

	<b>Newmont Corporation</b> <b>Standard of Conduct and Non-Discriminatory</b> <b>Treatment in Employment</b>	Document No: Function: Effective Date: Page No:	NEM-HUM-STA-004 Human Resources 3/18/2020 Page 1 of 5
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## Standard of Conduct and Non-Discriminatory Treatment in Employment

### Purpose & Objectives

The purpose of this Standard is to establish a baseline global standard for non-discriminatory treatment in employment and professional and respectful workplace conduct throughout the employment process.

### Scope

The scope of this Standard is global. It applies to all directors, officers and employees of Newmont Corporation (“NC”) or any entity that is controlled or managed by NC (together with NC, “Newmont” or the “Company”). In addition, where explicitly stated in an applicable contract, it may apply to Newmont’s contingent workers, vendors, contractors, and other types of business partners. It is applicable to all sites and in all phases of the mine life cycle including exploration, design, construction, operation and closure.

### Content

#### 1. Non-Discriminatory Treatment

Newmont shall not make Employment Decisions on the basis of personal characteristics (such as gender, Gender Identity, Gender Expression, race, nationality, ethnic, social and indigenous origin, religion or religious belief, Disability, age, or sexual orientation) unrelated to requirements of the job, with the exception of:

- 1.1 Targets mandated by law;
- 1.2 Targets developed through local agreements for the employment of local residents, indigenous peoples, or individuals who have been historically disadvantaged, and;
- 1.3 Newmont targets for the employment of local residents, indigenous peoples, or individuals who have been historically disadvantaged that are expressed in publicly accessible documents with explicit goals and justification for such targets.

Newmont will make reasonable accommodations based on an Employee’s Disability or religion or other protected category based on applicable national and local law.

#### 2. Professional Workplace Behavior Expectations

Newmont Employees, contractors, vendors and parties engaged on Newmont’s behalf shall adhere to Newmont’s Code of Conduct, applicable policies, standards and procedures, applicable laws and regulations, and applicable rules including internal work regulations by demonstrating respectful, appropriate and professional workplace behaviors while engaging in Newmont business on or off Newmont premises. Breaching workplace behavior expectations

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will result in corrective action, up to and including termination of employment, which will comply with applicable law and any applicable labor agreements.

Newmont shall take appropriate corrective action up to and including termination of employment if Employees engage in Harassment, discrimination, workplace violence, or bullying.

## 2.1 Harassment and Discrimination

Newmont is committed to providing a work environment free of Sexual Harassment, other Harassment and discrimination based on gender, Gender Identity, Gender Expression, race, nationality, ethnic, social and indigenous origin, religion, religious belief, Disability, age, sexual orientation, and other legally protected categories. Even harassing or discriminatory conduct that does not rise to the level of unlawful Harassment or discrimination or is not prohibited by law in a particular jurisdiction may violate Newmont's standards and be grounds for corrective action up to and including termination of employment in compliance with applicable law and labor agreements. Newmont will not tolerate Harassment based upon any of the categories stated above or any additional legally protected category in any form of conduct, speech, written notes, photos, cartoons or electronic messages (including on social media).

## 2.2 Work Place Violence

It is a goal to provide a workplace in which Employees, contractors, vendors and others are free from violence. Newmont prohibits any acts or threats of physical violence while conducting Newmont business, while on Newmont property, or while interacting with any Newmont Employees, vendors, contractors, other business partners, or other members of the public.

- 2.2.1 Examples of conduct that may constitute threats or acts of violence include but are not limited to:
- Threats or acts of physical or aggressive contact directed towards another individual or his or her family, friends, associates or property;
  - the intentional destruction, defacing of, or threat of the defacing or destruction of Newmont property or another individual's property;
  - harassing or threatening phone calls or electronic messages;
  - stalking;
  - veiled threats of physical harm or similar intimidation; or
  - any conduct resulting in an arrest or conviction under any criminal law relating to violence or threats of violence.

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## 2.3 Bullying

It is a goal to have a workplace in which Employees, contractors, vendors and others are free from Bullying. Newmont prohibits any acts or threats (including, but not limited to, actions in a cyber format) of Bullying while conducting Newmont business, while on Newmont property, or while interacting with any Newmont Employees, vendors, contractors, other business partners, or other members of the public.

2.3.1 Examples of conduct that may constitute Bullying include but are not limited to:

- Aggressive or intimidating acts that are generally non-physical but that create significant psychological or physical harm, including psychological harassment or violence, such as verbal abuse;
- acts or verbal statements intending to threaten, humiliate or intimidate, and;
- work interference or sabotage, which prevents work from getting done.

