

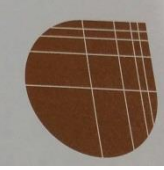


ASRAMA RAYA SDN BHD

STANDARD OPERATING PROCEDURE
SEXUAL HARASSMENT
AND DISCRIMINATION

AR/SOP 4/Sexual Harassment and Discrimination/V3	
Prepared by  Name: Mohd Hakimi bin Abu Hassan Position: Assistant Forest Manager Date: 10-05-2022	Approved by  Name: Chan Kim Men Position: Forest Manager Date: 30-05-2022
Version No.	3
Relevant FSC Indicator	2.2.9
Approval Date	30-05-2022

	ASRAMA RAYA SDN BHD		Ref.	AR/SOP 4/Sexual Harassment and Discrimination/V3
	Policy/Procedure/ Title	Standard Operating Procedure Sexual Harassment and Discrimination		
	Relevant Indicator	2.2.9		
	Prepared by	Asst. Forest Manager	Approved by	Forest Manager
	Version No.	3	Approval Date	30-05-2022

1. INTRODUCTION

Asrama Raya Sdn Bhd (ARSB) and its contractor Jalur Bangsa Sdn Bhd (JBSB) – *Forest Management Unit* are fully committed to a safe, healthy, free from sexual harassment and discrimination on any ground and harassment-free work environment for all employees and believes that every employee must be treated with respect and dignity.

1.1 Purpose

- i. To prevent sexual harassment and discrimination of employees in the workplace.
- ii. To provide an effective mechanism to eliminate sexual harassment and discrimination.
- i. To educate all employees to recognise sexual harassment and discrimination in the workplace are a demeaning practice that constitutes a profound affront to the dignity of persons.

1.2 Scope

This standard of procedure (SOP) applies to all employees of **ARSB** and its contractor **JBSB** at all locations. All workers, at every level are subject to discipline, up to and including discharge, for any violation of this policy. Employees are prohibited from harassing and discriminating each other at any areas.

1.3 Sexual Harassment

1. Sexual harassment is unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee's job performance or creates an intimidating, hostile or offensive work environment.
2. Based on Malaysia Employment Act (amendment) 1955 (Act 265), sexual harassment which is defined as any unwanted conduct of a sexual nature, whether verbal, non-verbal, visual, gestural or physical, directed at a person which is offensive or humiliating or is a threat to his well-being, arising out of and in the course of his employment.
3. Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

1.3.1 Prohibited Sexual Harassment

- Physical assaults of a sexual nature
For example: rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body.
- Unwelcome sexual advances, propositions or other sexual comments
For example: sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in ARSB & JBSB workplace by the ARSB & JBSB employees.

1.4 Discrimination

1. Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by the law, such as sex, age, race or disability.
2. Discrimination can occur:
 - Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic protected by law (see list below).
 - For example, a worker is harassed and humiliated because of their race or
A worker is refused promotion because they are 'too old'.
 - Indirectly, when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic protected by law (see list below).
 - For example, redundancy is decided based on people who have had a worker's compensation claim rather than on merit.
3. Protected personal characteristics under scope of discrimination include:
 - a disability, disease or injury, including work-related injury
 - parental status or status as a carer, for example, because they are responsible for caring for children or other family members
 - race, colour, descent, national origin, or ethnic background
 - age, whether young or old, or because of age in general
 - sex
 - industrial activity, including being a member of an industrial organisation like a trade union or taking part in industrial activity, or deciding not to join a union religion

- pregnancy and breastfeeding
 - marital status, whether married, divorced, unmarried or in a relationship or same sex relationship
 - political opinion
 - social origin
 - medical record
 - an association with someone who has, or is assumed to have, one of these characteristics, such as being the parent of a child with a disability.
4. It is also against the law to treat someone unfavourably because you assume they have a personal characteristic or may have it at some time in the future.

2. PROCEDURE FOR HANDLING SEXUAL HARASSMENT CASE

2.1 Complaint Procedure for Sexual Harassment Case

1. An employee believing or experiencing sexual harassment has occurred to him or her.
2. The employee must gather evidence by making notes or record the incident.
3. The complainant (employee) must submit an official complaint to the Forest Manager / Human Resource Department.
4. The complainant must keep any notes, reading, visual material or sexually explicit documents distributed through any medium without any modification.
5. If necessary, the complainant inform a third party but in the minimum amount to maintain confidentiality.
6. The complainant must identify the other person who saw the incident or the first person who complained about the incident.
7. The complainant must submit an official complaint to the Forest Manager or Human Resource Department (Annex 1 - complaint form).
8. If the case involves serious or criminal offense, the complainant must directly make a report to the police or responsible agency.

