

LMS COMPLIANCE LTD.		THE ELIMINATION OF HARASSMENT AT THE WORKPLACE POLICY MY/HRD/013	
TITLE: THE ELIMINATION OF HARASSMENT AT THE WORKPLACE POLICY			
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Issue by:



HR Department



Reviewed And Approved by:



Ooi Shu Geok
CEO

POLICY STATEMENT

LMS Compliance Ltd. ("Company") and all its subsidiaries and associated companies (hereinafter collectively referred to as "LMS Compliance") is committed to a work environment in which all individuals in the Company are treated with respect and dignity where human rights and equal opportunities prevail. Discriminatory practices including harassment, bias and prejudice are prohibited.

Harassment includes bullying, intimidation, direct insults, malicious gossiping, victimization which may be based on race, colour, religion, culture, national origin, sexual orientation, gender identity or expression, age, physical or mental disability or any other characteristic that occurred in the Company premises or through electronic media.

LMS Compliance aims to maintain a workplace that is free of harassment as the Company has zero tolerance for discrimination and all forms of harassment. The Company shall response rapidly, sensitively and effectively to any incidents of unlawful discrimination and harassment.

LMS Compliance also will not tolerate or permit retaliation by supervisors or co-employees against any complainant or anyone assisting in an investigation on complaints of harassment.

LMS Compliance is fully committed to provide a safe and respectful environment for all employees and any individual interacting with the Company's personnel in preventing and eliminating discrimination and harassment. More so as Malaysia is a nation which is multiracial with different religious beliefs, customs, cultures and practices.

Chief Executive Officer

LMS Compliance

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1.0 INTRODUCTION

1.1 Section 8 of the Federal Constitution of Malaysia provides that there shall be no discrimination in any form that is practiced by the State against any person, or by the person against another person as follows:

- a) All persons are equal before the law and are entitled to equal protection of the law.
- b) Except as expressly authorized by the Federal Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade business, profession, vocation or employment.

1.2 The **International Labour Organization (ILO) Declaration on Fundamental Principles and Rights at Work and its Follow-up** adopted by the International Labour Conference at its Eighty-sixth Session, Geneva on 18 June 1998 provides that social justice is essential to universal and lasting peace and the need for the ILO to promote strong social policies, justice and democratic institutions. Malaysia subscribed to the ILO Declaration on Fundamental Principles and Rights at Work by ratifying five (5) of the eight (8) core ILO conventions on fundamental principles and rights at work.

1.3 The ILO **Violence and Harassment Convention, 2019 (No. C190)** recognized the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment. Any violence and harassment in the world of work can constitute human rights violation or abuse, and is a threat to equal opportunities, unacceptable and incompatible with decent work. C-190 also recognized the importance of a work culture based on mutual respect and dignity of the human being to prevent violence and harassment. All individuals have the right not to be harassed in the workplace and this right is fully supported by **LMS Compliance**.

1.4 **LMS Compliance** is implementing **POLICY FOR THE ELIMINATION OF HARASSMENT** (hereinafter referred to as "the Policy") for the elimination of harassment applicable to all employees, contractors, public visitors, customers

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including women and girls and anyone else whom employees of the Company come into contact with at work.

1.5 The content of the Policy for the elimination of harassment at the workplace is not exhaustive. The Company may from time to time at its own discretion introduce, modify, amend, revise, vary, add to, delete or annul any of the provisions of the Policy. Any amendment or revision thereafter will be communicated to employees through the normal Company's communication channel or the Company's notice boards.

2.0 DEFINITIONS

2.1 "Bullying" means repeated unreasonable behavior towards an individual created through verbal, physical and/or social behavior which is intended to hurt, coerce, mistreat, abuse or harm someone causing risk to his or her health, safety and well-being.

2.2 "Company" means **LMS Compliance** and any other company, subsidiary company or associate company under the **LMS Compliance** Group of Companies in Malaysia.

2.3 "Employee" means any person who has entered into a contract of service for employment, whether on full time, part time, fixed-term contract or casual basis with the Company.

