



## **WORKPLACE BULLYING AND HARRASSMENT POLICY STATEMENT (the “Policy”)**

### **INTRODUCTION**

Orla Mining Ltd. (the “**Company**”) is committed to creating and maintaining a workplace environment which fosters mutual respect, integrity and professional conduct. In keeping with this commitment, the Company has established this Policy and a set of reporting/investigation procedures (the “**Reporting/Investigation Procedures**”) for all employees relating to the issue of workplace bullying and harassment. The Company will not tolerate bullying or harassment in the workplace and will make every reasonable effort to prevent and eliminate conduct which falls within the scope of this Policy.

### **APPLICATION AND SCOPE**

All Company employees, Directors and officers are covered by this Policy. This Policy applies to all activities which take place on the Company’s premises (including interpersonal and electronic communications), or which are directly connected to the workplace and during any employment-related duties or activities, including conferences, training sessions, travel and social functions.

### **DEFINING WORKPLACE BULLYING AND HARRASSMENT**

Bullying and harassment:

- (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but
- (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Bullying and harassment are often characterized through insulting, hurtful, hostile, vindictive, cruel or malicious behaviors which undermine, disrupt or negatively impact another’s ability to do his or her job and results in a harmful work environment of the employee. Bullying may be the result of deliberate intention or not. It is important to recognize that it is the impact of the behavior on others, not the intent, which determines whether or not bullying has occurred. Depending upon the severity and impact of the behavior, a single significant incident may constitute bullying, if it is found to be sufficiently offensive, threatening or intimidating. To determine whether or not bullying has occurred, each situation must be examined reasonably and objectively, based on its specific facts.

Examples of conduct or comments which might constitute bullying and harassment include:

- verbal, written or physical threats and intimidation

- insulting or derogatory remarks, gestures or actions
- shouting, yelling
- swearing and calling someone derogatory names
- targeting an individual through persistent, unwarranted criticism
- public ridicule
- vandalizing personal belongings
- spreading malicious rumours, gossip or negative innuendo.

Bullying or harassment would not include:

- the normal exercise of supervisory responsibilities, including performance reviews, direction, counseling and disciplinary action where necessary, provided they are conducted in a respectful, professional manner, in accordance with the Company's policies and procedures;
- social interactions, jokes and bantering, which are mutually acceptable, provided the interactions are respectful and there is no negative impact for others in the work environment; and
- disagreements, misunderstandings, miscommunication and/or conflict situations, provided the behavior of the individuals involved remains professional and respectful.

## **EMPLOYEES' RIGHTS, ROLES AND RESPONSIBILITIES**

Each and every employee of the Company is expected to support the implementation of this Policy by:

- conducting themselves in a manner which demonstrates professional conduct, mutual respect for others and which honours diversity in the workplace;
- not engaging in the bullying and harassment of others;
- participating fully and in good faith in any resolution process or formal complaint and investigation process where they have been identified as having potentially relevant information;
- reporting any bullying and harassing behaviours which they experience or observe in the workplace which may be in violation of this Policy; and
- respecting the rights to personal dignity, privacy and confidentiality pertaining to this Policy.

## **MANAGEMENT ROLES AND RESPONSIBILITIES**

While every employee is responsible for maintaining and contributing to an environment which is free from bullying, those in positions of authority over staff carry more responsibility than other employees within the Company's organization. Management personnel have additional obligations to make every reasonable effort

to establish and maintain a workplace free of bullying or harassment. Related to this Policy, their responsibilities include but are not limited to:

- ensuring that employees have full access to information regarding employer policies and standards;
- respecting the rights of all parties to a fair, equitable and confidential process for responding to complaints;
- providing support to all those who participate in a problem-solving process; and
- enforcement of corrective and/or disciplinary measures, where applicable.

**ANNUAL REVIEW AND RELATED MATTERS**

This Policy and the Reporting/Investigation Procedures which apply to it will be reviewed annually by the Company's Disclosure Committee and any changes to this Policy and the related Reporting/Investigation Procedures will be communicated to all persons to whom this Policy applies.

