

Harassment-free Workplace Policy (Hong Kong specific)

Introduction

This document details the Company's harassment-free workplace policy, describes behaviour that is unacceptable in the workplace, outlines our harassment resolution process and answers certain questions concerning the policy's interpretation.

This policy applies to all employees on the Hong Kong payroll of CLP Holdings Limited and its Hong Kong subsidiaries from time to time (collectively referred to as "the Company" or "CLP"), together with all directors, officers, consultants, contractors, interns, secondees, casual and agency staff who work for CLP in Hong Kong or at any of CLP's premises in Hong Kong.

This policy does not impose any contractual obligations on the Company or CLP (or, for the avoidance of doubt, create any contractual rights for employees). The Company may amend the policy at any time.

It is the Company's objective to provide a work environment free from harassment. All individuals have a responsibility to behave in a manner that is not offensive or likely to be perceived as offensive to others. The aim of this harassment-free workplace policy is to explain and prevent the types of unacceptable behaviour which could amount to harassment.

Any employee acting in breach of this policy may be liable to disciplinary action up to and including summary dismissal, and any non-employee may be subject to other appropriate action up to and including termination of the arrangements for provision of services. Harassment may also be unlawful and the harasser may be held personally liable for such conduct.

Harassment in the Workplace

Harassment at work will not be permitted. The Company is committed to preventing harassment in any CLP workplace in Hong Kong.

This policy prohibits any form of unlawful harassment. Under Hong Kong law, harassment is currently prohibited on the grounds of gender, disability and race. In addition, this policy also prohibits harassment on the grounds of nationality, religion, age, family status and sexual orientation, which are not unlawful, but which the Company considers inappropriate and unacceptable. Any employee on the Hong Kong payroll but working outside Hong Kong, must also abide by any law applicable in the place where that employee is working.

If an employee considers that he or she is being harassed on grounds other than those stated above, but which a reasonable person would regard as inappropriate and unacceptable, then the case should be reported and addressed under the Company's Grievance Resolution Policy.

The objective of this policy is to provide a work environment free from harassment. The Company prohibits any form of harassment on the grounds detailed above by or towards any of its employees, directors, officers, consultants, contractors, interns, secondees, casual and agency staff, suppliers, customers or any persons visiting CLP's premises in Hong Kong.

Forms of harassment can include, but are not limited to, unwelcome verbal, non-verbal and physical conduct. Please refer to "Forms of Harassment" below for further details and examples. Individuals who believe they have been subjected to harassment, and individuals who observe or become aware of harassment, should follow the "Harassment Resolution Process" detailed below. It is not safe for individuals to assume that the Company is already aware of a problem. All concerns about possible harassment should be addressed in accordance with the Harassment Resolution Process, so that appropriate corrective steps can be taken.

In addition, the Company will not tolerate intimidation or victimisation of any individual who reports a concern about harassment or who assists in any investigation of alleged harassment. Individuals must be able to raise concerns and make reports without fear of reprisal. Any victimisation or retaliation against an individual who has complained of harassment can be expected to lead to disciplinary action against the retaliator (where the retaliator is an employee) or other appropriate action (where the retaliator is a non-employee).

This policy contains a detailed explanation of what can constitute harassment. Any questions about what constitutes harassment should be directed to the Human Resources Department.

Categories of Harassment

For the purposes of this policy, there are two broad categories of harassment which can be described as follows:

(1) **Creation of a Hostile Work Environment:** This occurs when a person engages (either alone or with other persons) in conduct on a ground which is prohibited by this policy (whether or not unlawful under the laws of Hong Kong) and which creates an intimidating or hostile work environment for another person.

To determine if specific behaviour creates an intimidating or hostile work environment, a “reasonable person” test will be applied – i.e. would a reasonable person have expected that the behaviour could create an intimidating or hostile work environment?

(2) **Unwelcome Conduct:** This occurs when a person engages in unwelcome conduct on a ground which is prohibited by this policy (whether or not unlawful under the laws of Hong Kong) towards another person in circumstances where a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated by the conduct.

This type of harassment includes misuse of authority, where the purpose or effect of the harassment is to allow an employment decision to be affected by the submission to, or the rejection of, inappropriate demands, including demands of a sexual nature.