2.2 Procedures for Carrying Out Internal Investigations (Sexual Harassment Case)

1. Official complaint is received from the employee / complainant.
2. Forest Manager must arrange the internal investigation framework / plan assisted by the Human Resource Department.
3. An internal investigation must be carried by Forest Manager.
4. Forest Manager must submit investigation report to the Human Resource Department within seven (7) working days.

5. If the complaint case is found to be invalid, Human Resource Department must close the case and inform the complainant and Forest Manager as well as the Director.
6. If the complaint case is found to be valid (either the case is serious or not serious), Human Resource Department must submit the complaint case to Forest Manager and Director.
7. A meeting or discussion must be carried out by Director with Human Resource Department Manager and Forest Manager (valid case).
8. An action must be taken against the offender based on the company's procedures and the outcome of the discussion, either internal action is taken and solved by company or the case is referred to the Police.

2.3 Procedures for Implementing Disciplinary Actions (Sexual Harassment Case)

1. Once the investigation report is completed and the offender is confirmed committed sexual harassment offense, Human Resource Department Manager must hold a meeting with Forest Manager to discuss and plan the disciplinary actions (within three working days).
2. The disciplinary actions must be recorded and kept in the employee's file by Human Resource Department and send to Forest Manager as well as Director.
3. A letter of disciplinary action must be given to the offender in a confidential manner to protect the dignity of the employees.
4. The offender must be subject to suspension of work for a period agreed upon in the discussion or termination of the employment contract immediately (24 hours) depending on the level of offense and the number of offenses committed.
5. If the case is considered serious and cannot be compromised, the company must submit the case directly to the local authority such as the Police Department for the necessary action.

2.4 Procedures for Implementing Corrective Measures (Sexual Harassment Case)

1. In order to prevent the same case from happening again, each case that occurs must be reviewed especially on the cause of the case.
2. An action plan is developed as below:
 - a) Invite local authority to give a talk about sexual harassment to employees.
 - b) Conduct awareness programs to employees.
 - c) Display posters, banners or warning signage about sexual harassment offenses in office and base camp.
 - d) Impose severe disciplinary action such as dismissal or reported directly to the Police.
3. The company must not compromise on any case of sexual harassment whether male or female.
4. All plans or actions taken by the company must be recorded and kept in files as references.
5. All of the documents and records are kept by the Human Resources Department.

2.5 Procedures for Record-Keeping of Internal Investigations Carried Out (Sexual Harassment Case)

1. Any records, evidence of investigation, correspondence, photographs and actions taken are confidential.
2. Any records and documents related to sexual harassment cases are only must be seen by the Forest manager, Human Resources Department Manager, Director, as well as the appointed member of the Internal Investigation Committee (if any).
3. All records and documents related to employees must be kept in the employee's file (confidential) by the Human Resources Department.

3. PROCEDURE FOR HANDLING DISCRIMINATION CASE

3.1 Complaint Procedure for Discrimination Case

1. Employee experience or believe discrimination has occurred to him or her.
2. The employee (complainant) must gather evidence by making notes or record the incident.
3. The complainant must submit an official complaint to the Forest Manager / Human Resource Department (Annex 5 – complaint form).

3.1 Procedures for Carrying Out Internal Investigations (Discrimination Case)

1. Official complaint is received from the employee / complainant.
2. Forest Manager must conduct internal investigation assisted by Human Resource Department.
3. Forest Manager must submit investigation report to the Human Resource Department within seven (7) working days.
4. If the complaint case is found to be invalid, Human Resource Department must close the case and informs the complainant and Forest Manager as well as the Director.
5. If the complaint case is found to be valid, Human Resource Department must submit the complaint case to Forest Manager and Director.
6. A meeting or discussion must be carried out by Director with Human Resource Department Manager and Forest Manager (valid case).
7. An action must be taken against the accused person based on the company's procedures and the outcome of the discussion.

