



**EASTERN PRODUCE
MALAWI LIMITED**
CULTIVATING QUALITY

SEXUAL HARASSMENT POLICY/PROCEDURES

6.1 SEXUAL HARASSMENT POLICY

6.1.1 OVERVIEW

- 6.1.1.1 Eastern Produce Malawi Limited (the Company) is committed to providing a safe environment for all its employees, free from discrimination on any ground including gender, and free from sexual harassment. The Company treats all incidents (and alleged incidents) of sexual harassment seriously and will promptly investigate all allegations of sexual harassment in any form. Any person found to have sexually harassed another will face disciplinary action, up to and including summary dismissal from employment.
- 6.1.1.2 In this Policy, references to the Complainant means the person who is alleged to have suffered sexual harassment (regardless of whether they have notified the Company of the incident / alleged incident) and references to the Respondent means the person who is alleged to have sexually harassed the Complainant. In this Policy, any references to the masculine gender shall include the feminine and gender neutral, and vice versa, and the singular shall include the plural and the plural the singular, in each case as the context may require.
- 6.1.1.3 The Company has a "zero tolerance" approach to sexual harassment. That means that the Company treats any complaint of sexual harassment seriously and will deal with every such complaint under the terms of this Policy, the Company's Sexual Harassment Disciplinary Procedure (the SHDP) and its Sexual Harassment Claims Resolution Procedure (the CRP). For the avoidance of any doubt, the Company recognises that sexual harassment can be suffered by a person of any gender and can be perpetrated by a person of any gender and the provisions of this Policy, the SHDP and the CRP shall be read accordingly.
- 6.1.1.4 All complaints of sexual harassment will be taken seriously and treated with respect and dignity, in a sensitive, fair and confidential manner. To the extent

possible, reasonable steps will be taken to ensure that the Complainant's consent is obtained before their identity is provided to another person, including in particular, the Respondent. The Company is mindful that a Complainant may be concerned about the risk of victimisation or retaliation after a complaint has been lodged and the Company will work with the Complainant to ensure that any such concerns are addressed and to provide appropriate protection to the Complainant. Anyone found to have retaliated against or threatened or victimised someone in relation to a complaint will be subject to disciplinary action, up to and including summary dismissal from employment.

- 6.1.1.5 This Policy is intended to cover all incidents and alleged incidents of sexual harassment concerning Company employees (including all levels of management), visitors to or residents on the Company's property and visiting personnel (such as clients, suppliers or third party contractors), which occur in connection with, or which touch upon, the affairs or activities of the Company. This means that the incidents may occur on or off Company's property. They may also occur when an employee is "off duty" or "on duty", provided that there is a sufficient connection to the affairs or activities of the Company. Although this Policy is not intended to apply to incidents or alleged incidents of sexual harassment that an employee carries out in their private life, the Company reserves the right to summarily dismiss any employee whose private conduct brings the Company into disrepute.
- 6.1.1.6 In cases involving a non-employee Respondent, the Company recognises that it may not be possible to fully investigate an incident/alleged incident and that the disciplinary procedures set out in the SHDP may not be wholly applicable; however, the Company will consider and take such steps as are appropriate to protect its employees and visitors to or residents on the Company's property (or the general public, if appropriate), including reporting the incident/alleged incident to relevant authorities, banning the individual concerned from the Company's property and/or terminating the contract with any third party (for example any contract for supply of services with which the Respondent was connected). In cases involving a non-employee Complainant, the procedures set out in the CRP may not be appropriate; each complaint will be assessed on a case-by-case basis.
- 6.1.1.7 In producing this Policy, the Company has taken into account the Tea Association of Malawi Gender, Equity Sexual Harassment & Discrimination Policy and the Tea

Association of Malawi Guidelines for estate policy on “gender equality, harassment & discrimination”, and has been guided by other international standards and best practice in relation to sexual harassment, such as the International Labour Organisation's Violence and Harassment Convention (C190, 2019) and having regard to the UN Guiding Principles on Business and Human Rights, including the guidance relating to Operational-Level Grievance Mechanisms. This Policy also takes account of the practicalities of the Company's working environment. To the extent that there are any inconsistencies between this Policy, the CRP and the SHDP (on the one hand) and the Company's other policies (on the other hand), this Policy, the CRP and the SHDP shall take precedence over the Company's other policies.

