



Discrimination Policy

Company Policy No: 7SA
Company: Greencastle Solutions Ltd
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Discrimination Policy

1 Policy Objectives

- 1.1 The objective of this policy is to prohibit unfair discrimination on grounds including, but not limited to, race, gender identity, sexual orientation, nationality, conscience, and beliefs.
- 1.2 It is further the objective to prevent and eliminate any conduct of unfair discrimination by any employee against another, which may undermine his/her human dignity. Such conduct of unfair discrimination may include, but is not limited, to bullying and/or harassment.

2 Application

This policy applies to all employees in the company, including management, temporary, and fixed-term employees.

3 General

- 3.1 This discrimination policy should be read together with the company's:
 - 3.1.1 Sexual harassment policy.
 - 3.1.2 HIV/AIDS policy.
 - 3.1.3 Grievance policy and procedure.
 - 3.1.4 Bullying policy.

4 Definitions

- 4.1 "Arbitrary grounds" include but are not limited to race, gender, sex, pregnancy, marital status, family responsibility, ethnic or social origin, colour, sexual orientation, age, disability, religion, HIV status, conscience, belief, political opinion, culture, language, and birth.
- 4.2 "Designated groups" are in terms of the Employment Equity Act, black persons, women, and disabled persons.
- 4.3 "Discrimination" is any form of differential treatment, restriction, loss of opportunity, or prejudice, including practices and criteria based on arbitrary factors, which result in differential treatment and opportunities being afforded to an employee, group of employees, or applicant for employment.
- 4.4 "Harassment" is the unwanted troubling or annoying of any person against such person's will, and could include intimidating, victimising and/or discriminating against a person with a view to inter alia forcing or coercing such a person to do, agree to, or omit certain acts, which the person would otherwise not willingly and of their own accord have done, agreed to, or omitted.
- 4.5 "The company" refers to the company and any of its subsidiaries.

5 Types of Discrimination

- 5.1 There are two kinds of discrimination:
 - 5.1.1 Fair discrimination.
 - 5.1.2 Unfair discrimination.

6 Fair Discrimination

- 6.1 The law sets out four grounds on which discrimination is generally allowed:
- 6.1.1 Discrimination based on affirmative action: Affirmative action measures are designed to promote employment equity (fairness in favour of the designated groups). Affirmative action aims to achieve equality at work without lowering standards and without unduly limiting the prospects of existing employees. Its main aim is generally to ensure that previously disadvantaged groups are fairly represented in the workforce of a particular employer.
 - 6.1.2 Discrimination based on inherent requirements of a particular job: Any discrimination based on the inherent requirement of the job does not constitute unfair discrimination. An inherent requirement of a job depends on the nature of the job and required qualifications. If such requirements can be shown, discrimination will be fair.
 - 6.1.3 Compulsory discrimination by law: The law does not allow the employer to employ children under the age of 15 (fifteen) years, or pregnant women four (4) weeks before confinement and six (6) weeks after giving birth.
 - 6.1.4 Discrimination based on productivity: It is also fair by law for the employer to discriminate on the basis of productivity when giving an increase e.g., increases based on merit. This, of course, would be dependent on the fairness of the criteria utilised for assessing performance and productivity.

7 Unfair Discrimination

- 7.1 Favour, prejudice, or bias against employees in terms of the above-mentioned grounds and which is not fair can be deemed to be unfair discrimination.
- 7.2 There are two forms of discrimination related to unfair discrimination, namely:
- 7.2.1 Direct discrimination which is easily identifiable and involves overt differential treatment between employees and job applicants based on arbitrary grounds.
 - 7.2.2 Indirect discrimination which involves the application of policies and practices that are apparently neutral and do not explicitly distinguish between employees and job applicants, but that have a disproportionate and negative effect on certain individuals or groups.
- 7.3 Legislation further emphasises that:
- 7.3.1 Sexual harassment will be prohibited.
 - 7.3.2 Medical testing will not be allowed unless it is an inherent requirement of the job.
 - 7.3.3 Psychological testing or other assessment cannot be done unless such tests are validated and will not be biased.
 - 7.3.4 HIV testing can only be carried out if authorised by the Labour Court.

8 Process

- 8.1 In order to achieve equity and protection from unfair discrimination, a process of equalising opportunities and representation in the company will be undertaken where necessary, in line with developed employment equity plans, the company's strategic plan and the requirements of the Employment Equity Act 55 of 1998.
- 8.2 The company is fully committed to ensuring a workplace free of any form of harassment, and to protect its employees against all forms of intimidation, victimisation, or discrimination, in any employment policy or practice.
- 8.3 Employment policies or practices are defined to include, but are not limited to:
- 8.3.1 Job assignments.
 - 8.3.2 Working environment and facilities.
 - 8.3.3 Training and development.
 - 8.3.4 Performance evaluation systems.
 - 8.3.5 Promotion.
 - 8.3.6 Transfer.
 - 8.3.7 Demotion.
 - 8.3.8 Disciplinary measures short of dismissal.
 - 8.3.9 Dismissal.
- 8.4 The organisation may take positive measures and distinguish, exclude, or prefer any person based on inherent job requirements. It would thus not be unfair to have job-related criteria in making appointments, as it would not be unfair for the organisation to take affirmative action measures in line with the Employment Equity Act 55 of 1998.
- 8.5 Medical and psychological testing and other assessments will be performed only in line with the requirements of the Employment Equity Act, Sections 7 and 8.
- 8.6 The Prohibition of Equality and Prevention of Unfair Discrimination Act 4 of 2000 is applicable and relates to the promotion of equity and prevention of unfair discrimination in labour and employment, inter alia:
- 8.6.1 No artificial barriers to equal access to employment opportunities by the use of certain recruitment and selection procedures may be created.
 - 8.6.2 Human resource utilisation, development, promotion, and retention practices must be applied in a way so as not to unfairly discriminate against persons from designated groups as defined.
 - 8.6.3 The principle of equal remuneration for work of equal value will be acknowledged.
 - 8.6.4 Promotion will be based on merit and agreed criteria.

9 Internal Resolution Process

Any employee who feels that he/she has been unfairly discriminated against or that an employer has contravened the laws can lodge a grievance in writing with the company in terms of the internal grievance policy and procedure.

10 Disciplinary Action

Should it be found that another employee has unfairly discriminated against an employee or job applicant, disciplinary action for misconduct will be initiated against the offender in adherence with the company disciplinary code.

11 Agreement and Compliance

It is the employee's responsibility to contact management should he/she have any queries.

I, _____ (name), hereby agree that I have read and understood the contents of this policy and agree to comply with the provisions herein.

Employee signature as receipt hereof	
Date	