3.2 Procedures for Implementing Disciplinary Actions (Discrimination Case)

1. A show cause letter must be issued to the employee (offender) who committed a discrimination offense.
2. The employee who committed the offense must submit the show cause letter to Human Resource Department within seven (7) working days.
3. An Internal Investigation Unit must be formed and led by the Forest Manager to investigate the case.
4. The Internal Investigation Unit must evaluate and investigate the case through evidence and information obtained.
5. Once the investigation report is completed and the employee is confirmed committed sexual harassment offense, the result of investigation report must be sent to Director.
6. A meeting must be held to discuss the disciplinary action to be taken.
7. The internal discussion with the Human Resource Department Manager and Forest Manager must be held not more than three (3) working days once the full report of the investigation is received.
8. For discrimination offenses, company must impose disciplinary action such as suspending work of employee for a specified period. The first warning letter is issued for the first offense, another warning letter is issued to the offender if the same case is repeated.
9. The disciplinary actions must be recorded and kept in the employee's file by Human Resource Department and send to Forest Manager as well as Director.
10. A letter of disciplinary action must be given to the offender in a confidential manner to protect the dignity of the employees in the company.
11. The company must not compromise with any employee who conduct discrimination against other employees, either forest workers or office workers.

3.4 Procedures for Implementing Corrective Measures (Discrimination Case)

1. To prevent the same case from happening again, each case that occurs must be reviewed on the cause of the case.
2. In order to prevent the same case from happening again, each case that occurs must be reviewed especially on the cause of the case.
3. An action plan is developed as below:
 - a) Conduct short talk regarding discrimination type and offenses by company.
 - b) Conduct awareness programs to employees.
 - c) Display posters, banners or warning signage about sexual harassment offenses in office and base camp.
 - d) Impose severe disciplinary action such as dismissal or reported directly to the Police.

4. The company must not compromise on any case of discrimination t whether male or female.
5. All plans or actions taken by the company must be recorded and kept as a reference. All document and records are kept by the Human Resources Department.

3.5 Procedures for Record-Keeping of Internal Investigations Carried Out (Discrimination Case)

1. Any records, evidence of investigation, correspondence, photographs and actions taken are confidential.
2. Any records and documents related to sexual harassment cases are only must be seen by the Forest manager, Human Resources Department Manager, Director, as well as the appointed member of the Internal Investigation Committee (if any).
3. All records and documents related to employees are kept in the employee's file (confidential). Stored neatly by the Human Resources Department.

ASRAMA RAYA SDN BHD
(Forest Management Unit)

BORANG ADUAN SALAH LAKU GANGGUAN SEKSUAL
(Borang ini diisi oleh pegawai penerima aduan)

Maklumat Pengadu

Nama			
No. Kad Pengenalan			
Alamat			
Jawatan			
No Tel		Email	

Maklumat Pekerja/Pegawai/Suspek Yang Disyaki Mengganggu

Nama			
Alamat			
Jawatan			

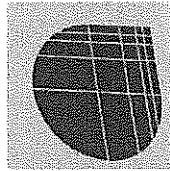
Butiran Aduan

Tarikh Kejadian		Lokasi Kejadian	
Masa Kejadian		Kekerapan Gangguan (Sehingga tarikh aduan)	
Sejarah Gangguan (Tandakan \checkmark)		Kali Pertama	Kes Ulangan
Salah Laku Gangguan Seksual Yang Dilakukan (Sila Jelaskan)			
Kesan Yang Dialami			

Maklumat Tambahan (Jika Berkaitan)

