



Alpha Power Engineering Co., Ltd.

**ANTI-HARASSMENT & NON-DISCRIMINATION
POLICY**

Approved by Managing Director
25/11/2022



Anti-Harassment & Non-Discrimination Policy

POLICY PURPOSE

- 1.1 Alpha Power Engineering Co., Ltd. recognizes the diversity of its workforce and understands that for the business to function in the best way, all workers must be valued, treated with respect
- 1.2 This policy sets out Alpha Power Engineering Co., Ltd.'s approach to promoting an inclusive and equal opportunity, safe and happy working environment with the primary aim of providing equality for all, preventing all forms of discrimination, harassments, bullying and fostering positive and productive relationships between all people including diverse groups.
- 1.3 Alpha Power Engineering Co., Ltd. recognizes the right of every employee (permanent or contracted) intern/advisor/ consultant to attend work and to perform their duties without being subjected to any form of discrimination, harassments and bullying.
- 1.4 Alpha Power Engineering Co., Ltd. will not tolerate any forms of discrimination, anti-harassments, bullying or victimization of employees or third parties who work on Alpha Power Engineering Co., Ltd.'s behalf.
- 1.5 Alpha Power Engineering Co., Ltd. aims to create an inclusive working environment to maximize the potential of all staff by providing equal opportunities in all aspects of employment including but not limited to in the recruitment, training and development of employees, and to pro-actively tackling and eliminating discrimination, harassments and bullying.
- 1.6 By implementing this policy, Alpha Power Engineering Co., Ltd. sets out that any forms of discrimination, harassment, sexual harassment and bullying will not be tolerated. Disciplinary action, up to and including termination of employment/cessation of engagement, may be taken against workers who breach this policy.

1. SCOPE & AUDIENCE

- 2.1 The rights and obligations set out in this policy apply equally to all employees engaged by Alpha Power Engineering Co., Ltd., which includes, but is not limited to:
 - ✓ Board members; or
 - ✓ Leadership and management personnel (e.g. , Managing Directors, Directors, General Managers technical specialists, , team leaders, heads of department; or
 - ✓ Human resources managers, managers, supervisors, officers; or
 - ✓ Full-time, part-time, permanent, contracted, daily wages employees, project team staffs, seasonal and casual employees: or
 - ✓ Consultants with part-time/ full time contract (paid or voluntary); or
 - ✓ Contractors, sub-contractors including vendors, courier services, and secondees (e.g. freelance agents who have been contracted or sub-



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contracted for a specific purpose);

and Other stakeholders related with the business

- Job candidates, volunteers or intern and anyone working in an unpaid capacity; or
- Contractor or sub-contractor; or
- An employee of a job agency (e.g. manpower services,) who has been assigned to work in the company/organization; or

and also, to associated persons such as secondees, service contractors, or services and others agreed or contracted under different contract types.

2.2 Every employee or persons mentioned in clause 2.1 have personal responsibility for the compliance of this policy as amended from time to time. As part of the employee induction, or service contractor induction, all employees or different types of contractors are expected to read and familiarize by self with this policy, ensure that this policy is properly observed and fully complied with and to complete the declaration of this policy.

2.3 While every worker is required to comply with this policy, this policy is not incorporated as a term of any employment contract or contract for services and does not create any rights enforceable by an employee against Alpha Power Engineering Co., Ltd.

2.4 To the extent that there is an inconsistency between the relevant and legislated laws and this policy, the relevant and legislated law will prevail.

2. THE POLICY STATEMENT

3.1 Alpha Power Engineering Co., Ltd. is committed to providing a safe and happy working environment for all its employees which is free from discrimination, buying on any ground and from harassment at work including sexual harassment.

3.2 Alpha Power Engineering Co., Ltd. will operate a zero-tolerance policy for any forms of discrimination, bullying, harassments including sexual harassment whether it takes place within) premises or outside, including at social events, business trips, training sessions or conferences sponsored by

3.3 All complaints or reporting of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimized for making such a complaint.

3.4 Every employee or persons mentioned in clause 2.1 who harasses others will face disciplinary action, up to and including dismissal from employment.

3. THE APPLICATION OF POLICY

4.1 This policy applies while the employee is at work and during working hours. It also extends to work-related functions and to conduct outside of work where there is a sufficient connection to the workplace, including, but not limited to, the following circumstances:

- The way in which Alpha Power Engineering Co., Ltd. provides services to clients and interacts with members of the public;
- All aspects of employment; recruitment and selection; conditions and benefits; training and promotion; task allocation; shifts; hours; leave arrangements; workload; equipment and transport;
- On-site, off-site or after-hours work; work-related social functions (such as event nights, after activities, award nights and industry events); rehearsals, exchange programs, tours, work-related travel, member/client functions, promotional activities, workshops, conferences, seminars, webinars or advisory or training sessions – wherever and whenever employees may be as a result of their duties;
- Use of social media and other electronic communication (e.g. emails, Vibers, Skype, etc.;;) and
- Employees' treatment of other employees, clients, visitors and members of the public encountered in the course of undertaking their duties for Alpha Power Engineering Co., Ltd.

4. COMMITMENT

4.1 Every employee is entitled to a working environment that promotes dignity, equality and respect for all. Alpha Power Engineering Co., Ltd. will not tolerate any acts of harassment, bullying, discrimination committed against an employee, contractor, job applicant or visitor including types of contractors and employees mentioned clause 2.1 because of characteristic including but not limited to following:

- Gender and gender identity;
- Parental status or status as a carer/ family responsibility;
- Race, colour, national origin or ethnic background;
- A disability, disease or injury, including work-related injury;
- Age
- Sexual orientation preference; (including homosexuality, lesbianism, bisexuality and heterosexuality);
- Religion, religious beliefs and activity;
- Pregnancy, breastfeeding, maternity and paternity;
- Marital status; (e.g. Married / Single / Others)
- Political opinion, beliefs and activity;
- Social origin;
- Medical records;
- Physical appearance;
- Relationship status;
- Race and ethnicity;
- Health;
- Associating with someone who has, or is assumed to have, one of these above characteristics;
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4.2 Any types of discrimination, harassment, bullying on the basis of work pattern (part-time working, fixed term contract, flexible working) will also not be tolerated.

