employees at the firm.
- 2.1.2 The aim of this policy is to source prospective employees whose skills and attributes meet the requirements of a particular job position. It will seek to ensure all appointments and recruitment procedures are dealt with in an unbiased and fair manner that complies with all relevant legislation.
- 2.1.3 The employment process will consider the prospective employee's work experience, knowledge and qualifications when determining the best suited candidate for a job. Individuals who meet these aforementioned criteria will be given preference. Additionally the Affirmative Action plan and Employment Equity requirements the firm will seek to uphold.
- 2.1.4 Reference checks will be conducted for all appointments. Should a Director at the firm be contacted by another firm regarding the performance of a past employee, he/she should give verbal information that is strictly factual regarding the former employee.
- 2.1.5 Should a job position contain an element of risk, credit checks may be conducted prior to the appointment of that individual. Should a candidate be related to a current employee at the firm, a Director's approval must supplement his/her appointment to ensure fairness and avoid nepotism.
- 2.1.6 New employees will receive an induction on their first day, an employment contract and if applicable, a non-disclosure and confidentiality agreement. Internal candidates must fill in a change of status form for their employee file records. Employees who resign will be offered an exit interview by their respective Director/HR department member.

HUMAN RESOURCES POLICY

2.2. Induction

- 2.2.1 Induction is the process of introducing new employees into the work situation and the working group.
- 2.2.2 This program will include:
 - 2.2.2.1 An overview of the firm's Mission, values, structure, working hours, notice period, dress code, smoking policy, parking, performance management, organisational culture, tools, equipment, electronic procedures, provident fund, disciplinary code and procedures, leave module and grievance procedure among others.
 - 2.2.2.2 An overview of the employee's duties and responsibilities as well as the structure of the department in which the employee will be based.

2.3. Probation

- 2.3.1 All employees will remain on probation for a period as stipulated in their contract of employment.
- 2.3.2 Following this the employee's appointment to permanent staff will depend on the suitability during the probation period.

3. CONDITIONS OF EMPLOYMENT

3.1. Ordinary Hours of Work

- 3.1.1 The scope of this policy is to define the ordinary hours that will be worked by employees of the firm in the performance of their duties.
- 3.1.2 Ordinary hours of work are stipulated in each employee's contract.

3.2. Compensation

- 3.2.1 This policy outlines the payment of remuneration to employees.
- 3.2.2 It is the firm's policy that the remuneration that we pay our employees is fair and market related and is non-discriminatory.
- 3.2.3 Wages and salaries are governed by the relevant legislation.
- 3.2.4 The confidentiality of salaries is of paramount importance and all employees are requested to comply with this policy.

HUMAN RESOURCES POLICY

3.2.5 Any employee caught soliciting another employee's information will be disciplined. When and if it is applicable to pay allowances, such allowances will also be paid in terms of the current legislation or other such relevant legislation. The employee shall not be remunerated for any period of unauthorized absence, including industrial action or during a valid lockout. The principle of no work no pay shall apply.

3.2.6 You must arrange to have your salary deposited into a bank account of your choice. Pay slips indicating the gross amounts, contributions, deductions and net amounts of your pay will be available online or printed and distributed depending on your position.

3.2.7 Payroll deductions:

3.2.7.1 The firm is required by law to withhold payroll deductions for Income Taxes, UIF and Court Orders

3.2.8 Position Classification:

3.2.8.1 To ensure consistency in the administration of compensation and benefits and compliance with all wage and hour regulations as established by Labour Law, the following employee classifications have been established:

3.2.8.1.1 Full Time Employees are those who are not in a temporary status and who are regularly scheduled to work up to 45 hours per week. Generally, these employees are eligible for the firm benefits subject to the terms, conditions and limitations of each benefit program.

3.2.8.1.2 Sub-Contractors are those people who are used for a finite period of time. They are not regarded as employees.

3.2.9 Overtime and Earnings Threshold:

3.2.9.1 The firm will adhere to the Minister of Labour's earnings threshold, whereby any employee earning above this threshold will not be entitled to any provisions including: Ordinary hours of work, Overtime, Compressed working week, Determination of hours of work by Minister, Meal intervals, Daily and weekly rest period, Pay for work on Sundays, Night work -17(2) that deals with transport and night shift allowances and Public holidays – 18(3) that deals with payment for work on a public holiday that falls on a day on which the employee would ordinarily not have worked.

3.2.9.2 This threshold is likely to change and the firm agrees to comply with the changes as instructed by the Minister of Labour.

HUMAN RESOURCES POLICY

- 3.2.9.3 Employees may be required to work overtime from time to time as agreed upon between themselves and the firm.
- 3.2.9.4 Overtime will be governed by the BCEA (1997) chapter 10. Overtime is only applicable to employees who earn less than the earnings threshold. These employees who work in excess of 45 hours in a week are entitled to overtime paid at 1.5 times their hourly rate. Overtime payment for work on Sundays will be calculated at 2 times the hourly rate (unless Sunday is a designated work-day in which case it will be calculated at 1.5 times the hourly rate). The firm reserves the right to grant additional paid time off in lieu of overtime worked instead of further remunerating employees.
- 3.2.9.5 Reasonable notice will normally be given when overtime work is required but in the event of an emergency you will be required to do emergency overtime work without reasonable notice.
- 3.2.9.6 On the other hand, employees who earn over the designated threshold are generally employees who are in positions where they are expected to work over and above the standard working hours. This includes and is not limited to coming to work early, staying late, taking work home and working on weekends.
- 3.2.10 Expense Claims Procedure:
- 3.2.10.1 Employees will either be required to use their own funds or they will be provided with firm funds (float is to be requested one week in advance) from petty cash.
- 3.2.10.2 All claims, relating to fuel, parking, entertainment, welfare and office supplies are to be submitted in the following manner: Employees fill out the relevant information on the firm Travel Expense Summary claim form, attaching any necessary invoices/receipts. This is then submitted to their relevant Director for signature and approval.
- 3.2.10.3 The claim is loaded onto the firm's banking profile and release the reimbursement.
- 3.2.11 Cell phone and 3G/Wireless Expenses:
- 3.2.11.1 It is acknowledged that some employees require using their personal cell phone for work purposes and accessing the internet outside of firm internet servers. Only authorised individuals will have access to this expense claim mechanism as it is not automatic for all employees. It is the employee's responsibility to ensure he/she has a working cell phone (whether prepaid or on a contract).

HUMAN RESOURCES POLICY

3.2.11.2 The firm reserves its rights to cap such expenditure claims at a reasonable rate and will review these limits from time to time.

3.2.11.3 To claim for the above expenses, the employee must follow the expense claim procedure. These expense claims must be approved by their Director before submission to Payroll.

3.2.11.4 Employees must submit their claims monthly; however a three-month extension may be granted. Any submissions received three months after their occurrence will not be accepted by the firm and thus will not be reimbursed, unless written approval is received from an Exco member.

3.2.11.5 When an employee is travelling outside of South Africa and utilizing international roaming, they are encouraged to make use of the internet facilities offered by their place of accommodation and/or the supplier/client they are visiting. It is also encouraged that their cell phone remains switched off unless in use. The employee may make use of this feature for business purposes under exceptional circumstances only and this should be discussed with their Director prior to their business travel. Any claims relating to this will need to be authorised by management.

3.2.12 General Travel Expenses (local):

3.2.12.1 For the purposes of this document 'travel' is defined as: i) When an employee is required to visit another geographical area which falls outside of the scope of their normal day-to-day functioning area for pre-approved business purposes, and; ii) A minimum of one night away from their usual place of residence.

3.2.12.2 Should an employee travel extensive distances and not make use of overnight accommodation this may be deemed travel subject to the approval of their Director.

3.2.12.3 Certain expenses incurred during periods of travel may be refunded. Flights and accommodation are generally prepaid as the firm will book and pay for the flights and accommodation.

3.2.12.4 Parking at airports will be covered by the firm (for local travel only) where it is cheaper than using an Uber (or a similar taxi service) from the office.

3.2.12.5 All expenses claimed must have a receipt. Where a meal is claimed for a client, the name of the client and the firm must be written on the receipt, e.g. Dinner Mr Smith – ABC Cleaning.

3.2.12.6 In addition, while a glass of wine or a beer is acceptable with a meal at night, multiple alcoholic drinks will not be allowed. These limits will be reviewed annually to allow for inflation.

3.2.12.7 Incidentals costs refer to the following: Acceptable = Parking at airports, necessary incidentals;

HUMAN RESOURCES POLICY

Not acceptable = Plane delayed and employee buys (& claims for) 5 beers & a novel.

4. TERMINATION OF SERVICE

The objective of these rules is to give an outline on the termination of service of employees.

4.1 Resignation:

- 4.1.1 Should an employee seek to resign, he/she must give sufficient written notice. The following is in operation unless your contract defines it as something different. If so then the employment contract supersedes the below:
 - 4.1.1.1 During the first 6 months of employment: 1 week;
 - 4.1.1.2 Longer than 6 months but not yet 12 months: 2 weeks;
 - 4.1.1.3 After 12 months of employment: 4 weeks' notice.
- 4.1.2 The periods of notice set out above, shall not be applicable:
 - 4.1.2.1 In the case of summary dismissal in the event of disciplinary procedure;
 - 4.1.2.2 In the case of desertion or unauthorized absence for more than 5 (five) working days. The firm shall have the right to pay the employee in lieu of notice.

4.2 Retrenchment:

- 4.2.1 Although the firm will endeavour to provide jobs at all times, economic factors or operational requirements may result in a reduction of the number of jobs available.
- 4.2.2 In the event of this occurring, the firm may have to terminate the employment of any number of its employees by retrenchment. This will be done in terms of the provisions of the Labour Relations Act (1995).

4.3 Retirement:

- 4.3.1 The normal retirement age at the firm is 65 years of age.
- 4.3.2 The employee will be expected to retire at the end of the month when he/she reaches this age upon which his/her contract will automatically expire. However the Board of Directors reserves the right, in consultation with the employee, to continue the employee's employment for a fixed period with the firm past this age. Should this be desired by the employee, he/she must apply to the Board of Directors 6 months prior to the end date. This will be determined by the Board of Director's based upon the operational and strategic requirements of the firm.
- 4.3.3 The written notice must be given during the period from Monday to Friday.

HUMAN RESOURCES POLICY

4.4 Termination of Service:

4.4.1 Misconduct or Poor Work Performance:

4.4.1.1 Should an employee's services be terminated as a result of the employee's misconduct, this will only be done after a disciplinary enquiry has been held.

4.4.1.2 The employee will not be entitled to notice pay in this regard. Should an employee's services be terminated as a result of poor work performance, this will only take place after the necessary counselling and intervention steps have been exhausted.

4.4.2 Incapacity: Ill Health and Injury:

4.4.2.1 The procedure as outlined in the Code of Good Practice (Schedule 8) of the LRA Act 66 of 1995, as well as the procedure as outlined in the firm's Disciplinary and Good Conduct Code will be followed.

4.4.3 Operational Requirements:

4.4.3.1 When the firm contemplates terminating one or more employees for reasons based on operational requirements, the process as stipulated in terms of the relevant Labour Legislation (section 189 of the LRA) will be followed.

4.5 Privacy in the Workplace:

4.5.1 The working environment does not provide the same degree of privacy experienced at home.

4.5.2 Offices, desks, telephones, lockers, and computers are furnished for business purposes that may require that they be opened to authorized management representatives. For that reason, an employee's use of an office, desk, telephone, locker, or computer will not be considered private.

4.5.3 To avoid embarrassment or other difficulties, you should not discuss private matters over business phones, voice mail, electronic mail, the Internet or Skype.

4.5.4 The firm reserves the right to search unlocked and/or publicly used property at any time without consent. The firm may request a search of personal property at the worksite or locked property assigned to an individual if there is reasonable suspicion that evidence of illegal or prohibited activities resides therein.

4.5.5 The employees may be required to submit to a search of any pocket, package, purse, gym bag, briefcase, lunch box, or other container brought onto the firm's premises and to submit to a search

HUMAN RESOURCES POLICY

of a desk, file, locker, other stationary containers, computer data, applications, files, voice-mail and e-mail, provided by the firm. Refusal of such a request may result in disciplinary action up to and including termination.

- 4.5.6 The firm may use CCTV cameras to monitor its premises. Staff are to take note that there is surveillance that takes place and they should be aware of this when going about their daily activities.

4.6 Employment Equity:

- 4.6.1 The firm is not an organ of the state and thus falls under the Legal Sector Code accordingly. - [47061gen1165.pdf \(www.gov.za\)](http://www.gov.za/47061gen1165.pdf);
- 4.6.2 The South African Constitution, Labour Relations Act (1995), Employment Equity Act (1998) and the Promotion of Equity Bill (2000) states that all employees have the right to be treated equally in the workplace. The firm however acknowledges that because of the country's past, natural disparities occur based on gender, race and disability.
- 4.6.3 The firm seeks to implement a policy that emphasizes equal opportunity and a no tolerance attitude to discrimination in the workplace. The firm will be guided herein by the Industry BB-BEE Guidelines and Regulations/Codes.
- 4.6.4 The firm recognises the following definitions:
- 4.6.4.1 Designated Groups: equates to black people, women and people with disabilities;
- 4.6.4.2 Black People: generic term for Black Africans, Coloureds and Indians.
- 4.6.5 The firm will endeavour to have designated people adequately represented at all levels within the firm over the next 5 years in line with the Industry Transformation Code/REgulations. This will be based on the following factors:
- 4.6.5.1 The regional demographic profile of the economically active population
- 4.6.5.2 The pool of suitably qualified people from designated groups from whom the firm may reasonably be expected to appoint employees.
- 4.6.5.3 Economic and financial factors relevant to the sector and to the firm
- 4.6.5.4 The number of present and anticipated vacancies that exist at the various levels and the firm's staff turnover rate.
- 4.6.6 Management will review all employment policies and procedures for unfair discrimination and related barriers, which are unjustifiable.
- 4.6.7 For example, discrimination on the basis of and employee's: race, gender, sexual orientation,

HUMAN RESOURCES POLICY

religion, ethnic/social origin, age, disability, political opinion, culture, language, beliefs, marital status or family responsibility.

- 4.6.8 The firm seeks to nurture an organisational culture that is dedicated to respecting diversity and empowerment. Additionally, the firm will not tolerate tokenism and thus employees who are capable of performing the inherent required duties of the position will be appointed.

4.7 Restraint of Trade:

- 4.7.1 Professionals of the firm will not, (without the written consent of the firm) for the period of 12 (twelve) months immediately after the termination date whether as principal or agent, and whether alone or jointly with or as a director, member, Director, partner, shareholder, employee or consultant of any other person, (juristic or otherwise) directly or indirectly:

4.7.1.1 Carry on, or be engaged, concerned or interested in any business within 100km radius of Ermelo, Mpumalanga in the Republic of South Africa which is similar to and competes with any business being carried on by the firm at the termination date and with which the employee was involved in at any time during the period of 12 (twelve) months immediately preceding the termination date;

4.7.1.2 Negotiate with, solicit business from or endeavour to entice away from the firm the business or any person, firm, firm or organisation who or which, to his knowledge is or was a client, client or supplier to (or who had regular business dealings with the firm during the period of 12 (twelve) months immediately preceding the termination date and with whom he had direct dealings or personal contact in the normal course of his employment during that period, so as to harm the goodwill or otherwise damage the business of the firm;

4.7.1.3 This restriction will be limited to activities by the employee which will involve offering or providing services similar to those which he will have provided during the employment;

4.7.1.4 Undertake to provide any service similar to those with which he was concerned during the period of 12 (twelve) months immediately preceding the termination date to or for any person who is or was a client, client or supplier to (or who had regular business dealings with the firm) during the period of 12 (twelve) months immediately preceding the termination date and with whom he had personal dealings in the normal course of his employment during that period;

4.7.1.5 Interfere with, solicit or endeavour to entice away from the firm any person who, to his knowledge is and was, at the termination date, or within the period of 12 (twelve) months immediately preceding that date had been, part of the senior management or technical

HUMAN RESOURCES POLICY

team of the firm and with whom he had personal dealings in the course of his employment during that period.

- 4.7.2 None of the restrictions should prohibit any activities by the employee which are not in direct or indirect competition with any business being carried on by the firm or any group firm at the termination date. At no time after the termination date shall the employee directly or indirectly represent himself as being of interest in or employed by or in any way connected with the firm, other than as a former employee of the firm.
- 4.7.3 The employee agrees that, having regard to all the circumstances, the restrictions contained in this clause are reasonable and necessary for the protection of the firm and that they do not bear harshly upon him and the parties agree that:
 - 4.7.3.1 Each restriction shall be read and construed independently of the other restrictions so that if one or more are found to be void or unenforceable as an unreasonable restraint of trade or for any other reason, the remaining restrictions shall not be affected; and
 - 4.7.3.2 If any restriction is found to be void but would be valid and enforceable if some part of it were deleted, that restriction shall apply with such deletion as may be necessary to make it valid and enforceable.