2.4 It is not considered Harassment, Discrimination or Bullying by supervisors and other members of management to enforce job performance requirements and standards of conduct.

## 3. Legal Compliance

Newmont shall comply with all applicable law and the operating region may promulgate a regional standard based upon applicable law or expectations exceeding legal requirements in countries where national and/or local law provides for non-discrimination in employment, anti-harassment, and freedom from Bullying and violence in the workplace. In cases where national or local laws are silent on non-discrimination in employment, anti-harassment, Bullying and violence in the workplace, Newmont shall follow this Standard. In circumstances where national law or local law is inconsistent with this Standard, Newmont shall carry out its operations consistent with the intent of this Standard to the extent possible without contravening applicable laws.

## 4. Complaints, Investigation and No Retaliation

Newmont provides multiple methods for Employees, contractors, vendors and third parties engaged on Newmont's behalf to submit complaints concerning failure to uphold this Standard, the Code of Conduct, or any other Newmont policies, standards, or procedures, including, but not limited to, communication with managers, human resources, regional Ethics Advocates and the Ethics Solutions Tool. Complaints of such nature will be subject to prompt and appropriate investigation and no individual will be retaliated against for reporting a Good Faith complaint.

It is everyone's responsibility to immediately report any conduct that may violate this Standard, even if the conduct is not directed to the individual who is aware of or witnesses the conduct.

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## **Definitions**

**Bullying:** Bullying in the workplace is defined as severe or repeated psychological or physical health-harming and abusive mistreatment of an individual by one or more perpetrators acting with malice. (*Malice* is the desire to cause pain, injury or distress to another or the deliberate indifference of causing pain, injury or distress to another. *Psychological harm* is the material impairment of a person’s health. *Physical harm* is the material impairment of a person’s physical health or bodily integrity.)

**Disability:** A physical or mental impairment (or a person being regarded as having a physical or mental impairment) that substantially limits one or more major life activities of an individual. The term “Disability” shall be construed only in such a way that upholds and complies with applicable national and local laws. Also, an individual with a Disability must be able to perform the essential functions of their position (with or without reasonable accommodations as determined by applicable law); otherwise such individual is not qualified for their position and it shall not be a violation of this Standard to make employment decisions based upon lack of qualification.

**Employee** – A person who is directly on the employee payroll of a Newmont entity.

**Employment Decisions:** Employer actions that materially affect the employment relationship such as hiring, termination of employment, promotions, reassignment with significantly different responsibilities, corrective action procedures, compensation, benefits, and training opportunities.

**Gender Expression:** Gender Expression means the external display of one’s gender, through a combination of dress, physical appearance, demeanor, social behavior, and other factors.

**Gender Identity:** Gender Identity means an individual’s innate sense of one’s own gender as male, female, a combination of both or neither, which may be the same or different from one’s sex assigned at birth.

**Good Faith:** An honest belief (even if such belief is ultimately inaccurate) that is free of any malicious intent.

**Harassing Conduct:** Harassment is unwelcome, offensive conduct based on one or more protected categories which create a work environment that is intimidating, hostile, or abusive.

**Newmont** – Newmont is NC and all Newmont Affiliates. NC is Newmont Corporation. A Newmont Affiliate is any entity that is majority-owned, directly or indirectly, by NC or is actively managed by any such NC majority-owned entity.

**Retaliation:** Retaliation is punishing or making an Employment Decision against an individual because such individual, in Good Faith, either made a complaint or otherwise participated in an investigation.

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**Sexual Harassment:** Sexual Harassment is Harassment based on gender, Gender Identity, Gender Expression, or sexual orientation, and can include unwelcome sexual advances, requests for sexual favors, unsolicited physical contact, unwelcome flirtations, offensive verbal, visual or physical conduct of a sexual nature, suggestive or lewd remarks, unwanted hugs or touches, offensive jokes or visuals, pornography or sexually explicit material. Sexual Harassment can be from a person of any gender, Gender Identity or Gender Expression, to another person of any gender, Gender Identity or Gender Expression. Sexual Harassment is not limited to male/female, and is not limited to conduct of a sexual nature but includes any harassing conduct that is based on gender, Gender Identity, Gender Expression, or sexual orientation.

### **References**

People Policy  
Code of Conduct  
Employment Standard  
Global Inclusion and Diversity Standard  
Local Procurement and Employment Standard

### **Document Control**

<b>VERSION #</b>	<b>AUTHOR</b>	<b>APPROVER</b>	<b>APPROVAL DATE</b>
1.0	Bill MacGowan	Policy and Standards Committee	August 11, 2014
2.0	Bill MacGowan	Global Governance Committee	January 18, 2019
3.0	Jennifer Cmil	Global Governance Committee	March 18, 2020