6.1.1.8 Sexual harassment is unlawful in Malawi. It is defined by the Gender Equality Act 2013 as *unwanted verbal, non-verbal, or physical conduct of a sexual nature in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.*

6.1.1.9 Non-exhaustive examples of such conduct are set out below. Furthermore, this Policy reflects the fact that Sexual Harassment includes all forms of Gender Based Violence which is defined by the UN's Global Women's Safety Framework¹ as:

“violence that is directed against a woman because she is a woman or that affects women disproportionately, thereby underlining that violence against women is not something occurring to women randomly, but rather an issue affecting them because of their gender. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.”

6.1.1.10 All employees are responsible for the success of this Policy and must ensure that they familiarise themselves with this Policy and act in accordance with its aims and objectives. Breaches of this Policy are regarded seriously and may result in disciplinary action, including summary dismissal where appropriate.

6.1.1.11 The Company may amend or update any of the terms of this Policy at its discretion from time to time. All employees will be notified of any such updates or amendments.

6.1.1.12 Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

- 6.1.1.12.1 Non-consensual sexual intercourse or rape.
- 6.1.1.12.2 Attempted non-consensual sexual intercourse or attempted rape.
- 6.1.1.12.3 Attempted or actual sexual assault
- 6.1.1.12.4 The use of job-related threats, rewards or other conditioning behaviours to solicit, or to try to solicit, sexual favours, as well as job-related decisions made because the Complainant submitted to or rejected unwelcome conduct.
- 6.1.1.12.5 Physical conduct such as unwelcome physical contact including patting, pinching, stroking, "horseplay", kissing, grabbing, hugging, fondling, or any other inappropriate touching.
- 6.1.1.12.6 Verbal or written (including electronic) conduct such as:
 - a. sexual comments, including innuendo and taunting, stories (including the deliberate spreading of false rumours) and jokes (which the harasser may perceive as harmless);
 - b. sexual advances;
 - c. repeated and unwanted demands, requests, suggestions and/or invitations for social activity, dates or physical intimacy (although in some circumstances single instances of such conduct may constitute sexual harassment);
 - d. non-job-related threats, including threats of physical violence against the Complainant or another, or rewards used to try to persuade the

¹ <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/global-safety-framework-in-rural-spaces-influenced-by-tea-sector-compressed.pdf?la=en&vs=4245>

- Complainant to agree to unwanted physical conduct;
- e. insults based on the gender of the Complainant; and
- f. sending sexually explicit messages or material that is pornographic or that some people may find offensive (including by phone, by email or on social media);
- g. depending on the circumstances, inappropriate personal questions about the Complainant's social/sexual life.

6.1.1.12.7 Non-verbal conduct such as:

- a. stalking/hounding;
- b. display of sexually explicit or suggestive material or giving of sexually suggestive gifts;
- c. inappropriate sexual behavior in front of another person or sexually suggestive gestures;
- d. whistling; and
- e. leering.

6.1.1.13 Although not all incidents of sexual harassment would necessarily give rise to a complaint under Malawian law, this Policy, the CRP and the SHDP provide an internal framework through which the Company can deal with any sexual harassment which could affect the welfare of employees or other individuals who have a connection with the Company's business.

6.1.1.14 For the avoidance of doubt, nothing in this Policy, the CRP or the SHDP shall prevent or restrict the Company from complying with the laws of Malawi or from taking action where the safety of individuals is threatened or compromised.

6.1.2 COMPLAINTS

6.1.2.1 Employees who believe they have been or are the victim of sexual harassment (whether by a colleague or by a third party such as a client or supplier) are encouraged to come forward and inform the Company so that the matter can be dealt with appropriately. In addition:

6.1.2.1.1 any employee or third party contractor working for the Company (such as a medical officer or teacher) who observes or reasonably suspects an incident of sexual harassment involving a child (i.e. a person under the age

of 16 is obliged to inform the Company (for example, through the routes set out in paragraph 6.1.2.2 below). Failure to do so shall be handled under the Company's relevant disciplinary procedures;

6.1.2.1.2 in relation to any other incident of sexual harassment (i.e. incidents involving persons aged 16 or over):

- a. any employee who is in a management position or who is listed in paragraphs 6.1.2.2.2 to 6.1.2.2.8 below who observes or reasonably suspects an incident of sexual harassment is obliged to inform the Company (in accordance with the escalation provisions set out in paragraph 6.1.2.4 below), save that this obligation does not apply to a person who is a WRA (as defined in paragraph 6.1.2.2.4 below) whose reasonable suspicion is based on information provided by an employee seeking their support (in which case, the WRA has a discretion as to whether to inform the Company). Subject to this exception, the failure to inform the Company by any of the aforementioned persons shall be handled under the Company's relevant disciplinary procedures; and
- b. if any other employee observes or reasonably suspects an incident of sexual harassment, they are also encouraged to inform the Company (for example, through the routes set out in paragraph 6.1.2.2 below).