2.4 "Harassment" means repeated behavior and practice including bullying that is directed at an individual which is unwelcome and considered by the individual to be offensive, humiliating, intimidating or threatening to the individual that a reasonable person would consider it to be offensive, humiliating, intimidating or threatening. The behavior could adversely affect the health, safety and well-being of the individual.

2.5 "Management" means the Executive Chairman, Managing Director, Chief Executive Officer, Head of Department, Human Resource Manager or any other official whom the Company may appoint as a member of the Management from time to time.

2.6 "Policy" means the Company's policy for the elimination of harassment applicable to all employees, contractors, public visitors, customers including women and girls and anyone else whom employees of the Company come into contact with at work.

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2.7 “Workplace” means a location where an employee works in the course and out of his employment with the Company. Where an employee is working from remote workplace, the workplace includes a place outside the Company’s premises including the employee’s home, a virtual workplace or other remote workplace.

2.8 “Gender and Number” - Unless the context otherwise expressly stated, words importing the masculine gender shall include the feminine gender and words importing the singular number shall include the plural number and vice versa.

3.0 WORKPLACE HARASSMENT – WHAT IS IT?

3.1 Harassment is an inappropriate conduct or comment by a person towards a co-employee or anyone working irrespective of their contractual status, third party or employers that will cause that co-employee to be humiliated or intimidated. The nature of harassment including bullying is 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. An employee is bullied at work when an individual, or group of individuals repeatedly behave unreasonably towards the employee and the behavior creates a risk to health and safety of the individual.

3.2 The normal exercise of supervisory duties, including performance reviews, work instruction, counseling, disciplinary action and other human resource (HR) functions conducted where necessary in a respectful and professional manner in accordance with the Company’s HR policies and procedures is not harassment.

4.0 CONSEQUENCES TO VICTIMS OF HARASSMENT

4.1 The consequences that could be suffered by victims of harassment may be manifested in various forms including:

- a) stress, anxiety, and insomnia;
- b) incapacity to work, loss of self-esteem and self-confidence;
- c) reduced productivity and work performance;
- d) feelings of social isolation at work;
- e) physical symptoms of stress, such as headaches, backaches, stomach cramps;
- f) panic attacks and severe exhaustions;
- g) loss or deterioration of personal relationships; and

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h) depression.

5.0 MANAGEMENT ROLES AND RESPONSIBILITIES

- 5.1** It is recognized that those in positions of authority are more responsible than their subordinates within the Company's organization to ensure successful implementation and compliance of this Policy.
- 5.2** The Company shall appoint the Human Resource Manager, Head of Human Resource or any other person which the Company deems fit to be the person in charge and responsible for the implementation and compliance of the Policy.
- 5.3** The supervisory staff have additional obligations to make every reasonable effort to establish and maintain a workplace free of harassment and setting appropriate and continually modelling appropriate and ethical behavior. supervisory staff should also refrain from any behavior, practice or threat that could be deemed as harassment.
- 5.4** The supervisory staff shall respect the rights of all parties to a fair, equitable and confidential process in handling complaints of harassment while providing moral support and ensuring that any employee involved in submitting an allegation of harassment is not subjected to any act of victimization or reprisal.
- 5.5** The supervisory staff shall monitor the work environment to ensure that harassing behavior is identified and appropriate action promptly taken.
- 5.6** It shall be the responsibility of the Head of Department and the Human Resource Manager to explain the contents and the applications of this Policy which is also accessible to all employees of the Company especially when they first join the Company including people with disabilities.
- 5.7** The employees shall be provided with workplace harassment awareness training, provided with the Code of Conduct which describes appropriate workplace behavior and the complaint procedure particularly when this Policy is amended or modified (see paragraph 7 below).

6.0 EMPLOYEE'S ROLES AND RESPONSIBILITIES

- 6.1** 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, ethical behavior and not engaging in the bullying and harassment of others in the Company environment.

