

Equal Opportunity Policy

United Basalt Products Ltd

Introduction

The Board of Directors and the Management of United Basalt Products Ltd (hereinafter referred to as “the Company”) is committed to the promotion, implementation and upholding of equality of opportunity at work with a view to foster an equal opportunity culture at all levels within the Company.

The Board of Directors and Management of the Company is also committed to fight against discrimination and sexual harassment at work with a view to uphold and maintain the best working conditions for every single member of the Company’s staff.

The commitments of the Board of Directors and Management of the Company as particularized above are such that the Board of Directors and Management of the Company will do all that it reasonably can to ensure that the above policy decision cannot be regarded, construed and/or otherwise interpreted as a mere declaration of good intention.

In truth and in fact, the aim of the Board of Directors and Management of the Company is to take all reasonable and permissible organisational measures to ensure at all times that an equal opportunities and anti-discrimination culture is effectively implemented at work so that it becomes and remains a reality within the Company.

In that respect, the Board of Directors and Management of the Company has and will continue to raise awareness of its staff in respect of the provisions of the Equal Opportunities Act (hereinafter referred to as “the EOA”), the principle of equality of opportunity, the anti-discrimination culture and the anti-sexual harassment rules.

Committed to walk the talk, the Board of Directors and Management of the Company has provided qualified and relevant training to key members of the staff and has also communicated to the latter a Guide to Equal Opportunities.

Furthermore, the Board of Directors and Management of the Company has sought and obtained professional and expert assistance with a view to assessing the organisational measures within the Company in order to further enhance the promotion of equality of opportunity and further strengthen anti-discrimination and anti-sexual harassment status within the Company. In that context, the Board of Directors and Management of the Company have approved a new Equal Opportunity Policy which supersedes the previous one.

All members of the staff, irrespective of positions held, are expected to scrupulously adhere to the present Equal Opportunity Policy and the relevant provisions of the EOA failing which disciplinary measures may entail after investigation.

Last but not least, should any employee of the Company, irrespective of positions held, reasonably suspect that a breach of the EOA has been committed and/or is likely to be committed, the said employee is expected to report the same to the Management as soon as reasonably practicable provided always that such report is made in good faith.

Why having an Equal Opportunity Policy?

- As an Equal Opportunity Employer, the Company has implemented the present Equal Opportunity Policy (hereinafter referred to as "EOP") to:
 - (1) provide for a discrimination-free working environment at the Company;
 - (2) promote recruitment, promotion, transfer, training and employment within the Company on the basis of merit only;
 - (3) promote an equality of opportunity and anti-discrimination culture at work;
 - (4) raise the awareness of the Company's staff and prospective employees of the Company in respect of equal opportunities principles at work and in particular to all the relevant provisions of the Equal Opportunities Act ("EOA");
 - (5) prevent all forms of discrimination and sexual harassment at work;
 - (6) promote good relations at work between persons of different status; and
 - (7) ensure compliance with the EOA.
- Section 9 (1) of the EOA reads stipulates that:

"Every employer shall, in conformity with such guidelines and codes as are prepared by the Commission under section 27 (3) (f) draw up and apply, within such delay as may be specified by the Commission, an equal opportunity policy at his place of work with a view to minimise the risk of an employee being discriminated against and to promote recruitment, training, selection and employment on the basis of merit."

What is Discrimination?

- A Discrimination is a less favourable treatment based on the Status of the aggrieved person.

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- Discrimination may be Direct or Indirect
- A person ("the discriminator") discriminates directly against another person ("the aggrieved person") on the ground of the Status of the aggrieved person where:
 - (a) in the same or similar circumstances, the discriminator treats or proposes to treat the aggrieved person less favourably than he treats or would treat a person of a different Status; and

- (b) the discriminator does so by reason of:
 - (i) the Status of the aggrieved person; or
 - (ii) a characteristic that generally appertains or is imputed to persons of the Status of the aggrieved person.
- A person (“the discriminator”) discriminates indirectly against another person (“the aggrieved person”) on the ground of the Status of the aggrieved person where:
 - (a) the discriminator imposes, or proposes to impose, a condition, a requirement or practice on the aggrieved person;
 - (b) the condition, requirement or practice is not justifiable in the circumstances;
 - (c) the condition, requirement or practice has, or is likely to have, the effecting of disadvantaging the aggrieved person when compared to other persons of different Status.

What is Status?

1. Status is the age, caste, skin colour, creed (“la croyance”), ethnic origin, impairment, marital status, place of origin, political opinion, race, sex, sexual orientation and/or the criminal record of the aggrieved person.
 - Some definitions of Status need to be further explained
 - Impairment means:
 - (a) total or partial loss of a bodily function;
 - (b) the presence in the body of organisms that may cause disease;
 - (c) total or partial loss of a part of the body;
 - (d) malfunction of a part of the body, including:
 - (i) a mental or psychological disease or disorder;
 - (ii) a condition or disorder that results in a person learning more slowly than people who do not have that condition or disorder;
 - (e) malformation or disfigurement of a part of the body

- Marital Status means the condition of being:
 - (a) single;
 - (b) married (religiously or civilly);
 - (c) separated (married but living separately from one's spouse);
 - (d) divorced; or
 - (e) widowed.

Exceptions

There are circumstances under which complaints for Discrimination will not stand good.