All such complaints will be dealt with seriously and in accordance with the highest professional standards.

6.1.2.2 There are multiple routes to choose from in making such complaints or otherwise raising concerns about sexual harassment and the Company encourages employees to use whichever format they are most comfortable with. Some of the options available to do so are:

6.1.2.2.1 with the relevant line manager;

6.1.2.2.2 with any member of Human Resources (HR), other than the Head of HR;

- 6.1.2.2.3 the Head of HR;
- 6.1.2.2.4 with a Workers' Rights Advisor (WRA): a person appointed by the Managing Director or their designate to provide support to any employee in regard to information on this Policy (as further described in the WRA Terms of Reference at Annex 1 to this Policy);
- 6.1.2.2.5 with any member of the Women's Welfare Committees (WWC): the WWC is a committee of women employees established on each estate as per the Company's DIWW policy OP 20
- 6.1.2.2.6 with any member of the Group WWC: the Group WWC is a committee on which the Chairwoman of each WWC sits, established under OP 20.3.1;
- 6.1.2.2.7 with a General Manager;
- 6.1.2.2.8 with any member of the Gender, Harassment and Discrimination Committee (GHDC): a gender-balanced committee of male and female employees (there is one GHDC in Thyolo and one GHDC in Mulanje) specifically mandated to deal with sexual harassment complaints (as further described in the GHDC Terms of Reference at Annex 2 to this Policy);
- 6.1.2.2.9 by anonymous letters/mail outlining the nature re of the harassment which may be anonymously deposited in complaint boxes provided on the Company's estate premises;
- 6.1.2.2.10 via mobile telephone on the Sexual Harassment Awareness Reporting & Prevention Program (SHARP) hotline number; or
- 6.1.2.2.11 via email to the Sexual Harassment Awareness Reporting & Prevention Program (SHARP) email address.

6.1.2.3 Any of the above routes may be used either in person verbally (where possible) or in writing if that is preferred by the Complainant.

6.1.2.4 The complaint shall be escalated as follows and shall be treated in the strictest confidence by any person informed or notified of it (a flow diagram of the escalation procedure is provided at Annex 3 to this Policy):

- 6.1.2.4.1 if the person who is first informed of the complaint is not a person listed in paragraphs 6.1.2.2.2 to 6.1.2.2.8, that person shall notify the complaint as promptly as practicable to any of the persons listed in paragraphs 6.1.2.2.2 to 6.1.2.2.8;
- 6.1.2.4.2 if a complaint is escalated or notified to a person listed in paragraph

6.1.2.2.2, that person shall notify the complaint as promptly as practicable to the Head of HR;

6.1.2.4.3 if a complaint is escalated or notified to any person listed in paragraphs 6.1.2.2.3 to 6.1.2.2.6, that person/committee shall notify the complaint simultaneously to both (i) the relevant GHDC and (ii) the General Manager of the estate from which the complaint originates (unless it is considered inappropriate to do so; see paragraph 6.1.2.4.7 below);

6.1.2.4.4 if the complaint is escalated or reported to only one of a General Manager or the relevant GHDC, that person/committee shall promptly notify, and provide all the details of the complaint to, the other (unless it is considered inappropriate to do so; see paragraph 6.1.2.4.7 below);

6.1.2.4.5 complaints that are notified via the method described in paragraph 6.1.2.2.9 will be received by the General Manager of the estate and the Chairlady of the WWC of the estate (as set out in Annex 4 to this Policy), and the General Manager shall promptly notify all details of the complaint to the GHDC (unless the complaint relates to the General Manager, in which case the Chairlady of the WWC shall take responsibility for notifying the GHDC);

6.1.2.4.6 complaints that are notified via one of the methods described in paragraphs 6.1.2.2.10 or 6.1.2.2.11 will be received by the CSR & Compliance Manager, who shall log all reports and promptly notify the complaint simultaneously to both (i) the relevant GHDC and (ii) the General Manager of the estate from which the complaint originates (unless it is considered inappropriate to do so; see paragraph 6.1.2.4.7 below);

6.1.2.4.7 if, for any reason, it is considered inappropriate to inform the General Manager of the estate from which the complaint originates under paragraphs 6.1.2.4.2 or 6.1.2.4.4 (for example, because the General Manager themselves is implicated in the complaint), then the complaint shall be notified to a General Manager of another estate (as well as to the GHDC).

