1.0 PURPOSE

1.1 To implement, monitor, and maintain all activities as per Legal, RBA code of conduct, and ASP requirements to ensure that the workplace is free of harassment and unlawful discrimination.

2.0 SCOPE

2.1 This applies to all employees of the ASP and any other operation that operates in ASP, appointed agents, contractors, and suppliers.

3.0 REFERENCE

3.1 Responsible Business Alliance Manual.
3.2 Malaysian Employment Act 1955.
3.3 Employment contract
3.4 Employee Handbook

4.0 DEFINITION

4.1 RBA – Responsible Business Alliance.
4.2 ASP – ASP Medical Clinic Sdn Bhd
4.3 Client – the place where the recruited workers are assigned to work
4.4 ILO – International Labour Organization

5.0 RESPONSIBILITY

5.1 Human Resources Department

6.0 POLICY

6.1 ASP shall ensure that no discrimination or harassment based on race, color, age, gender, sexual orientation, gender identity or expression, ethnicity or national origin, disability, pregnancy, religion, political affiliation, union membership, covered veteran status, protected genetic information or marital status in hiring and employment practices such as wages, promotions, rewards, and access to training.

6.2 ASP shall ensure that no harsh or inhumane treatment including violence, gender-based violence, sexual harassment, sexual abuse, corporal punishment, mental or physical coercion, bullying, public shaming, or verbal abuse of workers; nor is there to be the threat of any such treatment.

6.3 Decisions in hiring, such as compensation, promotion, access to training, or terminating workers are based solely on the candidate's ability to perform the job's requirements.

6.4 Prohibition of disciplinary wage deductions are in place including “Pay equals time worked.”

6.5 ASP shall ensure health tests, pregnancy testing, or contraception shall not be used as a condition of employment in the company and workers shall not subjected to medical tests that could be used in a discriminatory way except for special cases or employment needs.

6.6 ASP shall ensure that there should be no termination of a worker’s employment based on the worker’s pregnancy, virginity, or parental status.

6.7 Reasonable accommodation is provided including:

i. For requested religious practices

ii. For disability including all required by local law.

6.8 ASP shall follow their disciplinary policy and take action against anyone violated the policy.

6.9 ASP disciplinary action including verbal warnings, written warnings, suspension and termination, respect to the type of violation being made.

6.10 Employees will be communicated on company's disciplinary policy during pre-departure, orientation and RBA training.

6.11 Religious practice requests such scheduling changes, voluntary substitutes, shifts swaps, change/ transfer of job task, dress and grooming standards, prayer facilities and others can address to the company.

7.0 PROCEDURE

7.1 Employees shall be informed when a disciplinary procedure has been initiated against them. Employees have the right to participate and be heard in any disciplinary procedure against them. Company shall maintain written records of all disciplinary actions taken. Employees must sign all written records of disciplinary action against them. Such records must be maintained in the employee personnel file.

7.2 ASP ensure managers and supervisors are fully familiar with the company disciplinary system and trained in applying appropriate disciplinary practices.

7.3 No monetary fines and penalties as a means to maintain labour discipline, including for poor performance or for violating company rules, regulations, and policies are allowed.

7.4 ASP shall not use any form of threat or physical violence, including slaps, pushes or any other forms of physical contact as a means to maintain labour discipline.

7.5 ASP shall not use any form of verbal violence, including screaming, yelling, or the use of threatening, demeaning, or insulting language, as a means to maintain labour discipline.

7.6 ASP shall ensure that the workplace is free from any type of violence, harassment or abuse, be it physical, psychological, sexual, verbal, or otherwise. The company shall refrain from any action and shall take all appropriate action to ensure that all employees refrain from any action that would result in an intimidating, hostile or offensive work environment for employees.

7.7 ASP shall refrain from any act of sexual harassment, including any insult or inappropriate remark, joke, insinuation and comment on a person's dress, physique, age, family situation, etc.; a condescending; any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats; any lascivious look or other gesture associated with sexuality; and any unnecessary physical contact such as touching, caresses, pinching or assault.

7.8 ASP shall not offer or take any action that may suggest an offer of recruitment, continued employment, promotion, improved working conditions, preferential work assignments or other preferential treatment of any kind in actual or implied exchange for a sexual relationship, nor subject employees to prejudicial treatment of any kind in retaliation for refused sexual advances or corrected inappropriate behaviour.

7.9 ASP shall refrain from any action and shall take all appropriate action to ensure that all employees refrain from any action that would result in a sexually intimidating, hostile or offensive work environment for employees.

7.10 ASP management shall discipline anyone (including managers, supervisors or fellow employees) who engages in any physical, sexual, psychological or verbal violence, harassment or abuse, regardless of whether such action was intended as a means to maintain labour discipline. Such discipline could include (combinations of) compulsory counselling, warnings, demotions and termination.

