



SHWE TAUNG

Shwe Taung Development Co., Ltd.

Ahlong Tower, Strand Road,

Ahlong Township, 11121

Yangon, Myanmar.

T +95 | 2314567, 2316643

+95 | 2316198, 2316741

F +95 | 2316044, 2316120

E info@shwetaunggroup.com

Respectful Workplace Policy

August 2020 Issue

Introduction

No form of bullying or sexual harassment is condoned, tolerated or allowed within the Group whether engaged in by fellow employee, supervisors, managers, clients or other non-employee who conduct business with STG.

Workplace bullying

Workplace bullying is repeated and unreasonable behavior directed towards a worker or a group of workers that creates a risk to health and safety.

- a. Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time. A single incident of unreasonable behaviour is not normally bullying, but may create a risk to health and safety or have the potential to escalate into bullying and therefore should not be ignored.
- b. Unreasonable behaviour means behavior that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimizing, humiliating, intimidating or threatening.
- c. Examples of behaviours, whether intentional or unintentional, that may be workplace bullying if they are repeated, unreasonable and create a risk to health and safety include, but are not limited to:
 - (i) Abusive, insulting or offensive language or comments
 - (ii) Aggressive and intimidating conduct
 - (iii) Constant ridicule and being put down
 - (iv) Repeated threats of dismissal or other severe punishment for no reason
 - (v) Humiliating a person through gestures, sarcasm, criticism and insults often in front of customers, management or other workers
 - (vi) Practical jokes or initiation
 - (vii) Unjustified criticism or complaints

- (viii) Sabotaging a person's work, for example by denying access to supervision, consultation or other resources; withholding or supplying incorrect information; hiding or sabotaging documents or equipment; not passing on messages; and getting a person into trouble in other ways
 - (ix) Setting tasks that are unreasonably below or beyond a person's skill level
 - (x) Setting unreasonable timelines or constantly changing deadlines
 - (xi) Deliberately changing work arrangements, such as rosters and leave, to inconvenience a particular worker or workers
 - (xii) Spreading gossip or malicious rumours about a person
 - (xiii) Deliberately excluding someone from work-related activities
 - (xiv) Interfering with someone's personal property.
- d. Not all behaviour that makes a person feel upset or undervalued at work is workplace bullying.
- e. Differences of opinion and disagreements are generally not workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases, conflict that is not managed may escalate to the point where it becomes workplace bullying.
- f. Workplace bullying does not include reasonable management action taken in a reasonable way by the person's employer in connection with the person's employment.
- g. Reasonable management actions include, but are not limited to:
- (i) Setting realistic and achievable performance goals, standards and deadlines
 - (ii) Fair and appropriate rostering and allocation of working hours
 - (iii) Transferring a worker to another area or role for operational reasons
 - (iv) Deciding not to select a worker for a promotion where a fair and transparent process is followed

- (v) Informing a worker about unsatisfactory work performance in an honest, fair and constructive way
 - (vi) Informing a worker about unreasonable behaviour in an objective and confidential way
 - (vii) Implementing organizational change or restructuring, and
 - (viii) Taking disciplinary action including suspension or termination of employment where appropriate or justified in the circumstances.
- h. The question of whether management action is conducted in a reasonable way is determined by considering the actual management action rather than a worker's perception of it, and where management action involves a significant departure from established policies or procedures, whether the departure was reasonable in the circumstances.

Sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated.

- a. Sexual harassment can take various forms. It can involve conduct such as:
- (i) Suggestive comments or jokes
 - (ii) Insults or taunts of a sexual nature
 - (iii) Inappropriate advances on social networking sites
 - (iv) Sexually explicit pictures, posters, screensavers, emails, tweets, social networking posts, SMS or instant messages
 - (v) Intrusive contact or conduct of a suggestive nature via phone, text, email, social media, or in-person outside of working hours
 - (vi) Staring or leering
 - (vii) Intrusive questions about another person's private life or body
 - (viii) Unwanted invitations for sex

- (ix) Persistent requests to go out on dates
 - (x) Unnecessary familiarity, such as deliberately brushing up against someone
 - (xi) Unwelcome touching, hugging or kissing
 - (xii) Accessing sexually explicit internet sites at work; and
 - (xiii) Behavior which would also be an offence under the criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communications.
- b. A single incident is enough to constitute sexual harassment – it doesn't have to be repeated. Both men and women can experience sexual harassment at work, however, it is most commonly experienced by women.
- c. There are two types of sexual harassment in the workplace:
- (i) Quid pro quo sexual harassment reflects inappropriate use of power and occurs when some type of employment benefit is made or perceived to be contingent on sexual favours in some capacity.

