

WHISTLE BLOWING POLICY

DOCUMENT USERS: ALL HARMONY STAKEHOLDERS

**PERSON RESPONSIBLE FOR
KEEPING DOCUMENT CURRENT: GROUP COMPANY SECRETARY**

Revision	Prepared	Reviewed	Approved	Date	Description
1	P DIKANE	Social & Ethics Committee	Board	September 2013	Finalised for use
2	Company Secretary	Ethics Committee	Social & Ethics Committee	27 January 2016	Approved
3	Company Secretary	Ethics Committee	Social & Ethics Committee	30 January 2018	Approved
4	Company Secretary	Ethics Committee	Social and Ethics Committee	5 May 2020	Approved
5	Company Secretary	Ethics Committee	Social and Ethics Committee	12 August 2022	Approved
6	Group Company Secretary	Ethics Committee	Social and Ethics Committee	21 February 2025	Finalised for use

1. Introduction

Harmony Gold Mining Company Ltd ("**Harmony**") is committed to maintaining the highest standards of integrity, transparency, and accountability in its operations. To support these values, we encourage employees, contractors, suppliers, and other stakeholders to report any suspected wrongdoing, unethical behaviour, or violations of our policies or the law.

This policy applies to all Harmony Stakeholders and companies in the Harmony group of companies. This policy provides a background understanding and standard procedure with regards to reporting and handling of whistleblowing related incidents.

The Whistleblowing Policy is governed by the Protected Disclosures Act 26 of 2000 ("**PDA**" or "**Act**"). The PDA establishes a legal framework that allows employees and stakeholders to report information about unlawful or irregular conduct. It ensures protection for employees who make disclosures in accordance with the provisions of the Act and addresses related matters to safeguard whistleblowers.

Unethical, criminal or other irregular conduct (collectively referred to as "**misconduct**") is detrimental to the effectiveness of a company and may cause the company to suffer social, financial and/or reputational damage. An effective company needs to be accountable and have strong corporate governance structures in place to ensure stability and transparency.

All persons have a responsibility to disclose misconduct; and Harmony and its representatives have a responsibility to take all necessary steps to ensure that such persons making disclosures are protected from any possible reprisal following such a disclosure.

2. Purpose

The purpose of this policy is to provide a procedural framework based on relevant legislation for governing and managing Harmony's internal processes relating to whistleblowers. The requirements set down by the PDA ensure the protection of employees when making good faith disclosures. Furthermore, this policy serves to:

- enable whistleblowers to disclose information in good faith regarding misconduct involving Harmony employees or external stakeholders according to the requirements of the PDA. Such disclosures may be made anonymously, and requires Harmony to protect the disclosing party against any reprisal, occupational detriment or legal action.
- provide guidance to the employer regarding the protection of employees or stakeholders making disclosures from being subjected to any reprisal, occupational detriment or legal action.
- encourage Harmony shareholders, employees, service providers, contractors and members of the public to report any unlawful and/or non-compliance practices which involve Harmony employees and their external stakeholders. This include any breaching of laws, regulations, legal obligations, ethical standard or Harmony's ethics codes, or other Harmony governance policies.
- encourage a culture that will facilitate the disclosure of information by employees relating to criminal and other irregular conduct happening in Harmony in a responsible manner, by providing comprehensive statutory guidelines for the disclosure of such information. Harmony, through this policy, must provide protection against any reprisals because of such disclosures.
- provide a mechanism (procedures) for Harmony employees and Stakeholders to report unlawful and non-compliance practices independent of line management involvement and anonymously, if they so wish, and without fear of victimisation, dismissal or subsequent discrimination.

3. Definitions

“Act” means the Protected Disclosures Act 26 of 2000.

“Disclosure” means any disclosure of information regarding any conduct of an *employer*, or an *employee* of that *employer*, made by any *employee* who has reason to believe that the information concerned shows or tends to show one or more of the following:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed.
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which that person is subject.
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur.
- (d) that the health or safety of an individual has been, is being or is likely to be endangered.
- (e) that the environment has been, is being or is likely to be damaged.
- (f) unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000); or
- (g) that any matter referred to in paragraphs (a) to (f) has been, is being or is likely to be deliberately concealed.