6.1.2.5 In the event that a person notified of a complaint does not know how to

escalate it appropriately in the manner described above, they should seek guidance in confidence from a member of HR staff. Failure to escalate a complaint in the manner described above by any individual listed in paragraphs 6.1.2.2.1-6.1.2.2.8 or 6.1.2.4.6 shall itself be handled under the Company's relevant disciplinary procedures.

6.1.2.6 Upon notification of a complaint, both the GHDC and the relevant General Manager shall treat the complaint consistently with the requirements of this Policy and shall also take the steps required under the SHDP and the CRP, i.e. the General Manager (or as the case may be the GHDC) will promptly notify the Independent Senior Lawyer (the ISL) of the complaint and provide to the ISL all the information available to the General Manager/GHDC about the complaint. The Directors' Committee (comprising the Managing Director and two other Directors of the Company) shall also be notified promptly of the complaint. The complaint shall then be dealt with according to the procedure outlined in the SHDP and CRP, starting with the Initial Assessment of the Complaint by the ISL, as described and defined in the CRP.

6.1.2.7 For the avoidance of doubt, if the complainant does not wish the complaint to be communicated to the General Manager of the estate from which the complaint originates, or the employee to whom it is first reported considers that it would be inappropriate to do so, or the General Manager fails to take the steps required under this Policy, the SHDP or the CRP to notify the ISL and facilitate the Initial Assessment of the complaint, then the GHDC may notify the ISL without further reference to the General Manager.

6.1.3 CONFIDENTIALITY

6.1.3.1 The Company recognises that, in order to ensure that this Policy is successful in practice, it is crucial that employees have confidence in the systems and processes put in place by the Company. It is therefore of the utmost importance that complaints are handled with the strictest confidence, to the extent possible.

6.1.3.2 All employees who are notified of a complaint under the SHP or who are involved in the processes and procedures under the SHP, the CRP and the SHDP are required to treat the information that they obtain as a result of the notification/their role in the processes and procedures, including the identity of the Complainant,

Respondent and any other witnesses, in strictest confidence.

- 6.1.3.3 Following the notification or escalation of a complaint to the relevant General Manager and the GHDC, a representative of the Company will discuss with the Complainant any concerns that they have in relation to confidentiality and/or possible reprisals if their identity is revealed. This discussion will typically take place during the meeting envisaged in paragraph 6.1.5.2 below. The Company may seek the advice of the ISL as to appropriate measures to ensure and preserve confidentiality (to the extent possible), as well as to guard against the risk of reprisals or the repetition of harmful conduct (as set out further below in paragraph 6.1.4.3).
- 6.1.3.4 If an employee wishes to raise their complaint or concern confidentially, the Company will make every effort to keep that person's identity confidential. If it is necessary for anyone investigating the complaints or concerns raised to know the Complainant's identity (either as part of the Initial Assessment or the Further Investigations), then a representative of the Company will discuss this with the Complainant in advance. In particular, reasonable steps will be taken to ensure that the Complainant's consent is obtained before their identity is provided to another person, including in particular, the Respondent.
- 6.1.3.5 Where the Company considers that a criminal offence may have been committed and/or if the Company reasonably suspects that there has been an incident of sexual harassment involving a person under the age of 16, then it may be appropriate and/or necessary for the Company to report the matter to the Police or other appropriate authorities (such as a social welfare officer). In such cases, it may not be possible to keep all information confidential. The Company will work with the Complainant in such circumstances to ensure that the Complainant's concerns are taken into account insofar as possible.

6.1.4 PROTECTION AND SUPPORT

- 6.1.4.1 The Complainant and all other persons involved in the processes and procedures envisaged by this Policy, the CRP or the SHDP (including other witnesses and the Respondent) should be free from any pressure, and should be protected from any form of retaliation, reprisal or victimisation, in relation to a complaint.