Employees will be provided with a copy of this Policy and the related Reporting/Investigation Procedures and are required to acknowledge that they have read this Policy when they are engaged or when this Policy and the related Reporting/Investigation Procedures are introduced or significantly revised.

**IMPLEMENTED BY THE DISCLOSURE COMMITTEE OF ORLA MINING LTD. – NOVEMBER 10, 2020.**

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***I acknowledge that I have received and read this Policy and the related Reporting/Investigation Procedures and I agree to conduct myself in accordance with this Policy.***

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Date**



## **WORKPLACE BULLYING AND HARASSMENT POLICY REPORTING/INVESTIGATION PROCEDURES (the “Reporting/Investigation Procedures”)**

### **INTRODUCTION**

Orla Mining Ltd. (the “**Company**”) is committed to creating and maintaining a workplace environment which fosters mutual respect, integrity and professional conduct. In keeping with this commitment, the Company has established a *Workplace Bullying and Harassment Policy Statement* (the “**Policy**”) and these related Reporting/Investigation Procedures for all employees relating to the issue of workplace bullying and harassment.

If you believe you are experiencing bullying/harassment behavior, it is important to understand your options and seek resolution to your concerns. The following procedures will describe available avenues for you related to bullying/harassment. Employees are encouraged to review their options and pursue the course of action which they consider the most appropriate and/or which they believe will be the most effective in their circumstances. In reviewing your options, it should be noted that avenues other than those detailed below may apply and be available to you.

To assist with dialogue and clarification of the facts in each situation, employees are encouraged to document the details regarding unwanted behavior. As soon as possible, make a record of the details of each incident, including the time, dates, names of those who were present, if any, and circumstances surrounding the incident. Record also if you have spoken directly to the individual about the unwanted behavior, details of the dialogue and the individual’s response. Specific information related to the unwanted conduct is helpful to each of the resolution processes. While seeking resolution, employees are asked to respect confidentiality, where possible, and dignity for all those involved. In the workplace, discussion of concerns should be limited to those directly involved in the situation and/or to those who may be assisting in the resolution process.

### **REPORTING/INVESTIGATION PROCEDURES**

#### **1. Informal Procedure**

While in no way diminishing the issue or the effects on individuals, an informal approach can often resolve matters. As a general rule therefore, an attempt should be made to address the allegation of bullying/harassment as informally as possible by means of an agreed informal procedure. The objective of this approach is to resolve the difficulty with a minimum of conflict and stress for the individuals involved.

- (a) If you (the “**Complainant**”) believe that you are being subjected to a form of bullying/harassment or inappropriate behavior, wherever possible, please speak with the alleged perpetrator(s) calmly and professionally and explain that the behavior in question is unacceptable and ask for the behavior to stop. In many cases, when the other person becomes aware that their conduct is unwelcome or is having a negative impact, he/she will stop the unwanted behavior. If the matter is resolved, then no further action is required. However, in circumstances where you find it difficult to approach the alleged perpetrator(s) directly, consider expressing your concerns confidentially to them in writing, ensuring that your communication is written professionally and respectfully. Again, if the matter is resolved, then no further action is required. However, if you do not feel able to approach the alleged perpetrator(s) with your concerns, or if your efforts to communicate with the alleged perpetrator(s) have been unsuccessful, then you should seek assistance and advice from a third party (the “**Third Party**”). That Third Party should be your immediate supervisor or a member of the Disclosure Committee. The immediate supervisor or Disclosure Committee member may obtain assistance from a Company representative to fulfill their requirements under this Policy as long as the Company representative is not the alleged perpetrator. If the alleged perpetrator(s) is a member of the Disclosure Committee, then you should seek assistance from the other member of the Disclosure Committee. If the alleged perpetrators are both members of the Disclosure Committee then you should seek assistance from the Chairman of the Company’s Audit Committee.
- (b) Having consulted with the Third Party, you may request the assistance of the Third Party in raising the issue with the alleged perpetrator(s). In these circumstances, the approach of the Third Party to the alleged perpetrator(s) should be by way of a discussion with a view to resolving the issue in an informal manner. The Third Party may also facilitate problem-solving, through individual or joint discussions with you and the alleged perpetrator(s). Where a Third Party has been involved in facilitating problem-solving efforts, the Third Party will prepare a summation of the process and agreements reached and a copy of this summation will be provided to you and to the alleged perpetrator(s). If the matter is resolved through these informal procedures, then no further action is required. If resolution has not been reached through this avenue, then you may elect to file a formal complaint, but you are under no obligation to do so.