In **“good faith”** means that the reporter has a reasonable belief that the misconduct has occurred, is occurring or is going to occur, and is made without being influenced by personal interest or advantage. Whistleblowers, who report in good faith are, under certain circumstances, protected from occupational detriment by the Protected Disclosures Act, Act 26 of 2000, amended in 2017 (PDA). The whistleblower is not required to gather evidence to prove the allegation.

“Fraud” means any intentional act or omission designed to deceive others, resulting in Harmony suffering a loss and/or prejudice by means of a misrepresentation of facts. It is expected that Management personnel are familiar with the types of fraud that could occur within their specific areas of responsibility and report any suspected or known instances of fraud within the Company.

“Employee” means full-time, part-time, permanent or contract staff of Harmony, consultants or any duly authorised agent representing Harmony, any person, including any third-party contractor, who receives or is entitled to receive remuneration for goods or services from Harmony.

“Improper conduct” means any conduct that is deemed improper under Harmony’s policies, procedures and legislation, including but not limited to any of the following to the extent that they might impact or be related to the business operations of Harmony or might influence the ability of any employee to perform his or her obligations:

- committing a criminal offence.
- failing to comply with a material contractual and/or legal obligation to Harmony prescribed under any law.
- behaving improperly including, but not limited to, financial or non-financial mismanagement; engaging in or being complicit in fraud, bribery or corruption; or behaving unethically.
- materially endangering the health and/or safety of any person.
- seriously harming the natural environment.
- discriminating against an Employee in terms of relevant legislation.
- discriminating based on someone’s race, colour, religion, natural origin, gender, sexual orientation or disability or creating a hostile work environment by making racial, sexist, homophobic or other derogatory comments about someone’s race, colour, religion, natural origin, sex, sexual orientation or disability.
- concealing any matter referred to above.

“Misconduct” means any intentional violation, or suspected violation, of the Company’s policies and procedures, as well as applicable laws and regulations with which the Company must comply.

“Occupational detriment”, in relation to the working environment of an employee, means:

- (a) Being subjected to any disciplinary action or threatened with civil and legal reprisal.
- (b) Being dismissed, suspended, demoted, harassed or intimidated.
- (c) Being transferred against his/her will.
- (d) Being refused transfer or promotion.

- (e) Being subjected to a term or condition of employment or retired which is altered or kept altered to his/her disadvantage.
- (f) Being refused a reference, or being provided with an adverse reference, from his/her employer.
- (g) Being denied appointment to any employment, profession or office.
- (h) Being threatened with any of the actions referred to paragraphs (a) to (g) above; or
- (i) Being otherwise adversely affected in respect of his/her employment, profession or office, including employment opportunities and work security.

“Policy” Means the Whistleblowing policy of Harmony.

“Protected disclosure” means a disclosure made to:

- (a) A legal advisor in accordance with section 5 of the Act; which specifically relates to any disclosure made to (a) a legal practitioner or to a person whose occupation involves the giving of legal advice; and (b) with the object of obtaining legal advice is a protected disclosure.
- (b) An employee in accordance with section 6 of the Act making a protected disclosure to the employer: (1) is made in **good faith** and substantially in accordance with any procedure prescribed or authorised by the employee’s employer for reporting or remedying the impropriety concerned; or (b) to the employer of the employee, where there is no procedure as contemplated in paragraph (a), is a protected disclosure. (2) Any employee who, in accordance with a procedure authorised by his or her employer, makes a disclosure to a person other than his or her employer, is deemed, for the purposes of this Act, to be making the disclosure to his or her employer.

“Stakeholder” includes all Harmony employees (as described above). It furthermore includes all authorised agents acting on behalf of Harmony, authorised third parties and consultants acting/undertaking work on behalf of Harmony. Stakeholders included are also individuals seconded by external parties to Harmony, any volunteers and interns, all service providers and vendors, business partners and associates of Harmony form part of stakeholders.

4. Scope and Application

The Policy shall apply to all reported incidents listed below that **fall outside the scope of any grievance procedure**. This policy should be read in conjunction with the Harmony Code of Conduct.