4.8 Medical and Polygraph Testing:

- 4.8.1 Due to some employment conditions, inherent requirements of the job and sensitive nature of the job responsibilities, employees may be required to submit themselves to the necessary medical testing as per section 7(1)(b) of the Employment Equity Act 1998.
- 4.8.2 The firm is committed to ensuring confidentiality, sensitivity and protection of the employee in this endeavour where possible.
- 4.8.3 Should the need arise, staff may be required to undergo polygraph testing. This testing will not be the sole evidence used in a disciplinary hearing. Rather, it will be used as supplementary evidence to confirm and corroborate other evidence. Should the test be administered, it will be done in a fair and reliable manner, as per the standards set out in South Africa.

5 DEVELOPMENT

5.1 Performance Management:

- 5.1.1 Performance Evaluations will be done as and when required between the employee and his/her

HUMAN RESOURCES POLICY

Director will meet to formally evaluate the work performance.

- 5.1.2 Increasing skills throughout the year will contribute to better performance and ultimately the employees' overall performance for the year. All evaluations will become a part of the personnel file and can be used for employment decisions such as promotions, demotions and discipline.
- 5.1.3 The responsibility for an individual's job performance and its continuous improvement clearly rests with that individual. Job performance monitoring and the provision of feedback, both positive and negative, ensure that performance improvement is a key leadership responsibility.
- 5.1.4 The shared understanding/knowledge of the employee's performance strengths and weaknesses against required standards of competency achieved through this process provides the essential basis for discussion regarding the employee's development.
- 5.1.5 The firm cannot afford to allow an employee to "coast" in a position or jealously guard specialist knowledge and skills. Every employee is therefore obliged to grow and develop to their full potential and to assist others to grow and develop, actively committing to the concept of continuous or lifelong learning. Employee performance should be directed and measured against the firm goals and objectives at any given time.
- 5.1.6 The purpose of all performance management efforts must be to continuously improve the individual's job performance i.e. focus on the future and what can be done to improve, rather than on the past and what has not been done well.
- 5.1.7 Feedback must be specific and accurate (examples should be given) and the focus of the discussion should be on specific steps and actions to be taken to enable improvement towards prioritised objectives. Performance reviews must assess both strengths and weaknesses. Criticism without praise will not energise and nourish performance.
- 5.1.8 Where performance problems are noted, underlying causes must be identified and corrective action instituted. Self-development should be driven by the employee. While the Director has a responsibility to facilitate and prompt development discussions, an employee will be more committed to growth and improvement plans that he/she played an active role in developing.
- 5.1.9 Every Director is responsible for enabling the growth and development of his/her people. Directors will be accountable for the progress they make in developing people. A Director who fails to actively assist his/her employees in development would be considered to be performing inadequately and should be managed accordingly.
- 5.1.10 Employee development plans should always focus on the opportunities for growth and development within the current role. Only where appropriate, the plans should extend to opportunities beyond the current role. In the development of employees who initially show low

HUMAN RESOURCES POLICY

performance levels, extra training, mentoring and support may be necessary to ensure the full development of the potential of these employees.

- 5.1.11 To assist employees in improving their job performance, clear job descriptions and relevant targets will be developed and be maintained. However, it is important to note that although each job description outlines the tasks and responsibilities of the role, it is not an exhaustive list. In light of this, reasonable and valid instructions given by Directors and management are to be followed by staff. It is also acknowledged that tasks and responsibilities shift from time to time and thus the job description is not always completely up to date.

5.2 Training and Development

- 5.2.1 The objective of this is to outline the policy regarding training and development of employees.
- 5.2.2 The firm recognizes and accepts that its success largely depends on the knowledge, skills, expertise and motivation of its employees. Training and development is a systematic and continuous process whereby all training is based on identifying relevant training needs, the functions within (Operational Functions and Support Functions) and the requirements for the development of individual employees.
- 5.2.3 Development of all employees is encouraged and training and development to achieve this is done in consultation with individual employees as part of either their formal reviews or performance meetings with their Directors. Any program/workshop/performance management that is done must be recorded and placed on the employee's file.
- 5.2.4 The firm uses a variety of methods to train and develop its staff such as:
- 5.2.4.1 **On-the-Job Training:** Through lateral job rotation and understudy assignments employees are exposed to different tasks and thus increase their working knowledge of the business. This is also beneficial to the firm should an employee be unable to attend work, another who has trained in their position can fill in where necessary.
 - 5.2.4.2 **Workshops:** External training providers are used should it be required
 - 5.2.4.3 **Performance Management:** This is a tool used by the firm to identify how an employee is managing in his/her job. Should the employee's performance be below the required standard, he/she will be given counsel, instruction, information and supervision where necessary in order to improve his/her performance.
- 5.2.5 The best training takes place in the "real" situation, i.e. In the normal course of work through training on-the-job, coaching, counselling and through effective supervision.
- 5.2.6 The best form of development is self-development and this training approach is designed to help employees to improve their own performance and to develop their own skills and knowledge. The system of accountability management (taking ownership) plays an important role in the process.

HUMAN RESOURCES POLICY

- 5.2.7 It follows from the above that the main method by which employees can be equipped to do their jobs and to develop their potential is by ensuring that they have the required variety of experience, throughout their careers. This experience can and should be supplemented, but never replaced, by courses carefully timed and designed to meet specific needs. To ensure that training and development makes a proper contribution to improving employees performance it is evaluated regularly and updated where needed to ensure that training is relevant and effective.
- 5.2.8 Each employee must know:
- 5.2.8.1 What their performance requirements are, how they will be monitored and measured and that performance will be reviewed at least annually;
 - 5.2.8.2 What support and or training will be provided;
 - 5.2.8.3 What the opportunities are for advancement;
 - 5.2.8.4 That they have access to Standard Operating Procedures and Job Descriptions which both need to be documented.
- 5.2.9 A well-trained and motivated employee will feel that they belong (pride of association), that their contribution is valued (they make a difference) and that they have a future (opportunity of growing and developing) in the firm. It is most important for all employees (management and operational) to understand and accept that each and every one must take ownership for their development and growth as employees and individuals.

5.3 Promotion:

- 5.3.1 The scope of this procedure is to ensure that a fair process is followed with promotions.
- 5.3.2 This procedure applies to all staff who are directly responsible for the promotion of personnel. This includes two types of promotions: a gap is created via an employee leaving requiring someone to step into the position or a new position is created as a result of growth or any other mean, resulting in a position available for someone to be promoted into it.
- 5.3.3 The promotion policy, as applied by the firm, is based on the following principles:
- 5.3.3.1 Whenever possible, vacancies shall be filled by the most effective people from within the firm, subject to the right of management to recruit from outside if there are no suitable internal candidates;
 - 5.3.3.2 The advancement and promotion of staff is encouraged in preference to external recruitment. However, a balance is sought by external recruiting to gain new skills, knowledge, competencies and experience from time to time;
 - 5.3.3.3 Promotion is not affected by race, creed, sex or marital status;
 - 5.3.3.4 Promotion is not a right but is dependent upon availability of a vacant position, work

HUMAN RESOURCES POLICY

performance, qualifications, experience, training and suitability;

5.3.3.5 Vacancies will be advertised, subject to the discretion of the Director;

5.3.3.6 Internal advertising can be dispensed with where management considers that because of unusual/ special requirements there is no suitable candidate.

6 ENTITLEMENTS

6.1 Leave:

6.1.1 Paid Annual Leave:

6.1.1.1 Paid annual leave will be determined by an employee's employment contract (with the legal minimum being 21 days per annum which includes weekends). The annual leave shall be reduced by the number of days of occasional leave on full remuneration granted to the employee at the employee's request. Any request for annual leave will be submitted to the firm in writing and in turn be agreed upon or refused in writing. The leave shall be granted and be taken at a time to be fixed by the firm, with consideration of the operational requirements of the business, so as to commence within 6 (six) months after the completion of the 12 (twelve) months of employment to which it relates.

6.1.1.2 The employee is obliged to take all or part of his/her leave during any period of closure of business. Upon termination of employment, the employee will be entitled to be paid out in respect of any accrued leave for the specific year not yet taken prior to the termination of employment.

6.1.1.3 Employees are prohibited from entering into negative leave balances, but should this occur and they leave the firm, the firm reserves the right to (with the employee's permission) to deduct money from the employee's last paycheck up to 25%. Staff are not permitted to exceed 5 days of accumulated annual leave, as this creates a financial risk and thus staff are urged to ensure they keep their balance below this total.

6.1.2 Family Responsibility Leave:

6.1.2.1 The Business may grant an employee, during each annual leave cycle, at the request of the employee, 3 (three) days paid leave. Employees' entitlements to Family Responsibility Leave will be governed by the terms of their employment contract.

6.1.2.2 The employee should provide the firm with written proof of the reason for the requested leave. This is non-accumulating and is only given after four months of work. It includes a sick child, birth of a child and death of a parent, adopted parent, sibling, partner, child,

HUMAN RESOURCES POLICY

spouse, grandchild, grandparents or adopted child. It does not include death of cousins, friends, girlfriend, boyfriend, in-laws, uncle or aunt.

6.1.3 Maternity Leave:

6.1.3.1 Female employees are entitled to at four (4) months unpaid maternity leave. Any maternity leave in excess of this amount will be at the discretion of the Directors.

6.1.3.2 Should the employee be in possession of a firm cell phone, laptop and fuel card the following applies: The laptop and fuel card must be returned to the firm for the duration of the maternity leave period. This is to comply with the applicable national legislation. The cell phone may remain with the employee without change to the firm's applicable terms and conditions. The employee's group life cover will continue to be covered by the firm. All other conditions, which pertain to maternity leave, are contained in the Unemployment Insurance Act, 30 of 1966.

6.1.4 Sick Leave:

6.1.4.1 During each sick leave cycle of 36 (thirty-six) months' employment with the firm, the employee shall be entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks. This sick leave is calculated as follows: 30 (thirty) days in the case of a 5 (five) day workweek and 36 (thirty-six) days in case of a longer workweek.

6.1.4.2 During the first 6 (six) months of employment, the employee shall be entitled to 1 (one) day's paid sick leave for every 26 (twenty-six) days worked. There after the balance of thirty days will be available to the employee minus any leave taken during those first 6 months.

6.1.4.3 The firm may reduce the employee's sick pay and increase the number of days of sick leave proportionately in terms of the Act. The amount of sick leave can be increased in proportion to the percentage of reduction in salary.

6.1.4.4 Should the employee be absent for more than 2 (two) consecutive days or on more than 2 (two) occasions during an 8 (eight) week period or any day which precedes or follows a weekend, public holiday, off period or a day free of service, he/she shall not be entitled to sick leave unless he/she produces a medical certificate, signed by a registered medical practitioner, stating that he/she was unable to work for the duration of his/her absence on account of illness or injury. The firm retains the right to expect the employee to subject himself/herself to an examination to obtain a second medical opinion regarding his/her alleged illness/injury. Only medical certificates based on personal examination will be accepted.

HUMAN RESOURCES POLICY

6.1.4.5 The Business reserves the right to investigate circumstances where an employee habitually goes off sick, and to take the necessary disciplinary action if deemed appropriate. Payment for sick leave will be made on your usual pay day.

6.1.5 Study Leave:

6.1.5.1 The firm will adhere to a “case-by-case” approach to determining if study leave will be authorized. Study leave can be granted if the examinations are relevant to the employee’s current line of work. Proof of the examination timetable will need to be submitted to the relevant Director and HR department.

6.1.6 Unpaid Leave:

6.1.6.1 This is not an entitlement and shall only be given in special circumstances. It is solely at management’s discretion that unpaid leave be granted.

6.1.6.2 This will only be considered if the employee has exhausted all annual leave.

6.1.7 Departmental Associated Leave Benefits:

Should an employee be employed within the certain departments, he/she will receive associated benefits:

Department	Benefit	Explanation
Secretarial component Junior attorneys Drivers Messengers Cleaners	13 th Cheque at the discretion of the Directors	For those employed with an unbroken service for at least 2 years. Contributions will be deducted from this amount.
	Long service	5 years of unbroken service will be entitled an agreed amount of extra days of annual leave
	Unpaid Maternity Leave	4 months
Directors and Consultants	Shares Bonus	When the Directors declare dividends

6.2 Unemployment Insurance Fund

6.2.1 Membership of the Unemployment Fund (UIF) is compulsory for all employees.

6.2.2 The firm and the employee contribute an equal amount to the UIF monthly. The income from the fund is used for:

6.2.2.1 Unemployment Benefits;

6.2.2.2 Illness Benefits;

HUMAN RESOURCES POLICY

- 6.2.2.3 Maternity Benefits;
- 6.2.2.4 Benefits to dependents of deceased members.

- 6.2.3 The firm will ensure that all employees who qualify for membership of the UIF are registered as such and will furthermore ensure that all contributions are deducted on a regular basis.
- 6.2.4 Any employee who takes Maternity Leave and who has been a contributor to the UIF, will be made aware of the fact that she will qualify for benefits from the fund. Where possible, assistance will be given to register for such benefits.

6.3 Compensation for Occupational Injuries:

- 6.3.1 The objective of this document is to outline the policy regarding the Compensation for Occupational Injuries Fund.
- 6.3.2 As far as practical, the firm is committed to providing a working environment that does not endanger the health or safety of employees. The firm's policy takes into account this commitment and the provisions of the Occupational Health and Safety Act No 85 of 1993 (OHS Act) and its amendments.
- 6.3.3 The firm is required by law to contribute to the Compensation for Occupational Injuries Fund on the behalf of all employees. Contributions to the Fund based on earnings as defined by the fund, are paid in full by the firm. The Compensation for Occupational Injuries fund provides for the payment of benefits to any qualifying employee who is injured or contracts an occupational disease in the course of their duties. Compensation is paid in respect of temporary or permanent disablement or death.
- 6.3.4 Please note: Employees that are on their way to and from work, are not covered by the Compensation for Occupational Injuries Fund.

6.4 Health and Safety:

- 6.4.1 The firm will be bound by the regulations of the Occupational Health and Safety Act of 1993.
- 6.4.2 The firm will provide and maintain a working environment that is, as far as practicable, safe and without risks to health, and will provide to employees such information, instruction, training and supervision as is necessary to ensure their safety and health. Instructions and role standards will ensure that there is a process for identifying hazards to the health and safety of the firm, employees that these hazards are reported to management, and that corrective action is taken.
- 6.4.3 Where the firm has 20 or more employees one representative per 100 employees (or part thereof) will be appointed and designated as the health and safety representative, in writing, for a specified period.

HUMAN RESOURCES POLICY

Functions, rights and duties will be provided to health and safety representatives in writing and appropriate training will be provided. Employees are encouraged to participate in healthy physical activities and the firm supports sports activities where possible.

6.4.4 General Duties of Employees at Work:

6.4.4.1 Employees shall:

6.4.4.1.1 Take reasonable care for health and safety of themselves and others who may be affected by their acts/omissions.

6.4.4.1.2 Co-operate with the firm and other people to enable them to perform their duties.

6.4.4.1.3 Report unsafe or unhealthy situations.

6.4.4.1.4 Report injury to yourself or others health endangerment not later than the end of your shift to your Director or a Health and Safety representative.

6.4.4.2 No person / employee shall:

6.4.4.2.1 Intentionally or recklessly interfere with, damage or misuse anything which is provided in the interest of health or safety.

6.4.4.2.2 Tamper or misuse any safety equipment installed or provided to any person by the firm or user of machinery / plant.

6.4.4.2.3 Fail to use any safety equipment at a workplace or in the course of his employment or in connection with the use of plant or machinery, which was provided by him by the firm or user.

6.4.4.2.4 Willfully or recklessly do anything which threatens the health, or safety of any person (e.g. Tampering / sabotage).

7 EMPLOYEE BENEFITS

7.1 Provident Fund:

7.1.1 This includes all employees permanently employed by the firm.

7.1.2 The provident fund and group life is not compulsory. Employees have a choice to form part of the provident fund.

7.1.3 The firm will contribute 4.5% of the basic salary component of the Cost to firm package to the provident fund. Employees will contribute 6.5% to the provident fund. The money is available to employees when they leave the employment of the firm.

