

LMS COMPLIANCE LTD.		THE ELIMINATION OF SEXUAL HARASSMENT AT THE WORKPLACE POLICY	
		MY/HRD/014	
TITLE: THE ELIMINATION OF SEXUAL HARASSMENT AT THE WORKPLACE POLICY			
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Issue by:



HR Department



Reviewed And Approved by:



Ooi Shu Geok
CEO

1.0 INTRODUCTION

Sexual harassment at the workplace has been a growing concern at the national and international levels. According to the **International Labour Organisation (ILO)**, sexual harassment is a clear form of gender-based harassment and discrimination based on sex. Sexual Harassment detrimentally affects the working environment and is one of the demeaning experiences an employee could suffer.

2.0 AIM

2.1 This policy is not legally binding. However, it provides an undertaking by the Company to commit to prevent and eradicate sexual harassment at the workplace and to have a workplace free from any forms of sexual harassment.

3.0 SCOPE

3.1 This Policy applies to all employees of LMS Compliance Ltd. and all its subsidiaries and associated companies henceforth referred to as "the Company".

3.2 Employees here include all local and foreign employees regardless of gender.

3.3 Sexual harassment can occur to any employee regardless of gender. Both men and women can be victims or perpetrators of acts of sexual harassment at the workplace.

4.0 DEFINITION

4.1 SEXUAL HARASSMENT

Section 2 of the Employment Act 1955 Defines sexual harassment as:-

"Any unwanted conduct of a sexual nature, whether verbal, non-verbal, gestural or physical, directed at a person which is offensive or humiliating or is a threat to his well being arising out of and in the course of his employment."

4.2 UNWANTED CONDUCT

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Unwanted conduct is any conduct that is not requested or invited by the recipient, and the recipient of the conduct considers such conduct to be undesirable or disrespectful and an act of sexual harassment.

4.3 WHO ARE VICTIMS OF SEXUAL HARASSMENT AT THE WORKPLACE

- a) Sexual harassment can target anyone at the workplace.
- b) Malaysian employees and/or foreign employees may be subjected to such acts of sexual harassment.
- c) Often based on the abuse of power and reported cases usually committed against women and perpetrated by men. However, there are instances where sexual harassment being committed against men and perpetrated by women.

4.4 WHERE CAN AN ACT OF SEXUAL HARASSMENT OCCUR

- a) Sexual harassment at the workplace in the context of this policy includes any related sexual behavior faced by an employee which occurred in the course of work as a result of employment responsibilities or employment relationship.
- b) In furtherance to this, sexual harassment also includes any employment related sexual harassment occurring outside the workplace as a result of employment responsibility or employment relationship. The followings are such outside employment premises related situation where sexual harassment may take place which includes, but is not limited to:
 - A work-related social functions;
 - In the course of work assignments outside the workplace;
 - At work-related conferences or training session;
 - During work related travel;
 - Over the phone;
 - Through electronic media or social media.

5.0 FORMS OF SEXUAL HARASSMENT

5.1 Sexual harassment at the workplace encompasses various conduct of a sexual nature which can manifest themselves in five possible forms, namely;

a) Verbal Harassment

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Sexual/suggestive teasing, offensive comments, jokes, jesting, kidding, sounds, questioning or suggestive comments about one's physical appearance or clothing or wolf whistles.

b) Non-Verbal / Gestural Harassment

Leering or ogling with suggestive overtones, licking lips in a provocative manner or holding or eating food, hand signal or sign language denoting sexual activity.

c) Visual Harassment

Showing pornographic materials, drawing sex-based sketches or writing sex-based letters, indecent sexual exposure, sexually explicit offensive or degrading pictures or reading materials such as calendars, posters, cards, letters, software, web sites, WhatsApp or emails,

d) Psychological Harassment

Repeated unwanted social invitations, relentless proposals for dates or physical intimacy, promise of rewards (of higher grades, transfer or promotion) in return for sexual favours.

e) Physical Harassment

Inappropriate touching, patting, grabbing, stroking, pinching, brushing up against body, hugging, kissing, fondling or sexual assault.

6.0 CATEGORIES OF SEXUAL HARASSMENT

Sexual harassment can be divided into two categories:-

- a) Sexual coercion or its quid pro quo is a category of sexual harassment that results in some direct consequence to the victim's employment. An example of sexual harassment of this coercive kind is where the superior who has the power over salary and promotion, attempts to coerce a subordinate to grant sexual favours and in return if the subordinate accedes to the superior's requests, job benefits will follow. Conversely, if the subordinate refuses, job benefits are denied.
- b) Sexual annoyance is sexually-related conduct that is offensive, hostile or intimidating to the recipient, but nonetheless has no direct link to any job benefit. However, the annoying conduct creates a bothersome working environment which the recipient has to tolerate in order to continue working. An example of this is persistent flirting or constant request for dates.

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7.0 REPORTING THE SEXUALL HARASSMENT

- 7.1** Report or complaints of sexual harassment shall be made to the Company. The Company will adopt a sensitive approach when dealing with all sexual harassment complaints/grievance. Therefore, anyone who believes he or she has experienced or witnessed an incident of sexual harassment or related retaliatory action should promptly report such behaviour through the Company's grievance procedure. Union members can ask a Union official's advice or assistance to accompany them when making the report.
- 7.2** Victims need not be afraid to speak up as they are absolutely privileged from any defamation suits by the alleged perpetrator if any.

