



APEX MINING CO., INC.

Masara, Maco, Compostela Valley Province

POLICY

TITLE	GRIEVANCE PROCEDURE		
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I. POLICY STATEMENT

It is the Company's commitment to provide a culture of respect and transparency in dealing with all employees.




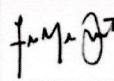

As such, the company establishes this grievance procedure for the prompt resolution of grievances arising from the interpretation or enforcement of Company policies.

II. OBJECTIVES


- 2.1. To be able to provide an avenue for discussion of any request or complaint and for resolution of conflicts accordingly and as fairly as possible.
- 2.2. To be able to provide recourse through an orderly procedure for a satisfactory adjustment of complaints.
- 2.3. To be able to provide employee with proper legal safeguards as to his or her right as an employee.

III. SCOPE

- 3.1. This shall apply to all employees of Apex Mining Company, Inc. (herein referred to as "Company").
- 3.2. This covers all employees regardless of Company employees' status (e.g. regular, probationary, and casual/contractual.)

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IV. DEFINITION OF TERMS

- 4.1. Grievance is any allegation or complaint by an employee of violation, misinterpretation, or unjust application of policies of the company or existing mandatory laws.
- 4.2. A grievance is a complaint by an employee about any aspect of his/her employment, (e.g. nature or range of duties, conditions of service, relationships with other staff)

V. ROLES AND RESPONSIBILITIES

5.1 Employee :

- 5.1.1 The employee shall immediately bring his grievance to his immediate supervisor, or to his Department/Division Manager if his immediate supervisor is the person to whom the grievance is directed to.

5.2 Immediate Supervisor, Department, or Division Manager:


- 5.2.1 The immediate superior, department or division manager to whom the grievance is raised to in the informal stage should exert all effort to settle the dispute or grievance at their level.
- 5.2.2 They should always uphold objectivity, diplomacy, and proper supervisory & managerial skills in trying to settle the grievance.

5.3 Grievance Committee :

- 5.3.1 It is the primary role of the Grievance Committee to exert all effort to arrive at a decision and resolve the grievance as promptly as possible or within the time required.
- 5.3.2 As members of the Grievance Committee, they must uphold fair judgment at all times.
- 5.3.3 As members of the Grievance Committee, they are not bound to conduct the hearing according to strict legal procedures.

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VI. PROCESS FLOW

Step 1 - Informal Complaint :


- 6.1 Before a formal grievance procedure is initiated, every effort should be made to resolve the dispute through an informal discussion with the immediate Supervisor or Dept. / Div. Head.
- 6.2 The complaint should be discussed within 2 working days of the incident or circumstances giving rise to the complaint.
- 6.3 A response, either orally or in writing, shall be made to both parties within three working days of the discussions.
- 6.4 If the grievance is not settled satisfactorily at the informal grievance stage, then a formal grievance may be filed.
- 6.5 A complainant may present his grievance direct to the HR Department if he believes it will be suppressed by passing it through his direct supervisor, department or division manager. This also applies if the complaint is against a department or division head. The complaint shall then be considered under the Formal Grievance Stage.

Stage 2 - Formal Grievance Stage :

- 6.5 The first stage in any formal grievance procedure is the completion of the Grievance Form in triplicate, available at the HR Department. This sets out the details of the grievance, a statement of the matters in dispute, the provision or interpretation of the policy that has been violated, efforts made to resolve and rectify the grievance, and remedy sought. The form must be signed by the aggrieved employee and presented to the Chair of the Grievance Committee (or his alternate if the Chair is the one being grieved against). The employee will retain a copy of the completed form and the second copy should be retained by the HR Department.

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- 6.6 A meeting of the Grievance Committee, composed of the Human Resource Manager, concerned Department or Division Manager, and Legal Officer, as the Committee Chairman, is to be called within 5 working days following receipt of the formal grievance. Copies of all written or pertinent evidences are to be submitted to Committee Members before the hearing. At the hearing, a detailed statement of the grievance will be presented to the Committee, after which affidavits of the circumstances of the grievance will be considered and any witnesses heard and interviewed.
- 6.7 Within 2 working days after the hearing the formal grievance, the Grievance Committee will make its recommendations as to any remedy, penalty or action to be taken. All agreements settled at the formal complaint stage shall be in writing and signed by the parties concerned.

Step 3 - Appeal Process :

- 6.8 If an employee is aggrieved by the said decision of the Grievance Committee, she/he may have the right to appeal the decision to the Appeals Committee composed of the Finance Division Manager, Resident Manager, and the Senior Vice-President of the Company. He/she should do this in writing within three working days after receiving written notification of the decision.
- 6.9 There shall only be three (3) reasons that an appeal may be considered :
- 6.9.1 There is a new evidence or fact established that has not been considered during the hearing.
- 6.9.2 The appeal is on the reduction of the penalty decided upon by the Grievance Committee
- 6.9.3 There has been a technical or procedural fault in the original hearing procedure.
- 6.9 The notice of appeal should set out the reasons, with a copy to the Chairman or any other member(s) of Grievance Committee. All documents already submitted together with any further documentation shall be available for consideration.

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- 6.10 The Appeal Committee shall discuss among themselves the merits of the appeal and may, should they find necessary, schedule an appeal hearing with all parties concerned. If they find no merit on the appeal, the Appeal Committee may outrightly deny the appeal but shall do so in writing.
- 6.11 Should the Appeal Committee members not agree among themselves, they can elevate the matter to the Chairman and Chief Operating Officer.
- 6.12 The appeal panel's decision will be confirmed in writing within five working days upon receipt of the notice of appeal.
- 6.13 The decision of the Appeal's Committee shall be final and executory.

VII. GUIDELINES

- 7.1. Hearings shall be conducted in an informal manner, in accordance with the accepted norms and natural justice; company code of conduct and company policies.
- 7.2. Parties to the grievance may be accompanied by one (1) colleague or advocate, who should be an employee of the Company. Both sides may present witnesses, who must have first-hand knowledge of the alleged grievance. Although parties to the grievance and their advocates must be present throughout the proceedings, witnesses will appear only while giving evidence.
- 7.3. The hearing is to be conducted by the Chair of the Committee, unless the Chair is the person against whom the grievance has been directed to, in which case an alternate must chair the meeting.
- 7.4. If an employee chooses not to grieve a particular situation, or withdraws a grievance at any stage, such action or lack of action shall not prejudice other grievances.
- 7.5. Any decision of the Grievance Committee shall not set a precedent for settling future or pending grievances.

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- 7.6. Confidentiality shall be maintained at all stages of the grievance process.
- 7.7. The Grievance Committee may take note of matters generally within the knowledge of each member.
- 7.8. All hearings for grievances by the Grievance Committee will be held during working hours and all personnel required to attend the hearing shall do so without loss of pay.
- 7.9. Any penalty or remedy shall be stayed pending the outcome of any appeal.
- 7.10. Failure to follow any of the sections stated herein shall subject the employee to disciplinary action in accordance with the provisions stated in the Company's Code of Conduct, including legal and/or criminal prosecution.
- 7.11. All aspects of these guidelines shall be subject to on the spot audit check and compliance audit.

VIII. SPECIAL INSTRUCTIONS (for initial implementation)

- 8.1. Attach copy of Grievance Form



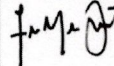
IX. FORMS / TOOLS / ONLINE PROCESS

- 9.1. See attached Grievance Form

X. REFERENCE/S

- 10.1. Personnel and Human Resources Management by : Perfecto Sison
- 10.2. APEX MINING CO., Inc., Code of Conduct

END

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