HUMAN RESOURCES POLICY

8 PRINCIPLES

8.1 The Firm's Purpose and Values:

- 8.1.1 The purpose of the firm is to offer and follow through on the highest quality legal services expected by its clients and to do so honestly and with efficiency.
- 8.1.2 The firm has five core values which underpin all that the firm does on a day-to-day basis:
 - 8.1.2.1 Passion: The love and drive we have for the work we do;
 - 8.1.2.2 Integrity: Our actions are consistent with what we believe is right;
 - 8.1.2.3 Excellence: We pursue continuous improvement in everything we do;
 - 8.1.2.4 Optimism: There is good in every situation and we never give up;
 - 8.1.2.5 Entrepreneurship: We are empowered to identify, create and act on innovative opportunities we believe in.

8.2 Ethics:

- 8.2.1 In addition to the firm's CODE OF CONDUCT AND ETHICS and CONFLICT OF INTEREST POLICY, these rules below set out a summary of the standard of conduct expected of all employees and is aimed at promoting a culture of honesty.
- 8.2.2 While all employee's personal values, beliefs and cultures are respected, it also holds true that the firm values of honesty, reliability and absolute integrity – delivering true value through open and honest relationships, should be respected and reflected in the actions of all employees.

8.2.3 Internal Relationships:

- 8.2.3.1 Confidence and trust go to the root of the relationship between the firm and its employees.
- 8.2.3.2 Accordingly the firm expects all employees to conduct themselves honestly and in good faith at all times in relation to any matter in which the firm may have an interest.
- 8.2.3.3 In turn the firm represented by its Directors and Directory staff is committed to dealing honestly and openly with employees.
- 8.2.3.4 Employees, including Directors and Directory staff at all levels, are expected to act in the best interest of the firm and to be loyal at all times. This includes conducting themselves in a manner which will not damage or compromise the firm's reputation in any manner.
- 8.2.3.5 Every employee has the responsibility to treat clients, suppliers and other fellow employees with utmost respect, sensitivity and courtesy and to always seek constructive solutions to problems or differences of opinion. Employees are expected to always act fairly, honestly and with absolute

HUMAN RESOURCES POLICY

integrity and treat others with respect, dignity, and compassion.

- 8.2.3.6 The firm is committed to non-discriminatory employment practices and the provision of equal opportunities for employment development and advancement of suitably qualified individuals. In accordance with their duty to further the aims and objectives and to act in its best interest, employees must refrain from placing themselves in a position that may produce a conflict between their interests and those of the firm.
- 8.2.3.7 Employees have a duty, both during their period of employment and subsequent thereto, not to disclose confidential information and to make use of or disclose any of the trade secrets including but not limited to technical know-how, data, systems, methods, software, processes, clients lists, business affairs, suppliers lists, marketing information or financial information. Employees may also not disclose confidential information or trade secrets of other persons disclosed to the firm under conditions of confidentiality.
- 8.2.3.8 It is acknowledged that family ties in employee relationships can create problems in the working environment. When this occurs, each case should be dealt with at the discretion of management. However the following principles should be noted:
- 8.2.3.8.1 Management should attempt to place employees in different areas of responsibility or proximity.
 - 8.2.3.8.2 The situation should be monitored to ensure that relationships do not adversely affect the working environment for other employees. If this occurs, it should be dealt with by counselling and consultation.
 - 8.2.3.8.3 Employees may be dismissed only if their behaviour causes disruption or adversely affects operational requirements.
 - 8.2.3.8.4 Internal appointments may not be affected where a conflict of interest arises in situations where close personal or family relationships exist with a person employed by an opposition to the firm.
 - 8.2.3.8.5 Ongoing employment will also be reviewed where an existing employee forms new personal/family relationships with a person employed by an opposition to the firm.
- 8.2.3.9 The firm is committed to providing a reliable service, maintaining loyalty to clients and to working with them openly, honestly, sincerely and to always standby commitments made.

8.2.4 Building a Culture of Integrity:

- 8.2.4.1 Demonstrating a culture of genuine integrity means that the firm and its employees should all strive to live up to the firm values and to ensure that these are clear to all with whom the firm has a relationship. Whilst management recognises that people will make mistakes, it remains determined to conduct itself with honesty, integrity and decency to the clients, suppliers and fellow employees.

8.3 Children in the Workplace:

- 8.3.1 This policy affects all employees who either bring to or have children visit them at the office during

HUMAN RESOURCES POLICY

work hours, which may only happen with consent of the directors and in exceptional circumstances. This will never be a permanent arrangement.

8.3.2 The purpose of this policy is twofold: Firstly, to protect children from the dangers of an office environment. Secondly it is to ensure that employees are not distracted from their work unnecessarily due to the presence of a child.

8.3.3 At all times children present on site remains the sole responsibility of the employee who has requested access for that child. The firm cannot be and is not responsible for the safety of children brought on site. In such circumstances, the firm will hold the employee responsible for the child, liable for any damage or injury caused by that child while on site. The following principles should be observed:

8.3.3.1 The responsible employee should, ahead of time, explain any safety or courtesy rules applicable to the areas in which the child will be present, and ensure that all rules are observed;

8.3.3.2 The responsible employee will affirm and supervise the child at all times;

8.3.3.3 The responsible employee will not ask any other employee to supervise that child;

8.3.3.4 Children are not permitted to use any firm equipment including computer equipment;

8.3.3.5 Children must not be left alone in parked vehicles or in parking lots. Children are expressly prohibited from entering any area without the responsible employee (parent) and the child may not be present when the employee is attending to clients.

8.4 Life Threatening Diseases (HIV/AIDS):

8.4.1 The aim of the health and safety policy is to provide guidance to the establishment and maintenance of a healthy and safe workplace environment.

8.4.2 The firm accepts that the responsibility for implementing and controlling matters of health and safety is primarily that of the Directors who consider the promotion of health and safety to be an essential part of good management.

8.4.3 However, employees also have a duty to take responsible care of the health and safety of themselves and their colleagues. The firm policy shall be regarded as the minimum standard.

8.4.4 Legislation - The firm is bound by the regulations of the Occupational Health and Safety Act with regard to:

8.4.4.1 Identify and take all reasonable and practical measures to eliminate any risks or hazards that might compromise the health and safety of the employees.

8.4.4.2 Provide and maintain a safe and healthy working environment with adequate welfare

HUMAN RESOURCES POLICY

facilities.

- 8.4.4.3 Provide for and ensure the safe handling, storage, transportation, usage and disposal of substances which are inherently or potentially hazardous.
- 8.4.4.4 Provide safe systems of work, safe equipment for all employees and such information, training and supervision as they may need for this purpose.
- 8.4.4.5 Provide and maintain a safe and risk free place of work.
- 8.4.4.6 Identify and appraise the exposures to risk.
- 8.4.4.7 Communicate and motivate the effectiveness of the Health and Safety systems.

8.4.5 Medical Overview:

- 8.4.5.1 Medical experts on AIDS virus-related conditions state that there is no known risk of AIDS transmission between an affected employee and other employees through either casual or close contact that occurs during normal work activities.
- 8.4.5.2 Medical findings indicate that an employee who has a positive antibody test shall not necessarily develop an AIDS virus-related condition. The presence of the AIDS antibody is unfortunately a sign of infection, not immunity. As is true for any employee with a life-threatening illness, a person diagnosed with an AIDS virus-related condition deserves and requires compassion and understanding. While that person is attempting to cope with his/her own vulnerability and fears, the support and understanding of friends and colleagues can be particularly valuable.
- 8.4.5.3 Some employees have fears about contracting AIDS based on misinformation or lack of knowledge about how AIDS is spread. Education providing accurate medical information can best alleviate fears of contracting an AIDS condition.

8.4.6 Infected Employees:

- 8.4.6.1 Infected employees shall be treated empathetically and in exactly the same way as other terminally ill employees or any other employees who have serious injury or health problems. If a situation arises where an employee is found to be HIV (human immunodeficiency virus) positive and where his/her performance is affected, it is the Director's duty to ensure that they are not simply dismissed.
- 8.4.6.2 That would be an unfair labour practice.
- 8.4.6.3 Directors have a duty to ensure that productivity and morale is not disrupted, and shall take one of the following alternatives into consideration when it becomes clear that the employee is no longer able to carry out their present function or where it would be insensitive to colleagues or clients to leave the employee in his/her present position:

8.4.6.3.1 Place the person in an alternative position if he/she is able to perform the function

HUMAN RESOURCES POLICY

8.4.6.3.2 Adjust the salary and benefits in accordance with an alternative function offered to the employee.

8.4.6.3.3 Consider adjusting the work schedule (hours) or place of work, to provide for more convenient circumstances for the employee

8.4.6.3.4 Consider alternative positions - bearing in mind sound business practice

8.4.6.3.5 Where alternative positions are not available, dismissal for incapacity may be considered.

8.4.6.4 All of the above processes shall be conducted in a fair manner with consultation and if possible with agreement.

8.4.6.5 If an infected employee is working in the kitchen or any department where there is a danger of being cut and blood subsequently contaminating food, then transfer of that employee to another position shall be affected. This shall be done in consultation with the Board of Directors.

8.4.7 Other Employees:

8.4.7.1 Should there be negative reactions from colleagues regarding the infected employee each situation shall be assessed and dealt with appropriately as it arises. It may also be necessary to arrange for an informed professional to educate the employees. It is necessary to be sensitive and responsive to colleagues concerns.

8.4.7.2 However, where there is no risk to other employees, and employees remain unwilling to work with a HIV positive colleague, after reassurance and with all appropriate safety and health precautions having been taken by the firm, the unwilling employee shall be warned that such behaviour is unreasonable and scientifically unjustified and that his/her own employment situation may be placed in jeopardy.

8.4.7.3 If an infected employee is being victimised or harassed at work, making working life intolerable or impossible, the firm has a duty to support the employee in order that he/she may work without disruption or harassment from fellow employees.

8.4.8 Recruitment Pre-testing:

8.4.8.1 The firm does not require applicants for employment to be tested for life threatening diseases or HIV.

8.4.8.2 The criterion to use is "suitability to fulfil the job requirements".

8.4.9 HIV Testing of Employees:

8.4.9.1 Testing shall only be undertaken on a voluntary basis when requested by the employee and shall be for the employee's own cost.

HUMAN RESOURCES POLICY

8.4.9.2 However, in the event of prolonged or repeated sick leave, the firm (at its cost) may request a medical examination by a medical practitioner of its choice as is the case with any other chronic or serious illness. The results of such an examination could be divulged to the firm but shall be handled on a confidential basis.

8.4.10 AIDS Information:

The National AIDS Information Service number is 0800 112322

8.4.11 When Results Are Positive:

8.4.11.1 Employees receiving HIV positive results are not under any obligation to inform the firm.

8.4.11.2 However, HIV positive employees who work in the kitchens or similar positions or whose work performance is affected are urged to inform either the Director or the Managing Director, so that the situation could be dealt with and the employee assisted. When the employee discloses test results to the firm, and where counselling has not taken place, this shall be arranged and medical aid assistance shall be explained where applicable counselling may also be required for the employee's family.

8.4.11.3 The test results shall be kept strictly confidential. Only Directors who need to know shall be informed confidentially. Disclosure or a breach of confidence could be regarded as an unfair labour practice or a violation of the employee's rights.

8.4.12 First Aid:

8.4.12.1 Every First Aid Box shall contain disposable gloves for use by the "first aider" when dealing with cuts and abrasions so that they cannot be infected.

8.4.12.2 Employees providing assistance shall wash their hands thoroughly with disinfectant, soap and water afterwards and destroy the gloves.

8.4.13 Medical Treatment and Living with AIDS:

Employees shall be advised and counselled on living with AIDS and ARV treatment provided by state medical facilities.

8.4.14 Directors' Responsibilities:

8.4.14.1 The physical and emotional health and well-being of all employees shall be protected, and

HUMAN RESOURCES POLICY

reasonable accommodation for the medically impaired employee with an AIDS virus-related condition shall be provided, as long as the employee is able to meet acceptable performance standards.

8.4.14.2 To ensure these objectives are met, the following guidelines are to be followed:

8.4.14.2.1 Any employee diagnosed with an AIDS condition is entitled, as is any other employee, to confidentiality of their medical condition and medical records.

8.4.14.2.2 If it is deemed medically necessary, based upon current physical impairment, the firm and the employee's Director shall work to bring about any reasonable job modification or job transfer of the employee with a diagnosed condition of AIDS where possible.

8.5 Safe Environment:

8.5.1 The firm shall take due and proper regard to any risks to health and safety or welfare to which the employees may be exposed.

8.5.2 The firm shall seek to create a work environment and employment systems that would enable employees to feel safe and secure as far as reasonably practical.

8.5.3 The firm shall ensure that:

8.5.3.1 Employees are afforded as much protection as possible from violence from colleagues or members of the public.

8.5.3.2 The use of alcohol, drugs and intoxicating substances do not impair the safe and efficient running of a Site or workplace.

8.5.3.3 All employees are totally conversant with and aware of the risk factors pertaining to his/her duties. The provision of a service to the client, productivity or quality of service is all subordinate to the health and safety of employees.

8.6 Health and Safety Processes:

8.6.1 Health and Safety representatives shall be designated by the firm from amongst its employees, where necessary.

HUMAN RESOURCES POLICY

- 8.6.2 In those instances where Health and Safety committees are in operation the firm would appoint employees who shall consult regularly with these committees in order to initiate, develop, promote, maintain and review safety and health measures for all employees.
- 8.6.3 The firm shall appoint a Director to report on health and safety matters within a specific area. It is the responsibility of the Director to appraise the health and safety situation, the equipment used and ensure that appropriate training is conducted.
- 8.6.4 The firm agrees that Safety Risk Management is not only concerned with the health and safety of employees, but also with the safety of assets, equipment and property.
- 8.6.5 The formulation and implementation of the health and safety processes is the result and cooperation between the Directors, employees and the client.
- 8.6.6 It is the responsibility of all parties in the said partnership concerned to inter-communicate regularly regarding health, safety and security.
- 8.6.7 The firm shall establish, in consultation with clients where necessary, what dangers exist to the health and safety of employees in the performance of their duties and shall take the necessary precautionary measures to eliminate or mitigate hazards or potential hazards.
- 8.6.8 Site Instructions and job descriptions shall ensure that there are processes in place for identifying hazards to the health and safety of the employees.
- 8.6.9 These hazards shall be reported to the Director and corrective action shall be taken in consultation with the client
- 8.6.10 All employees shall be informed of possible dangers to their health and safety as well as precautionary measures which were taken.
- 8.6.11 Each employee is responsible not only for his/her own health and safety but also for the health and safety of all other employees. The employee's contribution could assist to minimise health and safety risks in the workplace.
- 8.6.12 All employees and safety representatives shall receive the necessary information, training and instruction to ensure their health and safety.
- 8.6.13 The following arrangements shall be made in each operational area:
- 8.6.13.1 All Directors shall be responsible for reporting on health and safety matters within their area of responsibilities.
- 8.6.13.2 A competent person appropriately qualified and able to develop the firm's own Health and Safety policies and procedures shall be appointed.

HUMAN RESOURCES POLICY

- 8.6.13.3 Where the firm has twenty (20) or more employees on one (1) Site, one (1) representative for every hundred (100) or part thereof shall be appointed, designated and trained as the Health and Safety representative for a specific period.
- 8.6.13.4 A statement of intent shall be prepared and displayed where possible.
- 8.6.13.5 Director/employee training regarding health and safety shall be undertaken.
- 8.6.13.6 Risk assessment processes shall be developed.
- 8.6.13.7 A process for checking the compliance with legislation, policies and procedures on all sites shall be put in place.
- 8.6.13.8 Accident reporting and analysis shall be undertaken.

8.7 Responsibilities of the Various Role Players:

- 8.7.1 All Directors are expected to:
 - 8.7.1.1 Understand the legal requirements relevant to their health and safety areas of responsibility.
 - 8.7.1.2 Ensure that their employees implement the firm's Health and Safety policies and procedures,
 - 8.7.1.3 Consider the health and safety implications of any changes to equipment, working practices and procedures and to continuously seek to improve standards.
- 8.7.2 All employees are expected to:
 - 8.7.2.1 Become familiar with and observe Health and Safety procedures.
 - 8.7.2.2 Follow instructions and take care of their own health and safety and that of their colleagues.
 - 8.7.2.3 Inform any visitor or contractor of emergency procedures and relevant hazards.

8.8 Firearms:

- 8.8.1 This affects all employees.
- 8.8.2 The use of or carrying of firearms by employees of the firm whilst on duty is not allowed. Any employee caught with a private firearm on him/her whilst on duty will be charged in a formal disciplinary enquiry. Any exceptions to this rule will need to be made in writing, signed by both parties and be approved by HR.

8.9 Sexual Harassment:

- 8.9.1 Sexual harassment is any unwanted behaviour of a sexual nature.
- 8.9.2 This can cause offence, violates the right of the individual to privacy and dignity, and creates an

HUMAN RESOURCES POLICY

intimidating, degrading or unpleasant environment. It could be once off or it could be a frequent occurrence. It could be verbal, non-verbal or physical. This policy involves all employees of the firm.