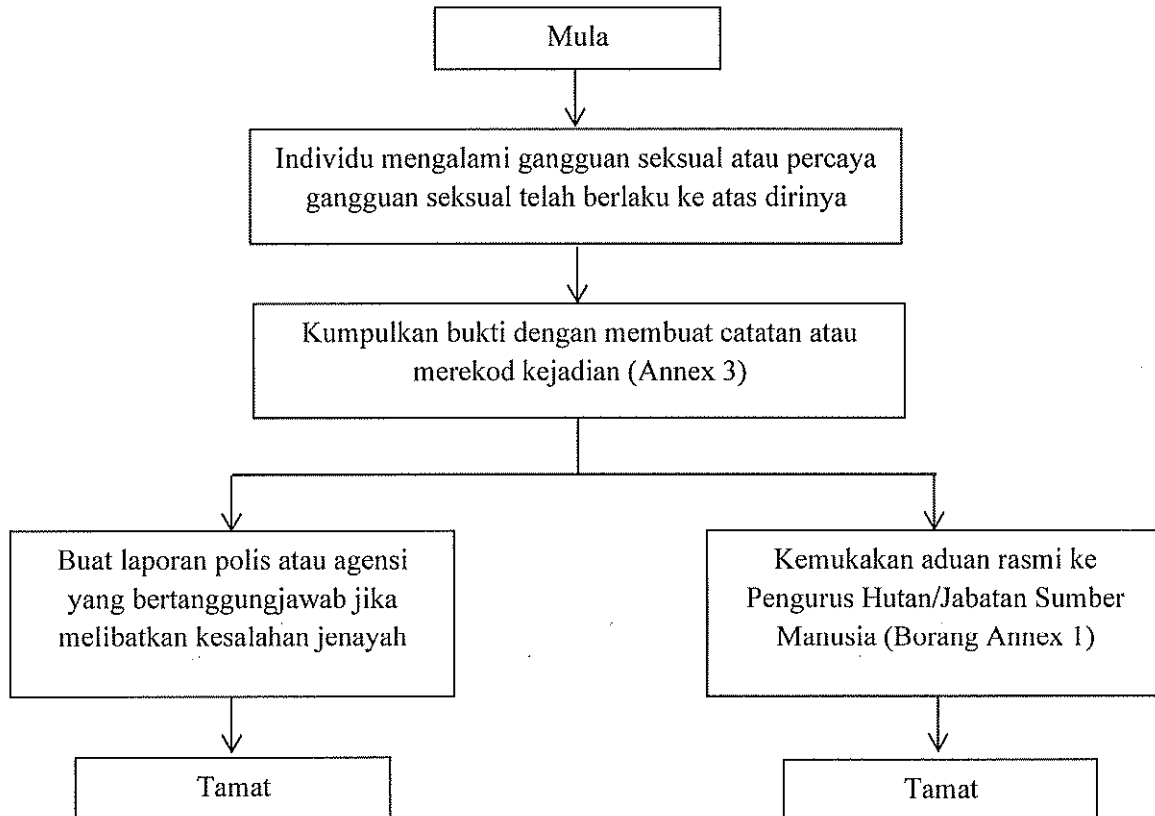
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Jawatan		No. Tel	

Nama Penerima Aduan			
Tandatangan		Tarikh Aduan	
Jawatan			



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(Forest Management Unit)

**Carta Aliran Kerja
Tindakan Yang Boleh Diambil Oleh Pengadu**

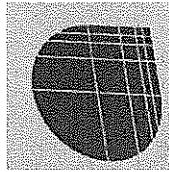


Diluluskan oleh:

Nama : **CHAN KIM MEN**

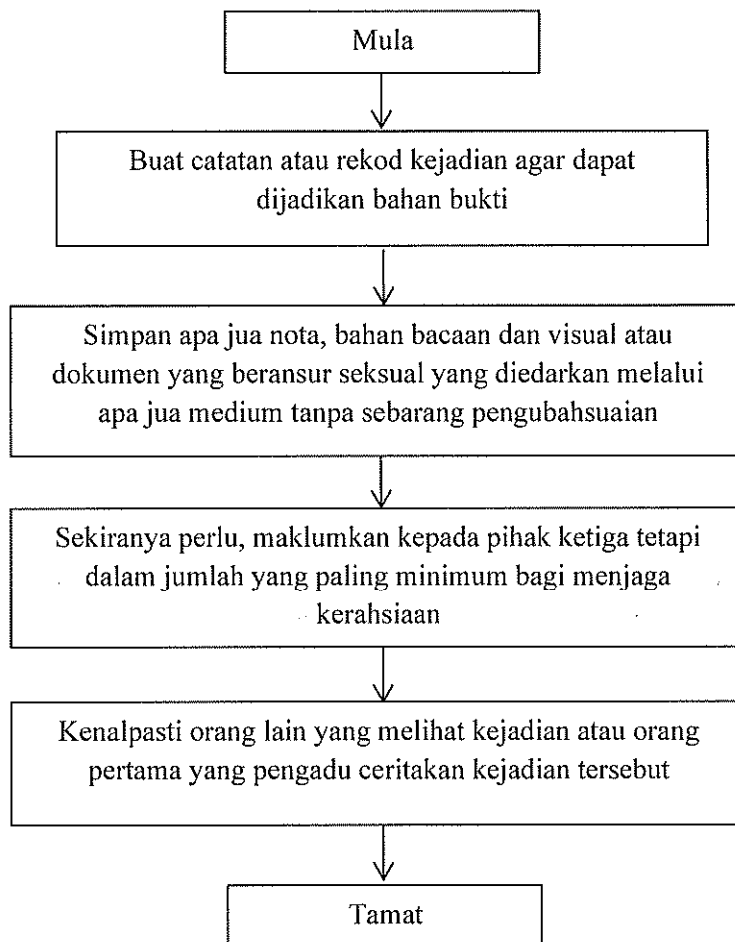
Jawatan : **DIRECTOR**

Tarikh : **11 / 1 / 2021**



ASRAMA RAYA SDN BHD
(Forest Management Unit)

**Carta Aliran Kerja Tindakan
Yang Boleh Diambil Bagi Tujuan Pengumpulan Bukti**

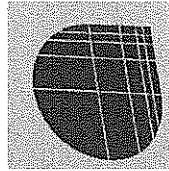


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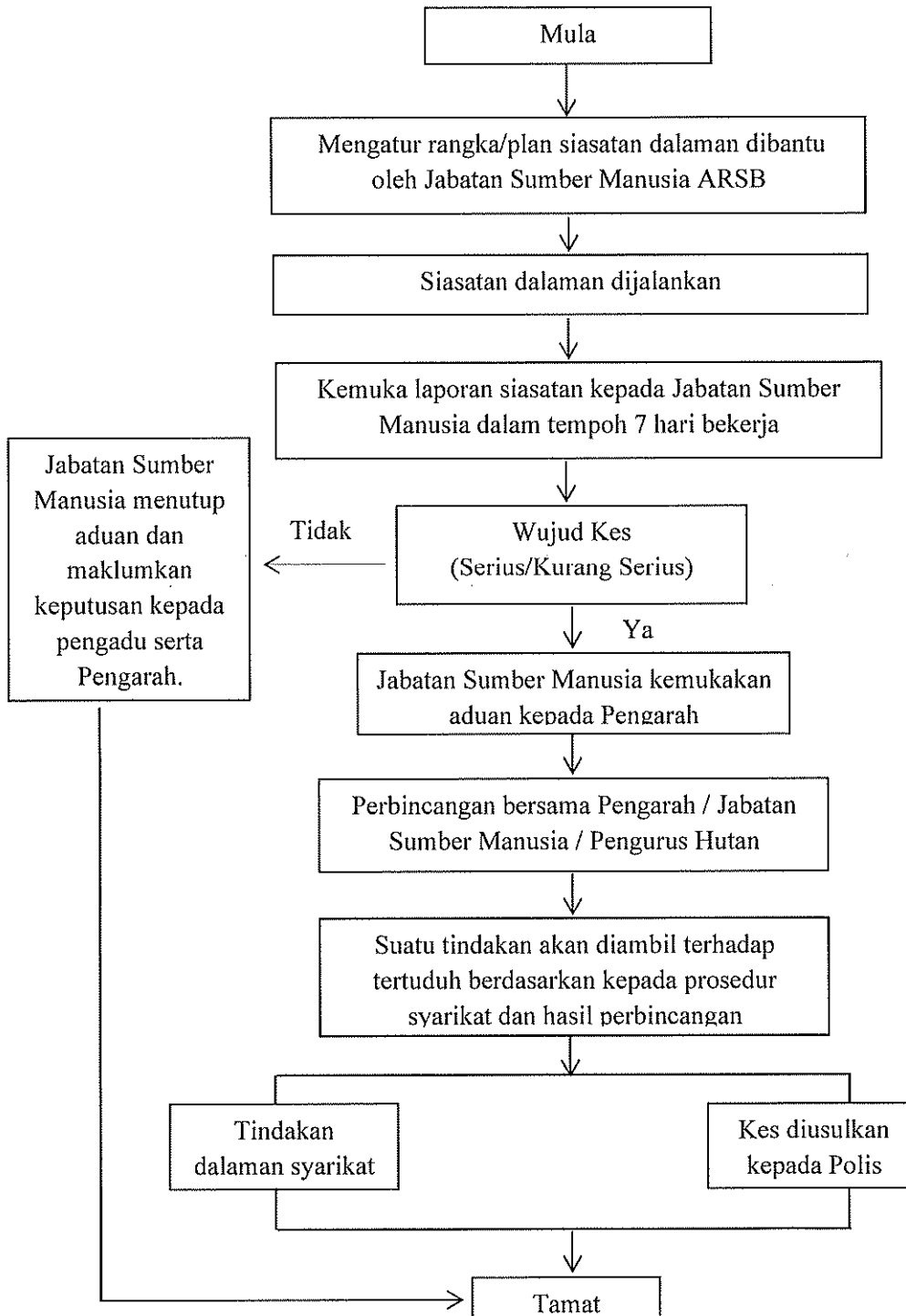
Jawatan : **DIRECTOR**