It is important to be aware that the intention or motive of the alleged harasser is not relevant when determining whether behaviour is unwelcome. The conduct does not have to be intended or designed to harass a person for it to be considered harassment.

Behaviour which constitutes harassment may fall within (1) or (2) above or both. Further examples are given below.

Forms of Harassment

Harassment can occur in several different types. Listed below are common forms harassment can take, with some examples. These are examples and not exhaustive lists:

Verbal conduct on a ground which is prohibited by this policy (whether or not unlawful under the laws of Hong Kong) - for example, of a sexual or racial nature, such as:

- degrading jokes, comments or innuendoes relating to an individual's protected characteristics;
- racial or ethnic slurs or epithets;
- sexually graphic comments or epithets;
- unwanted sexual flirtations or propositions;
- threats of harm or violence.

Verbal harassment can be in the form of oral, written or electronic communications, including email and voice mail.

Non-verbal conduct on a ground which is prohibited by this policy (whether or not unlawful under the laws of Hong Kong) - for example, of a sexual or racial nature, such as:

- derogatory, demeaning or suggestive posters, cards, cartoons, graffiti, drawings;
- pornographic material;
- suggestive gestures or objects;
- intimidating or threatening gestures or behaviour;
- the organising of kiss-o-grams or strip-o-grams.

Physical conduct, such as:

- unnecessary and unwanted touching;
- impeding or blocking movements;
- physical interference with normal work or movement;
- assault.

Please refer to Annexes 1 and 2 to this harassment-free workplace policy for examples of conduct which is not harassment, a guide to assessing behaviour, and some questions and answers.

Harassment Prevention

Harassment will not be tolerated by the Company. The Company has a clear objective of providing a working environment free from harassment. The Company has taken a number of actions to prevent harassment from occurring. These actions include:

Policy

The Company has implemented this harassment-free workplace policy which expressly prohibits forms of harassment as described above, including unlawful harassment and other behaviour which the Company considers inappropriate and unacceptable.

Harassment Resolution Process

The Company has also put in place a harassment resolution process which provides a procedure to follow for any individual who observes or becomes aware of harassment or who believes he or she has been subjected to harassment.

Communications

New employees and contractors learn about our harassment-free workplace policy and harassment resolution process at the commencement of employment or engagement. Subsequent communication occurs through periodic reminders communicated to them. The policy and resolution process are included in MyWorkplace under GHR Portal.

Education and Training

Our harassment-free workplace policy is included in our induction program for new hires and the contract for services with any newly appointed contractor. The Company also conducts periodic training for employees and contractors, including supervisors and managers, on discrimination and harassment.

Enforcement

Any employee acting in breach of this policy may be liable to disciplinary action, up to and including summary dismissal, and any non-employee may be subject to other appropriate action up to and

including termination of the arrangements for provision of services.

Harassment Resolution Process

The Company provides the following resolution process for any individual who observes or becomes aware of harassment or who believes that he or she has been subjected to harassment.

It is important that individuals follow this process, because failure to report harassment may allow the inappropriate behaviour to continue unchallenged. This can signal to the perpetrator that the behaviour may be acceptable and create an opportunity for more individuals to be harassed.

The Company's harassment handling process includes the following steps:

1. Report of Harassment

If an individual observes or becomes aware of harassment or believes that he or she has been the subject of harassment, he or she should promptly report his or her concerns about the conduct to a supervisor, management or Human Resources. The Company expects a report to be made at the earliest possible opportunity. A supervisor or manager who receives a report of alleged harassment must promptly notify Human Resources.

To ensure a fair and proper handling of concerns, individuals who report alleged harassment are expected to identify themselves. Anonymous complaints will not usually be accepted. The Company's objective will be to limit disclosure of the complainant's identity to those involved in the course of the Company looking into the matter or as part of any formal investigation, including the alleged harasser and any relevant witnesses.

The individual concerned may of course also inform the person responsible. In confronting potentially harassing conduct, an individual should be direct and candid, and clearly communicate that the behaviour is considered unwelcome and offensive and must stop.

If an individual believes that he or she has been the subject of harassment, it is recommended that he or she should keep a record of all events, from the first instance.

2. Investigation or other Appropriate Action

In circumstances where an individual reports a concern, or the Company otherwise becomes aware of possible harassment occurring, the Company will look into the matter. This can be expected to occur even if an individual involved does not request the matter to be dealt with.