- 8.9.3 This behaviour is not tolerated in the workplace and management is responsible for ensuring that it does not occur and if it does, appropriate steps are taken in terms of the companies Disciplinary Codes and Procedures. If an employee is being sexually harassed by another employee, a more senior employee or a member of Management, the policy stipulates that they must contact the next level of Management and lay a grievance.
- 8.9.4 The complaint will be dealt with in a sensitive manner and the emphasis will be placed on protecting the rights of all the employees involved through handling the matter in a discrete and confidential manner.
- 8.9.5 The appropriate authorities will initiate an investigation into the matter and if required will proceed with disciplinary action against the individuals concerned.
- 8.9.6 The firm views this offence in a very serious light and a guilty finding will lead to the strictest disciplinary measures being taken against the individual/s concerned. Employees are urged to behave in a dignified and professional manner at all times taking into account the dignity and privacy of their fellow employees.
- 8.9.7 If an employee of the firm is harassed by a non-employee this is to be reported to the appropriate Director who will initiate the necessary action. Disciplinary action cannot be undertaken in this regard, however other remedies and recourse of the law are available to the employee.
- 8.9.8 Examples of sexual harassment are as follows:
 - 8.9.8.1 Physical: ranging from touching to sexual assault and rape and includes a strip search by or in the presence of the opposite sex.
 - 8.9.8.2 Verbal: includes unwarranted innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons.
 - 8.9.8.3 Non-verbal: includes unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.
 - 8.9.8.4 Other harassment can occur when an owner, firm, Director, member of management or co- employee undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.
 - 8.9.8.5 Please Note: Sexual Harassment is not, mutual attraction between people, nor is it

HUMAN RESOURCES POLICY

behaviour or occasional compliments that are acceptable to the recipient.

8.10 Smoking

- 8.10.1 The aim of this policy is to conform to the Tobacco Product Control Amendment Act 1998 and protect the rights of both smokers and non-smokers.
- 8.10.2 There are certain restrictions on advertising tobacco products and actually smoking. The limitations on smoking in the workplace come about as a result of the following: -
- 8.10.2.1 The definition of public place has been altered to include the workplace. Public place means any indoor or enclosed area which is open to the public or any part of the public and includes a workplace and a public conveyance. In other words, it is only that portion of the workplace which is open to the public or any part of the public which is a public place. This does not mean that the entire workplace is a public place therefore: -
- 8.10.2.2 The definition of workplace is: - any indoor or enclosed area in which employees perform the duties of their employment and includes any corridor, lobby, stairwell, elevator, cafeteria, wash room or other common area frequented by such employees during the course of their employment; but
- 8.10.2.3 Excludes any private dwelling and any portion of an area mentioned in paragraph (a) specifically designated by the firm as a smoking area and which complies with the prescribed requirements.
- 8.10.2.4 Rights of Smokers in the Workplace: smoking may only take place within designated smoking areas which comply with the prescribed requirements. The designated smoking area will be outside at the table on the first floor down the fire escape. Smoking will certainly be regarded as misconduct when it is carried out in a non-designated smoking area and in blatant disregard of the firm smoking policy. If you smoke during office hours, you will not enjoy the benefit of one hour off during a full working week.

8.11 Alcohol and Substance Abuse:

- 8.11.1 This policy affects all employees employed by the firm.
- 8.11.2 The purpose of this policy is to regulate, enforce and address substance and alcohol abuse in the workplace.
- 8.11.3 The firm adopts a zero tolerance approach to alcohol and substance abuse. Employees may not report for work under the influence of either alcohol or any intoxicated or illegal substance. Employees will not be allowed to enter the workplace should it be found that the employee appears

HUMAN RESOURCES POLICY

to be under the influence. Note will be taken of the employees appearance: his/her bloodshot eyes, slurred speech, attitude (aggressive or abusive) and the employee will be required to walk in a straight line with his/her arms held out horizontally.

- 8.11.4 Employees are not authorised under any circumstances to have any illegal substances or unauthorised drug paraphernalia in their possession at work and disobedience to this will result in disciplinary action. Employees are subject to random drug screening/ breathalyzer tests should they be required. At staff functions where alcohol is allowed, employees are only allowed to consume alcohol in moderation in designated areas (which will be clarified at the time by management). The firm will not tolerate excessive use and employees are specifically warned that any misbehaviour will be addressed immediately.

8.12 Religious Observations:

- 8.12.1 The firm affirms freedom of conscience, religion, thought, belief and opinion in South Africa as stated in our Constitution's Bill of Rights.
- 8.12.2 The firm also acknowledges the Employment Equity Act and its provisions surrounding unfair religious discrimination in the workplace.
- 8.12.3 The firm does not provide Religious Leave in addition to Annual Leave, and thus if staff want to take leave for Religious purposes, they may do so by following the regular Annual leave procedure.
- 8.12.4 There may be cases where a staff member chooses to observe certain religious requirements that might impact on either their work hours, work environment, dress code or something similar. The firm reserves the right when assessing the employee's submission to request credible proof via an affidavit by a minister, rabbi, priest or religious representative of that religion explaining the reasoning for its centrality to that belief system. This submission will then be taken into account on a case-by-case basis ensuring that not only reasonable accommodation of the employee is made, but also the firm's operational and economic requirements.

8.13 Human Trafficking Policy:

- 8.13.1 The aim of this policy is to highlight the firm's attitude of zero tolerance towards any acts of human trafficking, prostitution and slave labour in any form.
- 8.13.2 This may include abduction, servitude, forced or compulsory labour of adults or children all of which have a common theme of exploitation and deprivation of human dignity. Any trade of human beings for the purposes of sexual slavery or commercial sexual exploitation is strongly condemned. We believe that human rights are fundamental and need to be respected. We are committed to transparency, integrity and a high ethical standard

HUMAN RESOURCES POLICY

- 8.13.3 This begins with the firm and expands outwards to parties we engage with such as suppliers, sub-contractors, consultants, vendors and partners.
- 8.13.4 The values of the firm group undergird all our business practices and we thus stand in vehement disagreement with any person/entity that chooses to engage in any form of human trafficking, prostitution or modern slavery. We are committed to opposing such things in any manner we are able to and expect those we do business with to adopt the same approach of zero-tolerance.
- 8.13.5 Senior Management has the responsibility to ensure that this policy is implemented throughout the firm, its branches and its objectives are maintained throughout our supply chain. Although we cannot control how third parties choose to run their businesses in this regard, we do have control over who we choose to have a business relationship with.
- 8.13.6 The firm does not engage in evaluating our suppliers' compliance with human trafficking, prostitution or slave labour laws. However should any claim or suspicion of such behaviour come to light, we will use the tools available to us to investigate the matter. Such a claim or indication would be reporting directly to our Board of Directors. The firm will not continue to purchase goods or services from any supplier that is found to be engaging in human trafficking or using slave labour.
- 8.13.7 Should staff observe or come into contact with anything that may suggest any of the above, he/she has the Whistleblowing Procedure and Policy to support them. This Policy protects whistleblowers under two pillars: confidentiality and retaliation. The nature of the information received will lead to the firm's next course of action.

9. WORKPLACE PRACTICES

9.1. Equipment:

- 9.1.1 All the firm provided equipment (PCs, laptops, fuel cards, tools, uniforms, laptop bags, mouses, USB flashes, GPS units etc.) shall be documented from the time of issuance.
- 9.1.2 Employees are responsible for reporting to Management any damage, accidents, thefts, or missing items of the firm issued equipment, and may be liable for such if not reported in a timely manner. All the firm provided equipment remains the firm's property and employees shall surrender said property to Management immediately upon being given notice.
- 9.1.3 All equipment, laptops etc., issued to employees is to be maintained in serviceable conditions. It is the responsibility of the employee to look after the items and ensure their safety at all times. Failure to do so or the loss of the equipment assigned to designated employees through negligence will result in the replacement cost of that equipment being deducted from the employee's salary. Should the item be stolen out of a locked car boot with forced entry (during work hours), out of an employee's home (all hours), at a client's premises (all hours) or at the firm's premises (all hours) the firm agrees to pay the replacement cost.
- 9.1.4 The firm accepts that individuals will from time to time have to make personal calls while at work. It is

HUMAN RESOURCES POLICY

expected that employees will exercise due restraint and only use the office telephone in circumstances where this is urgently required. Employees are expected to keep the frequency and duration of personal telephone calls to a minimum. Employees should seek approval from their Director if they are to be using the telephone for personal use.

- 9.1.5 Where safety steel tipped shoes are required for warehouse staff, the firm will purchase these for the staff member. The firm will offer a standard steel tipped boot, however, should an employee request a more expensive boot, he/she agrees to have the balance deducted off his/her salary. If the employee leaves the firm within 12 months of the shoes being issued, he/she will be liable for a portion of the purchase. Should the employee opt to keep and exit the firm within 6 months of the boot being purchased, 75% of the amount will be deducted from the employee's final payment. If between 6 & 12 months, 50% of the amount will be deducted.

9.2. Attire:

- 9.2.1 This policy applies to all staff at the firm. The different roles will be split so as to distinguish certain positions that require a more professional appearance from those who only require more casual attire.
- 9.2.2 In an office environment the appearance of the employees must reflect the professionalism and culture of the firm. Therefore the aim of this policy is to ensure that the appearance of staff accurately reflects these elements. From first impressions when meeting clients on site, to clients visiting our offices, we want to ensure that our presentation of all staff is at a consistent standard that is conducive to our work environment and industry.
- 9.2.3 Directors are to ensure that their subordinates are compliant to the below policies. If anyone is unsure or requires assistance with the interpretation or enforcement of this policy, HR is to be contacted. Repeat violations of this policy may result in disciplinary action as per the disciplinary code of the firm.
- 9.2.4 The firm is also cognizant that individuals in their dress code want to observe cultural and religious conventions and this is welcomed to the extent that employees are not hampered in fulfilling the requirements of their job.
- 9.2.5 This policy is predicated on the employee's respective position. For example Sales Solutions Specialists interact directly with clients face to face. Often they are the first point of contact with clients and thus need to ensure that their appearance is especially up to the standards of a professional office environment.
- 9.2.6 Additionally while the firm celebrates individuals' uniqueness and encourages employees to give expression to their individuality and distinctive style, employees are asked to do so within the guidelines provided below:

HUMAN RESOURCES POLICY

	Men	Women
Client facing:	<ul style="list-style-type: none"> • Semi-formal • Chinos, smart trousers • Jackets, • Smart jerseys • Office shoes • Collared shirts 	<ul style="list-style-type: none"> • Dresses, • Skirts of an appropriate length • Smart pants • Blouses • Neat Sandals, flat shoes • Stockings
Internal:	<ul style="list-style-type: none"> • Smart sneakers • Open collared or golf shirts • Smart casual pants 	<ul style="list-style-type: none"> • Leggings or tights worn in conjunction with a skirt or dress • Smart casual top • Smart casual pants
Cleaning staff:	<ul style="list-style-type: none"> • Appropriate overalls 	<ul style="list-style-type: none"> • Appropriate overalls
Casual Fridays:	<ul style="list-style-type: none"> • Dark Blue Denim jeans • Sneakers, converse shoes • Smart casual top 	<ul style="list-style-type: none"> • Dark Blue Denim jeans • Sneakers, converse shoes • Smart casual top

9.2.7 Grooming:

9.2.7.1 Well-groomed hair, that doesn't obscure face

9.2.7.2 Men must have an established, well defined beard, or be clean shaven

9.2.8 Unacceptable Attire

(Note: This is by no means an exhaustive list, but rather examples of attire that is prohibited)

9.2.8.1 No T-shirts

9.2.8.2 No shorts, slip-slops or slippers

9.2.8.3 No hoodies or beanies

9.2.8.4 Athletic or sportswear such as tracksuits

9.2.8.5 Jeans that have holes or are torn considerably

9.2.8.6 Spandex or lycra

9.2.8.7 Tank tops, midriff shirts, tube tops

9.2.8.8 Visible underwear

9.2.8.9 Beach wear such as board shorts

9.2.8.10 Transparent clothing without another item underneath

9.2.8.11 No cleavage may be visible

9.2.8.12 Clothes must be clean, stain free

9.2.8.13 Body odour should be acceptable

9.2.8.14 No flamboyant jewellery (including lip, tongue or eyebrow rings)

9.2.8.15 No visible tattoos for client facing staff

HUMAN RESOURCES POLICY

10. BEHAVIOUR

10.1. Grievances:

- 10.1.1 The objective of this document is to outline the policy in the event of employee dissatisfaction or grievance.
- 10.1.2 A grievance can be defined as any feeling of dissatisfaction experienced by an employee who is related to his/her work or work environment and which is brought to Management's attention. The objective of this policy is to ensure that any grievance either individual or group is resolved in an orderly, systematic and fair manner and in the shortest possible time.
- 10.1.3 The firm believes in the right of every employee to raise a grievance regarding any matter arising out of his/her work situation or relationships within the workforce, without fear of victimisation. The grievance process can supply management with valuable information regarding employee dissatisfaction, lack of communication and/or interpersonal problems, and employees are encouraged to make use of this procedure if they are experiencing any problems.
- 10.1.4 This policy and the procedure are based on the following principles: -
 - 10.1.4.1 The right of any employee to raise a grievance without fear of victimization.
 - 10.1.4.2 The right of an employee to seek guidance and assistance from HR or a representative at any time.
 - 10.1.4.3 The right of an employee to appeal to a higher authority, without prejudice.
 - 10.1.4.4 That an employee should normally raise the grievance with the immediate Director (that is the person he/she reports to directly) in the first instance. The immediate seniors have the responsibility to the aggrieved to create a climate in which this will occur and they must make every effort to resolve the issues realised.
 - 10.1.4.5 That all employees have the right to be informed of the contents of the policy and procedure.
 - 10.1.4.6 That all Directorial and line personnel, responsible for ensuring the effective resolution of grievances, are trained in the correct application of the procedure.

10.2 Procedure to Settle Grievances:

- 10.2.1 In any business environment, differences of opinion occur.
- 10.2.2 Such differences can become problems if they are not resolved quickly and constructively. We believe that the most productive and mutually beneficial employment relationship is one in which issues are resolved directly between management and staff. This is why we believe in an Open Door Policy.
- 10.2.3 In order to have open communication, there must be mutual trust. We encourage you to bring your concerns to your Director. We, in turn, will listen to you with respect and do our best to help

HUMAN RESOURCES POLICY

you resolve the issue at hand.

- 10.2.4 Please remember – it is important that you not keep a concern or a problem to yourself or deal with it via “the grapevine.” It is important for you to know that you may use this procedure in good faith without fear of reprisal.
- 10.2.5 We will attempt to treat all internal complaints and their investigations as confidential, recognizing, however, that in the course of investigating and resolving internal complaints some dissemination of information to others may be necessary or appropriate.
- 10.2.6 If issues are not resolved through the firm’s informal open door communications practice, a formal process exists for problem resolution. It is as follows:
 - 10.2.6.1 **Step One:** Discussion of the problem with your immediate relevant Director/HR is encouraged as a first step. Please complete the Grievance form (step 1) along with your Director/HR.
 - 10.2.6.2 **Step Two:** If the problem is not resolved after discussion with the relevant Director, or if you think a discussion with the other person’s Director is inappropriate, you are then encouraged to request a meeting with Senior Management/HR. They will conduct an investigation and consider the facts and may review the matter with your Director. You will normally receive a response regarding the problem within five working days of submitting this form. After a full review of the facts (which may include a review of the written summary of the problem, interviews with the people involved, and further investigation if necessary, you will be informed of the final decision, usually within 15 working days. This decision will be final.

10.3 Absence from Work:

- 10.3.1 ‘Absence from work’ is the time that an employee is not at work during the official working hours.
- 10.3.2 The employee must personally inform the firm before 08h00 on the day he/she was supposed to have reported for duty of such absence and expected date of returning to work. The firm must also be informed of an address where the employee could be found should he/she wish to visit the employee.
- 10.3.3 No verbal message through other employees (unless it is the spouse) will be accepted. A contact number is to be left if the Director is not able to take your call. When you return to work a leave form is to be completed for the period you were absent.
- 10.3.4 The relevant Director must be notified where a person is absent for compassionate reasons on the day, unauthorized absence on the same day and where the individual is absent for more than one day of sick leave.