- 6.1.4.2 Any threats or acts of retaliation, reprisals or victimisation against a Complainant or anyone else who participates and/or has a role in the processes and procedures envisaged by this Policy, the CRP or the SHDP (including other witnesses and the Respondent) are prohibited by this Policy. Anyone found to have carried out such threats or acts (even if the person who carried out the threats or acts is not themselves the Respondent) will be subject to disciplinary action, up to and including summary dismissal from employment.
- 6.1.4.3 The Company is mindful that a Complainant may be concerned about the risk of retaliation, reprisals or victimisation after a complaint has been lodged (particularly in circumstances where there is a power imbalance due to the employment position between the Complainant and the Respondent) and the Company will work with the Complainant to ensure that any such concerns are addressed and will make every effort to provide appropriate protection to the Complainant. As noted in paragraph 6.1.3.3 above, following the notification or escalation of a complaint to the relevant General Manager and the GHDC, a representative of the Company will discuss with the Complainant any concerns that they have in relation to possible retaliation, reprisals or victimisation. This discussion will typically take place during the meeting envisaged in paragraph 6.1.5.2 below.
- 6.1.4.4 The Company, with the ISL's advice if requested, will consider whether it is appropriate to put in place any measures to guard against the risk of reprisals or the repetition of harmful conduct (either against the Complainant or anyone else) during the processes and procedures envisaged by this Policy, the CRP or the SHDP. These measures may be revisited, as appropriate, over time, including as part of the Informal Resolution procedure (as defined in the CRP).
- 6.1.4.5 The measures which are appropriate will vary on a case by case basis, but may include: persuading the Complainant and the Respondent to avoid contact (if the Respondent is aware of the Complainant's identity), taking steps to modify the working arrangements for the Complainant and/or the Respondent (for example, by providing the Complainant with a different reporting channel or moving the Respondent and/or the Complainant to a different section or division (although care should be taken to avoid putting the Complainant in a less favourable working environment)), or suspending the Respondent with pay. Consideration should be given not only to the protection of the Complainant, but to the protection of others who may come into contact with the Respondent (for example, depending on the

circumstances, it may not be appropriate for the Respondent to be placed in a position where there is a risk that they could carry out similar conduct to that which is the subject of the complaint).

6.1.4.6 In the event that the Complainant experiences a threat or act of retaliation, reprisal or victimisation, or another incident of sexual harassment perpetrated by the Respondent, during the course of the processes and procedures carried out under this Policy the CRP or the SHDP, they are encouraged to immediately notify an employee who is involved in those processes or procedures, the ISL or a member of the Investigation Team. In the event that the Complainant does not feel comfortable approaching one of those individuals, the Complainant's companion (described in paragraph 6.1.5.2 below) may so do on the Complainant's behalf. The employee notified will promptly inform the ISL and the Company, with the ISL's advice if requested, will consider whether it is appropriate to put in place any, or any further measures, to protect the Complainant, and will also investigate and take disciplinary action against anyone found to have carried out such a threat or act.

6.1.4.7 It is understandable that Complainants are sometimes worried about possible repercussions if they raise a complaint. The Company aims to encourage openness and will support staff who raise genuine complaints under this Policy, even if they turn out to be mistaken.

6.1.5 INVESTIGATION AND OUTCOME

6.1.5.1 Any complaint raised under this Policy will also be handled in accordance with the SHDP and the CRP.

6.1.5.2 As a usual first step following receipt of a complaint raised under this Policy, the relevant General Manager (or the GHDC, where appropriate) to whom the complaint has been escalated shall ensure that a representative of the Company arranges and holds a meeting with the Complainant as soon as possible to discuss the complaint. If, however, the relevant General Manager or the GHDC feels that specialist assistance is required for this meeting with the Complainant (for example, if the complaint was raised by an employee other than the Complainant), they will consult the ISL as to the appropriate course of action. The Complainant may bring a colleague or union representative to any such meeting, provided that the Complainant's companion shall respect the confidentiality of any

disclosure made and that of any subsequent investigation.

6.1.5.3 Following this meeting, an Initial Assessment (as defined under the CRP) of the complaint shall be made by the ISL pursuant to the CRP.

6.1.5.4 Depending on the outcome of the Initial Assessment, and in accordance with the CRP and the SHDP:

6.1.5.4.1 it may be concluded that no further action is required;

6.1.5.4.2 it may be concluded that the matter can be resolved by way of Informal Resolution at this stage; or

6.1.5.4.3 it may be concluded that there is a need for Further Investigations to be carried out by the Investigation Team so that a Case Report can be produced (as defined in the CRP). As set out in the CRP, the Investigation Team may include experts from outside the Company to assist with the investigation.

6.1.5.5 From the Initial Assessment stage onwards, Additional Support (as defined under the CRP) will be offered to the Complainant as appropriate and in accordance with the terms of the CRP. The Company will aim to keep any Complainant informed of the progress of the Further Investigations and the likely timescale. The Company will aim to complete the Further Investigations promptly and within 2 months; however, the varied nature of the complaints that may be raised under this Policy mean that more or less time may be required depending on the particular circumstances of each complaint.