It includes requests for sexual favours, unwelcome advances, or other verbal or physical conduct of a sexual nature when either of the following conditions is met:

- Agreeing to such request or conduct is made or perceived to be a term or condition of an individual's employment; or
 - The request or conduct is explicitly or implicitly used as the basis for employment decisions affecting that individual.
 - Usually this type of sexual harassment occurs between someone in a position of power and a subordinate.
- (ii) Intimidating, hostile or offensive environment sexual harassment occurs when there are frequent or pervasive unwanted sexual comments, advances, requests for sexual favours or other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

If an employee initiates an honest attempt to start a sexual or romantic relationship with another employee, this is not usually considered harassment, provided the

attempt is not repeated. However, if the other employee feels humiliated, offended or intimidated by the attempt, then this behavior is considered harassment.

Employee Rights and responsibilities

- a. All employees are entitled to:
 - (i) Work free from bullying and sexual harassment
 - (ii) The right to make an enquiry or complaint under the Code of Conduct in a reasonable and respectful manner without being victimized.

- b. All employees must:
 - (i) Follow the standards of behaviour outlined in the COC
 - (ii) Offer support to people who experience workplace bullying or sexual harassment, including providing information about how to make a complaint
 - (iii) Avoid gossip and respect the confidentiality of complaint resolution procedures
 - (iv) Treat others with dignity, courtesy and respect.

- c. Managers and supervisors must also:
 - (i) Model appropriate standards of behaviour
 - (ii) Take steps to educate and make staff aware of their obligations under the COC.
 - (iii) Intervene quickly and appropriately when they become aware of inappropriate behaviour - All incidents of workplace bullying and sexual harassment – no matter how large or small or who is involved – require managers and supervisors to respond quickly and appropriately.
 - (iv) Act fairly to resolve issues and enforce workplace behavioural standards, making sure relevant parties are heard.
 - (v) Help staff resolve complaints informally.

- (vi) Refer formal complaints about breaches of the Code of Conduct to HR department, to the Workers Grievance Committee or the Code of Conduct Compliance Committee (COCC) for investigation.
 - (vii) Ensure staff who raise an issue or make a complaint are not victimised
- d. An employee who believes that he or she has been the subject of sexual harassment or bullying is encouraged to report the alleged act(s) to his or her supervisor, department head, the HR department or the COC Committee; regardless of who the offender may be or what position they may hold in the company.
- e. To formally raise an allegation of bullying or sexual harassment an employee must provide a written statement of allegations (Grievance Letter, Appendix – GLI). The written details should include:
- (i) The name of the harasser;
 - (ii) As much detail as possible about the nature of harassment;
 - (iii) The dates and times when harassment occurred;
 - (iv) The names of any witnesses to any incidents of harassment

Informal Resolution

- a. After reporting the behavior to a supervisor, department head, the HR department, the respective Workers Grievance Committee or the Code of Conduct Compliance Committee, the complainant will be given the opportunity to tell the person responsible that they find his/her behavior offensive and ask him/her to stop. The complainant may wish to ask a colleague or employee representative to be present.
- b. If the complainant does not feel comfortable confronting the harasser, or if the matter cannot be resolved informally, a formal investigation should be undertaken in accordance with Sections below.

Formal Investigation

- a. Any complaint brought to the attention of the company's designees (supervisor, department head, the HR department, the Workers Grievance Committee or the Code of Conduct Compliance Committee) will be investigated within (30) days after receipt of the complaint by the Workers Grievance Committee or by the Code of Conduct Compliance Committee in a confidential manner which will protect the privacy of the persons involved, to the utmost extent possible.