HUMAN RESOURCES POLICY

- 10.3.5 If more leave days are taken than are due, the firm will deduct what number of absent days from your wage, unless prior arrangement (such as unpaid leave) is made. Refer to the Leave Policy in your employment contract.
- 10.3.6 Any employee taking unauthorised leave will be subject to disciplinary action with eventual dismissal. The continued absence from work without notifying a Director or submitting a medical certificate will be regarded as leave without authorisation or abscondment, and the employee will be subject to a disciplinary hearing in absentia in terms of the Disciplinary Code and Conduct.
- 10.3.7 The firm expects staff to come to work on time and will only pay for time at work. Where (1) staff have control over the situation or (2) neither the firm nor staff have control over the situation, the firm will not pay for the period not at work within the official working hours. With regards to (1), any employee coming late without prior arrangements will be given a written warning with the possibility of dismissal.

10.4 Workplace Violence:

- 10.4.1 This policy includes all employees, permanent or temporary, who are employed by any firm within the firm. For purposes of this policy, violence is defined as the deliberate and wrongful abuse or damage of other persons, self, or property.
- 10.4.2 Intimidation is defined as an act towards another person, the result of which could reasonably cause the other person to fear for his/her safety and the safety of others. Threats of violence are defined as a communicated (verbal or non-verbal) intent to inflict physical or other harm to any person or property.
- 10.4.3 The purpose of this policy is to address the issue of potential workplace violence on our work premises, prevent workplace violence from occurring to the fullest extent possible, and set forth procedures to be followed should such violence occur.
- 10.4.4 The firm is committed to supporting a workplace environment free from harassment, coercion, intimidation, threats and violence for all employees including but not limited to staff, interns, contracted employees, visitors, clients and guests of the firm. The firm strives to provide a safe and secure working environment for all employees. Toward this end, intimidation, threats and acts of violence, with or without the presence of a weapon, will not be tolerated. Workplace violence is not limited to intentional physical contact for causing harm, but also includes making verbal or written statements specifically intended to frighten, coerce, or threaten employees. It would be assessed by determining if a reasonable person would interpret such behaviour as constituting evidence of intent to cause harm to individuals.
- 10.4.5 Individuals found to engage in behaviour in violation of this policy may be removed from firm property, suspended with pay and will be subject to disciplinary action up to and including termination.
- 10.4.6 All employees are protected from retaliation for filing a complaint/grievance or assisting in an investigation under this policy. Employees who are the victims of violence, believe they may be the recipients of violence, or who have knowledge of potential violence against others, are

HUMAN RESOURCES POLICY

encouraged to promptly notify an appropriate Senior member of staff and/or Human Resources. This will assist the firm in providing a safe and violence free work environment for all employees.

10.5 Harassment and bullying:

- 10.5.1 The purpose of these rules is to give effect to the anti-bullying and harassment provisions contained in the 2022 Code of Good Practice on the Prevention & Elimination of Harassment in the Workplace to ensure that all staff are treated and treat others with dignity and respect, free from harassment and bullying. All employees should take the time to ensure they understand what types of behaviour are unacceptable under this policy and to give effect to the anti-discrimination laws of South Africa entrenched in Section 9 of the Bill of Rights and the provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA), Employment Equity Act 55 of 1998 (EEA) in the workplace.
- 10.5.2 This policy covers harassment, bullying and discrimination which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying, harassment and discrimination by staff and also by third parties such as clients, contractors, suppliers or visitors to our premises.
- 10.5.3 All employees and professionals must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 10.5.4 All employees, clients and other persons having dealings with the firm, have the right to be treated with dignity.
- 10.5.5 The firm adopts a zero tolerance policy with regard to unfair discrimination and any form of harassment, bullying, victimisation and any other forms of violence perpetrated in the workplace.
- 10.5.6 Harassment on a prohibited ground is a form of unfair discrimination which infringes the rights of the complainant and constitutes a barrier to equality in the workplace.
- 10.5.7 Harassment in the workplace related to any prohibited ground in the workplace will not be permitted, tolerated or condoned.
- 10.5.8 Victims/Complainants of harassment have the right to follow the procedures set out in this policy and we as Employer will take appropriate action in this regard.
- 10.5.9 It is a serious disciplinary offence to victimise or retaliate against any employee who, in good faith, lodges a grievance concerning harassment in terms of this policy and procedure, whether in respect of an incident(s) concerning them or a colleague.
- 10.5.10 Directors take allegations of harassment, bullying and/or discrimination very seriously and will address it promptly and confidentially. Harassment, bullying and/or discrimination by an employee will be

HUMAN RESOURCES POLICY

treated as misconduct under our firm Disciplinary Code & Procedure and may in some cases lead to summary dismissal.

10.5.11 In the event that an employee resigns on account of being harassed at work it may amount to a constructive dismissal or an unfair labour practice that is actionable in terms of South African labour law.

10.5.12 Any Employee under investigation for contravening this policy may be subjected to suspension with payment pending a formal investigation into the alleged contravention of this policy in order to protect the integrity of the process and interests of the complainant.

10.5.13 **What is harassment?**

10.5.13.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

10.5.13.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

10.5.13.3 The mere fact that one or more persons may be in a position to ignore or deal comfortably with certain behaviour does not mean that it is acceptable if such behaviour is directed at another person.

10.5.13.4 Harassment or bullying is not dependent on an intention to cause distress or hurt but is assessed by the impact the behaviour has on the recipient. As a result, it is possible that behaviour that is acceptable to some people may cause embarrassment, distress or anxiety to others. Therefore, harassment or bullying relates essentially to the perceptions and feelings of the recipient.

10.5.13.5 The terms '*bullying*' and '*harassment*' are used interchangeably by most people, and many definitions include bullying as a form of harassment.

10.5.13.6 Harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to any of the prohibited grounds set out above. Harassment is unacceptable even if it does not fall within any of these categories or that described herein.

10.5.13.7 The motive or intention of the perpetrator is irrelevant.

10.5.13.8 Harassment which amounts to physical or sexual assault is a criminal offence and the firm will report all instances that come to its knowledge to the Police.

HUMAN RESOURCES POLICY

10.5.13.9 **Victimisation** is treating colleagues less favourably because of action they have taken, for example making a formal complaint about someone or giving evidence against a colleague.

10.5.14 **What is bullying?**

10.5.14.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

10.5.14.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- Cyber-bullying on any ground(s);
- Persistently criticising someone unnecessarily/without any basis to do so as opposed to legitimate, constructive and fair criticism of an employee's performance or behaviour at work;
- shouting at, being sarcastic towards, ridiculing or demeaning others;
- belittling someone's opinion;
- spreading malicious rumours;
- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate and/or derogatory remarks about someone's performance;
- blocking leave or training requests without reason;
- deliberately setting targets/objectives with impossible deadlines or that require Employees to work unreasonable hours;
- abuse of authority or power by those in positions of seniority;
- picking on someone or setting them up to fail;
- deliberately excluding someone from meetings or communications without good reason.

10.5.15 **What bullying is NOT:**

10.5.15.1 legitimate, reasonable and constructive criticism of an employee's performance or behaviour;

10.5.15.2 reasonable instructions given to employees in the course of their employment, will not amount to bullying on its own;

10.5.15.3 a manager rejecting an employee's personal request (such as a request for leave) because of a legitimate business need;

HUMAN RESOURCES POLICY

10.5.15.4 not being invited to a meeting where you are not required;

10.5.15.5 being appropriately managed in accordance with any firm policy, for e.g. being placed under performance management where your performance is not of an appropriate standard or being formally disciplined under the firm's Disciplinary Code & Procedure.

10.6 Sexual harassment:

10.6.1 Sexual harassment is any unwanted or unwelcome sexual behaviour that has a negative effect on the recipient. It can range from inappropriate gestures, innuendoes, suggestions, or hints to fondling without consent and at worst, rape. Sexual harassment creates an intimidating, hostile or offensive environment.

10.6.2 This code of good practice on the handling of sexual harassment cases is intended to eliminate sexual harassment by enabling prevention in the workplace and improved case handling. This code seeks to create an environment that will promote the respect and dignity of employees.

10.6.3 General Principles

10.6.3.1 The firm commits itself to the elimination of sexual harassment in the workplace.

10.6.3.2 The firm commits itself to dealing with sexual harassment cases in a sensitive, prompt, unbiased and confidential manner.

10.6.3.3 The firm shall ensure that neither the grievant nor the alleged harasser is victimised in any way by either management or employees.

10.6.3.4 The firm's personnel shall be prohibited from harassing outsiders, including grant recipients and their employees or others who may have an association with Foundation.

10.6.3.5 The firm recognises that it is the responsibility of the employer to provide and maintain an environment that is free of sexual harassment as part of its commitment and responsibility to ensure a healthy and safe working environment.

10.6.3.6 The firm shall ensure that employees, including job applicants and part-time employees are not subjected to sexual harassment in return for employment, job retention, a salary increase or promotion.

10.6.3.7 The grievant shall not be transferred against his/her will.

10.6.3.8 The firm will ensure that sexual harassment education programs are in place and all employees are conversant with this code.

10.6.4 Confidentiality

10.6.4.1 The firm will ensure that sexual harassment complaints are investigated and handled in a manner whereby the identities of the persons involved are kept confidential, if necessary.

10.6.4.2 In cases of sexual harassment, management and the parties concerned shall ensure confidentiality in the disciplinary enquiry. Only affected persons (including an interpreter where necessary) shall be present in the disciplinary enquiry session.

10.6.4.3 Where possible, management, in consultation with the grievant, shall consider the appropriate venue for the disciplinary enquiry.

HUMAN RESOURCES POLICY

10.6.5 Forms of Sexual Harassment

There are various forms of sexual harassment that range from subtle attention to the worst forms of violence such as rape. Examples of sexual harassment may include the following, but are not limited to the listed examples:

10.6.5.1 Physical Forms: Physical conduct of a sexual nature means unwanted physical contact ranging from fondling breasts, pinching of buttocks, assault, molestation, sexual patting or touching, attempted rape or rape, strip- search.

10.6.5.2 Verbal Forms: Verbal conduct of a sexual nature may include unwanted sexual advances, verbal comments with sexual overtones, sex-related jokes or insults, graphic comments about a person's body, enquiring about a person's sex life, whistling.

10.6.5.3 Non-verbal Forms: Non-verbal conduct of a sexual nature may include indecent body exposure, display of sexually suggestive pictures or objects, leering and winking.

10.6.5.4 Quid Pro Quo Harassment: Quid pro quo harassment is an abuse of authority by an employer, supervisor or any member of management or fellow employee who has the power or can influence the process of employment, dismissal, promotion or salary increment. This can be done by suggestion of sex in return for a job, salary increases, application or threatened application of unfair disciplinary measures.

10.7 **Incarceration, Arrests and Criminal Records:**

10.7.1 Incarceration

10.7.1.1 The firm operates under the principle of innocent until proven guilty. However this does not prohibit the firm from taking action up to and including termination to address the absence of the employee.

10.7.1.2 Should an employee of the firm be incarcerated either pre or post-conviction, various aspects will be considered before any action will be taken. How long will the incarceration be? Will this absence from work be permanent or temporary? Does the employee's position allow for a temporary worker to be utilized? Are there any alternatives, such as keeping the employee on unpaid leave until he/she returns? What condition is the trust relationship between the parties?

10.7.1.3 The firm will in most cases follow the LRA Schedule 8 Code of Good Practice: Dismissal Section 10 Incapacity: Ill Health or Injury when dealing with incarcerated employees. During this the employee will be offered an opportunity to state his/her case (*Audi Alteram Partem*) either through a representative, in written or verbal form. After the above issues are taken into account a decision will be made by the elected chairperson regarding the employee's continued employment with the firm.

HUMAN RESOURCES POLICY

10.7.2 Arrests

10.7.2.1 Employees who are arrested and are thus unable to attend work will be placed on unpaid leave under the no work-no pay principle.

10.7.3 Employees are required to disclose arrests to the Human Resources department. They should submit the police report and supporting documentation concerning the arrest and related charges. Should an employee withhold information, this may be constituted as gross dishonesty and/or misrepresentation and disciplinary action may follow.

10.7.3 Criminal Records

10.7.3.1 The disciplinary code of the firm states that conviction of a criminal offence is a dismissible offence.

10.7.3.2 There are two situations to this component of the code:

10.7.3.2.1 An employee is convicted of an offence whilst employed with the firm. In this case two aspects will be focused on to determine the status of the employee in question's employment future.

10.7.3.2.2 Firstly, the degree to which the criminal offence relates to employee's position (eg: convicted for a drunk driving offence and the position is a driver; convicted of fraud/misappropriation of funds and the position is in the finance department).

10.7.3.2.3 Secondly, to what extent the employee has brought the firm's name into disrepute. Should the employee have committed an offence.

10.7.3.2.4 On the other hand, it is discovered after an employee has been employed that he/she possessed a criminal record prior to being employed. The firm will look at whether the employee was dishonest or misrepresented him/herself during the interview stage, in which case a misconduct enquiry may result. The employee-firm relationship is built upon trust, and subsequently this aspect as well as the offences relation to the employee's position will be analysed.

10.7.3.2.5 Some arrests may not result in a criminal record such as shoplifting, possession of a small amount of illegal drugs for personal use, speeding etc. An employee may be charged, tried and convicted of a criminal offence but is not sent to prison (eg: required to pay a fine or perform community

HUMAN RESOURCES POLICY

service). In this case, although the employee can return to work, the firm will investigate the matter using the aforementioned principles.

11. DISCIPLINARY PROCEDURES

11.1 The first objective of this document is to outline the firm's Disciplinary Code and procedures in terms of the actions and behaviour of our employees that are considered to be unacceptable and accordingly offences.

11.2 It is intentionally general, as each case is unique, and departures from the norms established herein may be justified in proper circumstances. Therefore, not all types of misconduct are covered in this code; however, this does not prevent the firm from taking disciplinary action with regard to such misconduct. The second objective is to outline principles and the firm's approach when handling cases of Incapacity and Operational Requirements.

11.3 Other relevant factors to be taken into account in determining the appropriate disciplinary action will include length of service, previous offences, period since last offence, employee status and any relevant mitigating or aggravating circumstances.

11.4 General Principles:

11.4.1 In any organisation, disciplined behaviour is essential for the well-being of the individual and the achievement of the organisation's objectives and goals.

11.4.2 The firm specifies that one of its key values is that the firm and employees will treat one another with mutual respect.

11.4.3 There is equal importance placed on both employment justice and the efficient operation of business.

11.4.4 While employees should be protected from arbitrary action, the firm is entitled to satisfactory conduct and work performance from the employees.

11.4.5 When an employee has committed an offence, such employee/s should be disciplined in accordance with this code.

11.4.6 This means thorough investigation into the alleged offence, and careful consideration of the merits and circumstances of each case must be done before disciplinary action is taken. Such action should always be prompt, fair, consistent and firm. Since a code of this nature may not be applicable to every specific case that may occur, Management should use their discretion within the framework and in accordance with the spirit of the code.

HUMAN RESOURCES POLICY

- 11.4.7 One of the cornerstones of sound industrial relations practice (to which this the firm subscribes), is the need to apply disciplinary procedures in a consistent manner. In other words, the same principles, norms and standards apply to all employees regardless of their respective positions, status or race in the firm.
- 11.4.8 However the firm acknowledges that different sanctions may be handed out to employees who transgress in a similar manner, due to different associated aggravating and mitigating circumstances. This document is not intended as a substitute for good management. It is an expression of the firm's policy with regards to discipline and a guideline to Management. The disciplinary code must be brought to the attention of an employee at the time of employment with the firm.
- 11.4.9 The firm subscribes to the concept of corrective or progressive discipline, by ensuring that employees know and understand what standards are required of them. Efforts will therefore be made to correct employees' behaviour through a system of progressive disciplinary measures.
- 11.4.10 Formal procedures do not have to be invoked every time a rule is broken or a standard is not met. Informal advice and correction is a good and effective way for dealing with minor violations of work discipline. Repeated misconduct will warrant warnings, which in itself may be graded according to degrees of severity. More serious infringements or repeated misconduct may call for a final warning, or other action short of dismissal.
- 11.4.11 Dismissal should be reserved for cases of serious misconduct or repeated offences.
- 11.4.12 The Disciplinary Code shall remain applicable in instances of collective action, subject to the provisions of the Labour Relations Act 66 of 1995 and other relevant law, and procedure will be followed as may be reasonably possible in the prevailing circumstances. If during such collective action individual acts of misconduct occur, management reserves the right to take disciplinary action against such individuals in terms hereof.
- 11.4.13 The firm will keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the firm and the reasons for the actions.

11.5 Minor offences, informal counselling and verbal warnings

- 11.5.1 In so far as it is reasonably possible, disciplinary action will only be taken to maintain standards after informal counselling and verbal warnings have failed to produce the desired results. If an employee breaches his/her conditions of employment or if his/her performance or behaviour is unacceptable, his/her immediate supervisor will counsel and guide him/her before resorting to formal disciplinary

HUMAN RESOURCES POLICY

action, unless the conduct or poor performance is of such a nature that it warrants serious and formal action.