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- 6.2** Every employee of the Company shall report any harassing behaviors which he or she has experienced or observed in the workplace which may be in violation of this Policy.
- 6.3** Whistle blowing in respect of any incidents of harassment is strongly encouraged and appreciated by the Company. Adequate and effective protection, including against any forms of reprisals or retaliation, shall be ensured.
- 6.4** All employees shall be responsible to update themselves with the content of this Policy, procedures and practices to prevent and eliminate any form of harassment in the Company from time to time. The Policy is placed in an accessible place, visible to all, where employees could easily access it. Employers have an obligation to publish it in a visible and accessible place, and make it accessible to all, including when amending or updating it.

7.0 STEPS TO TAKE IN REPORTING INCIDENTS OF HARASSMENT AT THE WORKPLACE

If you are being harassed, whether by an employer, co-employee, customer or vendor, you may choose to talk to any of these people:

a) Offenders:

If you suspect that an offender does not realize that he has committed harassment, you may talk to him directly in an effort to resolve the issue (if you are comfortable to do so). This action is appropriate for cases of minor harassment (e.g. inappropriate jokes between colleagues.) However, you may choose to seek the assistance of HR staff to talk to the suspect.

b) Your Supervisor/Manager:

You may complain to your Supervisor/Manager.

c) Human Resource Department:

Submit a letter of complaint to the HR Department especially if your supervisor/manager is involved in your complaint. For your safety and to avoid an implication of condonation (that the conduct complained of is forgiven), contact the HR Department as soon as possible in any case of harassment.

d) Your trade union official or workers' representative (if any) in the Company

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Discuss the matter with your trade union official or workers' representative for advice and assistance and/or to lodge the complaint to the HR Department.

You are advised to keep a written record of all incidents with the person's name, dates, time, place of incident, a description of the incident and name of witnesses (if any).

8.0 DISCIPLINARY ACTION

- 8.1** Workplace harassment may constitute misconduct for which disciplinary action may be taken by the Company.
- 8.2** Upon receipt of a complaint from the complainant, an Investigation Officer (IO) is appointed by the HR Department to investigate into the complaint. (Please refer to the Company Investigation Guidelines Relating To Violence And Harassment)
- 8.3** Under section 14(1) of the Employment Act 1955, section 13(1) of the Labour Ordinance (Sabah Cap. 67) and section 14(1) Labour Ordinance (Sarawak Cap. 76), the Management may, on the grounds of misconduct inconsistent with the fulfilment of the expressed or implied conditions of an employee's service, after due inquiry -
- a) dismiss the employee without notice;
 - b) downgrade the employee; or
 - c) impose any other lesser punishment as he deems just and fit, and where a punishment of suspension without wages is imposed, it shall not exceed a period of two (2) weeks.
- 8.4** For the purposes of an inquiry, the employer may suspend the employee from work for a period not exceeding two (2) weeks but shall pay him not less than half his wages for such period;
- 8.5** Provided that if the inquiry does not disclose any misconduct on the part of the employee the employer shall forthwith restore to the employee the full amount of wages so withheld.
- 8.6** Other than disciplinary action taken and punishment imposed by the Management against the harasser, the complainant may initiate other action against the harasser as follows:
- civil proceedings; and/or
 - criminal action through police report.

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8.7 The complainant shall be informed of the outcome of the investigation and if disciplinary action is taken against the alleged harasser, of the outcome of the disciplinary action.

9.0 EXAMPLES OF HARASSMENT

- Verbal conduct such as derogatory jokes or comments including a person’s ethnic heritage or religious beliefs or other personal characteristics;
- Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work directed at an employee because of the employee’s gender;
- Threats and/or demands to submit to unreasonable requests in order keep one’s job or avoid some other;
- Retaliation for having reported or threatened to report harassment;
- Create an intimidating hostile, offensive or distressing work environment;
- Making frivolous or vexatious complaints against another employee;
- Creating and/or imposing unrealistic deadlines or pressure on a subordinate;
- Sabotaging someone’s work;
- Starting or spreading rumors about a person’s personal life;
- Abusive or hurtful texts, emails or posts, images or videos, nasty gossip or rumors and imitating others through social media.

(The list above is non-exhaustive and the Company may at its discretion amend, revise, vary, add to, delete or annul the examples of harassment from time to time in consultation with workers and their representatives.)

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