Also, employees and types of employments and contractors mentioned in clause 2.1 may also be personally liable for any acts of discrimination prohibited by this policy that they commit. No form of discrimination will be tolerated in) Alpha Power Engineering Co., Ltd.

5. DEFINITION WITH EXAMPLES

5.1 Discrimination

Discrimination occurs when a person is treated less favorably than others because of characteristics that are not related to the person's competencies or the inherent requirements of the job. All workers and job seekers have the right to be treated equally, regardless of any attributes other than their ability to do the job.

5.1.1 This Policy is underpinned by the potential types and forms of discrimination outlined below to show the commitment of Alpha Power Engineering Co., Ltd. in any forms of discrimination at work- place.

5.1.1.1 Direct discrimination

Direct discrimination is when someone is treated less favorably than another person because of a protected characteristic mentioned in clause 5.1. Direct Discrimination is not justifiable.

Examples

- An employer refusing to hire someone based on their age
- A worker harasses another because of their race

5.1.1.2 Indirect Discrimination

Indirect discrimination is when you have a condition, rule, criterion, policy or practice that applies to everyone but particularly disadvantages people who share a characteristic mentioned in clause 5.1 and it cannot be shown to be a proportionate means of achieving a legitimate aim.

An Example

A policy of only offering bonuses to full time workers risks indirect discrimination on the basis of sex, as a greater proportion of part time workers are female.

5.2 Occupational Requirement

Occupational requirement (previously known as genuine occupational requirement) in limited circumstances employers can directly discriminate against an individual for a reason related to any of the characteristics mentioned in clause 5.1 where there is an occupational requirement. The occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim. Decisions are made on a case by case basis. For example, refusing the job applications based on religions.

5.3 Associative Discrimination

Associative discrimination is where an individual is directly discriminated against for association with another individual who has a characteristic mentioned in clause 5.1. An example would be not promoting a staff member because they care for a person who had a stroke. This is a discrimination against the staff member because of their association with a disabled person or carer's responsibility.

5.4 Perspective Discrimination

Perspective discrimination is where an individual is directly discriminated against due to a perception by others that they have a characteristic listed in clause 5.1. It applies even if the individual does not actually possess that characteristic. An example would be if colleague A harass colleague B because they think colleague B has AIDS, even though they do not, in fact have the illness. Colleague A has made assumption and discrimination against colleague, based on a perception.

5.5 Discrimination Arising from Disability

Discrimination arising from disability is where an individual has been treated unfavorably because of something connected with their disability (so does not have to be the disability itself). An example would be disciplining a staff member for repeated spelling mistakes that are in fact caused by dyslexia which amount to discrimination arising from disability. This type of discrimination is unacceptable where the employer (or a line manager) knows, or could be reasonably expected to know, that the person has a disability.

5.6 Discrimination on Recruitment & Promotion

Discrimination on recruitment and promotion is where an individual is directly or indirectly discriminated against based on i) the perception by others that they might have a particular characteristic mentioned in clause 5.1 ii) because of having have a particular characteristic mentioned in clause 5.1 in recruitment and promotion processes.

5.7 Discrimination on Career & Professional Development (Training)

Discrimination on career development and professional development including trainings is where an individual is directly or indirectly discriminated against based on i) the perception by others that they might have a particular protected characteristic mentioned in clause 5.1 ii) because of having have a particular protected characteristic mentioned in clause 5.1 in recruitment and promotion processes.

5.8 Discrimination on Equal Pay

Discrimination on equal pay is where an individual is directly or indirectly discriminated against based on i) the perception by others that they might have a particular characteristic mentioned in clause 5.1 ii) because of having have a particular characteristic mentioned in clause 5.1, not only in remuneration but also other forms of monetary and non-monetary benefits or incentives throughout the employment duration of the organization/company.

5.9 Neglecting Diversity & Inclusion

Diversity recognizes the unique characteristics that each employee brings to their work. Inclusion helps us build a workplace that promotes respect, fairness and equity for all. Diversity can take many forms: work background, experience, multiculturalism (including race, ethnicity and languages), gender identity, sexual orientation, family structure, age, physical abilities, education, thoughts / worldview, mental health, religious beliefs and political views. Each individual has unique qualities that they bring to the workplace and the wide range of perspectives that results from this diversity promotes business growth and success.

All employees including any types mentioned in clause 2.1 are required to provide an environment that is inclusive, supportive, respectful and welcoming and which accepts differences and values diversity.

5.1.3 What is not discrimination?

In certain circumstances, it will not be treated or regard as discrimination by Alpha Power Engineering Co., Ltd. in below act or practice:

- Is necessary to comply with other legislation;
- Is a genuine occupational requirement;
- Is necessary to protect health and safety;
- Is permitted because an exemption or 'special measure' applies;
- Is taken reasonable management practices because the employee cannot perform the inherent (essential) requirements of their job, including performance management, reasonable adjustments and disciplinary procedures;
- Is taken a direction to carry out reasonable duties and instructions; or
- Is taken a direction to comply with the company/organization's policies, procedures or guidelines.

This is often referred to as 'positive discrimination' or 'affirmative action'.

Harassment is unwelcome and unsolicited behavior that a reasonable person would consider to be offensive, intimidating, humiliating or threatening.

It is unacceptable to harass an individual or group because of their characteristic mentioned in clause (5.1) outlined above. Harassment of any kind will not be tolerated at (Alpha Power Engineering Co., Ltd.). Harassment that is not related to a characteristic mentioned in clause (2.1) is still inappropriate in the workplace and (Alpha Power Engineering Co., Ltd.) will deal with such incidents accordingly.

5.2.1 Harassment can be physical, spoken or written. It can include, but is not limited to:

- Intimidation, verbal abuse, repeated threats or ridicule;
- Sending offensive messages by text, email or other means;
- Derogatory comments;

- Displaying offensive materials, pictures, comments or objects;
- Ridiculing someone because of their accent or English/Myanmar-speaking ability;
- Telling offensive jokes or making practical jokes based on a protected characteristic;
- Belittling or teasing someone based on a characteristic mentioned in clause (2.1); and Isolating, segregating or humiliating someone based on a protected characteristic.

