



## **SEXUAL HARASSMENT AT THE WORKPLACE POLICY**

### **1. Policy Statement**

- 1.1. Suntrack Development Sdn Bhd ("Suntrack") strives to create and maintain a work environment in which people are treated with dignity, decency and respect, in line with our core values. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression and exploitation.
- 1.2. Suntrack will not tolerate sexual harassment of any kind. Through enforcement of this Policy, and by communicating to employees, Suntrack will seek to prevent, correct and discipline behavior that violates this policy in line with applicable laws and regulations in Malaysia.
- 1.3. The Policy should thus be read in conjunction with Suntrack's Human Resource Policies and Procedures Manual. If multiple documents speak of the same subject, then this policy takes precedent.
- 1.4. The Policy intends to fulfill the requirements set forth in:
  - 1.4.1. The Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace, published in August 1999 by the Ministry of Human Resources, Malaysia ("1999 Code").
  - 1.4.2. Part XVA (Sexual Harassment) of the Employment Act 1955
- 1.5. Suntrack constantly upholds all laws relating to sexual harassment in all jurisdictions where it operates.

### **2. Scope**

- 2.1. This Policy is applicable to all Suntrack employees ("Personnel") including directors. Suntrack personnel shall understand, adopt and adhere to the contents in this Policy as well as other procedures and guidelines referred to herein.
- 2.2. This Policy applies to the Group's business associates, which includes but is not limited to, vendors, contractors, sub-contractors, consultants, trainers, agents, representatives, tenants and other intermediaries who are performing work or services, for and on behalf of Suntrack. The Policy applies to all parties that are currently engaged with Suntrack or have intentions to engage with Suntrack in the future.
- 2.3. Sexual Harassment can be committed by and can happen to any person or group of persons to whom the Policy applies, regardless of gender (this includes harassment committed against members of the same sex) and reporting relationships.

### 3. Definitions

- 3.1. Sexual harassment is defined in the 1999 Code as any unwanted, unsolicited and unreciprocated conduct of a sexual nature that takes the form of verbal, non-verbal, visual, psychological or physical harassment.
  - 3.1.1. that might, on reasonable grounds, be perceived by the recipient as placing a condition of sexual nature on his/her employment ("sexual coercion"); or
  - 3.1.2. that might, on reasonable ground, be perceived by the recipient as an offence or humiliation, or a threat to her/his well-being ("sexual annoyance").

### 4. Forms of Sexual Harassment

- 4.1. Examples of sexual harassment include but are not limited to the following:
  - 4.1.1. Verbal: Lewd or suggestive jokes, innuendos, comments, remarks, questions, requests, threats or flirting. This may be in oral or writing.
  - 4.1.2. Non-verbal: Staring, leering or ogling with suggestive overtones, physical gestures, sounds or body language with sexual connotations e.g. moaning, licking or biting lips, winking, holding or eating food provocatively.
  - 4.1.3. Physical: Unwanted and unsolicited invasion of personal space, cornering, touching, tickling, hugging, kissing, groping, fondling, sexual assault, coerced or forced sexual intercourse, etc.
  - 4.1.4. Visual: Showing or displaying to others pornographic or sexual art, photographs, videos, etc.
  - 4.1.5. Psychological: Repeated, unsolicited flirting or requests for dates or sexual favours, bribery, blackmail or other forms of coercion relating to sexual acts which create a hostile work environment for the recipient(s).
- 4.2. Sexual harassment can take place at or outside the workplace; before, during or after working hours; in person, or over other forms of media including but not limited to the following:
  - 4.2.1. Physical media including printed photographs, letters or moving images or videos displayed on any electronic device:
  - 4.2.2. Phone or video calls;



- 4.2.3. E-mails or other messages, including text messages, voice messages, photographs, videos, links and any other media, sent over private messaging applications including WhatsApp, Telegram, Signal, Viber, Messenger, Snapchat, Discord, etc.; or
- 4.2.4. Posts on social media platforms including Facebook, Twitter, Instagram, Reddit, etc.

## **5. Consensual relationships between employees and managers**

- 5.1. For the purpose of this section, "Managers" refer to the CEO, Heads of Department, Heads of Section, Managers, Assistant Managers and any other employee acting in a managerial or supervisory capacity.
- 5.2. Suntrack strongly discourages relationships between a Manager and any employee who reports directly or indirectly to that Manager. This is to avoid potential conflict of interest, as well as any perception of bias, favouritism, intimidation, coercion or exploitation between the parties.
- 5.3. If any Manager enters into a consensual relationship with an employee reporting directly or indirectly to them or working in the same department as them, the parties must notify the Head of Human Resources immediately. Once the relationship is made known to the Head of Human Resources, Suntrack will review the situation in light of all the facts and will determine whether one or both parties need to be moved to another department.
- 5.4. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the Head of Human Resources and senior management will decide which party will be moved. That decision will be based on which move will be least disruptive to Suntrack operations. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.
- 5.5. This section does not apply to employees who do not work in the same department or where neither party is a Manager.

## **6. Complaints and disciplinary procedure**

- 6.1. Any employee who has been sexually harassed, or has witnessed or is affected by the harassment of others, must take appropriate steps specified herein:
  - 6.1.1. Immediately object verbally and make clear to the harasser that their behavior is contrary to this Policy and that harasser should immediately stop behaving in such a manner.
  - 6.1.2. Follow up with a written objection to the harassment to the harasser.

