



# **FOREVER SABAH BERHAD**

(Co No. 1172311-D / 201601001385)

## **POLICIES AND GUIDELINES FOR ZERO TOLERANCE ON SEXUAL ABUSE, EXPLOITATION AND HARASSMENT**

## **Introduction**

Sexual abuse, exploitation or harassment mean any unwanted conduct of sexual nature having the effect of verbal, non-verbal, visual, psychological or physical harassment that might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on his/her employment.

FS is fully committed to a safe, healthy and harassment-free working environment for all employees and volunteers, and believes that every employee and volunteer should be treated with respect and dignity. As a step toward ensuring a secure and comfortable workplace, FS has developed a Policy on Workplace Harassment, which aims to:

- i. Prevent harassment of any employee or volunteer in the workplace,
- ii. Provide an effective mechanism to eliminate such harassment; and
- iii. Educate all employees to recognize that harassment in the workplace is a demeaning practice that constitutes a profound affront to the dignity of persons.

If, at any time during your employment, you have questions or comments about this Policy or its application, you are encouraged to contact the management or the Human Resources officers.

## **Prohibition of Harassment**

FS does not tolerate the harassment of its employees or volunteers in the workplace. In particular, the following are contrary to this Policy and therefore prohibited:

- (a) Any employee or volunteer engaging in conduct deemed to be harassment under Section C below, or encouraging such conduct by others; and
- (b) Any form of retaliation directed against an employee, volunteer or third party who either complains about harassment or who participates in any investigation concerning harassment. Retaliation includes dismissal, demotion, unwanted transfer, denial of

opportunities within FS or harassment as a result of the complaint or participation in the investigation.

This prohibition applies to all full-time, part-time, probationary, seconded or term employees, as well as volunteers. Our harassment policy will be made known to agents, vendors, contractors and volunteers of FS so that they should be aware that harassment of any FS employee or volunteer will not be tolerated.

FS **zero-tolerance** position on harassment in the workplace applies to all aspects of employment:

- i. Harassing another is a breach of a term or condition of employment;
- ii. The career development of an employee will not be compromised as a result of the actions of a harasser; and
- iii. Employees and volunteers are expected to behave in a non-threatening and non-offensive manner.

Breach of this Policy is considered employee misconduct and may result in disciplinary measures taken, including immediate dismissal, regardless of whether the conduct complained of was sanctioned by a superior or specifically forbidden.

## **Harassment in the Workplace**

Harassment means any verbal, written or physical conduct that is known or ought reasonably to have been known to be unwelcome, inappropriate or otherwise offensive to a person, and that such conduct demeans, humiliates, threatens him/her or otherwise violates his/her dignity. Harassment has the purpose or effect of:

- i. Creating an intimidating, hostile or offensive workplace;
- ii. Interfering with the performance of a person's functions, duties and responsibilities;  
or
- iii. Affecting employment opportunities or compensation.

Harassment may be motivated by one of these grounds: race or ethnicity; skin colour; religion; sex or gender; place of origin; ancestry; culture; age; mental or physical disability;

sexual orientation; family, marital or social status; economic or financial background; and political affiliation. In particular, this Policy identifies and seeks to **prohibit and eliminate** the following types of harassment:

### **Racial harassment**

Harassment in the work conditions or working environment on the basis of race is intended to cause, or has the effect of causing, physical, mental or emotional distress at the workplace. It is also a form of discrimination.

### **Sexual harassment**

Such harassment refers to conduct or behaviour that is of a sexual nature, and includes such things as a request for sexual favours or physical / emotional intimacy by a manager, superior, colleague or even a non-employee. It usually takes the following two forms:

- i. Quid pro quo – This is when a manager, Head of Division or a person of authority or superiority gives or withholds a work-related benefit in exchange for sexual favours or physical / emotional intimacy. Typically, the harasser requires such favours or intimacy from the victim, either rewarding or (if request is denied) punishing the victim in some manner.
- ii. Hostile environment – This is when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching or other conduct of a sexual or intimate nature which creates an intimidating or offensive place for employees to work. All persons working FS **must understand** that sexual harassment is frequently **more about power than about sex**. It occurs in situations where there is unequal power between the people involved and is an attempt by the harasser to assert power over the victim, whether any sexual favour or physical / emotional intimacy is ultimately received or not.