5.4 Sexual harassment

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 an environment which is hostile, intimidating or humiliating for the recipient. Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Forms of conduct or behaviour which constitute sexual harassment include, but are not limited to:

5.3.1 Physical conduct

- Excessive or unwelcome familiarity or physical contact including patting, pinching, touching, brushing, stroking, kissing, hugging, fondling, or inappropriate touching up against someone;
- Physical violence, including sexual assault;
- The use of job-related threats or rewards to solicit sexual favors; and
- Behavior that may also be considered to be an offence under penal code, such as physical or sexual assault, indecent exposure, stalking or obscene communications.

5.3.2 Verbal conduct

- Suggestive sexual comments, jokes, stories, conversations on an employee's appearance, age, private life, etc.
- Intrusive questions or comments about someone's private life;
- Repeated and unwanted social invitations for dates or physical intimacy;
- Insults based on the sex or other characteristics of the employee;
- Unwelcome flirting, requests for sex or repeated unwanted requests to go out on dates;
- Inappropriate or unwanted gifts; and

5.3.3 Non-verbal conduct

- Display of sexually explicit or suggestive material;
- Insults or taunts of a sexual nature or obscene gestures or sexually-suggestive gestures;
- Whistling with intention of sexuality;
- Leering, staring or leering at a person or parts of their body;
- Inappropriate advances on social networking sites;
- Accessing sexually explicit internet sites in the presence of others;
Displaying or disseminating material such as posters, magazines or screen savers of a sexual nature;
- Making or sending sexually explicit messages (by phone or by email) or other online platforms;

5.3.4 Just because someone does not object to inappropriate behavior in the workplace at the time, it does not mean that they are consenting to the behavior.

Behavior can still be considered to be sexual harassment even if:

- It is a one-off incident;
- The person engaging in the behavior did not intend to humiliate, intimidate or offend;
- Other people in the workplace are not offended by the behavior; or
- The behavior was previously an accepted practice in the workplace.

5.3.5 Sexual harassment may be considered work-related even if it occurs outside of the workplace or outside of normal working hours, such as on tour, during work-related travel, or at an event night, after party/activities, industry event, promotional activity or conference. All workers have the same rights and responsibilities in relation to sexual harassment. All incidents of sexual harassment – no matter how big or small or who is involved – should be reported to the appointed Complaint Committee ([refer to the Complaints Handling and Investigation Procedure](#)) or relevant leadership or management position so that appropriate action can be taken.

5.3.6 What is not sexual harassment?

Where employees engage in consensual, welcome and reciprocated behavior, this is not sexual harassment. However, appropriate professionalism is expected of all employees at all times, including in relation to employees engaging in consensual behavior.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. Alpha Power Engineering Co., Ltd. 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.

5.4 Workplace Bullying

Workplace bullying ('bullying') is where an individual or group of individuals repeatedly behave unreasonably to another person or group of persons at a workplace, which creates a risk to health and safety.

It is unacceptable for an employee to engage in bullying, or encourage or allow another worker to do so. Bullying will not be tolerated at Alpha Power Engineering Co., Ltd. Bullying does not need to be intentional to regard or take as bullying. Whilst one-off incidents of unreasonable behaviour may not be considered bullying, they are still inappropriate and may constitute discrimination or harassment.

Bullying can take many forms. It can be physical, spoken, written, overt or covert.

Behaviours that may constitute bullying include, but are not limited to:

- Physical intimidation or abuse;
- Aggressive or intimidating conduct or threatening gestures;
- Manipulation, intimidation or coercion;



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- Threats, abuse, offensive language, shouting or belittling;
- Innuendo, sarcasm and other forms of demeaning language;
- Ganging up;
- Public humiliation or belittling;
- Initiation activities;
- Practical jokes, teasing, or ridicule;
- Isolation, exclusion or ignoring people;
- Inappropriate blaming;
- Inappropriate emails/pictures/text messages;
- Unreasonable accusations or undue unconstructive criticism;
- Allocating unpleasant, meaningless or impossible tasks;
- Placing unreasonably high work demands on selected workers;
- Deliberately withholding information, resources, support, supervision or consultation or equipment that a person needs to do their job or access their entitlements;
- Unreasonable refusal of requests for leave, training or other workplace benefits;
- Withholding access to opportunities;
- Deliberately changing hours of work for a person or group to inconvenience them; and
- Unreasonable timelines or constantly changing deadlines targeted at a specific person or group.

All employees in Alpha Power Engineering Co., Ltd. should behave in a manner that is professional, appropriate and does not constitute harassment or bullying.

5.4.1 What is not Workplace bullying?

Workplace bullying does not include reasonable management action carried out in a reasonable manner. Alpha Power Engineering Co., Ltd. has rights and obligations to effectively direct and control the way work is carried out. It is reasonable for managers and supervisors to allocate work to a worker and give fair and reasonable feedback on its workers' performance.

Examples of reasonable management action include, but are not limited to:

- Setting reasonable performance goals, standards and deadlines;
 - Rostering and allocating working hours or assigned work where the requirements are reasonable;
 - Transferring a worker for operational reasons;
 - Deciding not to select a worker for promotion where a reasonable process is followed;
 - Disciplinary action (including investigations) taken in a reasonable manner;
 - Informing a worker about unsatisfactory work performance or inappropriate behavior in an objective and confidential way;
 - Implementing organizational changes or restructuring; and
- Termination of employment.

Workplace conflict is generally not considered workplace bullying. Differences of opinion and disagreements in the workplace (e.g. differences of opinion on artistic interpretation or direction) may arise without engaging in repeated, unreasonable behavior that creates a risk to

health and safety. This is because not all conflicts or disagreements have a negative impact on health or safety, and it is common within a workplace that people will have differences of opinion. Low level, task- based differences of opinion can benefit the organization and employees, as it may generate debate leading to new ideas and innovation, provided all workers behave in an appropriate manner.

5.5 Victimization

Victimization involves treating or threatening someone unfairly or badly or in a detrimental way, because they have made, or intend to make a complaint or helped someone else make a complaint, or refused to do or raised a grievance or suspect they are doing so a discrimination/harassment/sexual harassment, bullying complaint. This also includes those who have supported another person in making a complaint.

