

### Employee Handbook (Updated MAY 2022)

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## 9. Discipline

### 9.1 DISCIPLINARY ACTION

All employees are bound by the terms and conditions of employment and other rules and regulations of the Company, whether written, verbal or implied. Disciplinary action will be taken against those who are found in breach of these requirements.

The Company's disciplinary rules and regulations are provided in Appendix. The list is by no means exhaustive and where acts of misconduct are not specifically spelt out, the Company reserve the right to take any appropriate disciplinary actions for such acts. These rules and regulations may be reviewed and amended from time to time at the Company's discretion.

Where disciplinary action is warranted, the Company may after due inquiry:

1. Dismiss the employee without notice;
2. Demote the employee;
3. Suspend the employee from work without payment of wages for a period not exceeding two (2) weeks; or
4. Impose any other lesser punishment, as the Company deems just and fit such as warning letter, deferment / withholding bonus or increment or reduction of salary.

The type of disciplinary action that the Company may take will depend on the seriousness of the offense. The Management has the sole discretion in determining the appropriate action to be taken on a case by case basis.

For the purpose of Company's investigation and / or pending an inquiry, the Company may suspend the employee for a period not exceeding two (2) weeks during which he shall be paid half of his basic salary. Provided that the inquiry does not disclose any misconduct on the part of the employee, the Company will reimburse the full salary so withheld.

### 9.2 POLICY PROHIBITING SEXUAL HARASSMENT

Sexual harassment is sexual conduct that is unwanted and unwelcome, imposed on and unsolicited or not reciprocated / returned by the recipient.

The Management prohibits any form of sexual harassment in the Company and is committed to ensuring a workplace that is safe from sexual harassment.

Sexual harassment is viewed very seriously and constitutes a breach of the Company's policy. Any employee found guilty of committing sexual harassment is liable to disciplinary actions up to and including dismissal.

All supervisors and managers have a duty to implement and enforce this policy and to demonstrate good leadership by example.

Any unwanted conduct of a sexual nature having the effect of verbal, non-verbal, visual, psychological or physical harassment.

- a. That might on reasonable grounds, be perceived by the recipient as placing a condition of sexual nature on his/her employment (sexual coercion i.e. usually a superior having the power over salary and promotion attempts to coerce a subordinate to grant sexual favors) or
- b. That might, on reasonable grounds, be perceived by the recipient as an offence or humiliation, or threat to his / her well being, but has no direct link to his / her employment (sexual annoyance i.e. by an employee against a co-employee or company's client against an employee).

Sexual harassment at the workplace is employment-related, occurring inside or outside the workplace, including but not limited to the following situations:

1. at work related social functions
2. in the course of work assignment outside the workplace
3. at work-related conferences or training sessions
4. during work-related travel
5. over the phone
6. through electronic media

There are five (5) possible forms of sexual harassment:

- a. Verbal harassment  
e.g. offensive or suggestive remarks, comments, jokes, jesting, kidding, sound, questioning.
- b. Non verbal or gesture harassment  
e.g. leering or ogling with suggestive overtones, licking lips, holding or eating food provocatively, hand signal or sign language denoting sexual activity, persistent flirting.
- c. Visual harassment  
e.g. showing pornographic materials, drawing sex-based sketches or writing sex-based letters, sexual exposure.
- d. Psychological harassment  
e.g. repeated unwanted social invitations, relentless proposals for dates or physical intimacy.
- e. Physical harassment  
e.g. inappropriate touching, patting, inching, stroking, brushing up against body, hugging, kissing, fondling, sexual assault.

### **9.3 PROCEDURE TO REPORT SEXUAL HARASSMENT**

The victim or accuser is to lodge a report directly to the Human Resource Department.

A detailed report will be taken from the victim. The victim / accuser is advised to gather as much evidence as possible before reporting, as it will greatly help in his / her case. For example, visual evidence such as letters, drawings, videotape in the case a visual harassment, recorded evidence in the case of verbal or psychological harassment, witness statement in the case of non-verbal or gesture harassment or physical harassment.

Depending on the seriousness of the offence, the accused maybe suspended pending investigation and / or inquiry.

An investigation will be carried out and if required, an inquiry will be held.

If the accused is found guilty in the inquiry, then depending on the seriousness of the offence, he / she is liable for disciplinary action up to and including dismissal.

However, if the accuser or any party is found to have made false accusations or evidence, they will be liable to disciplinary action up to and including dismissal.

### **9.4 GRIEVANCE PROCEDURE**

Every reasonable effort shall be made to dispose of any complaints or grievance from employees at the lowest possible level.

If a complaint or grievance is not resolved, it should be the responsibility of the most senior superior involved in the discussion to report the matter to the Department Manager.

If, even at this level, no satisfactory solution or answer could be found, the matter shall be reported to the Human Resource Manager who will seek consultation with the Executive Director.

The decision on the matter, made by the Executive Director shall be final.

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