- A criminal offence has been committed, is being committed or is likely to be committed. This includes organised crime, theft, fraud, bribery, corruption, unethical behaviour, and non-compliance to legislation and regulations.
- A person has failed, is failing or is likely to fail to comply with any legal obligation for which that person is responsible.
- The health or safety of an individual in the workplace has been or is likely to be endangered.
- The environment has been or is likely to be damaged.
- An actual or potential violation of national, provincial or municipal laws that could result in fines or civil damages cases against Harmony.
- Unfair discrimination as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
- Abuse of access to confidential information.

5. Procedure for dealing with Disclosures

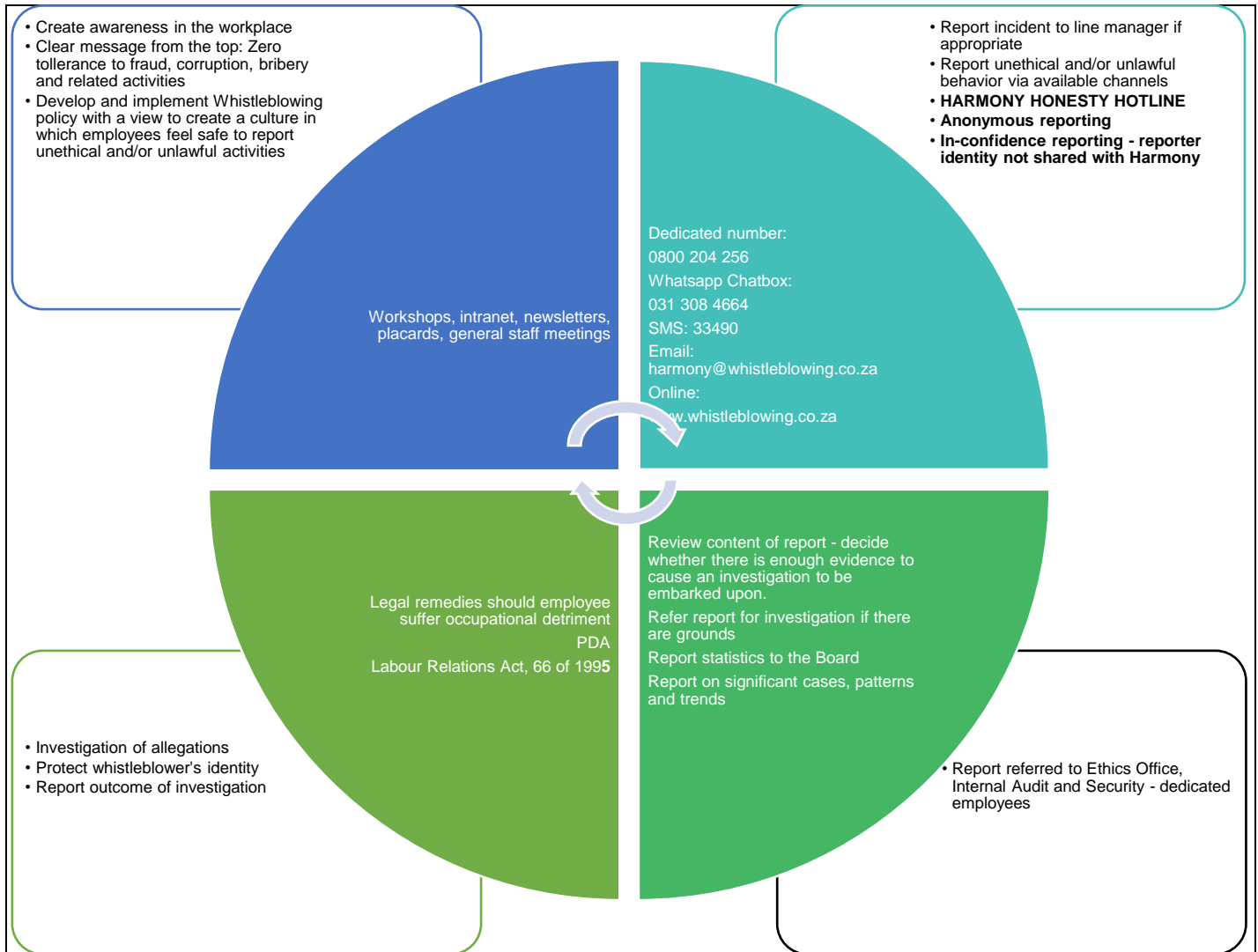


Figure 1: Harmony Whistleblowing Reporting Process

5.1 Internal channels

Whistleblowers may wish to discuss the matter informally with their direct manager or with the Ethics department first to determine whether misconduct has occurred. This is an opportune time to clarify the incident, ask questions and become familiar with the process. Where this is not appropriate, or where the whistleblower does not feel comfortable in doing so, or where the whistleblower has previously done so and considers that no or inadequate action has been taken, the whistleblower may contact the Group Company Secretary, Ethics Manager or other designated

Harmony representative tasked with the responsibility of protecting and safeguarding the interests of whistleblowers.