## **Abuse of authority**

Abuse of authority happens when a person uses his/her authority to interfere with an employee or volunteer, or the employee's / volunteer's work in FS. It includes humiliation, intimidation, threats and coercion.

Although not exhaustive, the following conduct or behaviour would constitute harassment:

- i. Insulting behaviour or comments (verbal or written);
- ii. Verbal, written or physical abuse, threats and assaults;
- iii. Derogatory remarks, slurs, epithets or language;
- iv. Unacceptable, annoying or unwanted nicknames or negative stereotyping;
- v. Racist, pornographic or otherwise offensive signs, images, pictures or materials displayed;
- vi. Coercion, unwelcome demands, invitations or requests of a sexual nature;
- vii. Lewd, leering, obscene or sexually suggestive gestures;
- viii. Unwanted or inappropriate physical contact or intimacy that is non-consensual, such as kissing, pinching, stroking, fondling, patting, touching and brushing up against a person;
- ix. Derogatory or offensive pranks and practical jokes;
- x. Isolation or exclusion of a person from others;
- xi. Bullying and victimization, for example, unreasonable and persistent criticism or humiliation, unreasonable distribution of work and responsibilities; and
- xii. Inappropriate inquiries or comments about a person's sex life, religious or cultural norms, sexual orientation, family background, source of income or lifestyle.

For the purposes of this Policy, reference to the workplace means any place where the work of FS is being carried out, and other locations and situations such as work-related off-site assignments and business travel, work-related conferences, training or social gatherings, or other locations where the prohibited conduct might have a subsequent

impact on the work relationship, environment or performance, or on the reputation of FS as an organisation.

Any employee or volunteer who is experiencing or affected by harassment may take an informal approach, if he/she considers appropriate, in resolving the problem by raising the matter directly with the person responsible (the “alleged harasser”). It is possible that the alleged harasser may not realize that this behaviour is unwelcome or offensive. The employee may make an initial attempt to make it clearly known to the alleged harasser that his/her behaviour is contrary to this Policy and that he/she should stop behaving in this manner. Alternatively, the employee may directly seek the help of his/her immediate supervisor or Head to informally approach the alleged harasser on his/her behalf.

If the employee or volunteer is dissatisfied with the informal approach or finds it inappropriate in the circumstances or unsuccessful, he/she may proceed with a formal complaint under Section D, below, at any time. Nothing prevents the employee from starting with making such a formal complaint if he/she feels that the conduct is serious enough to warrant such an approach immediately. The formal complaint should be directed in writing to the Chief Executive Facilitator.

It shall **not** be a total excuse or defence for the alleged harasser that the complainant has never attempted to take the above informal approach before making a formal complaint. However, the disciplinary panel may take such a factor into account when considering the severity of the allegations, the actual intention of the harasser, and the punishment to be given.

### **Complaint Procedure**

An employee or volunteer who has been directly harassed, or has witnessed or is affected by the harassment of others, should report such conduct to the Chief Executive Facilitator. If the employee needs help in determining whether harassment has occurred, or whether to take the formal or informal approach, he/she should seek advice from the Chief

Executive Facilitator. If the employee is not comfortable approaching the Chief Executive Facilitator, or if the Chief Executive Facilitator is the subject of or implicated in the complaint, the employee or volunteer should raise the matter with the Human Resources officers. However, if both the Chief Executive Facilitator or the Human Resources officers are implicated in the complaint, the employee or volunteer should raise the matter with any other member of the senior management or the Board of Directors. Note that anonymous complaints will be investigated, but it may be difficult to do so fully.

Allegations of harassment will be treated seriously and due regard to the need for confidentiality will be given. FS aims to resolve any complaint as quickly as possible. Under no circumstances shall the employee or volunteer alleging the harassment be required to file a complaint with the person responsible for the alleged harassment.