Tarikh : **11 / 1 / 2021**



ASRAMA RAYA SDN BHD
(Forest Management Unit)

**Carta Aliran Kerja
Tindakan Bagi Siasatan Dalaman**



Ditulis oleh:

Nama : CHAN KIM MEN

Jawatan : DIRECTOR

Tarikh : 11 / 1 / 2021

ASRAMA RAYA SDN BHD
(Forest Management Unit)

BORANG ADUAN SALAH LAKU GANGGUAN & DISKRIMINASI
(Borang ini diisi oleh pegawai penerima aduan)

Maklumat Pengadu

Nama			
No. Kad Pengenalan			
Alamat			
Jawatan			
No Tel		Email	

Maklumat Pekerja/Pegawai/Suspek Yang Disyaki Mengganggu/ Diskriminasi

Nama			
Alamat			
Jawatan			

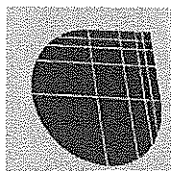
Butiran Aduan

Tarikh Kejadian		Lokasi Kejadian		
Masa Kejadian		Kekerapan Gangguan/ Diskriminasi (Sehingga tarikh aduan)		
Sejarah Gangguan/ Diskriminasi (Tandakan √)		Kali Pertama		Kes Ulangan
Salah Laku Gangguan /Bentuk Diskriminasi Yang Dilakukan (Sila Jelaskan)				
Kesan Yang Dialami				

Maklumat Tambahan (Jika Berkaitan)

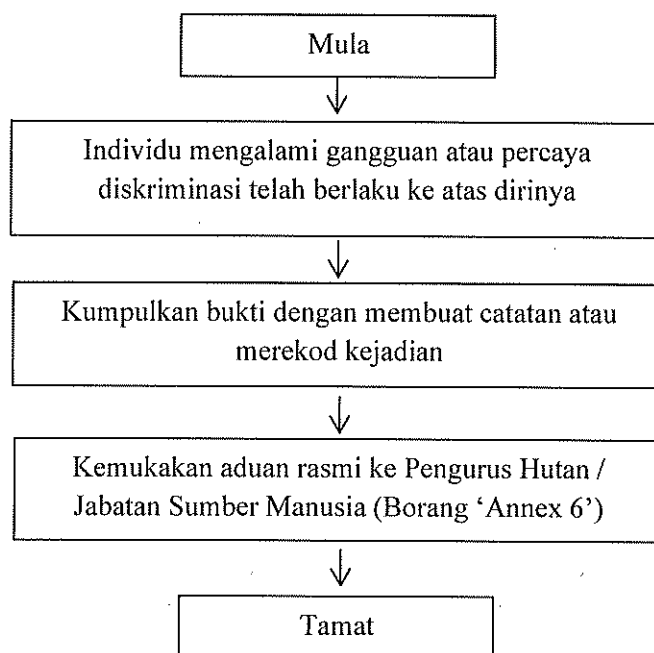
Nama Saksi Kejadian			
Jawatan		No. Tel	

Nama Penerima Aduan			
Tandatangan		Tarikh Aduan	
Jawatan			



ASRAMA RAYA SDN BHD
(Forest Management Unit)