## 2. Formal Complaint and Investigation Procedures

If an informal approach is inappropriate or, if after the informal stage, the bullying/harassment persists, the following formal procedures should be invoked:

- (a) You should make a formal complaint in writing to your immediate supervisor, or, if preferred, to the Disclosure Committee, or, if necessary as described earlier in the Policy, to the Chairman of the Audit Committee. The formal complaint should be confined to the precise details of the actual incidents of bullying/harassment (i.e. the names of the parties involved, any witnesses to the incident(s), the location, date and time of the incident(s), details about the incident(s) including the behavior and/or

words used which led to the complaint, and any additional details which would assist with an investigation). Please attach any supporting documents such as e-mails, handwritten notes et cetera.

- (b) The alleged perpetrator(s) will be notified in writing that an allegation of bullying has been made against them. The alleged perpetrator(s) will be provided with a copy of the Complainant's statement and advised that they will be afforded a fair opportunity to respond to the allegation(s).
- (c) You will be subject to an initial interview by a designated member of management who can be considered to be impartial, with a view to determining an appropriate course of action. An appropriate course of action at this stage, for example, could be exploring a mediated solution or a view that the issue can be resolved informally. Should either of these approaches be deemed inappropriate or inconclusive, a formal investigation of the complaint should take place with a view to determining the facts and credibility or otherwise of the allegation(s).

### 3. Investigation

- (a) The investigation will be conducted internally by either a designated member or members of management or, if deemed appropriate, a third party. The investigation will be conducted with due respect for the rights of both the Complainant and the alleged perpetrator(s), providing both the Complainant and the alleged perpetrator(s) equal treatment in evaluating the allegation(s). In complex or sensitive situations, an external investigator might be hired by the Company.
- (b) The investigator(s) should meet with the Complainant and the alleged perpetrator(s) and any witnesses or relevant persons with a view to establishing the facts and evidence surrounding the allegation(s).
- (c) On completion of the investigation, the investigator(s) should submit a written report to management containing the findings of the investigation.
- (d) Both the Complainant and the alleged perpetrator(s) should be given the opportunity to comment on the findings before any action is decided upon by management.
- (e) Both the Complainant and the alleged perpetrator(s) should be informed in writing of the findings of the investigation.

### 4. Outcome

- (a) Should management determine that the complaint is well founded, the alleged perpetrator(s) should be given a formal interview to determine an appropriate course of action. Such action could, for example, involve counseling, education and training, a formal written apology, a warning, a change of work assignment, and/or monitoring or progressing the issue through disciplinary action up to and including dismissal.

**ANNUAL REVIEW AND RELATED MATTERS**

These Reporting/Investigation Procedures (and the related Policy) will be reviewed annually by the Disclosure Committee and any changes to these Reporting/Investigation Procedures (and the related Policy) will be communicated to all persons to whom the Policy applies.

Employees will be provided with a copy of these Reporting/Investigation Procedures (and the related Policy) and are required to acknowledge that they have read these Reporting/Investigation Procedures (and the related Policy) when they are engaged or when the Reporting/Investigation Procedures (and related Policy) are introduced or significantly revised.

**IMPLEMENTED BY THE DISCLOSURE COMMITTEE OF ORLA MINING LTD. – NOVEMBER 10, 2020.**

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*I acknowledge that I have received and read these Reporting/Investigation Procedures and the related Policy and I agree to conduct myself in accordance with these Reporting/Investigation Procedures and the related Policy.*

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Date**