It is also victimization to threaten someone (such as a witness) who may be involved in an investigation of a complaint. It is unacceptable to victimize another person. Victimization will not be tolerated at [name of company/organization]. Victimization is a very serious breach of this policy and is likely (depending on the severity and circumstances) to result in formal disciplinary action against the perpetrator. The perpetrator may also be subject to legal proceedings under penal code of The Republic of The Union of Myanmar.

5.6 Vilification/Criticism

Vilification/Criticism is any public act that incites hatred, serious contempt, or severe ridicule against another person or group of people due to their race (including ethno-religious origin), homosexuality, transgender status and HIV/AIDS status. Vilification will not be tolerated at Alpha Power Engineering Co., Ltd.

5.7 Gossip and confidentiality

All employees must avoid gossiping about historical matters involving current or former workers or any allegations of inappropriate workplace behavior occurring at Alpha Power Engineering Co., Ltd. Where an employee considers a person's behavior to be inappropriate, the worker should raise this with the relevant leadership or management person, or report the behavior to the Complaints Committee so that appropriate action can be taken.

It is also unacceptable for employees at Alpha Power Engineering Co., Ltd. to talk with other workers, clients or suppliers, extended family or friends, or the media about any complaint of discrimination, harassment, sexual harassment or bullying that is the subject of a current complaint or investigation other than on a 'need to know' basis. Breaching the confidentiality of a current complaint or investigation or inappropriately disclosing personal information obtained in the course of a complaint or investigation (for example, as a manager) is a serious breach of this policy and may lead to formal disciplinary action.



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Those directly involved in a complaint (i.e. complainant and respondent) are entitled to seek personal and professional support, and seeking of such support (for example, from someone who has knowledge of the complaint) is not considered a breach of confidentiality.

6. EMPLOYEE'S RIGHT AND RESPONSIBILITIES

7.1 All employees are entitled to:

- Enjoy a workplace free from discrimination, harassment, sexual harassment and bullying;
- The right to raise issues or to make an enquiry or complaint in a reasonable and respectful manner without being victimized;
- Request to have a support person (e.g. a co-worker, friend or family member) present during the complaints process;
- Reasonable flexibility in working arrangements, especially where needed to accommodate family responsibilities, disability, religious beliefs or culture; and
- Have recruitment and selection decisions based on merit and not affected by irrelevant personal characteristics.

All employees must:

- Strictly comply with the standards of behavior outlined in this policy, the Code of Conduct and other related policies;
- Treat everyone with dignity, courtesy and respect at all times;
- Where appropriate, offer support to people who experience discrimination, harassment, sexual harassment and bullying, such as providing information about how to make a complaint;
- Avoid gossip about historical matters or matters that are subject of a current complaint or investigation;
- Respect the confidentiality of complaint resolution procedures;
- Where applicable, assist and cooperate in the investigation of complaints made under this policy;
- Participate in training provided by Alpha Power Engineering Co., Ltd. around workplace discrimination, harassment, sexual harassment and bullying; and
- Take bystander action (if safe to do so) if they see or hear about discrimination, harassment, sexual harassment or bullying in the workplace

7. ROLES AND RESPONSIBILITIES OF LEADERSHIP AND MANAGEMENT POSITION

8.1 Preventing from any forms of discrimination, harassment, sexual harassment and bullying is central to our work and each of us have a responsibility for taking action. In addition to the responsibilities of employees, personnel in leadership and management positions

must also:

- Model appropriate standards of behavior;
- Take steps to educate and make employees aware of their obligations under this policy, the Code of Conduct and other related policies, and the relevant penal codes and law;
- Treat all workplace incidents seriously and take immediate action where a complaint is made;
- Act fairly to resolve issues and enforce workplace behavioral standards, making sure relevant parties are heard;
- Where appropriate, help employees resolve complaints informally;
- Refer formal complaints about breaches of this policy to the appropriate Complaints Person for investigation;
- Use their best endeavors to prevent employees who raise an issue or make a complaint from being victimized and taking steps to address the issue where it occurs;
- Provide employees (including bystanders) with information about the support available to them;
- Not ask discriminatory questions or request information during a recruitment process, unless it is directly relevant to a genuine requirement of the position; and
- Reasonably consider requests for flexible working arrangements.

8.2 Furthermore, personnel in senior leadership positions (e.g. Managing Directors, Directors, General Managers, Team Leaders, Senior Manager, Specialists, Managers, Human resource Managers, Board members) must also:

- Monitor the effectiveness of this policy, the Code of Conduct and other related policies;
- Review and update the information within the policy, the Code of Conduct and other related policies so that it remains relevant;
- Provide training or guidance to workers regarding discrimination, harassment, sexual harassment and bullying and how to make a complaint or take bystander action;
- Provide training or guidance to managers on this policy, the Code of Conduct, the complaints process and other related policies and mechanisms to support employees to make a complaint or take bystander action; and
- Promote this policy, the Code of Conduct and other related policies throughout Alpha Power Engineering Co., Ltd.
- Embed equality and avoid any forms of harassment in all aspects of employment, including but not limited to recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- Make recruitment and job selection decisions based on merit – that is, the skills and abilities of the candidate as measured against the inherent requirements of the position – regardless of

personal characteristics;

- Screen new policies, initiatives, programmed for their potential impact on equality- to meet the needs of people from the group mentioned in clause 5.1.
- Prohibit retaliation based on a protected activity, such as the filing of a complaint of discrimination or participation in the investigation of such a claim. Any witness, complainant or respondent involved in an investigation ought not to be retaliated against for their participation in the process.

8. GENERAL RESPONSIBILITIES

All employees and stakeholders of Alpha Power Engineering Co., Ltd. are responsible for following this policy to create an environment free from any forms of harassment. Alpha Power Engineering Co., Ltd. expects all employees to avoid any behavior or conduct that could reasonably be interpreted as harassment, discrimination and sexual harassment as defined under this policy.

Any employee has the right to raise concerns or make a complaint regarding harassment under this policy without fear of retaliation. Any person found in violation of this policy is subject to disciplinary action up to and including termination of employment.

9. SUPPORTING BYSTANDER ACTION

In order to promote a safe, equitable and respectful workplace, Alpha Power Engineering Co., Ltd. encourages all employees to take appropriate action (in accordance with this policy) if they witness or hear about workplace discrimination, harassment, sexual harassment and bullying.