7.11 All disciplinary process established should be humane and the disciplinary records do not show inhumane disciplinary measures. There are no groups inappropriately exempted from discipline process, and all records of disciplinary action against workers shall be reviewed by management and verifiable communicated to them.

7.12 Accommodation:

7.12.1 Religious practice requests such as scheduling changes, voluntary substitutes, shifts swaps, change/ transfer of job task, dress and grooming standards, prayer facilities and others can address to the company.

7.12.2 Employees may request through communication channel (refer to RBA Ethics, Protection of identity procedure or company procedures). The channel shall be communicated to workers during orientation in native language.

7.12.3 All request will be kept and review by the management. The decisions of the request will be informed to the requestor in a timely manner.

7.12.4 The reasonable religious accommodation may be refused for safety and security concern, after seeking alternatives which including off-site options, and/ or significant impact on business operations, operating costs or other employees.

7.12.5 All the employees regardless of race and religious can submit their request to the management via hand written letter or email to the HR department to carry out their religious activities in the company, dormitory or at their client's premises. ASP shall provide reasonable accommodation for religious practices and will take reasonable measures to ensure that every worker is not discriminated against based on established religion.

7.12.6 Prayer spaces to perform religious practice shall be clean and safe areas will be provided. All the workers and supervisors shall be trained on Reasonable Religious Accommodation procedures and

how to request these with an annual refresher process shall be in place.

7.12.7 ASP shall ensure a mechanism for receiving religious accommodation requests is in place. All the requests shall be kept reviewed and reason of decision of accommodation provided to the requestor in a timely manner.

7.13 No person will be subject to any discrimination in employment, including hiring, salary, benefits, advancement, discipline, termination or retirement, on the basis of gender, race, religion, age, disability, sexual orientation, nationality, political opinion, or social or ethnic origin and not only limited to above cases.

7.14 ASP recognizes and respects cultural differences; employment (hiring, wages, benefits, advancement, termination, and retirement) shall be based on the worker's ability, rather than on the basis of gender, age, disability, racial characteristics, cultural or religious beliefs or similar factors.

7.15 Any type of violence, harassment or abuse, physical, psychological, sexual, verbal, or otherwise, undertaken on any of the grounds referred to in the RBA code provision shall constitute discrimination.

7.16 ASP HR shall conduct periodic review or audit on hiring practice, compensations records, employee promotion records, training records, company's policy and procedure on employee benefits, disciplinary and termination records to ensure no discrimination being practice in the company.

7.17 SEXUAL HARASSMENT

7.17.1 Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel Offended, humiliated and / or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment as well as situations which create and environment which is hostile, intimidating or humiliating for the recipient

7.17.2 Sexual Harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include but not limited to:

7.17.2.1 Physical conduct

7.17.2.3.1 Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling or inappropriate touching

7.17.2.3.1 Physical violence, including sexual assault

7.17.2.3.1 Physical contact, e.g., touching, pinching

7.17.2.3.1 The use of job-related threats or rewards to solicit sexual favours

7.17.2.2 Verbal Conduct

7.17.2.3.1 Comments on a worker's appearance, age, private life, etc.
7.17.2.3.1 Sexual comments, stories and jokes
7.17.2.3.1 Sexual advances
7.17.2.3.1 Repeated and unwanted social invitations for dates or physical intimacy
7.17.2.3.1 Insults based on the sex of the worker
7.17.2.3.1 Condescending or paternalistic remarks
7.17.2.3.1 Sending sexually explicit messages (by phone or by email)

7.17.2.3 Non-verbal conduct

7.17.2.3.1 Display of sexually explicit or suggestive material
7.17.2.3.1 Sexually-suggestive gestures
7.17.2.3.1 Whistling

7.18 Complaints Procedure

Anyone can be victim of sexual harassment, regardless of their sex and of the sex of the harasser. ASP recognizes that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed. All sexual harassment is prohibited whether it takes place within ASP premises or outside, including at social events, business trip or training sessions. When ASP Management received a complaint of sexual harassment, he / she will:

7.18.1 Immediately record the dates, times and facts of the case
7.18.2 Ascertain the views of the victim as to what outcome he/she wants
7.18.3 Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome.
7.18.4 Keep confidential record of all discussions where workers can raise issues of concern including treatment by their supervisors or co-workers without fear of reprisal.

7.18.5 Respect the choice of the victim.

7.19 Sanctions and Disciplinary Measures

Anyone who has been found to have sexually harassed is liable to any of the following sanctions:

7.19.1 Verbal or written Warning

7.19.2 Adverse performance evaluation

7.19.3 Suspension

7.19.4 Dismissal