6.1.5.6 At the conclusion of any Further Investigations, a Case Report will be produced, and depending on the findings, a decision will be taken under the terms of the CRP as to whether:

6.1.5.6.1 any further action is required in relation to the complaint;

6.1.5.6.2 if so, whether it is possible to resolve the complaint by Informal Resolution (to the extent this was not concluded at the Initial Assessment stage), with the Complainant's consent; or

6.1.5.7 whether the complaint should be dealt with under the SHDP so that the Respondent can be the subject of a disciplinary process including a disciplinary hearing (a Hearing).

- 6.1.5.8 Following the outcome of the Hearing, the ISL will further consider and recommend whether the complaint should be subject to the CRP and, if so, whether the Informal Resolution or the Formal Resolution procedure (as defined in the CRP) is appropriate in the circumstances.
- 6.1.5.9 In circumstances where a disciplinary Hearing has been convened, although (as described above) resolution of a complaint pursuant to the CRP will ideally commence after such Hearing has been concluded, nothing in this SHP, the SHDP or the CRP shall prevent the Informal Resolution Committee (as defined in the CRP) proceeding swiftly to reach an Informal Resolution with the Complainant, that may or may not include monetary compensation, if the ISL (with the agreement of the Directors' Committee) considers that that is the most appropriate outcome.
- 6.1.5.10 For the avoidance of doubt and as set out in the CRP, the Complainant shall have at any time the right to pursue their rights by initiating legal proceedings in relation to the complaint.

6.1.6 DOCUMENTATION

- 6.1.6.1 The Company recognises the importance of keeping comprehensive, accurate and clear documentary records in relation to complaints received under this Policy. The individuals and committees involved in the processes and procedures envisaged under this Policy, the CRP and the SHDP shall ensure that such records are kept, including (but not limited to) the documentation of: the initial receipt of the complaint by the relevant General Manager and the GHDC; the investigations in relation to, and the outcome of, the Initial Assessment; the Further Investigations; the Case Report, the recommendations made to, and the decisions taken by, the Directors' Committee; and the decisions taken by the Panel responsible for any disciplinary Hearing, as well as any person responsible for conducting any Appeal; and the safe-keeping of any evidence collected during those processes and procedures. Such records shall be kept in a secure and confidential filing system (in line with section 3 above) that is independent to the filing system used by HR, and shall be retained for as long as required by Malawian law (currently, seven years). For the avoidance of doubt, this Policy shall not require the ISL or the Psychiatrist/Psychologist to provide their working notes/papers to the Company.

6.1.7 TRAINING AND AWARENESS

- 6.1.7.1 Any person with a role under this Policy, the CRP and/or the SHDP shall have had sufficient training to discharge their role.
- 6.1.7.2 The Company shall take reasonable steps to ensure that all other employees and visiting personnel are aware of the relevant provisions of the SHP, including to raise awareness of the conduct which is considered to be sexual harassment (see paragraphs 6.1.1.8 and 6.1.1.12 above).



MANAGING DIRECTOR



OPERATIONS DIRECTOR

Annex 1

Workers' Rights Advisor (WRA) Terms of Reference

1. Workers' Rights Advisor (WRA)

The WRA is an appropriate management level employee appointed by the Managing Director of the Company or their designate. The WRA will not form part of the Gender, Harassment and Discrimination Committee.

2. Mandate

The mandate of the WRA is to provide support and advice to any employee in regard to information on the SHP, the CRP, the SHDP, Policy OP 1 in relation to Employment Equity, Policy OP 18 in relation to Diversity, Inclusion and Women's Welfare, Policy OP 9 Disciplinary Code & Appeal Procedure and Policy OP 10 Grievance Procedure, as well as on harassment and discrimination in general.

3. Specific Terms of Reference

- a. The WRA will have sufficient knowledge of the policies and procedures listed under point 4 below in order to discharge their function.
- b. The WRA will explain the various options available to employees seeking support and advice in relation to sexual harassment and human rights issues.
- c. The WRA will not act as an advocate, either for the estate or for the person seeking advice, and will act independently of the Gender, Harassment and Discrimination Committee.
- d. If an incident or alleged incident of sexual harassment (as defined in the SHP) is notified or escalated to the WRA, or the WRA observes or reasonably suspects sexual harassment, the WRA will notify the relevant General Manager and the GHDC in accordance with the terms of the SHP. This obligation does not apply if the WRA's reasonable suspicion is based on information provided by an employee seeking their support (in which case, the WRA has a discretion as to whether to inform the

Company).