See: Know where the line is. If you see or hear something that makes you feel uncomfortable, don't ignore it.

- **Talk:** It takes courage to speak up. Talk with your boss, your colleagues or with the person who is crossing the line.
- **Support:** Don't underestimate the power of support. It can help a colleague stand up and take action.

Victimization of someone taking bystander action will not be tolerated by Alpha Power Engineering Co., Ltd.

11. BREACH OF THE POLICY

A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.



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12. POLICY MANAGEMENT

This policy takes effects from the date of approval by the /Managing Director/Chairperson or Top Management of the company/organization.

Amendments or developments will be recommended to the board from time to time as deemed appropriate. Formal review will take place before the expiry of **(two)** years from the anniversary date of approval. Recommendations for change will require board consideration and if necessary, approval.

AUTHOR		APPROVED BY	
NAME:		NAME:	
POSITION :		POSITION :	
DATE:		DATE:	

Policy Document History

Version No.	Date		Author(s)		Approver (s)		Date reissued to previous recipients	Brief of Changes
	Issued	Reviewed	Name	Designation	Name	Designation		

ANNEX – A

Complaint Handling and Investigation Procedure

Workplace Anti-Discrimination, Anti-Harassment, Anti-Sexual Harassment and Anti-Bullying

1. FORMING THE GRIEVANCE HANDLING COMMITTEE

In order to manage the discrimination, harassment, sexual harassment and bullying at workplace properly with transparent process, form the Grievance Handling Committee. This Grievance Handling Committee will form up with three numbers of committee members from the below departments of Alpha Power Engineering Co., Ltd.

- 1) Senior Manager (HR and Admin)
- 2) Chief Accountant
- 3) Senior Project Manager

The Grievance Handling Committee

The committee members of the Grievance Handling Committees are responsible for overseeing s anti-harassment, anti-bullying and anti-sexual harassment efforts, including but not limited to:

- (1) review, investigate and find solution of complaints and violations of this policy
- (2) identifying and addressing patterns or systemic problems during the review process of complaints;
- (3) revise or modify the existing policies initiatives, programmes for their potential impact on equality to meet the needs of people from the groups mentioned under clause 5.1.

The Committee Members are also responsible for the periodic review and assessment of this policy and other related policies and procedures.

Human Resources Department

The Human Resources Department is responsible for developing policy to ensure that meets its obligations and requirements under relevant committed policy and procedures. The Human Resource Department will have as Focal Person as complaint officer who will involve and support in the Grievance Handling Committee. It is also responsible for providing advice, guidance and ongoing support to top management, managers and employees in relation to the prevention of any forms of harassment. If necessary, employees and managers can seek advice and/or assistance from the Human Resources Department on how to handle situations.

2. RAISING A COMPLAINT

2.1. Who can raise a complaint?

Any employee can raise a concern or complaint if they believe there has been a breach of 's Workplace Anti-Harassment and Non-Discrimination Policy. A complaint may be raised by an employee who is experiencing or is a witness to discrimination, harassment, sexual harassment or bullying. This Complaints Handling and Investigation Procedure only applies to complaints raised concerning a breach of 's Workplace Discrimination, Harassment, Sexual Harassment and Bullying Policy.

How to raise a complaint?

Employees should raise any concerns or complaints to Focal Officer from Human Resource Department or to the Grievance Handling Committee. Where is unavailable or it is not appropriate for them to be involved in the process, the complainant should contact <. Employees may raise concerns or complaints Depending on the nature of the complaint, <Insert relevant manager or Contact Person here> or the member of the Grievance Handling Committee may ask the complainant to document the complaint in writing (e.g. in an email or using 's complaint form).

3. KEY CONSIDERATIONS WHEN DEALING WITH COMPALINTS

3.1. Confidentiality

When a complaint is raised will maintain confidentiality to the maximum extent possible, taking into account its obligation to provide a safe work environment and to afford natural justice to those against whom a complaint is made (respondent). Employees who are directly involved in a complaint or an accompanying investigation (whether as a complainant, respondent, witnesses or support person) must maintain confidentiality. A failure to do so may re- sult in disciplinary action as mentioned in clause 11.

3.2. Natural justice and impartiality

Where an allegation is made against another person, that person is entitled to be afforded natural justice – a right to have their side of the story heard and respond to those allegations. When a com- plaint is raised, will appoint someone (internal or external to the company) to investigate the complaint when required, in the situation the Grievance Handling Committee may need third party involvement.

The Grievance Handling Committee and the third party will collect and consider all relevant evidence before making a determination. Complaints Persons are to remain impartial, as far as is reasonably practicable.



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3.3. No victimisation

Victimisation means adversely treating a worker who has raised a complaint or has assisted someone in raising a complaint. Victimisation will not be tolerated at Alpha Power Engineering Co., Ltd. . Any incidents of victimisation should be immediately reported to the Focal Complaint Officer at HR or to the Grievance Handling Committee.

An employee who makes a complaint under this procedure will be treated with respect and the matter will be dealt with in the strictest confidence possible. will take all reasonable steps so that no employee is treated poorly, victimised or disadvantaged as a result of:

- Making or intending to make a complaint;
- Providing information as a witness; or
- Providing support to a person who has made a complaint.

4. DEALING WITH COMPLAINTS

4.1 Deciding the most appropriate course of action

If an employee believes they are experiencing discrimination, harassment, sexual harassment or bullying, and they feel comfortable doing so, they may wish to deal with the situation themselves – that is, the employee tells the other person(s) that the behavior is unreasonable or unacceptable, they are offended by the behavior and want it to stop.

In many cases, while it may be uncomfortable raising the issue directly with the person(s) concerned, explaining why the behavior is unwelcomed and asking for it to stop will be sufficient, particularly if the person(s) was/were unaware of the impact of their behavior. If an employee's concerns remain unresolved or the worker is not comfortable dealing with the situation themselves, the concern or complaint can be raised with the Complaint Officer from HR or to the Grievance Handling Committee.

