1.4.7 Reporting all incidents, accidents, dangerous occurrences, occupational poisoning, potential hazards and occupational disease at the workplace immediately to his Head of Department (HOD) and/or Safety and Health representative. This includes both actual accidents and 'near misses' (that is, where an incident has occurred which had the potential to cause personal injury or damage to Company property, even if no injury or damage has occurred); and

1.4.8 Generally cooperating with the Company as required to enable compliance with OSHA.

1.5 The Company shall keep and maintain records (Form JKKP 8) of all work-related illnesses and/or injuries, no matter how slight, to comply with Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease, Regulations 2004.

1.6 If an employee sustains an injury or illness at work, he is required to record this in the Register of Injuries immediately on becoming aware of the injury or illness. This applies even if the injury or illness does not require medical attention, because the Company aims to ensure that any existing safety hazards are corrected.

1.7 It is unlawful to discriminate against or victimize any employee because the employee:

1.7.1 Makes a complaint about a workplace matter that he or she considers is not safe or is a risk to health; or

1.7.2 Is a member of the OSH Committee or is an OSH Representative; or

1.7.3 Assists or gives information in relation to safety and health to Occupational Safety and Health Officers, member of the OSH Committee or the OSH Representative.

1.8 The provisions on Occupational Safety and Health under this Part is not exhaustive and an employee is required to contact his manager or the HRAD for further information about Occupational Safety and Health.

## 2. CODE OF CONDUCT FOR THE PREVENTION AND ERADICATION OF SEXUAL HARASSMENT IN THE WORKPLACE

2.1 The objective of this policy is to provide a safe and conducive work environment that fosters mutual employee respect and working relationships free of harassment. Harassment shall not be tolerated. It is the policy of the Company to prohibit any form of harassment in the workplace. The Company prohibits any form of sexual harassment by or towards employees, contractors, suppliers, and its customers. As such, the Company takes a serious view of sexual harassment at the workplace. Any such act of sexual harassment by an employee shall be subjected to appropriate disciplinary action.



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2.2 **Definition of Sexual Harassment**

2.2.1 Sexual harassment is any unwanted or unwelcome conduct or behavior of a sexual nature having the effect of verbal, non-verbal, visual, psychological or physical harassment which is offensive to the victim who could be from any gender (male or female).

2.2.2 Further, it is stipulated under Section 354 and Section 509 of the Penal Code of Malaysia that the offences of sexual harassment include "any word, gestures, assault or use of criminal force with the intention to insult and outrage the modesty of a person".

2.2.3 Under the Company's policy, harassment is any inappropriate conduct which has the purpose or effect of:

2.2.3.1 Creating an intimidating, hostile, or offensive work environment.

2.2.3.2 Unreasonably interfering with an individual's work performance.

2.2.3.3 Affecting an individual's employment opportunity.

2.3 **Forms of Sexual Harassment**

2.3.1 Forms of harassment include but not limited to:

2.3.1.1 Physical conduct of a sexual nature, which includes touching, patting, pinching, brushing against another employee's body to assault and coercing sexual intercourse.

2.3.1.2 Verbal conduct of sexual nature, which includes unwelcomed sexual advances, propositions or pressure for sexual activity, offensive, flirtations, suggestive remarks, innuendoes or lewd comments.

2.3.1.3 Non-verbal conduct of sexual nature, which includes display of pornographic / sexually suggestive pictures, objects, posters, reading or written materials including through social network sites and leering, whistling or making sexually-suggestive gestures.

2.3.1.4 Sex-based conduct, which includes ridicules, intimidations, abuses and insults which are gender related and offensive comments about appearance and dress.

2.4 **Guidelines**

2.4.1 All employees shall be subjected to disciplinary action up to and including the dismissal for any act of sexual harassment.



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2.4.2 Individuals who believe they have been subjected to harassment should immediately come forward to report any incidence of sexual harassment to their supervisors, respective Heads of Departments (HOD), the Management or Human Resource & Administration Department (HRAD). No employee should assume that the Company is aware of a problem. All complaints and concerns shall be brought to the HRAD's attention in writing so that appropriate corrective steps can be taken.

2.4.3 If the harasser is the victim's superior, the complaint procedure should allow for the complaint to be made to the Management or HRAD. If the sexual harassment is not by the victim's superior, the victim needs to report the incident to the victim's superior, HOD, Management or the HRAD.

2.4.4 Following the complaint, the Company shall carry out a prompt and thorough investigation.

2.4.5 All investigations on sexual harassment are to be conducted in so far as possible, to protect the privacy of the complainant.

2.4.6 Some form of corroboration is required of the complainant's testimony to satisfy that the complainant is telling the truth and that the accused employee is not falsely implicated. Below are some examples of the corroborative evidence that should be looked for in conducting any investigation on sexual harassment:

2.4.6.1 Witnesses to the harassment.

2.4.6.2 Documented evidence (if any) relevant to the matter.

2.4.6.3 If there is no witness to the complaint, corroborative evidence maybe provided by the person who observed the victim's reaction / attitude immediately following the alleged incident (e.g. Relationship between both the victim and the harasser, changes of behavior at workplace).

2.4.7 If the evidence provided is sufficient, the Company will issue a show cause letter to the harasser seeking an explanation to such complaint.

2.4.8 If the explanation given is not reasonable, the Company may proceed to hold a Domestic Inquiry and to charge the harasser for the misconduct of Sexual Harassment. (**Please refer to Part VIII on Disciplinary Procedure**).

2.4.9 At this stage, the Company may also advise the victim (if the employee has not made one) to make a police report to safeguard the employee's interest and also to show that the victim is serious in the complaint made.

2.4.10 If the Inquiry Panel finds the harasser guilty, the Company shall punish the harasser. The punishment to be meted out would depend on the gravity and the facts of each case. (**Please refer to Part VIII on Punishment**)



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2.4.11 The victim should also be counselled by the Management, if needed, as such an incident may have a psychological effect on the victim.

2.4.12 No retaliation shall be taken against any employee because he or she reports a problem concerning possible acts of harassment. Employees can raise concerns and make reports without fear of reprisal. An employee may raise questions about what constitutes harassing behavior to his Supervisor or the HRAD.

2.4.13 In the event a false accusation is made by the complainant against a person, disciplinary action would be taken against the complainant. The punishment to be meted out would depend on the gravity and the facts of each case.



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