

ស៊ីនយុនហ្វេង (ខេមបូឌា) ហ្វេសិន ឯ.ក

XIN YUN FENG (CAMBODIA) FASHION CO.,LTD

ភូមិ ព្រៃព្រីងត្បូង២ សង្កាត់ចោមចៅ៣ ខណ្ឌ ពោធិ៍សែនជ័យ រាជធានីភ្នំពេញ

#99(B) (B1), Prey Pring Khang Thboun2 Village, ChomChao 3 Commune, Posenchey District Phnom Penh

គោលនយោបាយនិងនីតិវិធីមិនមានការយាម Non-Harassment /Discrimination Policy & Procedure			Doc Ref #: XYF-HR-9
			Rev #: 03
Prepared by: HR Manager	Representative Shop Steward/Union	Approved by: General Manager	Date of Review: 2 January 2024
Seng Chhai Samvichit 	Merng Meas 	Guan chungui  	Date of Issue: 9 January 2024

1. POLICY STATEMENT

In accordance with its commitment to provide compliance and to ensure a work environment free of harassment, abuse or corporal punishment in any forms. The company strives to create and maintain a work environment in which people are treated with dignity, decency and respect.

The company encourages workers to report instances of harassment of abuse without fear of retribution, through effective communication of this policy and timely resolution of matter reported.

2. PURPOSE

This policy is created to educate employees on how to recognized different kinds of harassment and train them on the proper way of dealing such acts.

3. SCOPE

This policy is applicable to all employees regardless of their positions, is covered by and is expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur.

4. DEFINITION

- a. Harassment –is defined as unwelcome verbal, visual, written or physical conduct, which creates an intimidating, or hostile work environment.
- b. Sexual Harassment - is a form of discrimination and is unlawful sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive

working environment."

- c. Verbal Harassment – is another type of harassment which includes derogatory comments, name-calling and intentional insult, and hostile verbal abuse.
- d. Disability - A physical or mental impairment that substantially limits one or more major life activity.
- e. Epithets - an offensive word or name that is used as a way of abusing or insulting someone
- f. Retaliation - to do something bad to someone who has hurt you or treated you badly: to get revenge against someone
- g. Discrimination: Illegal treatment based on a person's race, religion, color, sex, national origin/ancestry, citizenship, age, marital status, disability, sexual orientation, veteran or any other protected class status.

5. RESPONSIBILITIES

a. Management

Manager or supervisor has to responsibility of maintaining a workplace free of harassment. If a manager or supervisor receives a report of abuse or harassment of any form, he/she shall take prompt action to eliminate such behavior and report such behavior immediately to Human Resources as stated clearly in this policy.

b. Employees

Employees shall forbid unwelcome sexual advances, requests for sexual favors, or other verbal or physical contact of sexual in nature to employees. Employees are also expected to cooperate in any investigation conducted pursuant to this policy.

c. Human Resources Department

The Human Resources Department is responsible for enforcing this policy and thoroughly investigating all complaints or reports of harassment.

6. CONTENTS

a. PROHIBITED CONDUCT UNDER THIS POLICY

1. Discrimination

- a) It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.
- b) Discrimination in violation of this policy will be subject to severe sanctions up to and including termination.

2. Harassment- This policy prohibits harassment of any kind, including sexual harassment, and the company will take appropriate action swiftly to address any violations of this policy.

- a) Verbal - Comments that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance. Epithets, negative stereotyping. Falsely accusing or blaming, jokes, insults and innuendoes (based on race, sex, age, disability, etc.), degrading sexual remarks, referring to someone as a stud, hunk or babe; whistling; cat calls; comments on a person's body or sex life, or pressures for sexual favors.
- b) Nonverbal- Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, appearance disability, and gender identity, marital or other protected status.

3. Sexual Harassment: Sexual harassment in any form is prohibited under this policy.

a. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- 1) Is made explicitly or implicitly a term or condition of employment.
- 2) Is used as a basis for an employment decision.
- 3) Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

b. Examples of conduct that may constitute sexual harassment are:

1) Verbal: Sexual innuendoes, suggestive comments, joke of a sexual nature, sexual propositions, lewd (means crude and offensive in a sexual way) remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sex oriented and considered unwelcome.

2) Nonverbal: The distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, text messages, Internet postings, etc., that is sexual in nature.

3) Physical: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

7. RETALIATION (REVENGE)

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

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

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

8. THE COMPLAINT PROCESS

Any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action, and the registering of a complaint will in no way be used against the employee nor will it have an adverse impact on the individual's employment status. While reporting such incidents would be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited and will not be entertained.

- a. Confidentiality: If an employee wishes to file a complaint, it will be treated with great confidentiality and the identities of the person involved will be treated with great care.
- b. Complaint Procedure: The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination or retaliation.

A person who feels harassed, discriminated or retaliated against may initiate the complaint process by:

1. Filing a written and signed complaint with the HR Department. (If no formal written complaint submitted, complaint will not be acted upon.
2. Upon receiving the complaint, the HR Officer in charge will review the complaint and will inform to General Manager.
3. Within five (5) working days of receiving the complaint, the General Manager will:
 - a) Notify the person(s) charged of a complaint.
 - b) Initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. During the investigation, the General Manager, together other management employee, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
5. Within 15 business days of the complaint being filed (or the matter being referred to the General Manager), the General Manager or other person conducting the investigation will conclude the investigation and submit a report of his or her findings to the company.
6. If it is determined that harassment or discrimination in violation of this company's policy has occurred, the General Manager will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - a) The severity, frequency and pervasiveness of the conduct;
 - b) Prior complaints made by the complainant;
 - c) Prior complaints made against the respondent;
 - d) The quality of the evidence (first-hand knowledge, credible corroboration etc.).

7. If the investigation is inconclusive or it is determined that there has been no harassment or discrimination in violation of this policy, but some potentially problematic conduct is revealed, preventative action may be taken.
8. Within five (5) days after the investigation is concluded, the General Manager will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation and to inform them of the action being recommended by the Management/General Manager.
9. The complainant and the respondent may submit statements to the General Manager challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the General Manager in which the findings of the investigation is discussed.
10. Within 10 days, after meeting with the complainant and the respondent, the GM and other management staff will review the investigative reports submitted by both parties and discuss the appropriate action to be taken.
11. The General Manager will inform the complainant and the respondent of the company's decision. The company's decision will be in writing and will include finding of fact and a statement for or against disciplinary action. If disciplinary action is to be taken, the sanction will be stated.

9. APPENDIX

A. Harassment/Discrimination Complaint Form