Once a concern or a complaint has been raised, the Complaint Officer from HR or to the Grievance Handling Committee will outline to the complainant the options available for dealing with the concern or complaint. Informal procedures emphasize resolution rather than factual proof or substantiating a complaint. Formal procedures focus on proving whether a complaint is substantiated. A formal complaint procedure will be more appropriate where the alleged behavior is of a serious nature and, if substantiated, would lead to disciplinary action (e.g. termination of employment). It will not always be appropriate for the complainant to determine whether to use the informal or formal complaint procedure. For example, Alpha Power Engineering Co., Ltd. may determine that the nature of the complaint is serious and warrants a formal investigation.

It is important to note that a worker cannot 'own' a complaint. Alpha Power Engineering Co., Ltd.

recognizes that sometimes a worker may wish to inform Alpha Power Engineering Co., Ltd. of an issue or concern but not wish for to take any action in relation to the issue or concern. However, when Alpha Power Engineering Co., Ltd. is made aware of an issue, it may have a duty of care to act, regardless of whether or not a worker has made a formal complaint, as other workers may be at risk.

4.1.1 Complainants wishing to remain anonymous

Where the complainant advises they wish to remain anonymous, Alpha Power Engineering Co., Ltd. will seek to establish why the complainant does not want their identity disclosed. Alpha Power Engineering Co., Ltd. will use its best endeavors to manage the complainant's concerns, while ensuring there is an appropriate balance in fairness to all parties concerned. In some cases, it will not be possible for the complainant to remain anonymous due to the right of the respondent to natural justice and to know the nature of the allegation(s) being made against them. While the complainant's wishes will be taken into account, they do not determine whether or how the complaint should be investigated. That is the responsibility of Alpha Power Engineering Co., Ltd.

4.1.1 aling with complaints which may constitute a criminal offence

Some instances of unlawful conduct can also be criminal offences, including physical assault, sexual assault, stalking or cybercrime, which is where a carriage service is used to menace, harass or cause offence. This can include conduct that occurs over the phone, in text messages or online. Where an employee considers that the conduct involves a criminal offence, Alpha Power Engineering Co., Ltd. will provide appropriate support in consulting with the Grievance Handling Committee and the third party on a required basis. If a complainant does not wish to report the matter to the police, Alpha Power Engineering Co., Ltd. will:

- respect this decision, unless is required to report the incident;
- enquire whether the complainant would like access to counselling or other support;
- if appropriate, consider whether it is necessary to implement any changes to the workplace to provide the employee with a safe work environment, while the complaint is being investigated; and
- deal with the complaint consistent with the procedures outlined in this section.

4.2 Incident report

Where an employee raises concerns with Alpha Power Engineering Co., Ltd. and it is determined by that no action is required, as the situation has already been resolved or adequately dealt with, Alpha Power Engineering Co., Ltd. may record details of the concerns. Alpha Power Engineering Co., Ltd. will record essential information about the incident in a report including:

- time, date, location of the alleged incident;
- nature of the alleged incident; the people involved;
- what action was taken to resolve the alleged incident;
- why no further action was considered necessary; and

- that the matter was not investigated and no findings were made in relation to the alleged conduct.

If Alpha Power Engineering Co., Ltd. becomes aware of an incident (e.g. unusual tension in the rehearsal room) and believes it is necessary, an incident report may be prepared. Alpha Power Engineering Co., Ltd. will only use this option if the incident is not serious and does not pose an immediate health and safety risk to workers.

4.3 Informal complaint procedure

There is no one-size-fits-all response to deal with complaints informally. The most appropriate response for dealing with complaints informally will depend on each individual circumstance and the nature of the complaint.

4.3.1 When will a complaint be dealt with informally?

Alpha Power Engineering Co., Ltd. may decide to deal with a complaint informally if:

- the complaint is of a less serious nature and can be most effectively dealt with informally;
- the Complaint Officer from HR and the Grievance Handling Committee considers the complaint can be most effectively dealt with informally and the complainant agrees;
- the complainant requests that the matter be dealt with informally and the Complaint Officer from HR and the Grievance Handling Committee considers this appropriate; and
- the complaint has arisen from a misunderstanding or lack of, or unclear, communication.

4.3.2 How will a complaint be dealt with informally?

Informal ways of dealing with complaints will emphasize resolution rather than factual proof or sub-sanitizing of a complaint and can include, but are not limited to the following actions:

A direct private discussion is held or mediated between the complainant and the respondent (where the parties agree to participate);

- An impartial third person (where needed), the Complaint Officer from HR and the Grievance Handling Committee conveys information between those involved;
- An impartial third person (where needed), the Complaint Officer from HR and the Grievance Handling Committee helps those involved to talk to each other and find a resolution;
- A complaint is made, the respondent admits the behavior, investigation is not required, and the complaint can be resolved through conciliation or counselling;
- The complainant wants to deal with the situation themselves but may seek advice on possible strategies from the Complaint Officer from HR and the Grievance Handling Committee or the third party (where requested);

The complainant asks the Complaint Officer from HR and the Grievance Handling Committee to speak to the respondent on their behalf – the Complaint Officer from HR and the Grievance Handling Committee privately conveys the complainant's concerns and reiterates Alpha Power Engineering Co., Ltd.

- policy to the respondent without assessing the merits of the case; or

- A supervisor or manager observes unacceptable conduct and takes action even though no formal

An informal complaint may also be dealt with without individually identifying a respondent.

Informal ways of dealing with the complaint can also include collective actions such as:

- Providing a refresher induction to all workers;
- Redistributing and again explaining the policies;
- Requiring workers to complete appropriate training; and
- Making alterations to working arrangements to reduce the risk.

In some instances, Alpha Power Engineering Co., Ltd. may engage an independent mediator/third party (if needed). The Complaint Officer from HR and the Grievance Handling Committee will document steps taken to address and resolve a complaint using an informal process. An informal process may be formalised at any point where the Complaint Officer from HR and the Grievance Handling Committee considers it appropriate, particularly where an informal process has been ineffective or new information is received.

4.4 Formal complaint procedure

4.4.1. Steps involved in a formal complaint and investigation

The usual process for dealing with formal complaints is set out below. However, where it is considered appropriate to do so, Alpha Power Engineering Co., Ltd. may alter the process and advise the complainant of the new complaint handling and investigation process. As part of a formal complaint process, will appoint an impartial person to investigate the complaint (Complaints Person). This may be the Complaint Officer from HR or the person from the Grievance Handling Committee or an external investigator (if required). Please note that will use its best endeavors to adhere to the timeframes outlined in this procedure. If changes to the timeframes need to be made, Alpha Power Engineering Co., Ltd. will advise the complainant and respondent of these changes.