Carta Aliran Kerja
Tindakan yang Boleh Diambil oleh Pengadu

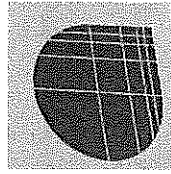


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Nama : CHAN KIM MEN

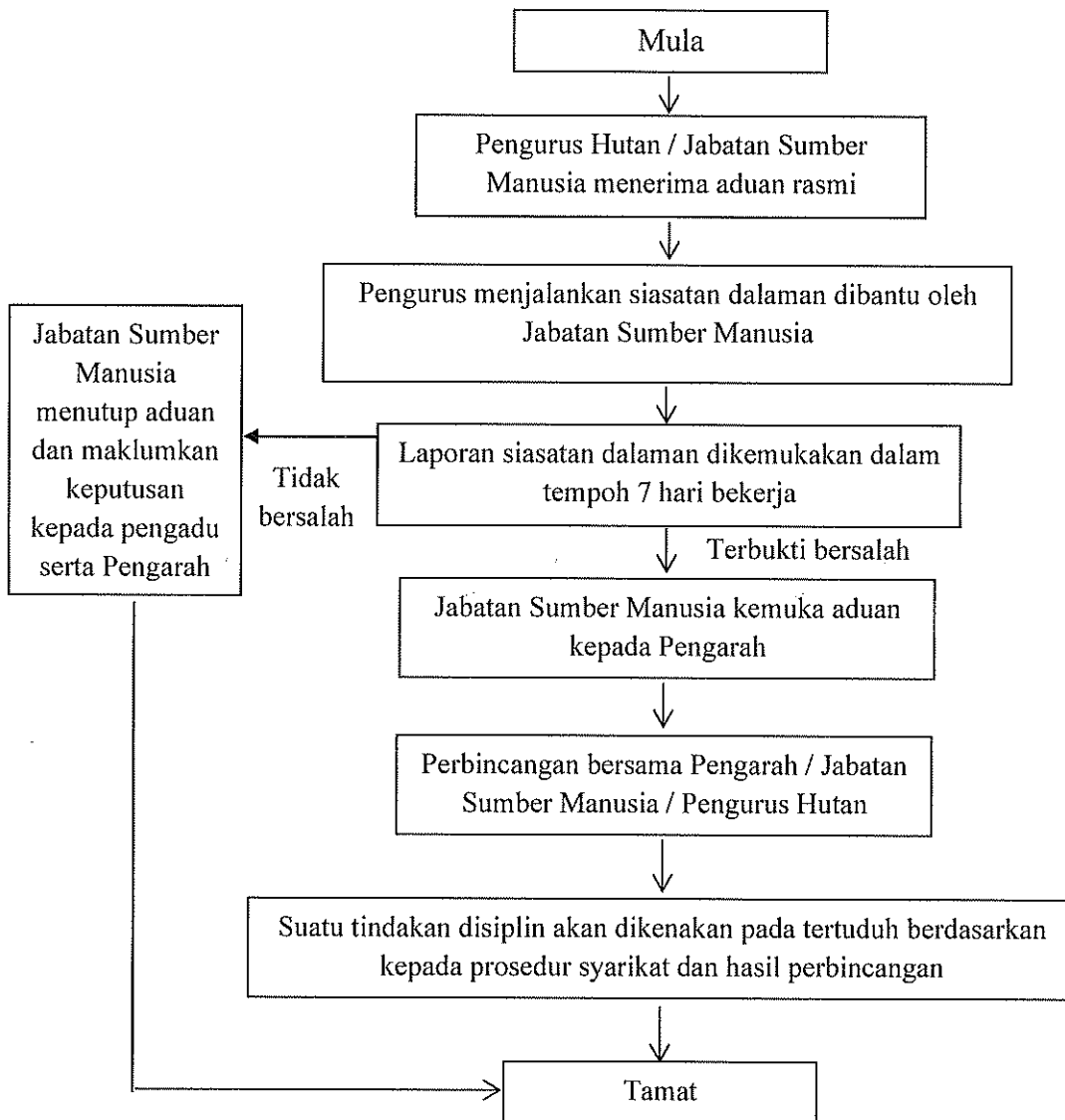
Jawatan : DIRECTOR

Tarikh : 11/1/2021



ASRAMA RAYA SDN BHD
(Forest Management Unit)

**Carta Aliran Kerja
Tindakan Bagi Siasatan Dalamam**



Dibuluskan oleh :

Nama : **CHAN KIM MEN**

Jawatan : **DIRECTOR**

Tarikh : **11/11/2021**