If the Company considers that the circumstances are such that a formal investigation is not appropriate or not warranted or not viable, it will take such other steps as it considers appropriate to resolve the matter.

Where the Company decides to carry out a formal investigation, this will take place as soon as possible.

Whilst every effort will be made to conclude an investigation expeditiously, the numbers of people involved and the scope of the matters being investigated may impact on the time taken. The scope and nature of the investigation will be determined by the Company and may include individual meetings with each of the relevant parties, including the alleged harasser, who will be informed of the allegations and given an opportunity to respond to them.

(If any individual raises a concern which is found to be capricious, malicious or knowingly false, then any ongoing investigation will cease and disciplinary or other appropriate action may be taken against the individual; but as long as a concern is raised in good faith, the Company will not take any such action.)

3. Outcome of Process

If a concern is raised and is upheld, the individual will be notified and given an explanation of what action is proposed. The individual may not be provided with details of any action taken against the alleged harasser, as this is confidential between the Company and the alleged harasser. If the alleged harasser is an employee, disciplinary action may result in the summary dismissal of the harasser if the concern is upheld and sufficiently serious. If the alleged harasser is a non-employee, other appropriate action may be taken up to and including termination of the arrangements for provision of services. If an individual's concern is not upheld, the individual will also be advised.

4. Confidentiality

Confidentiality is an extremely important part of this process. Anyone who participates in an investigation must not disclose or discuss the case or the names of those involved with anyone who is not directly involved in the matter. An individual who raises concerns of alleged harassment must be aware that his or her concerns will need to be put to the alleged harasser and disclosed to others (e.g. relevant witnesses) in the course of the Company looking into or investigating the matter. However, the Company's objective will be to limit the persons to whom such disclosure is made.

5. Protection against Retaliation/ Victimisation

The Company will not tolerate retaliation or victimisation of any individual for reporting an allegation of harassment or assisting or participating in any manner in any investigation into alleged harassment conducted by the Company. Retaliation or victimisation by an employee can be expected to lead to further disciplinary action, and retaliation or victimisation by a non-employee can be expected to lead to other appropriate action.

6. Advice and Information

If an individual has any queries about the harassment resolution process, or is unsure whether an incident or series of incidents amounts to harassment, or otherwise requires advice or information regarding harassment, the individual should contact Human Resources.

7. Other Redress

This process is without prejudice to an individual's right to lodge a complaint of harassment directly with the Equal Opportunities Commission or take action in the District Court.

Annex 1: Conduct which is not Harassment

The following examples illustrate situations that are unlikely to constitute harassment:

- Yongmei and Dale are co-workers who met whilst working together on a project. They got on well and became good friends. They often have drinks together after work. Yongmei and Dale have voluntarily entered into a mutually agreeable personal relationship that does not involve unwelcome conduct or adversely affect their office environment. A relationship which is freely accepted by each person involved does not constitute harassment.
- Tom is Chinese and his supervisor is Indian. After repeated verbal warnings, Tom's supervisor raises concerns with him again about failing to send the weekly project report to the client on time. He tells Tom that any further failures may lead to a formal programme of performance management. Tom's supervisor's comment is unrelated to Tom's race, and was not made on any other ground prohibited by this policy, so does not constitute harassment. Supervisors have a responsibility to give appropriate feedback and take appropriate corrective action when an employee's work or conduct is unsatisfactory.
- Shun Fong calls Mandy and Robert into her office and tells them that for the next week they are assigned to assist Ying and that all of their other work commitments should be regarded as secondary until Ying's project has been completed. Shun Fong's conduct is not on a ground which is prohibited by this policy so does not constitute harassment. In order to get work done, supervisors often have to make difficult decisions about how work will be done. Examples include moving people's work areas or changing work assignments. These decisions may or may not please others, but they are highly unlikely to constitute harassment.

In addition, the policy does not prohibit work-related conduct that an individual may find personally offensive or intimidating, such as candid feedback from a supervisor regarding inadequate work performance or counselling for poor attendance. Rather, the policy prohibits conduct on certain specified grounds and applies a reasonableness standard in determining whether the conduct falls within the definition of prohibited harassment.