11.5.2 The issue, complaint or problem, and the required conduct or performance/output should be brought to the attention of the employee by the supervisor. He/she must be informed of what is expected and required of him/her (the standard and/or rule), and he/she must be encouraged to address and resolve the issue, complaint or problem.

11.5.3 The employee must then be warned of the possible consequences if the unsatisfactory conduct, behaviour, issue, complaint or problem should continue.

11.6 Disciplinary Procedure (“Fair Procedure”)

11.6.1 Investigation of alleged misconduct and other tasks of the Investigator

11.6.2 If it should be alleged or suspected on reasonable grounds that an employee is guilty of misconduct or failure to maintain standards or adhere to rules, and if it is sufficiently serious to justify formal disciplinary action, the employee’s immediate superior will report the matter to the HR Director who will forthwith appoint a fit and proper person (hereinafter referred to as “the investigator”) to investigate the allegation.

11.6.3 The task of the investigator will be to ascertain when, where and under what circumstances the offence was allegedly committed. He/she may take sworn statements, if possible, but alternatively normal signed statements from all potential witnesses, and take possession of all books, documents and other items that may be required as exhibits or evidence at a disciplinary inquiry. He/she will collate the evidence and prepare a draft charge sheet, setting out all the potential charges against the employee.

11.6.4 The investigator will convene a meeting with the employee, inform the employee of the charges, and inform the employee of his/her rights to answer and make submissions immediately, or to remain silent and respond in terms of this code and procedure which could result in a disciplinary hearing.

11.6.5 The employee must be given an opportunity to respond. During this stage, the investigator may question the employee to clarify certain matters and facts, and to ascertain the nature of his/her defence to the charges. The investigator will record the questions and the answers, read it to the employee and give him/her an opportunity to sign it if he/she so desires. The employee cannot be forced to sign the statement and the refusal to sign should not be seen as an admission of any kind or that the employee has been obstructive.

11.6.6 Following the above process, the investigator will submit all the evidence, the draft charges, details about the questions which were put to the employee and the employee’s answers and submissions, as well as the investigator’s own comments and recommendation to the personnel manager.

HUMAN RESOURCES POLICY

11.7 Evaluation of the evidence (misconduct or incapacity)

If the evidence shows the source of the problem to be a lack of capacity, capability, knowledge, skill or training, a clash of personalities or a wrong placing of the employee, the employer will cause the source of the problem to be addressed.

11.8 Preparation of the charge(s)

- 11.8.1 The HR Director must be satisfied that there is sufficient (*prima facie*) evidence that the employee committed a serious enough offence that warrants at least a written warning or something more serious and drastic which could entail the dismissal of the employee. If not, an informal inquiry should be conducted with the employee.
- 11.8.2 He/she will ensure that all the alleged offences are covered in the charge sheet; that each charge describes the alleged offence in clear and concise terms; and that it states when and where the offence was allegedly committed. This may also entail the reformulation of the charge sheet compiled by the investigator.
- 11.8.3 He/she will also see to it that each charge contains such additional information as may reasonably be necessary for the employee to understand the charge(s) and to prepare his/her case, evidence, witnesses and defence.

11.9 Preparations to hold a formal disciplinary inquiry

11.9.1 Timing:

11.9.1.1 The disciplinary inquiry will be held as soon as possible after the alleged contravention comes to the employer's notice, provided that the employee will be afforded a reasonable time to prepare his/her defence.

11.9.1.2 The HR Director must arrange the following:

- 11.9.1.2.1 the appointment of a suitable person as chairperson to conduct the formal disciplinary inquiry, make a finding, and if guilty, to recommend an appropriate sanction or penalty;
- 11.9.1.2.2 the date, time and place of the disciplinary inquiry;
- 11.9.1.2.3 the recording of the proceedings; and
- 11.9.1.2.4 the attendance of an interpreter, if necessary, to assist the employee.

11.10 The chairperson

11.10.1 The chairperson must be impartial and objective and not have a vested interest in the matter.

HUMAN RESOURCES POLICY

- 11.10.2 The chairperson will be furnished with a copy of the charges and all the statements of the witnesses to enable him/her to prepare for the inquiry. The chairperson may be a person who is not an employee or in any way associated with the employer, but there is no obligation on the employer to contract such an outsider. The employer may decide to appoint a chairperson from within the business.

11.11 Recording of the proceedings

- 11.11.1 The disciplinary inquiry must be recorded accurately and preferably by using a digital voice recording system.
- 11.11.2 Alternatively, accurate minutes must be kept. The employee is entitled to a copy of the recording and/or minutes and may also make his/her own recording.

11.12 Notice to the employee to attend disciplinary enquiry

- 11.12.1 The HR Director will inform the employee in writing of the date, time and place of the inquiry, as well as the charges by handing the employee a written notice.
- 11.12.2 The notice must inform the employee of his/her right to be represented by a fellow employee, to produce evidence and call witnesses to testify on behalf of the employee, to cross-examine the employer's witnesses, and to an interpreter, if necessary.

11.13 Conducting the formal disciplinary inquiry

- 11.13.1 The inquiry will be conducted in the presence of the employee, unless he/she refuses to attend or behaves in such a way that the inquiry cannot be held or continue in his/her presence.

11.14 Representation

- 11.14.1 The employee is not entitled to be represented by an attorney, advocate, consultant, family member or any other person who is not a fellow employee.
- 11.14.2 The HR Director will represent and state the case of the employer.

11.15 The chairperson's functions at the inquiry

- 11.15.1 The chairperson's function is to establish the facts impartially and objectively.
- 11.15.2 At the start of the inquiry, the chairperson will explain the purpose and process of the inquiry to the employee in the presence of the person assisting the employee, if any. The chairperson will ensure that

HUMAN RESOURCES POLICY

all the rights of the employee were protected and afforded. The chairperson will ensure that the charges are read and explained to the employee and ask the employee to plead on each charge by indicating whether he/she is guilty or not.

- 11.15.3 The chairperson should then give the employee an opportunity to state the nature of his/her defence by explaining his/her plea on each charge. At this stage, there is no obligation on the employee to explain his/her plea. The employee may simply plea and put the employer to the proof of the allegations.
- 11.15.4 The chairperson may question the employee at any stage of the inquiry to clarify any matter related to the defence and plea. The chairperson may establish the facts by inquisitorial methods.
- 11.15.5 The witnesses should be called in one at a time and may also be questioned by the chairperson. Preferably, a person who will testify as a witness should not sit in at the hearing while other witnesses testify.
- 11.15.6 The chairperson is in charge of the process and will make sure that a proper record of the proceedings is kept.

11.16 The employee's rights

- 11.16.1 The employee and his/her representative will be permitted to question and to challenge the testimony of each witness who is called to give evidence.
- 11.16.2 As a result, all evidence should be given in person by the witnesses, and only in exceptional cases may statements or affidavits be accepted by the chairperson as evidence.
- 11.16.3 After all the witnesses who support the allegations against the employee have given their evidence, the employee will be given an opportunity to give evidence, to call witnesses in rebuttal and to respond to any comments by the chairperson.
- 11.16.4 At the conclusion of the disciplinary inquiry the chairperson should permit the initiator and the employee or his/her representative to address the chairperson on the question whether or not the charges have been established and whether or not the employee is guilty of the charges.

11.17 The Verdict

- 11.17.1 The chairperson may give the verdict at the hearing or adjourn the proceedings to consider all the evidence and announce the findings at a later stage.
- 11.17.2 This should be done in the presence of the parties and their representatives but may also be done in writing to all parties.

HUMAN RESOURCES POLICY

- 11.17.3 Balance of probabilities: The employee may be convicted only on such charges as have been established on a balance of probabilities. If the chairperson is not satisfied that the employee's guilt has been established on a balance of probabilities on any particular charge, the employee must be acquitted.
- 11.17.4 Verdict of not guilty: If the charges against the employee have not been established, he/she will be found not guilty and acquitted. The finding must be recorded in writing.
- 11.17.5 Verdict of guilty and submissions on sanction/penalty: If the employee is found guilty and convicted of all or any of the charges, the question of an appropriate sanction or penalty must be considered next at the inquiry.

11.18 There are three grounds on which a termination of employment might be legitimate. These are:

- 11.18.1 Misconduct (unacceptable behaviour);
- 11.18.2 Incapacity (the inability of a person to do his/her work due to poor performance or ill-health);
- 11.18.3 Operational Requirements (retrenchment or redundancy).

12. DISMISSAL:

- 12.1 The law does not specify that employees should receive any specific number of warnings, for example three written warnings. Therefore, dismissal could follow a first offence in the case of serious misconduct.
- 12.2 Furthermore, a warning for one type of contravention may not be applicable to another type of offence - in other words, a first written warning for late coming could not lead to a second written warning for insubordination).
- 12.3 Off Duty misconduct relates to misconduct that occurs outside of working hours on/off the work premises. If necessary the firm would investigate whether it has a legitimate interest in the misconduct. This would be done by looking at whether the conduct is disruptive to the firm or if it negatively affects the firm's image and reputation. Disciplinary action may then be taken should either of these be evident.

12.4 Poor Work Performance

- 12.4.1 An employee should not be dismissed for unsatisfactory work performance unless the firm has:
 - 12.4.1.1 given the employee appropriate evaluation, instruction, training, guidance or counselling; and
 - 12.4.1.2 after a reasonable period of time for improvement, the employee continues to perform unsatisfactorily.
- 12.4.2 An investigation must be held to establish the reasons for the unsatisfactory performance and the firm should consider other ways, short of dismissal to remedy the matter. The employee should have

HUMAN RESOURCES POLICY

the right to be heard and to be assisted by a fellow employee.

12.4.3 When applying disciplinary measures in a case of poor work performance the following must be considered:

12.4.3.1 whether or not the employee failed to meet a performance standard;

12.4.3.2 and if the employee did not meet a required performance standard whether or not the employee was aware, or could reasonably be expected to have been aware, of the required performance standard. And if the employee was given a fair opportunity to meet the required performance standard.

12.5 Ill Health and Injury:

12.5.1 Incapacity on the grounds of ill health or injury may be temporary or permanent. If an employee is temporarily unable to work in these circumstances, the firm should investigate the extent of the incapacity or the injury.

12.5.2 If the employee is likely to be absent for a time that is unreasonably long in the circumstances, the firm should investigate all the possible alternatives short of dismissal.

12.5.3 When alternatives are considered, relevant factors might include the nature of the job, the period of absence, the seriousness of the illness or injury and the possibility of securing a temporary replacement for the ill or injured employee.

12.5.4 In cases of permanent incapacity, the firm should ascertain the possibility of securing alternative employment or adapting the duties or work circumstances of the employee to accommodate the employee's disability.

12.5.5 In the process of the investigation referred to above, the employee should be allowed the opportunity to state a case in response and to be assisted by a fellow employee.

12.5.6 The degree of incapacity is relevant to the fairness of any dismissal. The cause of the incapacity may also be relevant. In the case of certain kinds of incapacity, for example alcoholism or drug abuse, counselling and rehabilitation may be appropriate steps for a firm to consider.

12.5.7 Particular consideration should be given to employees who are injured at work or who are incapacitated by work-related illness.

12.5.8 When considering the course of action to take i.e. to dismiss an employee due to ill health or injury it must be assessed whether or not the employee is capable of performing the work; and if the employee is not capable:

12.5.8.1 the extent to which the employee is able to perform the work;

HUMAN RESOURCES POLICY

- 12.5.8.2 the extent to which the employee's work circumstances might be adapted to accommodate disability, or, where this is not possible, the extent to which the employee's duties might be adapted; and
- 12.5.8.3 the availability of any suitable alternative work.

12.6 Operational Requirements:

- 12.6.1 When the firm contemplates terminating one or more employees for reasons based on the firm's operational requirements, the process as stipulated in terms of Section 189 of the Labour Relations Act 66 of 1995 will be followed.
- 12.6.2 This means that the employees affected can only be dismissed on grounds relating to economic, technological, structural or similar needs. The firm will seek to consult with the relevant parties affected by the possible retrenchments. Consensus will be sought on the items identified in Section 189 (2) (a-c). The firm will disclose in writing Section 189 (3) (a-h) to the parties affected. Finally, Section 196 relating to severance pay will also be observed.

12.7 Disciplinary Appeals:

- 12.7.1 Employees who receive disciplinary action against them have the option of appealing within 5 days of the outcome.
- 12.7.2 To do this they are to complete the disciplinary appeal form, describing/submitting any additional documentation or reasons as to why they believe that the action taken was either substantively or procedurally unfair (or both). Appeals submitted out of this time frame will only be considered at the discretion of the HR department.
- 12.7.3 The appeals chairman may not be the chairperson who oversaw the original case. The appeals chairperson does not have the authority to increase the sanction, but only recommends reduction, re-affirmation or removal of it.

HUMAN RESOURCES POLICY

ANNEXURE A

GRIEVANCE / COMPLAINTS PROCEDURE – SEXUAL HARASSMENT AND BULLYING

1.1 General

- All complaints and/or grievances concerning transgression of the rules provided for in clauses 10.5 and 10.6 must be reported to Management in accordance with the procedure set out herewith below.
- All complaints pertaining to sexual harassment will be regarded as serious and will be dealt with in a strict and confidential manner by the firm.
- The firm will provide appropriate assistance to victims of sexual harassment and will support them to seek counselling and appropriate therapy as part of their recovery.
- The grievance/complaints procedure outlined below may run concurrently with a formal disciplinary action initiated by the firm and/or civil or criminal proceedings initiated against the alleged perpetrator.

1.2 Informal steps

- If you are being bullied or harassed (with the exception of sexual harassment), you should initially consider raising the problem informally with the person responsible, if you feel able to do so. You should explain clearly to them that their behaviour is unwelcome or makes you uncomfortable.
- If this is too difficult or embarrassing to do on your own, you should speak to your Head of Department of the HR Director, or if he/she is the subject of the complaint go directly to the Managing Director of the firm who can provide confidential advice and assistance in resolving the issue formally or informally.
- If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact the HR Director informally for confidential advice.
- If informal steps are unsuccessful or are not possible or appropriate in the circumstances, you should follow the formal complaints procedure set out below.
- Not addressing the situation informally **does not** disqualify you from raising a formal complaint in terms of the procedure outlined below.

1.3 Raising a formal complaint

- If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to the HR Director whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns the HR Director, you should refer it to the Managing Director.
- Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment, bullying or discrimination, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

HUMAN RESOURCES POLICY

- **Attend Mediation:** Mediation is a voluntary process (for all parties) and involves individual and joint meetings with the Complaints Manager at either the “*informal steps*” stage or after you have already initiated a formal complaint to help identify the root cause of a problem. Mediation may not be appropriate in all cases and will depend on the particular circumstances.

1.4 Formal Fact-finding investigation

- Management with the HR Director will investigate all complaints in a timely and confidential manner. The investigation will be conducted by the HR Director and/or someone with appropriate experience and no prior involvement in the complaint. In serious matters the firm may at its discretion involve External Experts to assist with the investigation and process. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- The HR Director will arrange a meeting with you, usually within 1 (one) week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The HR Director or her/his designated investigator will arrange further meetings with you as appropriate throughout the investigation.
- Where your complaint is about a colleague or Manager, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The HR Director or investigator will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be informed of the details of the allegations against them in writing, so that they can respond.
- Where your complaint is about someone other than a colleague or Manager, such as a contractor, client, service provider, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- At the end of the investigation, the investigator will submit a report to the HR Director. The HR Director will arrange a meeting with you, usually within 1 (one) week of receiving the report, in order to discuss the outcome and what action, if any, will be taken by the firm. You have the right to bring a colleague or a trade union representative to that meeting. A copy of the investigation report and the HR Director’s findings will be given to you and to the alleged harasser.

1.5 Action following the investigation

- If the HR Director’s investigation concludes that the alleged harassment, bullying or discrimination occurred, prompt action will be taken by the firm to address it.

HUMAN RESOURCES POLICY

- Where the harasser or bully is an employee, the matter will be dealt with as a case of misconduct or gross misconduct under our Disciplinary Code & Procedure which will likely result in a formal disciplinary hearing.
- Where the harasser or bully is a third party, appropriate action might include speaking or writing to the person and/or their supervisor about their behaviour or, in very serious cases, banning them from the firm premises or terminating a contract/mandate with them.
- Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to disciplinary action under our Disciplinary Code & Procedure.

1.6 Remedial steps by the firm pending outcome

- Where appropriate in serious cases, if your sick leave has already been exhausted, management will consider in their discretion granting additional paid sick leave or paid time off if upon medical advice if you (the complainant) require medical attention and/or trauma counselling.
- If the incident results in you (the complainant) being on sick leave for longer than 10 (ten) working days, you may be entitled to claim illness benefits in terms of section 20 of the Unemployment Insurance Act, 2001.
- Management will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
- Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

1.7 Formal Hearing

Where a formal disciplinary hearing is the correct course of action following the fact finding investigation it will be conducted in terms of our Disciplinary Code & Procedure.

1.8 Appeals

- If you are not satisfied with the outcome of either the fact finding investigation or formal hearing you may appeal in writing to the Managing Partner, stating your full grounds of appeal, within 1 (one) week of the date on which the decision was sent or given to you.
- We will hold an appeal meeting, normally within 10 (ten) working days of receiving your written appeal. This will be dealt with impartially by the Managing Partner or another senior director who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- In order to resolve the complaint/grievance the Managing Partner has a wide and absolute discretion as to the procedure to be followed, which may include without limitation to:

HUMAN RESOURCES POLICY

- investigate the matter informally, make a decision and inform the Employee;
 - schedule a meeting of all the parties involved in the matter; and/or gather written statements by the affected parties;
 - conduct a formal hearing if same was not conducted following the initial fact finding investigation;
 - involve an External Expert in the process.
- If a meeting is called by the Managing Partner as contemplated above
 - The agenda will focus on matters not resolved during the initial fact finding investigation or hearing as the case may be or if the matter was not adequately handled during the initial hearing adjudicate the matter anew;
 - all affected parties will be provided the opportunity to state their case and submit evidence in substantiation of their case;
 - the complainant and alleged perpetrator will be allowed a representative of their choice, from among their colleagues if they do not wish to speak on their own behalf;
 - the parties will be allowed to lead evidence, call witnesses and cross-examine them if necessary;
 - The Managing Partner may question anyone on the facts, statements and/or evidence led;
 - The Managing Partner may postpone/reschedule the meeting if necessary, depending on operational needs;
 - The Managing Partner will, to the extent possible and where relevant, use his best endeavours to facilitate an agreement/understanding between the parties;
 - detailed minutes of the meeting will be kept and the settlement, or the fact that a compromise could not be reached will be recorded;
 - The Managing Partner may depending on the complexity of the matter, adjourn the meeting to consider any information submitted;
 - The Managing Partner may during the meeting or within a reasonable time thereafter inform all parties of his decision (in the absence of a settlement between the parties);
 - We will confirm our final decision in writing, usually within 1 (one) week of the appeal hearing.
 - A copy of the settlement or the decision and motivation, and the minutes of the meeting, will be made available to the parties.
 - Should you be dissatisfied with the outcome of Appeal and the complaint remains unresolved you may refer the dispute to the any CCMA, Labour Court, Equality Court or any other forum having jurisdiction. Unfair discrimination complaints must be referred to the CCMA within 6 (six) months of the incident.

HUMAN RESOURCES POLICY

- If you are the complaint in an alleged sexual harassment dispute which has not been satisfactorily resolved in terms of the above procedure, either party may within 30 (thirty) days of the dispute having arisen, refer the matter to the CCMA and if still unresolved at the CCMA, the Labour Court.
- Nothing in this procedure precludes an aggrieved party to approach the Courts for urgent and/or interim relief pending the outcome of the grievance/complaints procedure.

1.9 Protection for those making complaints or assisting with an investigation

- Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.
- If you believe you have suffered any such treatment you should inform the Complaints Manager. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.
- Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Code & Procedure.

1.10 Confidentiality and data protection

- Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required in respect of internal and external communications concerning the matter. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "*need to know*" basis.
- Especially in instances of alleged sexual harassment utmost confidentiality and involvement of additional role-players should be kept to a minimum and on a "*need to know*" basis only.

HUMAN RESOURCES POLICY
ANNEXURE B
Disciplinary Code

Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
VERY SERIOUS				
Theft	Dismissal			
Fraud	Dismissal			
Unauthorised removal from the premises of hard copy, transmission by fax or email, storage & removal on electronic media of intellectual property, trade secrets, costs, product lists, client lists or prices	Dismissal			
Gross insubordination	Dismissal			
Serious disrespect, impudence or insolence	Dismissal			
Gross sexual harassment or offensive behaviour	Dismissal			
Unauthorised use of dangerous weapons in the workplace	Dismissal			
Gross dereliction of duty	Dismissal			
Gross negligence	Dismissal			
Gross incompetence	Dismissal			
Any form of Corruption and/or Bribery	Dismissal			
Drunkenness at work	Dismissal			
Under the influence of and/or in possession of alcohol and/or illegal drugs	Dismissal			
Intentionally creating an ill-motivated disturbance in the workplace	Dismissal			
Unauthorised use of firm property and/or equipment	Dismissal			
Breach of employee's duty of good faith	Dismissal			
Assault and/or threat of assault	Dismissal			
Willful conduct or gross negligence that endangers the safety of others	Dismissal			
Conviction of a criminal offence	Dismissal			
Willful damage to the firm's property	Dismissal			
Being grossly dishonest to fellow employees, suppliers or clients	Dismissal			
Distributing, viewing or being in possession of any child pornography	Dismissal			
Improper divulging information about the firm, its products or staff	Dismissal			
Refusal to work without a justified reason	Dismissal			
Deliberately supplying incorrect or falsified information	Dismissal			
Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
To bring, directly or permit to happen to the firm, management or fellow employees into any disrepute, by any means, whether through verbal or written communication.	Dismissal			
Unauthorised and/or failure to communicate absence from work to Director for a period of 5 or more consecutive shifts	Dismissal			

HUMAN RESOURCES POLICY

Suspension of driver's license – if it is an employment requirement	Dismissal			
Breach of confidentiality – Divulging information that is confidential and/or personal relating to the firm or any of its employees	Dismissal			
Any other reason recognised in law as being sufficient grounds for dismissal	Dismissal			
Making racist and/or derogatory remarks directly or indirectly towards another person or group of people	Dismissal			

SERIOUS OFFENCES

Unauthorised and/or failure to communicate absence from work to Director for a period of 3-4 consecutive shifts	Final Written Warning	Dismissal		
Being in possession of liquor or dangerous weapons in the workplace	Final Written Warning	Dismissal		
Sleeping during working hours	Final Written Warning	Dismissal		
Incitement to unlawful or unprocedural strike	Final Written Warning	Dismissal		
Installation of unauthorised software	Final Written Warning	Dismissal		
Execution of unauthorised software	Final Written Warning	Dismissal		
Transmission of unauthorised software	Final Written Warning	Dismissal		
Unauthorised copying of data	Final Written Warning	Dismissal		
Negligence that endangers the safety of others	Final Written Warning	Dismissal		
Negligent damage to the firm's property	Final Written Warning	Dismissal		

Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
Being untruthful to the firm or a fellow employee	Final Written Warning	Dismissal		
Removal of hardware components from a computer	Final Written Warning	Dismissal		
Installation of hardware components	Final Written Warning	Dismissal		
Connection of any unauthorised device to the network	Final Written Warning	Dismissal		
Transmission of chain letters, jokes or distasteful messages across the network that contravene firm policy	Final Written Warning	Dismissal		
Distributing, viewing or being in possession of pornographic material	Final Written Warning	Dismissal		
Dangerous horseplay which could cause injury or endanger life or property	Final Written Warning	Dismissal		

HUMAN RESOURCES POLICY

Abusive behaviour or language to a superior/colleague/client/supplier	Final Written Warning	Dismissal		
Failure to carry out a lawful and reasonable instruction	Final Written Warning	Dismissal		
Driving a firm vehicle without authority	Final Written Warning	Dismissal		
Insolence (moderate disrespect)	Final Written Warning	Dismissal		

OTHER OFFENCES

Poor maintenance standards of a firm vehicle, tool or equipment	Further Written Warning	Final Written Warning	Dismissal	
Use of abusive and/or derogatory and/or offensive language or signs	Further Written Warning	Final Written Warning	Dismissal	
Unauthorised and/or failure to communicate absence from work to Director for a period of 2 consecutive shifts	Further Written Warning	Final Written Warning	Dismissal	
Loss or damage of firm property	Further Written Warning	Final Written Warning	Dismissal	

Nature of Offence	1st Offence	2nd Offence	3rd Offence	4th Offence
Failure to observe security and safety regulations	Further Written Warning	Final Written Warning	Dismissal	
Making false, malicious or vexatious allegations about a colleague	Further Written Warning	Final Written Warning	Dismissal	
Wasting of firm time	Further Written Warning	Final Written Warning	Dismissal	
Habitual late coming	Further Written Warning	Final Written Warning	Dismissal	
Unauthorised absence from the work whilst on duty	Further Written Warning	Final Written Warning	Dismissal	
The promotion of any political party or political cause, in whatsoever manner, including the wearing of badges, politically sloganed clothing and/or the display and distribution of political posters, literature etc. on firm premises	Further Written Warning	Final Written Warning	Dismissal	
Lending money to staff for financial gain without permission	Further Written Warning	Final Written Warning	Dismissal	

MINOR OFFENCES

Low productivity or unsatisfactory performance	Written Warning	Further Written Warning	Final Written Warning	Dismissal
Loafing	Written Warning	Further Written Warning	Final Written Warning	Dismissal
Late for work or leaving early without good reason	Written Warning	Further Written Warning	Final Written Warning	Dismissal
Unauthorised and/or failure to communicate absence from work to	Written Warning	Further Written Warning	Final Written Warning	Dismissal

HUMAN RESOURCES POLICY

Director for a period of 1 shift				
Poor quality of work and/or not working to standards	Written Warning	Further Written Warning	Final Written Warning	Dismissal
Wastage of material	Written Warning	Further Written Warning	Final Written Warning	Dismissal
Smoking in non-smoking areas	Written Warning	Further Written Warning	Final Written Warning	Dismissal

HUMAN RESOURCES POLICY
ANNEXURE C
2024 STAFF COMPLIMENT:

Name	Type	Department	Attorney (Department Head)
Angelique van Zyl	Senior Secretary	Litigation	PC Beukes
Edward van Eeden	Professional Assistant	Estates	Department Head
Elsie Burger	Senior Secretary	Collection	PC Beukes
Jeanette Bester	Senior Secretary	Estates	EB van Eeden
Lee-Cinda Scholtz	Professional Assistant	Litigation	PC Beukes
Lettie Renison	Senior Secretary	Litigation / Conveyancing	PC Beukes / L Heine
Lizelle Heine	Director	Conveyancing	Department Head
Marelize Botha	Bookkeeper	General	-
Marlie Naude	Senior Secretary	Estates	EB van Eeden
Megan Cruywagen	Junior Secretary	Conveyancing	L Heine
Amanda Hugo	Receptionist	General	-
Pierre Beukes	Director	Litigation	Department Head
Ria Roscherr	Senior Secretary	Litigation	PC Beukes
Siphiwe Nhlapo	Translator	General	-
Suzette Moore	Senior Secretary	Conveyancing	L Heine
Yolandi Schwan	Senior Secretary	Conveyancing	L Heine
Yvette Victor	Senior Secretary	Conveyancing	L Heine
Innocentia Simelane	Messenger	General	-
Dudu Manana	Cleaner	General	-

TIERS/LEVELS OF PERSONNEL MANAGEMENT IN 2024

As at the date of this document, the following persons are assigned to the listed titles and positions below and as referred to in the disciplinary code and procedure:

MANAGING DIRECTORS:

PIETER CORNELIUS BEUKES – 670525 5197 08 7 - 0178112003 – pierreb@bekkerbrink.co.za

LIZELLE HEINE – 880413 0140 08 7 - 0178112003 – lizelleh@bekkerbrink.co.za

DIRECTORS WHO MANAGE AND APPOINTMENTS:

PIETER CORNELIUS BEUKES – 670525 5197 08 7 – 0178112003 – pierreb@bekkerbrink.co.za

LIZELLE HEINE – 880413 0140 08 7 – 0178112003 – lizelleh@bekkerbrink.co.za

SALARIES AND LEAVE:

MARELIZE BOTHA – 910107 0121 08 9 – 0178112003 – boekhou@bekkerbrink.co.za

The above positions, job titles and names may be changed by the employer from time to time and in its sole

HUMAN RESOURCES POLICY

discretion, in which event it will be recorded in writing in the personnel records and also communicated to all employees.

HUMAN RESOURCES POLICY

ANNEXURE D

WRITTEN WARNING

ISSUED TO: _____

JOB DESIGNATION: _____ **DIVISION:** _____

DATE AND TIME OF OFFENCE: _____

OFFENCE/COMPLAINT: (REASON FOR WARNING)

STANDARD/RULE/EXPECTED CONDUCT:

EMPLOYEE'S COMMENT W.R.T. STEPS FOR IMPROVEMENT:

PUNISHMENT

IN THE LIGHT OF THE OFFENCES DESCRIBED ABOVE, THE FOLLOWING WARNING IS ISSUED (TICK RELEVANT BLOCK):

- | | | |
|--------------------------|--------------------------------------|--|
| <input type="checkbox"/> | WRITTEN WARNING | (VALID FOR _____ MONTHS) (insert 6/12) |
| <input type="checkbox"/> | SERIOUS (SECOND) WRITTEN WARNING | (VALID FOR 6 MONTHS) |
| <input type="checkbox"/> | VERY SERIOUS (FINAL) WRITTEN WARNING | (VALID FOR TWELVE MONTHS) |

SHOULD YOU BE FOUND GUILTY OF A FURTHER OFFENCE WHILE THIS WARNING IS STILL EFFECTIVE, THE PUNISHMENT THEN IMPOSED MAY BE AFFECTED BY THIS WARNING.

SIGNATURE OF THE PERSON ISSUING THE WARNING

JOB DESIGNATION

DATE

THE SIGNING OF THIS WARNING BY THE EMPLOYEE MEANS THAT HE OR SHE ACKNOWLEDGES THAT HE OR SHE HAS RECEIVED A WARNING AND THAT HE OR SHE UNDERSTANDS ITS CONTENTS.

IF AN EMPLOYEE REFUSES TO SIGN, ANY PERSON PRESENT DURING THE ISSUING OF THE WARNING, SHOULD SIGN.

HUMAN RESOURCES POLICY

SIGNATURE OF EMPLOYEE

WITNESS (IF EMPLOYEE REFUSES TO SIGN) DATE

NOTE: ONE COPY FOR THE EMPLOYEE AND ONE FOR THE FILE.

HUMAN RESOURCES POLICY

ANNEXURE E

INCIDENT REPORT

NOTE: THIS INCIDENT REPORT MUST BE SUBMITTED TO THE PROGRAMME MANAGER IMMEDIATELY.

NAME : _____
 JOB DESIGNATION : _____
 DIVISION : _____
 NAME OF SUPERVISOR : _____
 SUPERVISOR'S JOB DESIGNATION : _____

INCIDENT

DATE OF INCIDENT : _____
 TIME OF INCIDENT : _____
 PLACE OF INCIDENT : _____

NATURE OF INCIDENT (SPECIFY IN FULL)

WITNESSES (IF NECESSARY)

1. NAME : _____ DIVISION: _____
 JOB DESIGNATION : _____
 2. NAME : _____ DIVISION: _____
 JOB DESIGNATION : _____

EMPLOYEE'S DECLARATION: _____

SIGNATURE OF SUPERVISOR **DATE**

SIGNATURE OF EMPLOYEE * **DATE**
 (for noting of investigation)

SIGNATURE OF WITNESS (1) **DATE**

SIGNATURE OF WITNESS (2) **DATE**

*IF AN EMPLOYEE REFUSES TO SIGN, THIS REFUSAL MUST BE RECORDED BY THE SUPERVISOR AND WITNESS.

RECEIVED BY THE PROGRAMME MANAGER ON DATE: _____

SIGNATURE OF PROGRAMME MANAGER

HUMAN RESOURCES POLICY

ANNEXURE F

NOTICE OF DISCIPLINARY INVESTIGATION

1. ISSUED TO:

NAME : _____
JOB DESIGNATION : _____ DIVISION: _____

2. YOU ARE HEREBY GIVEN NOTICE OF A DISCIPLINARY INVESTIGATION TO BE HELD ON:

_____ 20 ____ AT _____ AT _____

DESCRIPTION OF ALLEGED OFFENCE:

DATE OF ALLEGED OFFENCE: _____ TIME: _____
PLACE: _____

3. RIGHTS OF THE WORKER DURING THE DISCIPLINARY HEARING:

(TO BE READ BY THE DELIVERER)

- 3.1 The right to a formal hearing.
- 3.2 To be present at the hearing.
- 3.3 To prepare his or her case.
- 3.4 To receive notice of the charges beforehand.
- 3.5 To be notified of the allegations and charges.
- 3.6 To be represented or assisted during the hearing by a colleague of your choice or a shop steward.
- 3.7 It is your responsibility to ensure that these persons will be present and to provide the complainant/supervisor of their names before _____.
- 3.8 To ask questions regarding evidence given and declarations of witnesses.
- 3.9 To call upon witnesses to give evidence on your behalf. Make arrangements with the chairman to have your witness ready.
- 3.10 To use an interpreter.
- 3.11 To appeal against the punishment that might be imposed against you within five working days.

