

Prohibition of Unfair Discrimination and Harassment Policy

Policy and Framework

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Prohibition of Unfair Discrimination and Harassment Policy

1 PURPOSE, OBJECTIVES AND SCOPE

This is the Prohibition of Unfair Discrimination and Harassment policy for Telkom SA SOC Limited (hereinafter referred to as “Telkom”). The purpose of this policy is to prevent and prohibit any form of unfair discrimination and harassment in the workplace and provide appropriate procedures when dealing with matters and complaints of unfair discrimination and harassment. This policy applies to all employees, customers and suppliers of the company. Telkom has a zero-tolerance approach to harassment in the workplace and management must ensure that employees are briefed, and the policy is applied in the workplace.

2 FORMS OF UNFAIR DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

Unfair Discrimination and Harassment in the workplace arises out of an incident, which has affected an individual at work, which is unwelcome, unwanted and has a destructive effect. The Employment Equity Act 55 of 1998 allows companies to promote equal opportunity and fair treatment in employment through the elimination of unfair discrimination. In addition, an employee may not be discriminated against in any employment policy or practice on any of the following grounds, with the exception of affirmative action measures taken by an organisation and due to an inherent job requirement:

- | | |
|---|---|
| a. Recruitment procedures | g. Job assignments |
| b. Advertising and selection criteria | h. The working environment and facilities |
| c. Appointments and the appointment process | i. Training and development |
| d. Job classification and grading | j. Performance evaluation systems |
| e. Remuneration | k. Promotion |
| f. Employment benefits and terms and conditions of employment | l. Transfer |
| | m. Demotion |
| | n. Disciplinary measures other than dismissal |

3 EXAMPLES OF HARASSMENT

A wide range of conduct in the workplace may constitute harassment. The Code of Good Practice on the Prevention and Elimination of Harassment 2022, deals with the concept of harassment broadly and highlights sexual harassment and racial, ethnic or social origin harassment as specific forms of harassment. Examples provided for in legislation include:

- I. Bullying
- II. Spreading malicious rumours, or insulting someone, particularly on the grounds of race, gender or disability.
- III. Ridiculing or degrading someone.
- IV. Use of abusive language.
- V. Exclusion or victimisation.
- VI. Unfair treatment based on race, gender, sexual orientation, pregnancy, age disability, religion, HIV status.

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- VII. Overbearing supervision or other misuse of power or position.
- VIII. Unwelcome sexual advances.
- IX. Making threats or comments about job security without foundation.
- X. Deliberately undermining a competent worker by overloading and constant criticism.
- XI. Preventing individuals progressing by intentionally preventing promotion.
- XII. Degrading a person in the presence of others by passing remarks about their work performance, etc.

4 INFORMAL PROCEDURE

- I. The complainant may informally raise the complaint with his/her promoter or the relevant Human Resources (HR) representative as soon as possible after the incident giving rise to the complaint.
- II. The complainant may lodge a formal complaint if the informal approach does not resolve the matter satisfactorily, or if the complainant feels, it may be more appropriate to embark upon a formal procedure by formally lodging a complaint against the alleged offender/s or institution.
- III. The promoter supported by the relevant HR representative will conduct interviews and investigations as considered appropriate and formally respond to the complainant.
- IV. The initiation of the process should not exceed ten (10) working days after the complaint was raised by the complainant.

5 FORMAL PROCEDURE

If the complainant is not satisfied with the outcome/resolution of the informal process, he/she may formally lodge a complaint with the relevant HR function supporting the business environment concerned, for a formal process. The relevant HR function will conduct an interview/s with the complainant and consider the appropriate manner to conduct an investigation into the allegations of unfair discrimination and/or harassment. The initiation of the process should not exceed ten (10) working days.

6 INVESTIGATION AND DISCIPLINARY ACTION

If the investigation determines that the alleged offender/s committed the alleged unwanted conduct, disciplinary action should be instituted which may lead to dismissal, depending on the circumstances. Care should be taken during any investigation of the alleged complaint that the complainant is not disadvantaged, and that the position of other parties and the alleged offender/s is not prejudiced if the complaint is found to be baseless. Telkom will institute disciplinary action which could lead to dismissal against any person who victimises or retaliates against an employee who in good faith lodges a complaint as per this policy.