- e. The WRA will treat all information in relation to complaints of sexual harassment which they obtain as a result of their role in the strictest confidence, subject to the exceptions set out in the SHP (including the obligations to escalate complaints described in (d) above).

4. Reference

- a. The Sexual Harassment Policy;
- b. The Sexual Harassment Claims Resolution Procedure;
- c. The Sexual Harassment Disciplinary Procedure;
- d. Serial Yellow – Other Policies (OP): 1 (OP) Employment Equity; 18 (OP) Diversity, Inclusion and Women's Welfare; and 9 (OP) Disciplinary Code & Appeal Procedure and 10 (OP) Grievance Procedure.

Annex 2

Gender, Harassment and Discrimination Committee (GHDC) Terms of Reference

1. Representation

The GHDC is a gender-balanced committee of male and female employees, with an equal number of representatives appointed by the Company's management and representatives elected by employees. The members of the GHDC should be fully representative of the estate's workforce. Optimally, each division in the Company will be represented and representatives should be elected by employees in their division. Where unionised, at least one shop steward should be included. Where possible, to ensure consistency, the GHDC will consist of employees who are permanent in nature, and for specific roles such as Chairperson and the recorder of minutes, a minimum educational requirement including suitable literacy levels will be a pre-requisite to ensure that the GHDC functions effectively.

There is one GHDC in Thyolo and one GHDC in Mulanje.

2. Mandate

The mandate of this committee is to attend to issues related to gender equality and equity, harassment (personal and sexual), and discrimination. In particular to receive and assist with complaints of sexual harassment in accordance with the SHP, the CRP and the SHDP.

3. Specific Terms of Reference

- a. The GHDC will conduct awareness sessions on gender equality, harassment and discrimination to build awareness of sexual harassment and the SHP among all estate employees.
- b. If an incident or alleged incident of sexual harassment (as defined in the SHP) is notified or escalated to a member of the GHDC, or a member of the GHDC observes or reasonably suspects sexual harassment, the GHDC will follow the procedures set out in the SHP.