Step 1: Obtain information from the complainant

As soon as practicable but within one week of receiving the complaint, the Complaint Officer from HR or the person from the Grievance Handling Committee will contact the complainant to better understand the complaint and obtain any additional information. At this time, the Complaint Officer from HR or the person from the Grievance Handling Committee will also:

Provide or confirm that the complainant has received a copy of 's Alpha Power Engineering Co., Ltd.

Workplace Anti-Harassment and Non-Discrimination Policy and Complaint Handling and Investigation Procedure;

- Provide information about the complaint process, potential outcomes, options for assistance/support and protections from victimisation;
- Ensure the allegations are documented in writing, either by the complainant or the Complaint Officer from HR or the person from the Grievance Handling Committee;

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Explain that the process is confidential, what this means and why it is important;

- Explain what records of the complaint will be kept, for how long and where;
- Explain the action that may be taken if the complaint is found to be vexatious or malicious; and
- Ask the complainant to provide relevant documents or details of witnesses that may support the allegations.

Where there is a concern about supporting information being destroyed or compromised, the Complaint Officer from HR and the person from the Grievance Handling Committee should try to obtain this information before taking any further action.

Step 2: Advise the respondent about the

As soon as practicable but within one week after receiving all necessary information from the complainant and understanding the scope of the complaint, the Complaint Officer from HR and the person from the Grievance Handling Committee will inform the respondent that a complaint has been made. The Complaint Officer from HR and the person from the Grievance Handling Committee will provide the respondent with details of the allegations, and if the Complaint Officer from HR and the person from the Grievance Handling Committee considers it appropriate and necessary to do so, supporting information. The allegations may be provided to the respondent either in writing or email .

When the Complaint Officer from HR and the person from the Grievance Handling Committee informs the respondent of the complaint, the Complaint Officer from HR and the person from the Grievance Handling Committee will also:

- Provide or confirm that the respondent has received a copy of Alpha Power Engineering Co., Ltd. 's Workplace Anti-Harassment and Non-Discrimination Policy and Complaint Handling and Investigation Procedure;
- Confirm that the respondent will be given the opportunity to respond to the allegations;
- Provide information about the complaint process, potential outcomes and options for assistance/support;
- Explain that the process is confidential, what this means and why it is important;
- Explain what records of the complaints will be kept, for how long and where; and
- Explain that it is unacceptable to victimise someone who has made a complaint.

If it is considered necessary to the investigation, Alpha Power Engineering Co., Ltd. may direct either the respondent or the complainant or both to remain away from the workplace and not be involved in Alpha Power Engineering Co., Ltd. 's business. Where does not direct the parties to remain away from work, Alpha Power Engineering Co., Ltd. may monitor the interactions between the complainant and the respondent to identify whether there are any issues that need to be addressed.

Step 3: Provide the respondent with the opportunity to respond to the allegation(s)

The respondent will be provided with an opportunity to respond to the allegation(s). This will normally occur within three (3) working days of the respondent being notified of the allegation(s). The Complaint Officer from HR and the person from the Grievance Handling Committee will document the allegation(s). The Complaint Officer from HR and the person from the Grievance Handling Committee will document the information obtained from the respondent, if it is not provided in writing, and the respondent will be asked to review and confirm the accuracy of the information.

Step 4: Interview any relevant witnesses

If the Complaint Officer from HR and the person from the Grievance Handling Committee considers it necessary or appropriate, they will interview any relevant witnesses to the alleged conduct. To maintain confidentiality, witnesses should only be advised of the nature of the investigation insofar as it relates to them providing accurate and truthful evidence.

Step 5: Clarify contradictory or new evidence

If new or contradictory evidence comes to light during the investigation, the Complaint Officer from HR and the person from the Grievance Handling Committee will hold further discussions with the respondent and/or complainant to clarify information.

If either the respondent or complainant disputes any of the new or contradictory evidence, the
Seek further information from the respondent and/or complainant;

- Seek further statements/information from any witnesses; and
- Gather any other relevant evidence.

The Complaint Officer from HR and the person from the Grievance Handling Committee may continue to seek additional information or clarification from the respondent, complainant or witnesses on any outstanding matters until the Grievance Handling Committee or third-party investigator (if required) is satisfied that there is no additional evidence to be collected or no further clarification is required.

Step 6: Assess the evidence and make a determination

The Complaint Officer from HR and the person from the Grievance Handling Committee will assess the information and evidence gathered and form an opinion about the complaint. The Complaint Officer from HR and the person from the Grievance Handling Committee may find one of the following:

- The complaint is substantiated;

- The complaint is not substantiated; or
- It is not possible to make a conclusive finding about whether discrimination, harassment, sexual harassment and/or bullying occurred.

The Complaint Officer from HR and the person from the Grievance Handling Committee's findings and the standard of proof in the investigation are based on 'the balance of probabilities' – which means it is more likely than not that the conduct occurred.

If the respondent confirms the alleged conduct occurred, the Complaint Officer from HR and the person from the Grievance Handling Committee should provide the respondent with the opportunity to comment on any proposed decision and outcome before a final decision is made. Where the complaint is substantiated, the Complaint Officer from HR and the person from the Grievance Handling Committee may recommend disciplinary action. If the Complaints Person identifies an area that could be improved to reduce or avoid such complaints in the future, the Complaint Officer from HR and the person from the Grievance Handling Committee may recommend that Alpha Power Engineering Co., Ltd. consider implementing those improvements.

Step 7: Notify the complainant and respondent of the outcome

As soon as practicable and within one week of being notified of the Complaint Officer from HR and the person from the Grievance Handling Committee's determination, the decision-maker will notify the complainant and the respondent of the outcome of the complaint. A copy of the decision will be placed on the respondent's employment file.

4.4.2 Variation to the timeframe

There may be occasions, when having regard to the complexity of the facts and the seriousness of the allegations, that the process takes longer or there is a departure from the process. If the timeframes for the investigation are likely to differ greatly from those outlined above, the complainant and the respondent will be informed of this during the course of the investigation. However, Alpha Power Engineering Co., Ltd. will take all practicable steps to undertake and conclude investigations in a timely way.