Assessing Your Behaviour

A good rule to follow is as follows: if there is any question in your mind about whether your own behaviour or comments might constitute harassment, stop the behaviour and don't make the comments.

Could your behaviour be considered harassing? Consider the following:

- Would you change your behaviour if your spouse, son or daughter were within hearing distance?
- Would you feel uncomfortable if the same behaviour or comment were directed at you or someone in your family?

If you answered “yes” to any of these questions, your behaviour or comments could be considered harassment.

Annex 2: Questions & Answers

1. Is the "workplace" limited to CLP's physical premises?

No. "Workplace" is broadly defined for these purposes. It includes not only CLP's premises in Hong Kong but also off-premises CLP-sponsored functions, and places visited for meals, travel or accommodation while on CLP business.

Off-the-job locations may be considered an extension of the workplace when off-the-job behaviour creates a hostile work environment for another person. For example, repeatedly making unwanted calls to a co-worker outside of normal working hours is prohibited by the policy if this behaviour creates a hostile work environment for that other person.

2. What is meant by the term "*reasonable person*"?

The term "*reasonable person*" is used within Hong Kong Law and this policy to describe an objective standard for determining if harassment has occurred. It is a tool for analyzing whether the verbal, non-verbal or physical conduct in question would be offensive to others and not just to the complainant. What is "reasonable" will of course depend on the particular circumstances of each case.

For example - an employee alleges that her work colleague made repeated unwelcome sexual advances toward her. An investigation discloses that the alleged "advances" consisted of invitations to join a group of employees who regularly socialized at dinner after work. The colleague's invitations, viewed in that context and from the perspective of a reasonable person, would not have created a hostile environment and therefore did not constitute sexual harassment.

3. Would a reasonable person be offended to see inappropriate or sexually explicit material on a co-worker's computer or personal electronic device?

Yes. This type of material clearly could create an offensive work environment for the person who is unwillingly or unexpectedly subjected to it.

4. Can I tell my supervisor about a harassment incident “off-the-record” and request that no action be taken?

No. When an individual raises a concern that could potentially be a violation of this policy, the Company has an obligation to investigate that concern and, if appropriate, take corrective action. Supervisors are not permitted to keep potential policy violations “off-the-record”, nor can they agree not to take action in the face of a possible violation of Company policy.

5. What protection is there against false complaints?

If it is determined during the course of an investigation that an individual has knowingly raised an untruthful concern about alleged harassment, appropriate disciplinary action will be taken where the individual is an employee, and other appropriate action will be taken where the individual is a non-employee. Disciplinary or other appropriate action for intentionally making a false complaint of harassment does not constitute retaliation under the provisions of this policy. If a concern is raised in good faith, the Company will not take such action.

6. Are contract workers and other non-company workers at the work site covered by the Company’s harassment-free workplace policy?

Yes. Harassment by or against contract workers and other non-company workers e.g. customers or visitors is prohibited by this policy. Contract workers are expected to comply with the requirements of this harassment-free workplace policy. Failure to do so can lead to their being denied access to the workplace.

7. Is behaviour that is acceptable in a social situation always acceptable in the workplace?

No. Some behaviour which might be acceptable in a social situation may constitute harassment in the workplace. For example, if a male supervisor spends 30 minutes speaking to his junior female employee at a work-related social function, that is unlikely to constitute harassment. In contrast, if he repeatedly spends time in the employee’s office seeking to engage her in non-work-related discussions, this may be unacceptable.

8. Does all behaviour that an individual finds personally offensive automatically constitute harassment?

No. There are some behaviours that an individual may find personally offensive but which are appropriate in a business setting. These could include, for example, constructive feedback or counselling for poor performance, disciplinary action for tardiness or being interviewed as part of an audit investigation.

9. Can people report a concern anonymously?

Anonymous complaints are strongly discouraged and will not usually be accepted. This is because it is very difficult for the Company to investigate a complaint if the complainant is unknown. Any decision to investigate an anonymous complaint will be made on a case-by-case basis and by reference to the evidence provided and the severity of the alleged harassment.

10. What steps will be taken to protect the confidentiality of a complainant?

Confidentiality is an extremely important part of the process. Anyone who participates in an investigation must not disclose or discuss the case or the names of those involved, including the names of the person making the complaint and the alleged harasser, with anyone who is not directly involved in the matter.

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