- b. The investigation shall be fair and impartial for both complainants and alleged harasser.
- c. This investigation will include the following:
 - (i) Interview with the complainant as to the alleged event(s)
 - (ii) The complainant should be given an opportunity to express their preferred outcome from the complaints process, with the understanding that an alternative outcome may be deemed more suitable by the investigative team
 - (iii) Interview with the alleged harasser as to the alleged event(s)
 - (iv) Interview with any witnesses or anyone else who may have any information regarding the complaint.
- d. Confidentiality must be maintained throughout the investigatory process to the fullest extent practical and no information regarding the complaint or the parties involved shall be provided to anyone outside of the investigatory process unless there is a criminal action or without the approval of all parties involved in so far as possible.
- e. Any employee involved in the investigation must treat the proceedings as confidential and failure to do so shall be considered a disciplinary offence.
- f. Victimization of the complainant or witnesses shall lead to automatic disciplinary action.

Determining Whether Workplace Bullying or Sexual Harassment Occurred and Assessing the Severity of the Harassment

- a. The following factors can help determine whether workplace bullying or sexual harassment occurred:
 - (i) Whether the conduct included any of the actions listed in Workplace Bullying and/or Sexual Harassment;
 - (ii) Whether the conduct was patently offensive;
 - (iii) Whether the conduct would have breached the dignity or respect of a reasonable person in the circumstances.
- b. The following factors can help determine the severity of the harassment:

- (i) Whether the conduct was verbal or physical or both;
 - (ii) How frequently the conduct was repeated;
 - (iii) Whether the alleged harasser was a co-worker, a client, third party or supervisor;
 - (iv) Whether others joined in perpetrating the harassment; and
 - (v) Whether the harassment was directed at more than one individual.
- c. Whether or not any given behavior qualifies as workplace bullying or sexual harassment will be assessed on a case-by-case basis. In addition to the impact on the harassed individual, consideration will also be given to whether the conduct created an intimidating, hostile or offensive environment for co-workers of the victim.
 - d. STG recognizes that comments and behavior that do not offend one person can offend another. This policy requires all staff and volunteers to respect other people's limits.
 - e. In relation to sexual harassment, the intent of the harasser is not relevant. Statements like "I didn't mean to harass" are not considered. It is the impact of the harasser's behaviour, which is mainly considered.
 - f. When confronting conflicting evidence as to whether conduct was welcome or unwelcome, STG will look at the totality of the circumstances, evaluating each situation on a case-by-case basis.
 - g. 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.

Harassment is Found to Have Occurred

- a. Where harassment has been found to have occurred, the appropriate outcome should be focused on getting the harasser to cease the harassing behavior and providing support to the complainant.
- b. Outcomes include:
 - (i) Remediation between the complainant and the harasser and support for their reintegration into their respective roles within the workplace

- (ii) Disciplinary procedures as deemed appropriate given the severity of the harassing behavior, which may include, from less severe to most severe: verbal warning/mediation/apology, referral to training, written warning, withholding of salary increase, transfer, minor financial penalty, temporary suspension without pay, demotion, major financial penalty (e.g. withholding of bonus), final warning, termination, referral to police
 - (iii) The finding of any Quid Pro Quo sexual harassment should automatically result in termination of the harasser, suspension without pay, final warning, or a financial penalty of the harasser
 - (iv) If the behavior involves violence, for example physical or sexual assault or the threat of physical or sexual assault, it should be reported to the police.
- c. In all cases where harassment has been found to have occurred, support services or counselling should be made available to the complainant.

If the investigation determines that no workplace bullying or sexual harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

STG recognizes that false accusations of workplace bullying and sexual harassment can have serious effects on innocent persons. If, after the investigation, it is found that the complainant has maliciously or recklessly made a false accusation, the complainant will be subject to appropriate sanctions. In such an event, STG will also take appropriate action to restore the reputation of the accused.

Upon completing the investigation of a sexual harassment complaint, the company will communicate its findings and intended actions to the complainant and alleged harasser.

In all cases and whatever the outcome following a formal investigation, a record of the complaint and the outcome will be recorded and stored in a secure centralized filing system. These files will be kept separate from employee files, however where any employee has been found to have committed workplace bullying or sexual harassment and breached the Code of Conduct, a notation of that finding should be included in their personnel file.