

ANTI-RACISM POLICY

	NAME	DESIGNATION	DATE
Approved	Social and Ethics and Sustainability Committee	Social and Ethics and Sustainability Committee	November 2022
Approved	Executive Committee	Executive Committee	November 2022
Reviewed	Thabo Moabi	Human Resources Manager	October 2022
Compiled	Nolan Naicker	Employee Relations Managers	October 2022

1. OVERVIEW

Grindrod is committed to the prevention and elimination of racism and / or racial harassment and strives to establish a workplace free from racial prejudice and unfair discrimination. This policy is designed to establish a formal framework and foundation for achievement of this vital goal.

2. PURPOSE

The purpose of this policy is to

- 2.1 Eradicate racism and racial harassment in every workplace and at each organisational level within Grindrod.
- 2.2 Promote a culture of anti-racism and inclusivity, informed by the rights to human dignity and equality.
- 2.3 Recognise and appreciate the need to identify and implement measures to redress the disadvantages experienced by designated groups within the spirit and purport of the applicable legislative framework.
- 2.4 Establish an environment that facilitates the resolution of complaints and grievances relating to race relations – in a manner which promotes unification of the organisation through a common stance against racism and racial harassment.
- 2.5 Unequivocally prohibit all forms of racism and racial harassment within Grindrod.

3. SCOPE

- 3.1 Although this procedure applies to the working environment, the perpetrators and victims of harassment may include
 - 3.1.1 Owners
 - 3.1.2 Employers
 - 3.1.3 Managers
 - 3.1.4 Supervisors
 - 3.1.5 Employees

- 3.1.6 Job seekers and job applicants
 - 3.1.7 Persons in training, including interns, apprentices and persons on learnerships
 - 3.1.8 Volunteers
 - 3.1.9 Clients and customers
 - 3.1.10 Contractors
 - 3.1.11 Others having dealings with business
- 3.2 The protection against harassment applies in any situation in which the employee is working, or which is work related. This includes but is not limited to
- 3.2.1 The workplace
 - 3.2.2 Work related trips, travel, training, events or social activities
 - 3.2.3 Work related communications, including internet based platforms
 - 3.2.4 Employer-provided accommodation
 - 3.2.5 Commuting to and from work in transport provided or controlled by the employer
 - 3.2.6 Where employees work virtually, the location where they are working constitutes the workplace
- 3.3 A non-employee of Grindrod is entitled to lodge a grievance with Grindrod should an employee of Grindrod be accused of committing an act of harassment in the workplace or in the context of their employment.
- 3.4 Although Grindrod is not entitled to take disciplinary action against non-employees who commit acts of harassment against Grindrod employees in the context of their employment, Grindrod can take steps to eliminate such conduct to prevent its recurrence. Employees are therefore encouraged to report acts of harassment even if committed by individuals not employed directly by Grindrod.

4. RACIAL, ETHNIC OR SOCIAL ORIGIN HARASSMENT

- 4.1 Racial harassment is a form of unfair discrimination prohibited by section 6(1) of the Employment Equity Act which is related to a person's membership or presumed membership of a group identified by one or more of the listed prohibited grounds or a characteristic associated with such group. Racist conduct, including derogatory language, is contrary to the founding principles of the Constitution, in particular the values of non-racialism, dignity, and equity.
- 4.2 Racial harassment is unwanted conduct which can be persistent or a single incident that is harmful, demeaning, humiliating or creates a hostile or intimidating environment. Conduct that is calculated to induce submission by actual or threatened adverse consequences constitutes harassment although this is not an essential element of its definition.
- 4.3 Racial harassment includes direct or indirect behaviour which involves issues such as racist verbal and non-verbal conduct, remarks, abusive language, racist name calling, offence behaviour gestures and racist cartoons, memes, or innuendos.
- 4.4 Racial harassment occurs where a person is subject to physical, verbal or non-verbal conduct, or other conduct based on race which undermines their dignity or which creates an intimidating, hostile or humiliating working environment for the recipient.
- 4.5 Conduct, whether verbal or non-verbal, involving racial innuendo stereotyping or other types of racial conduct, is assumed to be offensive and unwanted to any individual who may be exposed to the language

or conduct. It should be assumed, consistent with the values of the Constitution that conduct of this type is unwanted and unacceptable and impacts negatively on the dignity of employees. The Constitutional Court has emphasised that when determining whether language or conduct is racial and derogatory, account must be taken of South Africa's history of institutionalised racial discrimination which legitimised racial prejudice and the impact of the legacy of racial discrimination on the present. The test to be applied in identifying whether language is racist is whether it is reasonably capable of conveying a racist meaning to the reasonable hearer.