5.2 External channels

The allegation or incident may also be reported via Harmony's telephonic and electronic ethics reporting lines and/or the drop boxes at the operations. The most updated details of these are widely communicated throughout the organisation and on the Company's website (see figure 1).

5.3 Contents of reports

Any disclosures of alleged misconduct should be factual, rather than speculative, and should contain as much detail as possible to allow for proper assessment further investigation of the disclosure. The disclosure should be candid and should clearly set out all the information that the employee knows regarding the misconduct. In addition, the complaint should contain sufficient corroborating information to support the commencement of an investigation.

Harmony will endeavour to protect the whistleblower's identity and keep the disclosure anonymous. However, the investigation process may require the whistleblower to provide a statement and disclose their identity. However, in certain instances, it may be possible for the statement to be taken by third party independent investigations and for the whistleblower to remain anonymous to Harmony.

No person may be compelled to give evidence in terms of this policy. An allegation raised anonymously and without contact details is difficult to investigate. When dealing with an allegation the following should be considered:

- The seriousness of the issue raised.
- The credibility of the allegation; and
- the likelihood and ability to confirm the allegation through other means.

It is worth noting that it is very difficult for the company to undertake an investigation if the disclosed information contains only unspecified or broad allegations of wrongdoing without appropriate factual support. The company will commence with an investigation at its own discretion.

At the very least, a whistleblowing report should contain the following:

- **Who** was involved in the misconduct?
- **What** happened?
- **When** did it happen?
- **Where** did it happen?
- **Why** did it happen?; and
- **How** did it happen?

5.4 Dealing with Allegations

All disclosures of alleged misconduct, made in good faith with no malicious intent, whether they were disclosed anonymously, will be kept in strict confidence to the extent possible, consistent with the company's need to conduct an adequate investigation.

5.4.1 When a report of misconduct is received, a high-level assessment will be performed, which will include the following steps:

- Authentication of the allegation.
- High-level testing of the allegation.
- Consideration of the source of information; and
- Preliminary consultation with relevant stakeholders within the organisation.

5.4.2 To protect individuals and Harmony, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

5.4.3 Some concerns may be resolved by agreed action without the need for a formal investigation.

5.4.4 After careful consideration of the facts presented, management at their discretion and mindful of the nature of the allegation, may subsequently decide that the matter:

- Be investigated internally.
- Be investigated by an independent external party.

- Be referred to the police or other law enforcement agency.
- Be referred to the Management Ethics Committee and/or,
- Be referred to the Social and Ethics Committee.

5.4.5 The nature and manner of contact between the body investigating the issue(s) and the person(s) raising the allegation will depend on the intricacies of the matters raised, the potential difficulties involved, and the clarity of the information provided. If necessary, further information will be requested from the whistleblower.

5.4.6 Harmony accepts that whistleblowers need to be assured that the matter has been properly addressed. However, the progression of investigations will be handled in a confidential manner and will not be disclosed or discussed with any persons other than those who have a legitimate right to such information, at the company's discretion.

5.5 Further action

5.5.1 If the investigation establishes prima facie evidence of misconduct, Harmony management shall, in its discretion, determine what further action to take against the persons involved.

5.5.2 Possible further action may include:

- In the case of employees, taking disciplinary action.
- Instituting civil action to recover losses.
- Initiating criminal prosecution by reporting the matter to the police or any other relevant law enforcement agency; and/or
- Any other appropriate legal remedy available.

5.5.3 On conclusion of investigations, Harmony will provide feedback to whistleblowers regarding the status of the case as required by the PDA.

5.5.4 Harmony shall, at its own discretion, recover losses or damages suffered because of all reported acts committed or omitted by a Stakeholder or any other party if such Stakeholder or party are found to be liable for such losses.

6. Standards

6.1 Harassment or Victimisation

Harmony acknowledges that the decision to report an alleged misconduct can be a difficult one, not least because of fear of reprisal from the perpetrators of the misconduct. Harmony will not tolerate harassment or victimisation and will take action to protect whistleblowers when they raise a concern in good faith. This, however, does not mean that if an employee is already the subject of an investigation, disciplinary or other action, that these processes will be halted because of their whistleblowing.

A whistleblower who believes that they, or their family, has been the victim of any form of reprisal or victimisation by reason of their status as a whistleblower, should immediately report the matter to the Harmony Group Company Secretary, Ethics Manager or the Chairman of the Management Ethics Committee tasked with the responsibility of protecting and safeguarding the interests of whistleblowers.

Any employee or contractor of Harmony who is found to have dismissed, demoted, discriminated against or otherwise victimised a whistleblower by reason of their status as a whistleblower, will be subjected to disciplinary action.

The following are examples of possible victimisation which will not be tolerated by Harmony:

- Blacklisting (a sector- or industry-wide agreement, formal or informal, that prevents an individual from finding alternative employment).
- Bullying or harassment (e.g., receiving harassing calls or emails)
- Hostility (e.g., shaming employee in front of colleagues)
- Social isolation from colleagues
- Transfer of employee against his/her will
- Trumped-up disciplinary charges
- Unfair performance evaluation
- Removing decision-making powers where the whistleblower previously had such power
- Being subject to unreasonable or excessive workloads
- Receiving disparate treatment from others at work

- Experiencing changes in job duties or responsibilities

Harmony adopts a zero tolerance against any victimisation because of whistleblowing. **Harmony's strategy to prevent victimisation includes the following:**

- Providing clear policies and procedures to address acceptable behaviour at work and help to create a culture of respect and discourage predatory behaviour.
- Conducting regular training that involves providing practical examples of victimisation and other forms of discrimination. This will increase the employees' ability to identify red flags and to be able to report the abusive behaviour.
- Encourage open communication to create an environment that make employees feel comfortable to raise concerns.
- Taking action, including disciplinary and legal, against those employees that are involved in the victimisation of whistleblowers and thereby show support to the employees reporting unlawful and/or non-complaint behaviour.

Employees are encouraged to use the whistleblowing process responsibly and in good faith. It is important to note that the process should not be misused to raise claims that are false, unsubstantiated, or made with malicious intent. Such actions undermine the integrity of the whistleblowing process and may result in appropriate action being taken.

6.2 Confidentiality

Harmony will do its utmost to protect a whistleblower's identity if they make a disclosure and not want their identity being disclosed. It must be appreciated, however, that the investigation process may reveal the source of the information and a statement by the whistleblower may be required as part of the evidence to be led in legal proceedings.

6.3 Immunity

Harmony may, at its sole discretion, grant a whistleblower who has been involved in misconduct with immunity against disciplinary or civil action by Harmony. However, Harmony has no power to ensure immunity from criminal prosecution. Additionally, Harmony provides no undertaking to pursue criminal prosecution or reporting any conduct to law enforcement agencies or regulators, as may be required by law.

6.4 Untrue allegations

In the event of an allegation made in good faith, but not confirmed by an investigation or proved untrue, no action will be taken against the whistleblower. If, however, an allegation is found to be malicious or mischievous or vexatious and was made for personal gain or otherwise, appropriate disciplinary or legal action may be taken against the whistleblower.

6.5 Creating awareness

Formal whistleblower training programmes are provided and co-ordinated in terms of the ethics management programme.

7. Non-Compliance

Employees or contractors who violate relevant aspects of this policy will be subject to disciplinary action up to, and including, termination of employment or cancellation of the contract. Any disciplinary decision applied by the company in any situation, shall be without prejudice to any civil and/or criminal consequences that the violation may give rise to.

8. Notification

All new employees shall be informed about the policy by the Human Resources department on the date of their engagement. This policy as amended from time to time shall be made available at the website of the Company.

Annexures

None applicable

As approved by the Social and Ethics committee at a meeting held on 21 February 2025.

Executive: Group Company Secretary

**Chief Executive Officer
(On behalf of the Social and Ethics Committee)**