It is important that you attend the investigation.

I CERTIFY THAT THE ABOVEMENTIONED RIGHTS HAVE BEEN READ AND EXPLAINED TO THE WORKER.

SIGNATURE OF ACCUSER DATE _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE NOTICE:

SIGNATURE OF EMPLOYEE DATE _____

SIGNATURE OF WITNESS (if employee refuses to sign) DATE _____

NOTE:
EMPLOYEE TO RECEIVE ONE COPY AND SIGNED COPY KEPT ON FILE.

HUMAN RESOURCES POLICY

ANNEXURE G

WITNESS FORM

TO: _____

DIVISION: _____

REPRESENTATIVES AND WITNESSES REQUIRED

I, _____

HEREBY CONFIRM THAT I WOULD LIKE TO CALL UPON THE FOLLOWING REPRESENTATIVES AND WITNESSES WITH REGARD TO MY DISCIPLINARY HEARING ARRANGED FOR

_____ 20 _____.

I HAVE MADE ARRANGEMENTS WITH THEM TO BE PRESENT ON THE TIME AND DATE AS STIPULATED.

REPRESENTATIVE

DATE

WITNESS

WITNESS

SIGNATURE OF ACCUSED

DATE

HUMAN RESOURCES POLICY

ANNEXURE H

NOTICE OF WORK PERFORMANCE MEETING

NAME OF EMPLOYEE: _____

JOB DESIGNATION: _____

-
-
1. You are hereby given notice to attend a meeting at _____ (address) on _____ (date) at _____ (time) to evaluate your work performance.

 2. As indicated during performance discussions and the letter dated _____, your continued relationship of employment will depend on your work performance.

 3. As indicated the poor work performance relates to (the following work outputs).

 4. The meeting will be held in Afrikaans/English.

 5. You will be entitled to:
 - Be represented by a colleague (you yourself must arrange your representative's presence on the date and time indicated above);
 - Be provided with an interpreter, if necessary.

SIGNATURE OF EMPLOYER

DATE

This notice has been handed to the employee personally on _____ (date)

at _____ (time) at _____ (place) by _____.

SIGNATURE of person who handed over the notice in person: _____

Acknowledgement of receipt by employee: _____

****Employee to receive one copy and the signed copy to be kept on file.***

HUMAN RESOURCES POLICY

ANNEXURE I

RECORD OF POOR WORK PERFORMANCE MEETING

PRESENT:

SUPERVISOR: _____

NAME OF EMPLOYEE: _____

EMPLOYEE'S REPRESENTATIVE: _____

DATE _____
TIME _____
PLACE _____

INTRODUCTION:

Explain the procedure.

State the reason for the meeting.

Describe the act or failure which necessitated this meeting:

What performance standard of the employer did the employee not meet (e.g. timeframe, quality or quantity):

Reasons given by the employee for his or her work performance:

RECOMMENDED ACTION STEPS TO REMEDY THE POOR WORK PERFORMANCE:

HUMAN RESOURCES POLICY

By the employee:

By the employer:

Action steps agreed to in order to remedy poor work performance:

Work performance will be monitored by: _____

FOLLOW-UP MEETING:

DATE _____
TIME _____
PLACE _____

SIGNATURE OF SUPERVISOR

SIGNATURE OF EMPLOYEE OR HIS/HER REPRESENTATIVE

HUMAN RESOURCES POLICY

ANNEXURE J

REPORT ON DISCIPLINARY INVESTIGATION

1. ISSUED TO:

NAME: _____

JOB DESIGNATION: _____

DIVISION: _____

2. DATE OF DISCIPLINARY INVESTIGATION:

_____ 20 _____

PLACE: _____

DESCRIPTION OF ALLEGED OFFENCE: (as stated in notice of disciplinary investigation)

DATE OF ALLEGED OFFENCE: _____ TIME: _____

PLACE: _____

3. RESULT OF INVESTIGATION: *GUILTY _____

NOT GUILTY _____

REASONS FOR FINDING: _

PUNISHMENT IMPOSED:

SIGNATURE OF CHAIRMAN

DATE

HUMAN RESOURCES POLICY

***COMPLETE ONLY THE APPLICABLE**

ACKNOWLEDGEMENT OF RECEIPT

I HEREBY ACKNOWLEDGE RECEIPT OF THE REPORT ON THE DISCIPLINARY INVESTIGATION.

SIGNATURE OF EMPLOYEE

DATE

SIGNATURE OF WITNESS

(IF THE EMPLOYEE REFUSES TO SIGN)

DATE

NOTE:

EMPLOYEE TO RECEIVE ONE COPY AND THE SIGNED COPY TO BE KEPT ON FILE.

HUMAN RESOURCES POLICY

ANNEXURE K

APPEAL FORM

THIS FORM MUST BE COMPLETED BY THE EMPLOYEE WHO WISHES TO APPEAL. THE COMPLETED FORM MUST BE HANDED TO THE PROGRAMME MANAGER WITHIN FIVE (5) WORKING DAYS AFTER THE IMPOSITION OF THE PUNISHMENT.

NAME OF APPELLANT

DIVISION

JOB DESIGNATION

DATE

REASON FOR THE APPEAL

1. _____ **CONVICTION WAS UNFOUNDED.**
2. _____ **PUNISHMENT WAS UNFOUNDED.**
3. _____ **DISCIPLINARY PROCEDURES WERE NOT FOLLOWED.**

FURTHER FACTS (IF ANY) IN SUPPORT OF THE ABOVEMENTIONED REASON FOR APPEAL.

1. **WHY DO YOU CLAIM THAT THE CONVICTION WAS UNFOUNDED?**

2. **WHY DO YOU CLAIM THE PUNISHMENT WAS UNFOUNDED?**

3. **IN WHICH ASPECT, DO YOU CLAIM, WAS THE DISCIPLINARY PROCEDURES NOT FOLLOWED?**

HUMAN RESOURCES POLICY

REASONS FOR LATE SUBMISSION: (IF APPLICABLE)

DATE OF APPEAL LODGED

SIGNATURE OF APPELLANT

TO BE COMPLETED BY MANAGEMENT ONLY

APPEAL HANDLED BY: _____

JOB DESIGNATION: _____

DATE OF APPEAL: _____

RESULT OF APPEAL: *Appeal upheld _____
 *Appeal refused _____

REASONS FOR RESULT: _____

SIGNATURE OF CHAIRMAN

***COMPLETE ONLY THE APPLICABLE**

HUMAN RESOURCES POLICY

ANNEXURE K

THE LABOUR RELATIONS ACT 1995

The Labour Relations Act of 1995 (LRA) makes it very easy for employees to challenge alleged unfair dismissals and other unfair practices at private or statutory dispute resolution forums. Such disputes may, by agreement, be dealt with via private (non-statutory) dispute resolution forums such as AMSA, AFSA, Tokiso and others. On the other hand the statutory dispute resolution forums established by the LRA include:

- The dispute resolution arms of bargaining councils (BC) in certain industries including, for example, the metal and engineering, motor, public service and chemical industries.
- The Commission for Conciliation, Mediation and Arbitration (CCMA) for those industries that do not have their own bargaining councils (e.g. retail, IT, security, financial services and others)
- The Labour Court
- The Labour Appeal Court.

The process is that:

- The aggrieved employee must start off by completing a dispute referral form and lodge it with the relevant BC or with the CCMA.
- A conciliation meeting is set up where a mediator is appointed to attempt to facilitate an out-of-court settlement.
- If this is successful the employer and employee sign a contract setting out the terms of their settlement agreement and the matter is then closed.
- If conciliation fails to resolve the dispute the employee may refer it to the next level which, depending on the nature of the dispute, will either be an arbitration tribunal (similar to a junior court) or to the Labour Court (the more senior dispute resolution forum). The matter will go to the Labour Court instead of to arbitration if the dispute relates to matters such as multiple retrenchment, strike dismissals or automatically unfair dismissals. The arbitration or Labour Court hearing would normally take place at a later date.
- Alternatively, the CCMA may set the matter down as a con/arb. In such a case, unless one of the parties objects, the arbitration would take place immediately that conciliation fails.
- At arbitration or Labour Court the arbitrator or judge hears evidence from the employer and employee and decides whether the dismissal or other act was fair or not.
- Once an arbitrator has communicated his/her decision to the parties either of them may, if dissatisfied, apply for a review at the Labour Court. For example, should either party have evidence that the arbitrator accepted a bribe, was biased, ignored relevant evidence, refused to listen to relevant evidence, assisted the other party unduly or otherwise acted wrongly, it may apply to the Labour Court to set aside the arbitrator's decision.
- Any decision of the Labour Court may be referred to the Labour Appeal Court and could be referred even higher to the Supreme Court of Appeal and to the Constitutional Court as occurred in the case of Sidumo vs Rustenburg Platinum Mines Ltd.

When a dismissal dispute is referred to arbitration or Labour Court the employee only has to prove that he/she was, in fact, dismissed. Then the employer has to prove that the dismissal was both procedurally and substantively fair. And the employer normally has to provide such proof before hearing the employee's evidence as to why he/she has alleged that the dismissal was unfair.

This means that the employer is assumed guilty of unfair dismissal until it proves itself innocent; but also has to present

HUMAN RESOURCES POLICY


its case first. Thus the employer is in a seriously disadvantaged position.

At conciliation the employee may be represented only by himself/herself or by a union official. The employer may represent itself or be represented by an official of an employer's organisation.

At arbitration lawyers may be allowed if:

- The dispute is not a matter of misconduct or incapacity OR
- The arbitrator allows lawyers due to the legal complexity of the matter or to 'uneven playing fields'.

Employers are therefore advised to join registered employer organisations in order to avoid the uncertainty of being allowed representation.

<p>LRA Form 7.11 Labour Relations Act, 1995 Sections 9, 10, 11, 22, 24, 25, 45, 61, 63, 64, 72, 74, 89, 89, 94, 134, 191(1), 191e and 198A-C Employment Equity Act, 1998 Sections 19 Basic Conditions of Employment Act, 1997 Sections 41, 60(1), 73A, 80, 84 Skills Development Act, 1998 Section 19 National Minimum Wage Act, 2018 Section 48B</p>	 CCMA	<p>REFERRING A DISPUTE TO THE CCMA FOR CONCILIATION (INCLUDING CON-ARB)</p>
<p>READ THIS FIRST</p> <p>WHAT IS THE PURPOSE OF THIS FORM? This form enables a person or organisation to refer a dispute to the CCMA for conciliation and con-arb.</p> <p>WHO FILLS IN THIS FORM? Employer, employee, trade union or employers' organisation.</p> <p>OTHER PARTIES If there is more than one employee to the dispute and the referring party is not a trade union, then each employee must supply his/her personal details and signature on a separate page, which must be attached to this form.</p> <p>WHERE DOES THIS FORM GO? The Registrar, Regional Office of the CCMA in the region where the dispute arose.</p> <p>OTHER INSTITUTIONS Please note that if you are covered by a bargaining council, a statutory council or an accredited agency you have to refer the dispute to the relevant council or agency. You may also need to deal with the dispute in terms of a private procedure if one applies. If in doubt contact the CCMA for assistance.</p> <p>WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED? When you refer the dispute to the CCMA, it will appoint a commissioner who must attempt to resolve the dispute within 30 days.</p>		
<p>1. DETAILS OF PARTY REFERRING DISPUTE</p> <p><input type="checkbox"/> An employee <input type="checkbox"/> A trade union <input type="checkbox"/> An employer <input type="checkbox"/> An employers' organisation <input type="checkbox"/> Department of Labour</p> <p>(a) Name of the party if the referring party is an employee</p> <p>Name:..... Surname:..... Length of service:..... ID Number:..... Salary Gross:..... Salary Net:..... Gender (M/F):..... Age:..... Nationality:..... Postal Address:..... Code:..... Tel:..... Cell:..... Fax:..... Email:.....</p> <p>Alternative contact details of the employee (representative/relative or friend):</p> <p>Name:..... Surname:..... Postal Address:..... Code:..... Tel:..... Cell:..... Fax:..... Email:.....</p>		
<p>CCMA Case Number:.....</p>		<p>Please turn over →</p>

<p>FURTHER INSTRUCTIONS A copy of this form must be served on the other party. Proof that a copy of this form has been served on the other party must be supplied by attaching any of the following:</p> <ul style="list-style-type: none"> • A copy of a registered slip from the Post Office; or • A copy of a signed receipt if hand delivered; or • A signed statement confirming service by the person delivering the form; or • A copy of a fax or email confirmation slip; or • Any other satisfactory proof of service. <p>Attach supporting documents The CCMA may be requested to assist with service.</p> <p>UNFAIR LABOUR PRACTICE If the dispute concerns an unfair labour practice the dispute must be referred (i) a received by the CCMA within 90 days of the act or omission which gave rise to the unfair labour practice. If more than 90 days has lapsed you are required to apply for condonation.</p> <p>NATIONAL MINIMUM WAGE DISPUTES Disputes emanating from the NMWA and related either in terms of S49(1) of the NMWA or S73A of the BCEA may be referred by any person who works for another and who receives or is entitled to receive any payment for that work.</p> <p>MUTUAL INTEREST DISPUTES • Attach the collective agreement on picketing or • if no collective agreement on picketing, complete Annexure A to this form. • If referring a dispute relating to breach or interpretation of picketing rules, attach a copy of the picketing rules.</p> <p>DISPUTES RELATING TO COMPLIANCE ORDERS If referring a dispute relating to a compliance order, the order must be attached to this form. If the dispute is referred after the date on which compliance was due you are required to apply for condonation.</p>	<p style="text-align: right;"><small>LRA Form 7.11 Referring a Dispute to the CCMA for Conciliation (Including Con-Arb) Page 2 of 5</small></p> <p>(b) Name of the referring party if the referring party is an employer, Department of Labour, employer's organisation or trade union, or if the employer's organisation or the trade union is assisting a member to the dispute</p> <p>Name:..... Surname (if applicable):..... Designation:..... Postal Address:..... Code:..... Tel:..... Cell:..... Fax:..... Email:..... Contact person:.....</p> <p>2. DETAILS OF THE OTHER PARTY (PARTY WITH WHOM YOU ARE IN DISPUTE)</p> <p>The other party is:</p> <p><input type="checkbox"/> An employer <input type="checkbox"/> An employer's organisation <input type="checkbox"/> Department of Labour <input type="checkbox"/> An employee <input type="checkbox"/> A trade union <input type="checkbox"/> Other, Specify:..... (E.g. Temporary Employment Service, owner of the premises or person who controls access to the premises where employees work if it's an organisational rights dispute etc.)</p> <p>Full Name(s):..... (If company or close corporation, the name of the company or close corporation) Postal Address:..... Code:..... Physical Address:..... Code:..... Tel:..... Cell:..... Fax:..... Email:..... Company or close corporation registration number:..... Number of employees employed by the employer:.....</p>
<p>Please turn over →</p>	

HUMAN RESOURCES POLICY

1. DEFINITIONS & INTERPRETATION

1. **BCEA:** means the Basic Conditions of Employment Act 75 of 1997 as amended read with Regulations;
2. **Company/employer:** means the firm;
3. **Employment Equity Act:** means the Employment Equity Act 55 of 1998 as amended read with Regulations;
4. **Employee(s):** means all staff members (including temporary employees, probationary employees, candidate attorneys & permanent staff) of the firm;
5. **HR Directors:** mean both PIETER CORNELIUS BEUKES, Identity Number 670525 5197 08 7 and LIZELLE HEINE, Identity Number 880413 0140 08 7;
6. **Labour Relations Act:** means the Labour Relations Act 66 of 1995 as amended read with Regulations;
7. **Managing Directors:** mean both PIETER CORNELIUS BEUKES, Identity Number 670525 5197 08 7 and LIZELLE HEINE, Identity Number 880413 0140 08 7;
8. **The firm:** means the broad-based legal practice known as BEKKER BRINK & BRINK INCORPORATED, Registration number 1994/009663/21 situated at ABSA Building, 2nd Floor, 60 Church Street, Ermelo, 2351 and hereinafter referred to as THE FIRM with all administrative employees and attorneys who represent THE FIRM included insofar as their obligations are concerned;
9. The expressions 'in writing or written' refer to documents written by hand or printed by mechanical means and communications by e-mail or any other forms of electronic communication.