4.6 The forms of racist harassment may include

- 4.6.1 Abusive language and racist jokes, cartoons, or memes, including communications that amount to hate speech
- 4.6.2 Racially offensive written or visual material, including on-line harassment
- 4.6.3 Racist name calling or negative stereotyping impacting on a person's dignity
- 4.6.4 Offensive behaviour in the form of open hostility to persons of a specific racial or ethnic group
- 4.6.5 Subtle or blatant exclusion from workplace interaction and activities and other forms of marginalisation
- 4.6.6 Threatening behaviour, which intimidates a person or creates a hostile work environment

5. COMMITMENT TO PREVENTION AND ELIMINATION OF HARASSMENT BASED ON RACE, ETHNICITY AND SOCIAL ORIGIN

- 5.1 As an organisation whose dealings are underpinned by the values of earning our customers trust every day; respecting our people, they matter; touching our communities; innovating for operational excellence; embracing long-term thinking and delivering on short-term action, racist conduct is considered a serious threat to the purpose of Grindrod.
- 5.2 It is for such primary reason that Grindrod prohibits all forms of racism and racial harassment within and related to its workplaces and is committed to conduct which is free from racism and racial harassment.
- 5.3 Such aforementioned commitment will include
 - 5.3.1 Dealing with complaints of racism and racial harassment with sensitivity, confidentiality and expediency.
 - 5.3.2 Respecting the rights to dignity and equality of both the complainant and alleged perpetrator of racism and / or racial harassment by carrying out a full and fair investigation process.
 - 5.3.3 Allowing the complainant the opportunity to choose an informal (i.e. discussions and / or correspondence with the alleged perpetrator) or formal route (i.e. disciplinary process), as a means of eradicating the unwanted conduct.
 - 5.3.4 Taking appropriate action to address and eliminate racism and / or racial harassment which employees may be subjected to by other stakeholders and / or external third parties with whom Grindrod has dealings with.
 - 5.3.5 Implementing any other measure needed to promote harmony and eradicate all forms of racism and racial harassment in the workplace.

6. TEST FOR RACISM

The test to be applied for racial harassment includes

- 6.1 An objective assessment with reference to the reaction of a normal or reasonable person in keeping with the values underlying the constitutional order.
- 6.2 It must be established, on a balance of probabilities, that the conduct relates to race, ethnic or social origin, or a characteristic associated, or assumed to be associated with such group. A factor to consider herein is whether the perpetrator would have spoken the words or behaved in the manner complained of towards the complainant were it not for their particular race, ethnicity or social origin.
- 6.3 Explicit racial conduct is assumed to be unwanted conduct. A relevant factor is how the alleged perpetrator treats other persons not of the complainant's racial group or ethnic or social origin.
- 6.4 Whether language or conduct amounts to racial harassment depends on the circumstances of each case, and would include, but not be limited to
 - 6.4.1 How persistent or harmful the conduct was.
 - 6.4.2 Whether the conduct was demeaning, impairing of dignity, humiliating, or created a hostile environment.
 - 6.4.3 Where the conduct was calculated to induce submission by actual or threatened consequences.
 - 6.4.4 Whether the language and conduct is insulting, abusive and/or derogatory.

7. FACTORS TO BE CONSIDERED IN RACIAL HARASSMENT

Relevant factors to consider include, but is not limited to

- 7.1 Whether the conduct was abusive.
- 7.2 Whether the conduct impaired dignity.
- 7.3 Whether the conduct was directed at a particular employee or employees.
- 7.4 The extent and degree of abuse or impairment to a person's dignity.
- 7.5 The impact of the conduct.

8. RELATED POLICIES

This policy must be read together with the

- 8.1 Grindrod Code of Ethics.
- 8.2 Grindrod Prevention and Elimination of Harassment in the Workplace policy.
- 8.3 Grindrod Disciplinary policy.

8.4 Grindrod Standard Operating Procedure on the Handling of Harassment Cases in the Workplace.

9. PROCEDURE

The procedure to follow when attending to a complaint of the nature contemplated is established in the Grindrod Standard Operating Procedure ('SOP') on the Handling of Harassment Cases in the Workplace.

10. POPIA

The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act 4 of 2013 ("POPIA"). Grindrod is committed to compliance with POPIA and other applicable legislation, protecting the privacy of data subjects and ensuring that their personal information is used appropriately, transparently and securely. Please refer to Grindrod's Protection of Personal Information (POPI) policy.