




Grievance and Dispute Resolution Policy

Revision History

Revision date	Revision	Name of author/modifier	Distributed to
01/06/2021	0	Kalesita Naime	BSI EGM

Approvals

Name	Title	Signature	Date	Revision
Brent Thomson	Executive General Manager		13 July 2021	0

SCOPE

This Policy applies to all Black Swan employees, contractors, and subcontractors (hereafter referred to as a 'BSI Representative'). They also apply to joint ventures Reviewing and signing onto this policy is a prerequisite for employment with Black Swan. Effort has been made to ensure that the document can be understood by the diverse workforce that we employ and are employed by.

Purpose

This policy outlines Black Swan International's (the Business) grievance and dispute resolution policy and process for investigation and remedy, when lodged by third parties outside of Black Swan International.

Defining a Grievance

A grievance is deemed to exist when an individual (or party) alleges a cause of distress felt to afford a reason for complaint or resistance, thereby calling it into question.

Aim

- Provide a mechanism by which aggrieved third parties may receive prompt, fair and consistent consideration of complaints,
- Facilitate a resolution of the dispute in the spirit of fairness and cooperation.
- Mitigate risk of recurrence by preventative and corrective action, through policy and process review.

Considerations

- Immediate action should be taken to address all grievances as soon as they are reported.
- Corrective and remedial action should be taken for all grievances found to have substance.
- Frivolous grievances and contrived allegations are detrimental to business reputation and must be handled in conjunction with internal legal advice.
- The business must implement and refer to legislative and regulatory guidelines when applying a grievance mechanism to its Quality Management Systems.
- External mediators may be called upon to assist in grievance resolution.

Protection of Third-Party Complainant

Third party complainants' protections are provided in two important areas; confidentiality and against retaliation. Insofar as possible, the confidentiality of the complainant will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defence.

Protection of Complainant

Black Swan is committed to ensuring confidentiality of all matters raised under this policy, and those who make a report in good faith are treated fairly.

(a) Protection of your identity and confidentiality

Subject to compliance with legal requirements, upon receiving a report under this Policy, Black Swan will not disclose any information (written or verbal) that would reveal your identity as a Complainant, without first obtaining your consent.

Any disclosure that you consent to will be disclosed on a strictly confidential basis. However, Black Swan is able to disclose the complaint without your consent to country authorities (i.e. law and justice organizations, regulatory bodies, etc.).

(b) Fairness

A third party who is subjected to detrimental treatment as a result of making a report in good faith under this policy should inform Black Swan immediately with supporting evidence of ill treatment.

Roles and responsibilities of third party (parties) reporting a grievance:

Responsibilities and obligations in the resolution process

In carrying out their responsibilities to resolve the dispute or grievance, the third party reporting a grievance has an obligation to:

- Establish and verify the facts,
- Clarify the differences between reality, perception, and opinion,
- Maintain confidentiality as far as possible, and
- Initiate or recommend actions to prevent the dispute or grievance recurring.

Roles and responsibilities of the Business addressing a reported grievance:

Responsibilities and obligations in the resolution process

In carrying out their responsibilities to resolve the dispute or grievance, the business management has an obligation to:

- Establish and verify the facts,
- Clarify the differences between reality, perception, and opinion,
- Maintain confidentiality as far as possible,
- Initiate or recommend actions to prevent the dispute or grievance recurring,
- Handle grievances in accordance with this grievance mechanism, considering legal requirements,
- Remedies impacts, addresses cause and takes all required actions.

Report a Grievance:

Email file-a-complaint@blackswanss.com to report a grievance.

Call our Quality Workplace Health Safety & Environment department (Compliance) on +675 7655 9529 (0800am – 1700pm GMT+10 time zone)

Call Black Swan National Operations Centre on +675 75000207 (after hours 1700pm-0800am GMT+10 time zone)

Procedure

Grievance Resolution Process

Lack of resolution at any stage of the resolution process outlined in this order, in this policy, triggers referral to the next stage of resolution.

Grievance is received and referred to the Business Management team for resolution

- A grievance is received and acknowledged, and referred to the business management for to careful review, establishment, and verification of facts,
- If required, an internal investigation will begin immediately, or an external investigator will be engaged to carry out this review.

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- If a claim is accepted, the findings from the review are sent back to the third-party complainant for a response.
- At this stage, a grievance may be resolved through mutual agreement.
- If a resolution has not been reached, the Business may choose to seek third party advice or mediation.
- The grievance may be subject to public regulatory or justice systems processes, and all parties must adhere to these processes, Government Law, and regulations.

Disciplinary Action

Disciplinary Procedures

The procedure sets out the rights and obligations of Black Swan, procedures to be followed and the penalties that may be imposed.

For situations - such as misconduct, bringing the organisation into disrepute and corruption - responsibility shall reside with the more senior management in consultation with the Head of Human Resource & Culture. In such situations, if the grievance requires legal counsel, then this counsel is sought out for assistance.

Legislation

This policy recognises potential differences in legislation in provincial and local level Governments that the company may operate in within Papua New Guinea.

The Business acknowledges and respects the need to ensure all disciplinary actions occur within the laws of Papua New Guinea.

Prohibited Grounds for Termination (PNG)

Should a grievance directly involve an employee of Black Swan International, the following must be observed:

The following grounds for termination are prohibited by virtue of the Industrial Relations Act and the Employment Act 1962:

- Grounds which are harsh, unjust or unreasonable;
- Union membership or participation in union activities outside working hours or with the employer's consent during working hours;
- Non-membership of a union or an association which has applied for registration;
- Seeking office as, or acting or having acted in the capacity of, a representative of employees;
- The filing of a complaint, or participation in proceedings, against an employer for alleged violation of laws or regulations, or recourse to competent administrative authorities;
- Race, colour, sex, sexual preference, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction, or social origin.

Procedural Fairness

It is fundamental to any disciplinary process that all parties should be given the benefit of "procedural fairness". This means that, following proper investigation of the facts and the circumstances, all parties should be given the opportunity to respond to allegations unless the

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circumstances are such that the party could not reasonably be expected to provide this opportunity (as may be the case in gross misconduct, intentional neglect, etc.).

To ensure procedural fairness, the following steps should be taken:

- The Business shall conduct a reasonable investigation to determine the validity of the allegations;
- The Business is obliged to put the allegation(s) to the management;
- The Complainant must give the Business the opportunity, and sufficient notice, to respond to the allegation(s).

Role of the Management

The management of Black Swan International is responsible for monitoring and maintaining the Business's best practice in accordance with the laws of Papua New Guinea. The management is responsible for investigating and managing all grievances made against the Business or against its employees.

Mandatory Investigation

In all cases involving a Black Swan employee where a serious risk is identified and potential dismissal may occur, a formal investigation of the allegation must be undertaken.

Depending on the relevant legislation, penalties against employees may include:

- Suspension without pay;
- Demotion to another (lower paid) position; or
- Summary Dismissal.

Appeal

Employees have the right to appeal any action taken under the Sentinel Discipline Procedure.

Implementation and monitoring

The executive management in close coordination with all head of department will periodically monitor and evaluate the implementation of this policy.

Black Swan International reserves the right to review, vary or revoke this policy.