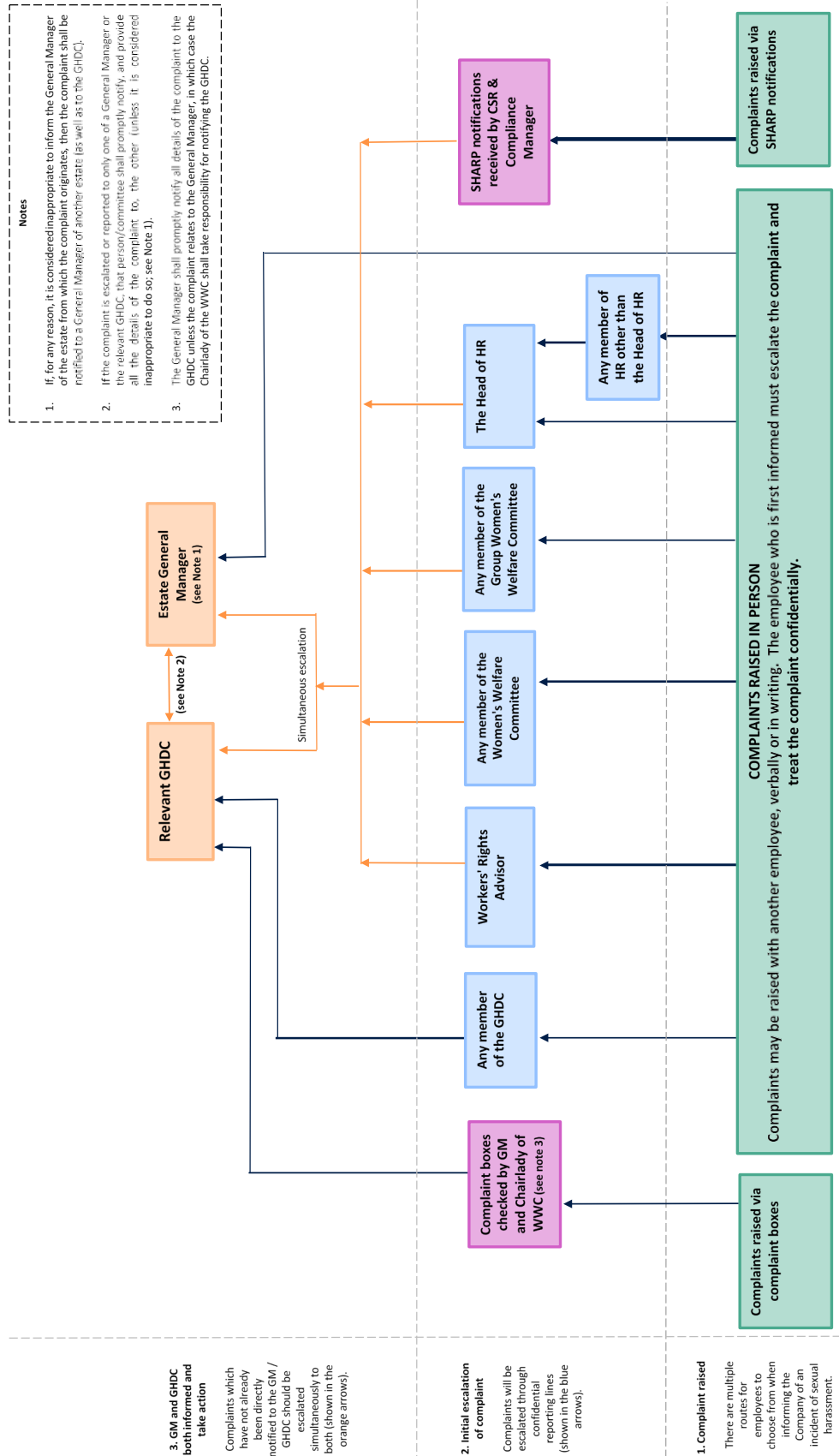
- c. Each member of the GHDC will treat all information in relation to complaints of sexual harassment which they obtain as a result of their role in the strictest confidence, subject to the exceptions set out in the SHP (including the obligations to escalate complaints described in (3.b) above).
- d. The GHDC, and individual members of the GHDC, will also provide such assistance as is required under the SHP, the CRP and the SHDP, including meeting with the Complainant, as necessary.
- e. If required under the CRP, the GHDC will undertake or assist with the Informal Resolution (as defined in the CRP) of complaints, including in the forms set out in the CRP.
- f. Keep records of the committee meetings and complaints received, including statistical records of the complaints received and their disposition.

4. Reference

- a. The Sexual Harassment Policy;
- b. The Sexual Harassment Claims Resolution Procedure;
- c. The Sexual Harassment Disciplinary Procedure;
- d. Serial Yellow – Other Policies: 1 (OP) Employment Equity.

Annex 3

Flow chart of complaint escalation procedure under paragraph 2.4



Annex 4

Procedure for checking complaint boxes

The complaints boxes are to be positioned in a private and secure location which is easily accessible to all employees, e.g. the Estate Dispensary.

The boxes will be locked at all times, and the key is kept by the respective General Manager (GM) only.

The GM must open the boxes on each of his/her Estates at least once every two weeks in the presence of the respective Estate's WWC Chairlady and all complaints received must be logged immediately in a Complaints Report Log Book (which is to be securely stored, in accordance with the SHP).

This Complaints Report Log Book should be an A4 hardcover book kept and maintained by the Estate's WWC Chairlady and will include full details of each complaint received, action taken etc. The column headings in this book should include:

- a. Date complaints box opened;
- b. Opened by (usually GM), sign;
- c. In the presence of (usually WWC Chairlady), sign;
- d. Full details of complaints received;
- e. Complainant details (may be anonymous);
- f. Date on which complaint notified to GHDC;
- g. Was the complaint successfully resolved and when (to be completed at later date).

If a complaints box is opened and no reports are found, this must also be logged in the book each time. All witnesses present including the GM and the WWC Chairlady must sign off the details logged in the Complaints Report Log Book each time the box has been opened.

At the time of recruitment, all employees will be trained and made aware of the existence of these complaints boxes as part of their induction training, as one of the available means of communicating any issues they have to management. Training records should be kept as usual.

During training, employees are to be advised that complaints received via the complaints boxes may be anonymous and the Company will endeavour to make every effort to investigate each anonymous complaint received as best they can, but it will be much easier and faster if complainants could provide their names and contact details to facilitate investigation and feedback. Employees should also be made aware of the Company's SHP, including that the Company takes all alleged incidents of sexual harassment seriously and the Company's position in relation to victimisation and reprisals.