Sex

- The EOA allows the Company to discriminate on the ground of sex where being of a particular sex is a genuine occupational qualification for employment, promotion, transfer or training
- It is a genuine occupational qualification where:
 - (a) the duties relating to the employment or training can only be performed by a person having particular physical characteristics, other than strength or stamina, that are possessed only by persons of that sex;
 - (b) the duties relating to the employment or training can only be performed by a person of a particular sex to preserve decency or privacy because they involve the fitting of clothing for persons of that sex; or
 - (c) the duties relating to the employment or training include the conduct of searches on and in respect of persons of that particular sex.

Impairment

- The EOA allows the Company to discriminate against a person who has an impairment where:
 - (a) taking into account the person's past training, qualifications and experience relevant to the particular employment, and in case the person is already employed by the Company, that person's performance as an employee, and all other factors that is reasonable to take into account, that person because of his or her impairment:
 - (i) would be unable to carry out the inherent requirements of the particular employment

Or

(ii) would, in order to carry out those requirements, require services or facilities that are not required by persons without an impairment and the provision of which would impose an unjustifiable hardship on the Company

(b) Because of the nature of the impairment, the work environment or the nature of the work involved, there is likely to be:

(i) A substantial risk that the person will injure himself

Or

(ii) A risk that the person will injure others and it is not reasonable in all the circumstances to take that risk

- In determining what constitutes Unjustifiable Hardship on the Company, all relevant circumstances of the particular case shall be taken into account including:

(a) The nature of the benefit, facility or detriment likely to accrue or be suffered by any person concerned

And

(b) The financial circumstances of and the estimated amount of expenditure required to be made by the Company

Age

The Company may, by virtue of the EOA, offer employment, training or promotion only to persons of a particular age provided that the age requirement is reasonably justifiable given all the requirements, conditions, duties and nature of the job concerned

Criminal Record

- The Company is entitled, by virtue of the Certificate of Character Act, to ask for and obtain the Criminal Record of an employee or prospective employee.
- The Company may, by virtue of the EOA, offer employment, training or promotion only to persons having a clean Criminal Record where such a clean Criminal Record is reasonably justifiable given all the requirements, conditions, duties and nature of the job concerned.

What is Discrimination by Victimisation?

- In addition to Direct and Indirect Discrimination, the EOA also provides for a third type of discrimination which is Discrimination by Victimisation. This needs to be explained.
- Discrimination by Victimisation is different from Direct and Indirect Discrimination.
- The element of Status is not necessary to establish a Discrimination by Victimisation.
- The provisions pertaining to Discrimination by Victimisation have basically been enacted to protect employees who make or intend to make complaints against their employers. They also afford protection to witnesses and potential witnesses.
- A Discrimination by Victimisation arises:

Where a discriminator

(a) subjects the aggrieved person

Or

(b) threatens to subject the aggrieved person

to any detriment because the aggrieved party has:

- (1) made or proposes to make a complaint at the Equal Opportunities Commission ("EOC") against the discriminator;
- (2) brought or proposes to bring proceedings under the EOA against the discriminator;
- (3) furnished or proposes to furnish any information to the EOC;
- (4) produced or proposes to produce a document to the EOC;
- (5) attended or proposes to attend an inquiry before the EOC;
- (6) provided or proposes to provide evidence before the EOC;
- (7) provided or proposes to provide a testimony as a witness before the EOC; or
- (8) made a good faith allegation at the EOC that the discriminator has committed an act of discrimination.

Request for Information

- Where any employee who has not been promoted or transferred has reason to believe that she or he has been the subject of discrimination, that employee has the right ask and obtain, in writing, from the Company information on the experience or qualifications of the successful candidate.
- Requests for such information should be made in writing to the Company by addressing a duly signed letter to the Human Resources Department of the Company.
- The Company will provide the aforesaid information as soon as reasonably practicable.
- However, the Employer will only be duty-bound to provide information which is available to it.
- Furthermore, the Company will not provide any data which identifies or purports to identify the successful candidate.

Sexual Harassment

- In addition to Discrimination, the EOA also provides protection against Sexual Harassment.
- Sexual Harassment is strictly forbidden and amounts to Misconduct warranting dismissal.
- A person sexually harasses another person where, in circumstances in which a reasonable person would have foreseen that the other person would be humiliated, offended or intimidated, she or he:
 - (1) Makes an unwelcome sexual advance or an unwelcome request for a sexual favour to another personOr
 - (2) Engages in any other unwelcome conduct of a sexual nature towards another person
- “Conduct” includes making or issuing an unwelcome oral or written statement of a sexual nature to a person or in the presence of a person.

Complaints

- An employee of the Company who reasonably suspects or has reasonable grounds to believe that:
 - (a) he or she has been or is likely to be discriminated;
and/or
 - (b) he or she has been sexually harassed; has the right to lodge a complaint to the EOC.

- An employee of the Company lodging a complaint to the EOC in good faith shall not be subjected to any detriment by the Company.
- However, should an employee of the Company lodge a complaint in bad faith to the Equal Opportunity Commission against the Company, the latter may take such disciplinary action against that employee as may be appropriate in the circumstances.

Reporting

- An employee of the Company who reasonably suspects or has reasonable grounds to believe that another employee of the Company, irrespective of that employee's hierarchy, has committed or is likely to commit an act of discrimination and/or sexual harassment at work, should, as soon as reasonably practicable, report the matter to the Management of the Company provided always that this is done in all good faith.

Transparency

The Board of Directors and Management of the Company is committed to:

- (a) acting in total transparency in respect of the protection of the rights and duties of one and all under the EOA; and
- (b) promoting training and awareness programmes in respect of all the provisions of the EOA.

Consequently, the Board of Directors and Management of the Company most unequivocally undertake to regularly make resources available in order to raise such awareness.

By Order of the Board of Directors on this day of August 2019

Stéphane ULCOQ
[position held]