- 6.1.3. Keep a written record of each incident of sexual harassment, including the date, time and place, any evidence and available witnesses.
  - 6.1.4. Talk to someone immediately after the incident and seek advice. Notify any potential witnesses that they may need to participate in a Domestic Inquiry ("DI"), if need be.
  - 6.1.5. Make a formal complaint to the employee's direct superior, Head of Department or directly to the Human Resource Department within 72 hours of the incident. Formal complaints made to the employee's direct supervisor or Head of Department must be referred to the Human Resource Department at the earliest opportunity, and in any event within twenty-four (24) hours of the complaints being made.
  - 6.2. Upon receipt of a complaint under paragraph 6.1.4, the employee's Head of Department and Human Resource Department shall proceed to conduct a thorough investigation to be concluded within three (3) working days of receipt of the complaint.
  - 6.3. Based on the investigation, should there be a prima facie case to be investigated further, Suntrack shall issue a show-cause letter to the person accused of sexual harassment and conduct a DI to enable the person to state his/her defence to any allegation made against him/her.
  - 6.4. Upon conclusion of the DI, should the person be found guilty of sexual harassment with no reasonable defence, Suntrack shall have the discretion to take the following actions:
    - 6.4.1. A written warning;
    - 6.4.2. A final warning letter;
    - 6.4.3. Suspension of employment (not more than 14 days within scope of the Employment Act 1955);
    - 6.4.4. Downgrading or demotion to a lower level;
    - 6.4.5. Withholding increments or bonus;
    - 6.4.6. Dismissal;
    - 6.4.7. Any other disciplinary action lesser than dismissal or downgrading which is appropriate.
- (Note:** In case of sexual harassment committed by business associates, appropriate action will be taken in accordance with any applicable agreements with the said business associates)

6.5. No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of sexual harassment;
- Appearing as a witness in the investigation of a complaint; or
- Serving as an investigator of a complaint.

Any manager, supervisor or other party found to have violated this aspect of the policy will be subject to disciplinary action, including and up to dismissal.

6.6. Lodging a bona fide complaint will not be used against the complainant, nor will it affect the complainant's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a groundless violation which will result in disciplinary action, including and up to dismissal.

6.7. In the event the complainant receives no update within one (1) week of making the complaint, or is dissatisfied with the outcome of the DI, they have a right to refer the complaint to the Chief Executive Officer ("CEO") for review. A complaint may also be made to the CEO in situations where the complainant does not feel safe complaining to the HR Department.

6.8. Nothing in this Policy shall prohibit any complainant from filing a police report, complaining to the Director General of Labour or taking necessary legal action in response to sexual harassment.

## **7. Employee Responsibilities**

7.1. As employees of Suntrack, all Personnel shall read, understand and comply with all information contained in this Policy, and with training or other information of the prevention of sexual harassment given from time to time.

7.2. All Personnel within Suntrack are equally responsible for the prevention, detection and reporting of sexual harassment, and are required to avoid any activities that could lead to, or imply, a breach in this Policy. Any Personnel who fails to report any form of sexual harassment contrary to this Policy notwithstanding that he/she is not the victim, will be treated as having committed a misconduct and will be subject to disciplinary action.

7.3. All direct supervisors and Heads of Departments are responsible to ensure that complaints of sexual harassment by their subordinates are handled expeditiously in accordance with this Policy. Direct supervisors and Heads of Departments who knowingly allow or tolerate sexual harassment, including the failure to immediately report such misconduct to the Human Resources Department, are in violation of this Policy and subject to disciplinary action.

## **8. Confidentiality and Whistleblower Policy**

- 8.1. All Personnel have the responsibility to prevent and report instances of sexual harassment. If any Personnel suspects or observes anything which is in contravention of this Policy, it may be reported under the Whistleblower option at the earliest opportunity. All reports will be treated as confidential and Suntrack will ensure that anyone who reports will not be in detriment as a result of raising genuine concerns about sexual harassment, even if they turn out to be mistaken.
- 8.3. Please refer to the Whistleblower Policy on this section. Reports can be made using the QMS-HR-F22 Rev 00 Improper Conduct Report Form.

## **9. Criminal Liability**

- 9.1. Sexual harassment is considered a criminal offence under the laws of Malaysia, including the following:
- a) Penal Code
    - Distribution or public exhibition of obscene objects or documents under Section 292;
    - Doing any obscene act or singing, reciting or otherwise uttering obscene songs, ballads or words in public under Section 294;
    - Assault or use of criminal force to a person with intent to outrage modesty under section 354;
    - Rape under Section 376;
    - Outrages of decency under Section 377D;
    - Words or gesture intended to insult the modesty of a person under Section 509;
  - b) Improper use of network facilities under Section 233 of the Communications and Multimedia Act 1998;
  - c) Possessing, circulating, distributing or displaying obscene films under Section 5 of the Film Censorship Act 2002;
  - d) Possession and distribution of prohibited publications prejudicial to public morality under Section 8 of the Printing Press and Publications Act 1984.
- 9.2. Any person convicted of the above offences will be sentenced according to the provisions of the above-mentioned laws.



## **10. Monitoring, Reviewing and Enforcement**

- 10.1. Suntrack will diligently monitor these procedures to ensure that they meet the objectives of relevant legislations and remain effective for the company, and if necessary, implement changes where necessary.
- 10.2. Internal control systems and procedures designed to prevent sexual harassment are subject to regular audits to ensure that they are effective in practice.
- 10.3. This Policy form part of Suntrack's contract of employment and the company may amend it at any time so as to improve its effectiveness at combatting sexual harassment.
- 10.4. Suntrack regards any form of harassment, especially sexual harassment, as a serious matter. Any person found guilty of an act of sexual harassment in breach of this Policy, or of hindering investigations to such a breach, may lead to disciplinary action which could result in termination of employment. Further legal action may be taken in the event the company's interests have been harmed as a result of a breach of this Policy.