8.0 GRIEVANCE PROCESS

- 8.1** Any employee who has experienced or witnessed an incident of sexual harassment or related retaliatory action should report such behaviour in accordance to the Company's grievance process.
- 8.2** The complaint of sexual harassment will be handled in a confidential and protective manner due to the sensitivity of the subject matter.
- 8.3** The grievance process is as per the **Company's Investigation Guidelines Relating To Violence And Harassment.**

9.0 MAINTAINING CONFIDENTIALITY

- 9.1** It is the responsibility of those implementing this policy to respect the confidentiality and privacy of both the Complainant and the alleged perpetrator of any acts sexual harassment at the workplace. All inquiries, complaints and investigations shall be treated in a confidential manner. The Company must ensure such cases are handled with integrity and with strict confidentiality. Information be solely and strictly revealed to persons designated to investigate sexual harassment cases under this Policy. In the course of reporting and investigating, reasonable measures must be taken to ensure that the Complainant and alleged perpetrator are spared from further embarrassment or uncomfortable situations. All parties are expected to keep the identity of persons and details of the complaint confidential.

10.0 ROLE OF THE TRADE UNION

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10.1 If a Trade Union exists in a Company, sexual harassment should be handled effectively if there is a joint action by the Employer and Trade Union.

10.2 Trade unions have a clear role to play in helping to create a climate at work which is free from sexual harassment. Trade unions can contribute to the prevention of sexual harassment through an awareness among the members and by ensuring that the standards of conduct of their members do not cause sexual harassment at the workplace.

11.0 DISCIPLINARY ACTION/PUNISHMENT

11.1 All employees are subjected to this policy. Any employee who violates this policy shall be disciplined or subjected to corrective action as per the Company's Investigation Guidelines Relating To Violence And Harassment.

11.2 Any employee being found to have committed an act of sexual harassment at the workplace may be subjected to a punishment at the Company's discretion, which may include up to dismissal after the Company's disciplinary processes. The types of punishments that may be imposed are as stipulated in the Company's Investigation Guidelines Relating To Violence And Harassment. which may include amongst others the following:

- a) dismissing the employee without notice;
- b) downgrading the employee; or
- c) imposing any other lesser punishment as he deems just and fit, and where the punishment of suspension without wages is imposed, it shall not exceed a period of two weeks;

12.0 AWARENESS

12.1 The Company will educate and provide awareness to prevent and eradicate sexual harassment at the workplace whereby employees including local and foreign workers can be given trainings prevention and eradication of sexual harassment.

12.2 The Company may also provide such trainings in a language understood by the foreign workers as well if such circumstances require such a need.

13.0 PROTECTIVE MEASURES

13.1 The Company would make an effort to ensure confidentiality during the process of the investigation and safeguard the complainant, victim and witnesses if any.

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The Company undertakes to protect the privacy of those individuals involved and confidentiality will be maintained, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused.

14.0 RETALIATORY ACTION IS PROHIBITED

14.1 Any retaliatory action by any party to a sexual harassment complaint is strictly prohibited. For the purpose of this policy, retaliatory action means adverse conduct against individuals because they have, in good faith, reported instances of sexual harassment, or are complainants of sexual harassment, or are witnesses in any procedure to redress a complaint of sexual harassment. Such adverse conduct includes, but is not limited to, poor performance review or threat of transfer by a superior that is inconsistent with the individual's actual performance.

14.2 Any employee being found to have committed to such acts may be subjected to a punishment at the Company's discretion, which may include up to dismissal after the Company's disciplinary processes.

15.0 COUNSELLING

15.1 The Company may provide assistance to employees in terms of counselling if the employees are in need of assistance if they are affected due to the sexual harassment.

15.2 Employees may reach out to the Company when they are in need of counseling. Anything shared will remain confidential.

16.0 FALSE COMPLAINTS OR FALSE INFORMATION REGARDING SEXUAL HARASSMENT PROHIBITED

16.1 It is a violation of this policy for anyone to make an intentionally false accusation of sexual harassment or related retaliatory actions, or to provide intentionally false information regarding a complaint. Such false complaints will lead to serious disciplinary action.

17.0 PERSONAL LIABILITIES OF PERPETRATORS EMPLOYEES/EX EMPLOYEE OF SEXUAL HARASSMENT CLAIMS

17.1 Perpetrators employees/ex-employees of sexual harassment are clearly warned, that the Company does not condone any form of sexual harassment and that

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the said perpetrator employee/ex-employee shall be personally liable for acts of sexual harassment in the event of any legal proceedings are brought against the Company due to the act of the perpetrators and the said Employee/ex-employee shall indemnify the Company against any loss or cost that may arise therefrom.

18.0 AMENDMENTS TO THE POLICY

18.1 The Company reserves the right to review or amend this Policy from time to time, in line with any new development in legislation or practice with the consultation with the employees or the Union if any.

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