### **No Retaliation**

The right and duty to complain about any harassment at any time by way of complaint or as witness in an investigation should be exercised without fear of reprisal. FS **prohibits** any form of retaliation against any person making the complaint or becoming a witness, even if the allegation turns out to be unproven (except if the complaint or testimony was deliberately and knowingly false, fabricated or in bad faith). (Note: “Unproven” simply means that the evidence is insufficient, and is not the same as false, fabricated or in bad faith)

No director, officer, or employee who in good faith reports a suspected violation shall suffer harassment, retaliation, or adverse employment consequence based on the reporting of such a violation. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including suspension and termination of employment.

## **Investigation**

An investigation will be conducted as discreetly as possible to avoid any embarrassment to the parties. Both the complainant (if not anonymous) and the alleged harasser will be separately interviewed, as will any individual who may be able to provide relevant information. Every complainant (if not anonymous) is expected to cooperate in any investigation if so requested. The outcome of the investigation will be communicated to the complainant (if not anonymous). Where the complainant is dissatisfied with the outcome of the investigation, he/she may appeal to the Chief Executive Facilitator (or the Board of Directors, if the Chief Executive Facilitator was implicated in the complaint) in writing within 14 days from the date he/she is officially informed of that outcome.

## **Confidentiality**

All complaints will be kept strictly confidential. Information acquired from the investigation will also be kept confidential. All parties involved in the investigation, including both the complainant and the alleged harasser, are required to keep such information confidential.

## **False accusations**

Although FS encourages an employee suffering from harassment to report the matter, any deliberately and knowingly false accusations, fabricated allegations or otherwise complaints against another made in bad faith are considered a misconduct, and there may be disciplinary measures taken against the complainant for making accusations, allegations or complaints of such nature.

## **Disciplinary Measures, Restitution and Appeal**

If the investigation reveals sufficient evidence to support the complaint and it is upheld, the harasser will be disciplined. The nature and severity of the disciplinary measures will commensurate with the gravity of the harassment. Such measures may therefore include



suspension or immediate dismissal. The incident will also be documented in the harasser's file.

Restitution for unfounded complaint: An employee accused and found not guilty of harassment will be granted restitution deemed appropriate by FS in its discretion for any direct and foreseeable pecuniary loss suffered by him/her. For instance, where interim suspension without pay pending resolution of the complaint is instituted, such payment shall be reinstated.

## **Roles and Responsibilities**

### **i. Employees**

Each employee has the right to be treated fairly and respectfully in the workplace. Each employee also has the responsibility to treat colleagues, managers and stakeholders in general in a way that respects individual differences. Employees are encouraged to address their concerns if someone behaves in a way that is offensive, humiliating or degrading and to speak up or report the complaint to an immediate supervisor or HR.

Employees should keep a written record of the details of the alleged incident(s) of harassment, including time, locations and name of witnesses, if any. Employees shall also attend training sessions on harassment organised by FS from time to time. All employees have a responsibility to cooperate in any investigation of a harassment complaint. All information should be kept confidential. These are serious issues and privacy must be respected.

### **i. Superior**

All employees who holds any position superior to any other employee should also be familiar with this Policy and are expected to be alert to any sign of harassment, such as an unexplained change in an employee's performance, rumours or an employee isolating himself/herself or seemingly distracted. If something does not seem right, the superior

should speak to the employee concerned. Having someone willing to listen often helps the employee to talk about a problem. The superior also has a responsibility of ensuring that the workplace remains free of harassment and in doing so, the superior should apply this Policy consistently.

### **Human Resource (HR)**

The Human Resource officers are in charge of ensuring that this Policy and its applicable procedures for dealing with harassment are understood by all employees. This includes making sure that this Policy is consistently applied in all harassment complaints. The Human Resource office is also responsible for setting up a panel or appointing any person (whether part of FS or not) to conduct an investigation whenever required, and to review this Policy and its procedures so that the aims of this Policy are achieved.

### **Chief Executive Facilitator of FS**

The Chief Executive Facilitator has the overall responsibility of taking the lead in promoting a harassment-free workplace.

This Policy may be reviewed and amended from time to time, as and when necessary, to ensure both its relevance to the promotion of a secure and comfortable workplace and its effectiveness in ensuring that harassment in the workplace is prevented or dealt with effectively.