4.4.4 Work arrangements

When a complaint is lodged, Alpha Power Engineering Co., Ltd. will determine whether the complainant and respondent are required to continue work as normal, or alternative arrangements need to be put in place. For example, either the complainant or the respondent may be asked to take leave without loss of pay or be transferred to another part of the business or a different location, so that a fair and efficient investigation can occur.

In the event that it is safe for the complainant and respondent to work together during the complaints process, a representative of the organisation will work closely and actively amongst them to monitor their relationship and ensure that safety, wellbeing and respect are maintained.

The complainant and respondent have a responsibility to:

- Co-operate fully in the investigation process and the implementation of this policy;
- Participate in the investigation process and the implementation of this policy in good faith;
- Cooperate fully in the investigation process and the implementation of this policy;
- Not make vexatious or malicious complaints; and
- Maintain confidentiality as described above.

4.4.5 Outcomes from the investigation

4.4.5.1 Substantiated complaints

Where the complaint is substantiated, the decision-maker will make a decision on the appropriate action to take, based on the Complaint Officer from HR and the person from the Grievance Handling Committee's findings. Outcomes of a formal investigation can include any combination of the following:

- Counselling, coaching or mentoring;
- Formal written warning;
- Termination of employment (including without notice or pay in lieu of notice); Alpha Power Engineering Co., Ltd. facilitating a meeting between the complainant and the respondent to attempt to resolve the matter by direct discussion;
- Developing a process for 'moving forward';
- Regular monitoring of behaviour;
- Further training and education;
- A commitment by the respondent to change the behaviour or conduct that was the subject of the complaint;
- A change in working arrangements; and
- An apology.

The most appropriate outcome in each case will depend upon factors such as:

- The severity and frequency of the conduct;
- The weight of the evidence against the respondent;
- The wishes of the complainant (however this will not be determinative of the matter);
- Whether the respondent has been given any prior warnings for the same or similar conduct; and
- Training previously provided to the respondent, specifically related to the subject matter of the complaint.

The disciplinary procedure will be applied in a manner that is consistent, clearly explained, fair and proportionate.

4.4.5.2 Substantiated complaints

Where allegations have not been admitted or substantiated, may decide to take some action as a result of the complaint. For example, may:

- Provide refresher training for workers regarding appropriate workplace behaviour;
- or
- Re-issue the workplace anti-harassment and non-discrimination policy, the code of conduct and other related policies to all workers.

Dealing with complaints that involve workers from another organisation

Employees should not be deterred from raising complaints to the Complaint Officer from HR or the person from the Grievance Handling Committee for any issues of harassments or bullying or discrimination or sexual harassments that involve an employee from another organisation while working at the same workplace or working conditions. The Complaint Officer from HR will explain the options available to deal with the complaint. If deems that the matter requires further action, the Complaint Officer from HR will raise the matter with an appropriate representative from the other organisation. Alpha Power Engineering Co., Ltd. will work with the other organisation and determine an appropriate response to the deal with the complaint – either informally or formally, and consistent with the complaints handling policies and procedures of both organisations.

5. Frivolous, vexatious or malicious complaints

Alpha Power Engineering Co., Ltd. encourages the reporting of behaviour that a worker genuinely believes to be discrimination, harassment, sexual harassment or bullying. Further, any such worker must not be disadvantaged or treated unfairly for making a complaint.

However, if a complaint is found to be frivolous, vexatious or malicious, then appropriate disciplinary action up to dismissal may be taken against the complainant. The purpose of this is not to prevent a worker from making a legitimate complaint, where they consider they have been subjected to discrimination, harassment, sexual harassment or bullying behaviour, but rather to prevent a worker from making a complaint in order to create difficulties for another person.

Examples of frivolous, vexatious or malicious complaints include, but are not limited to:

- Fabricating a complaint;
- Making a complaint for the malicious purpose of deliberately harming another person;
- Seeking to re-agitate issues that have already been addressed or determined; and
- Making a complaint that the complainant does not genuinely believe to be true.

6. CONFIDENTIALITY

Alpha Power Engineering Co., Ltd. will ensure that any concerns/issues/complaints raised is handled according to the principles of confidentiality, safety, impartiality, thoroughness, timeliness and accuracy.



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Confidentiality in the complaint resolution process means that a complaint can only be discussed with those people directly involved in the complaint or resolution process & the Grievance Handling Committee.

All complaints and reports, and the name of people involved will be handled in the strictest of confidence. Details will only be released on a “need to know” basic or when required or when a notification to outside authorities has been made. Observing confidentiality helps to ensure the protection of the rights of all parties by limiting access to the details of the complaint. In addition, it helps to limit damage to any existing trust between the aggrieved parties, thereby facilitating resolution.

7. RECORD KEEPING

Where a matter is progressed to formal processes, full records must be maintained. Records may include emails; minutes of meetings; reports, recommendations and recorded outcomes. A file will be created and stored in the Human Resources Department. The WORKPLACE DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND BULLYING COMPLAINT FORM of Annex B (attached with this policy) may be used to assist the record keeping requirements. Where the complaint is proven, records will be retained for 3 years.



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Any other relevant information. (if you have)

What steps have you already taken to resolve the issue(s)? (Include names of the people you have approached for advice and/or assistance. Attach an extra page if necessary.

- Raised the problem with a colleague and/or my manager (please name and detail outcome)

- Lodged a complaint with a third party, such as a government entity or union (please provide details of where the complaint was made and the status of the complaint)

- Other (please provide details)

What resolution are you seeking?

Supporting evidence If there are any documents that (**Alpha Power Engineering Co., Ltd.**) may help investigate your complaint, please provide copies or advise where this information may be obtained.

Confidentiality

Only those directly involved in making or investigating a complaint will have access to information about the complaint (except in circumstances necessitated by law where the alleged conduct is serious and/or may amount to criminal conduct). Please ensure that you maintain confidentiality and do not disclose details of your complaint except to the extent necessary to make your complaint in accordance with the Complaint Handling and Investigation Procedure.

Signature:	Date:
Full Name:	
Office use	
Staff member managing complaint (name and position)	
Date:	Name:
Signature:	Position
	Department:

