



Oyu Tolgoi LLC

Human Resources and Training

HR-H2: Grievance and Fair Treatment Policy

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Introduction

1. Policy Number

This document is known as ***HR-H2: Grievance and Fair Treatment Policy***.

2. Purpose

The purpose of the Grievance and Fair Treatment policy is to provide employees with an authorised process for raising work related concerns that impact on the employee and which the employee believes is unfair.

3. Application

This Grievance and Fair Treatment Policy applies to all employees, including Mongolian Nationals and expatriate employees.

This Grievance and Fair Treatment Policy does not apply to:

- contractors; and
- terminated employees

This Grievance and Fair Treatment Policy replaces the following documents that previously governed grievance and fair treatment for Oyu Tolgoi LLC:

- Concise Policy and Procedure Handbook – Equality in the workplace, issued January 2005

Any changes to Rio Tinto Global policies and standards, Mongolian labour laws or the Collective Agreement may result in changes to this policy.

4. Commencement

This policy applies from ***1 September 2012***.

5. Authority and Management

The ***Vice President Human Resources and Training*** approved this Grievance and Fair Treatment Policy on 1 September 2012.

It will be reviewed when required.

The ***Vice President Human Resources and Training*** is the custodian of the Grievance and Fair Treatment Policy. Any requests for changes to this Policy must be addressed to this person and will be subjected to the appropriate review and approval processes.

Policy

1. Overview

In some circumstances a decision may be made that an employee believes is unfair. When this happens, the Company encourages the employee to understand the reasoning behind the decision by discussion with their leader and attempting to resolve the matter at the lowest possible level.

If the matter cannot be resolved the employee has an option to use the Grievance and Fair Treatment Process. This process enables employees to address concerns when they believe they have been treated unfairly within the course of their employment and to have their concerns addressed promptly, fairly and completely.

1.1. Issues to be addressed through the Grievance and Fair Treatment Process

The grievance and fair treatment process may be used when the concerns relate to:

- the decision of a manager;
- the behaviour of another employee or contractor;
- the application of a company policy;
- a conflict with another employee or a leader;
- inappropriate behaviours, such as bullying, harassment, discrimination, vilification and victimisation; or
- some other incident where an employee feels that they have been treated unfairly.

1.2. Issues to be resolved outside of the Grievance and Fair Treatment Process

The use of the Grievance and Fair Treatment process will not apply to every decision that is made by the Company. It only applies to decisions made by the Company that the employee believes has resulted in them being treated unfairly. Matters that fall outside of the scope of the Grievance and Fair Treatment Process should be raised through more appropriate channels. Employees cannot use this process:

- to resolve personal conflicts with another employee;
- on behalf of another Employee or group of Employees;
- to challenge decisions made by third parties (e.g. change in Mongolian laws and legislation);
- where an employee has not been treated differently from other Employees subject to the same decision but dislikes or disagrees with the decision;

- where an employee does not agree with the content or terms of that policy; or
- where the individual does not have a current employment agreement with the company.

2. Principles

The primary objective of the Company's Grievance and Fair Treatment Policy is to provide a formal process to raise an issue and eliminate unfair treatment within the workplace. To achieve this, the grievance and fair treatment process will be based on the following principles:

- All grievance and fair treatment claims will be taken seriously by all leaders and employees.
- A Grievance and Fair Treatment claim should be handled in an appropriate time frame (see Section 2 Grievance and Fair Treatment Procedure) and treated impartially and confidentially.
- All parties involved will approach proceedings with a desire to resolve the grievance cooperatively and in good faith.

Appendices

1. Definitions

In this policy document the following outlines the key terms and their meanings:

- **The “Company”** – The business units/functional groups of Oyu Tolgoi LLC;
- **Employee** – An individual who has entered into a contract of employment or employment agreement with Oyu Tolgoi LLC and who performs work for Oyu Tolgoi LLC under this arrangement;

2. Templates and Standard Documents

- Fair Treatment Notification Form;
- HR-H2.1: Grievance and Fair Treatment Procedure;

3. Related Policies

The following processes also relate to the Grievance and Fair Treatment Policy:

- Equal Employment Opportunity Policy; and
- Speak Out

4. Policy Standard Review – Stakeholder Engagement

During the development of this policy, all key stakeholders in Oyu Tolgoi LLC have been consulted and provided input where needed.

This stakeholder engagement will be different for each document, but for this policy the following key stakeholders (including those in the wider Rio Tinto Group) were consulted prior to approval:

- Nicolas Saunders – Principal Advisor Employee Relations;
- Nadia Sodnom – Senior HR Manager;
- Margaret Loftus-Hills – Principal Advisor HR;
- Andrew Upfill – Site HR Manager.

5. Mongolian Laws and Regulations Review

Through putting forward this policy for review and approval, the policy owner acknowledges that a review of the implications of the implementation of this document under Mongolian laws and regulations for Oyu Tolgoi has been completed.

This review has identified the following Mongolian laws and regulations that are relevant to this policy, and the implications of these laws and regulations has been included into the document.

- Labour Law, 1999;
- Constitution of Mongolia, 1992;
- Civil Code, 2002;
- Law on Gender Equality, 2011;
- Law on Social Protection of Disabled Persons, 2005;
- Supreme Court Decree on interpretation of some provisions of Labour Law No: 33, 2006; and
- Government Resolution on Labour Dispute Settlement Committee, No., 122 of 1999

Document Information

File Name	HR-H2: Grievance and Fair Treatment Policy
Description	Provides employees with an authorised process for raising work related concerns that impact on the employee and which the employee believes unfair.
Original Author(s)	Jared Armstrong
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Revision History

Version	Revision Date	Author(s)	Revision Notes
1			
2			
3			

Document Approval

Date	Approver Name	Approver Signature	Company Seal Stamp
1/09/2012. 4/09/2012	<u>OT Policy Owner:</u> Nadia Sodnom Senior Manager – HR Policy and Procedure Nicolas Saunders Principal Advisor Employee Relations	 	
1/09/2012	Policy Approver: Michael Beck VP Human Resources & Training		