7 DISPUTE RESOLUTION

If the complainant or the alleged offender/s is not satisfied with the resolution through the internal procedures, either party may refer the matter to the Commission for Conciliation

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Mediation and Arbitration (CCMA) within thirty (30) days of the dispute having arisen or exercise any other right in Law.

8 CONFIDENTIALITY

Management must ensure that complaints about unfair discrimination and/or harassment are investigated and handled in a manner that ensures that the identities of the persons involved are kept confidential and dealt with discretely. In cases of harassment, management, employees and the parties concerned must endeavour to ensure confidentiality at the disciplinary inquiry. In addition, management must ensure that such proceedings are held in private in cases of sexual harassment and HIV related complaints. Only appropriate members of management, and the complainant, his/her representative, the alleged offender/s, witnesses and an interpreter, if required, should be present at the disciplinary inquiry.

9 RECORD KEEPING

Telkom will keep records of all grievances, disputes and disciplinary actions taken and conduct regular audits to determine the extent to which: employees have utilised the procedure, the grievances filled by employees where breaches of the Act/s as alleged as well as the outcome of the process. All records pertaining to the above mentioned should be disaggregated by race, gender and disability.

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10 APPENDIX A: DEFINITIONS, ACRONYMS, REFERENCE DOCUMENTS, LAWS & REGULATIONS

10.1 Definitions

Definitions	Description
Age	Includes the conditions of disadvantage and vulnerability suffered by persons on the basis of their age, especially advanced age
Company	Telkom SA SOC Limited
Complainant	Means any person who alleges any contravention of this policy and who lodges a complaint in terms of this policy. It can be the victim and/or a witness
Unfair Discrimination	Means any act or omission including a policy rule, practice, condition or situation which directly or indirectly imposes burdens, obligations or disadvantage on, or withholds benefits, opportunities or advantages from any person on one or more of the prohibited grounds
Employee	Any permanent, temporary and contract employees who in terms of their employment contract, are employed by Telkom and are reflected on the official Telkom Employee Data System (SAP)
Family members	An employee's spouse/life partner, children, adopted children, own parents and adoptive parents
Family responsibility	Means responsibility in relation to a complainant's spouse, partner, dependent, child or other members of his or her immediate family in respect of whom the member is liable for care and support
Harassment	Means unwanted conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences and which is related to sex gender or sexual orientation, or a person's membership or presumed membership of a group identified by one or more of the prohibited grounds or a characteristic associated with such group
HIV/AIDS status	Includes actual or perceived presence in a person's body of the Human Immune deficiency Virus (HIV) or symptoms of Acquired Immune Deficiency Syndrome (AIDS), as well as adverse assumptions based on this status
People with Disabilities	People who have a long term or recurring physical or mental impairment, which substantially limits their prospect of entry into, or advancement in employment
Prohibited Grounds	Means unfair discrimination on one or more of the following grounds: <ol style="list-style-type: none"> I. Race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth; <ol style="list-style-type: none"> a. Any other ground where discrimination on that ground causes or perpetuates systematic disadvantage or undermines human dignity

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Definitions	Description
	b. adversely affects the equal enjoyment of a person's rights and freedoms in a serious manner that is comparable to discrimination on a ground in paragraph (I.)
Race	For the purpose of this document any reference to "race" is made solely to clarify the policy and not to offend anyone
Racism	Is intolerance of and hostility to other people on account of their race by using words which are demeaning of their race
Respondent	Means any person or institution against whom a complaint is lodged in terms of this policy
Telkom	Means Telkom SA SOC Limited, a public listed company duly incorporated under the laws of South Africa, registration number 1991/005476/30, with its registered address at 61 Oak Avenue Highveld, Pretoria, 0002, South Africa

10.2 Acronyms

Acronyms and Abbreviations	Description
CCMA	Commission for Conciliation Mediation and Arbitration
HIV	Human Immune Deficiency Virus
HR	Human Resources

10.3 Reference Documents

- I. Group Ethics Handbook
- II. Employment Equity policy

10.4 Laws and Regulations

- I. Employment Equity Act 55 of 1998
- II. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- III. Labour Relations Act 66 of 1995
- IV. Occupational Health and Safety Act 85 of 1993
- V. Protected Disclosures Act 26 of 2000
- VI. Constitution of the Republic of South Africa 1996
- VII. Code of Good Practice on the Prevention and Elimination of Harassment, 2022 as per the Employment Equity Act