

## PharmaEngine, Inc.

# Regulations for Prevention, Complaint and Discipline of Sexual Harassment

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## 1 Purpose

The Regulations are established in accordance with of Paragraph 1 of Article 13 of the Act of Gender Equality in Employment, Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace promulgated by Ministry of Labor, and Paragraph 1 and 2 of Article 7 of Sexual Harassment Prevention Act to provide a work environment free of sexual harassment for employees, job applicants, and other personnel and adopt appropriate measures to prevent, correct, punish and handle this conduct and protect the privacy of the parties directly involved.

## 2 Scope

The Regulations are applicable to any sexual harassment incident under the preceding Act of Gender Equality in Employment and Sexual Harassment Prevention Act for employees, job applicants, or customers of PharmaEngine. However, they are not applicable to those under the Gender Equity Education Act.

## 3 Responsibility

- 3.1 Employees, job applicants, or customers of PharmaEngine: Filing complaint for inappropriate sexual harassment.
- 3.2 Head of Human Resources Department: Promulgating and maintaining the Regulations, electing and calling a meeting of Sexual Harassment Complaints Committee immediately upon receipt of sexual harassment complaint or discovery of suspected sexual harassment incident.
- 3.3 Sexual Harassment Complaints Committee: They are jointly composed of representatives from both employers and employees to handle sexual harassment complaints. Sexual Harassment Complaint Handling Committee shall appoint one person as the chairperson of the committee. The chairperson of the Committee will also serve as the chairperson of the meeting. When the chairperson cannot chair any meeting, the chairperson may designate a member of the Committee to chair the meeting. The Committee has 3 to 5 members, among which the number of female members shall not be less than 1/2 of all members and one gender shall not be less than 1/3. Experts and scholars may be invited to serve as members of the Committee as required.

## 4 Reference

“Measures of Prevention, Complaint and Discipline of Sexual Harassment at Workplace” formulated by the Ministry of Labor in 2017 (the templates in compliance with the Act of Gender Equality in Employment and the Sexual Harassment Prevention Act).

## 5 Abbreviations/Definitions

- 5.1 Employees: Refers to the personnel who provide labor service and receive the salary from the Company, including but not limited to employees, contracted labors, apprentices and interns.
- 5.2 Other Personnel: Refers to the personnel who provide services, meetings or work to the Company for any matters, including but not limited to customers, other company personnel, and other staff.
- 5.3 Employer: Refers to the responsible person, president, or supervisors of employees.
- 5.4 Sexual Harassment: Refers to the person directly involved who has one of the following situations:

5.4.1 The Act of Gender Equality in Employment is applicable to the following circumstances:

5.4.1.1 When an employee executes his or her duties, any person (including the employer, other employees, or other relevant personnel) makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination, causes him or her a hostile, intimidating and offensive working environment leading to infringe on or interfere with his or her personal dignity, physical liberty or affects his or her job performance.

5.4.1.2 The employer makes any express or implied sexual demand or engages in any language or conduct with sexual meaning or sexual discrimination towards any of the employees or job applicants as a condition in exchange for the establishment, continuance or change of labor contract, assignment, allocation, remuneration, performance review, promotion, demotion, reward or disciplinary action.

5.4.2 The Sexual Harassment Prevention Act is applicable to the following circumstances:

Except for sexual assault crime (regarding sexual assault crime, in addition to the complaint procedure, the relevant provisions of the Regulations shall apply), the sexual or gender-related behavior violating another person's wishes, and of the following circumstances:

5.4.2.1 If a person's obedience to or rejection of another's sexual advances becomes a condition of obtaining, losing or reducing their rights and interests in work, education, training, services, plans or activities.

5.4.2.2 If texts, pictures, voices, images or other objects are used, or if languages and behaviors of discrimination, and insults or other methods are adopted. For such reasons, another person's dignity is impaired. Or if another person feels scared, feels disliked with hostility or feels offended, or if another persons' work, education, training, services, plans, activities or other normal habits are improperly influenced.

## 6 Policy/Education/Announcement of Sexual Harassment

6.1 The Company shall prevent the occurrence of sexual harassment and eliminate sexual or gender-originated hostile factors in the workplace to protect its employees, job applicants and other personnel from the threat of sexual harassment.

6.2 Upon occurrence or suspected occurrence of any sexual harassment, the Company shall abide by the prevention measures under Article 7. However, if there are no operational procedures applicable, the prevention measures shall be reviewed and improved immediately.

6.3 If the employees work in the places not under control or management of the employer, the employer shall identify the risks of sexual harassment of the work environment and provide necessary prevention measures; the employer shall inform employees of such information beforehand.

6.4 The Company shall implement educational training regarding the prevention of sexual harassment in the workplace once a year. The Human Resources Department shall schedule gender equality and sexual harassment prevention courses, and notify the employer and employees of relevant information and training plans through emails, and simultaneously place them in the internal file server (fs>whole company) for browsing and queries at any time.

6.5 PharmaEngine sexual harassment complaint channels are as follows:

- 6.3.1 Complaint Hotline: (02) 2515-8228 #101
- 6.3.2 Complaint Email: Email of human resources supervisor
- 6.3.3 Handling staff: Human resources supervisor

## 7 Procedures

- 7.1 When the Company becomes aware of sexual harassment, regardless of whether the person directly involved files a complaint or not, it shall correct this behavior and perform remedy measures immediately. The following matters shall be paid attention to:
  - 7.1.1 Protection of the victim's interests and privacy.
  - 7.1.2 Maintenance or improvement of the security of the relevant locations.
  - 7.1.3 Other prevention and improvement measures.
- 7.2 Sexual harassment complaint may be made verbally or in writing (including e-mail) to the Human Resources Department (6.5 PharmaEngine sexual harassment complaint channels). For verbal complaints, the Human Resources Department shall make a "Sexual Harassment Complaint (Record) Form" (Form HR-00-014-T01). After the content is accepted by the applicant, the applicant shall sign or seal the form to establish a case.

"Sexual Harassment Complaint (Record) Form" (Form HR-00-014-T01) shall specify the following:

  - 7.2.1 The name, gender, age, ID number or passport number of the applicant; the name of the unit and school where the applicant serves or studies and his/her title; his/her domicile or address and phone number.
  - 7.2.2 Where the applicant has the legal representative, the legal representative's name, gender, age, ID number or passport number, job, domicile or address and phone number.
  - 7.2.3 Where the applicant has the attorney, the letter of authorization shall be provided, with the information of the attorney's name, gender, age, ID number or passport number, job, domicile or address and phone number listed on it.
  - 7.2.4 Facts and pertinent evidence available of the complaint.
  - 7.2.5 Application date.

If the complaint form made by the person directly involved or Sexual Harassment Complaint (Record) Form made by Human Resource Department does not have the information mentioned before, for those situations that could be remedied, the competent authority shall ask the applicant to supplement the information with 14 days.
- 7.3 If the applicant fails to rectify the complaint form or Sexual Harassment Complaint (Record) Form by the due date, the complaint of sexual harassment incident will not be accepted. PharmaEngine's obligations to prevent, correct and remedy sexual harassment in the workplace in accordance with the Act of Gender Equality in Employment will not be affected by the rejection of complaints.

If the preceding complaint of sexual harassment incident is not accepted, those directly involved will be informed by the written notice within 20 days from receipt of the complaint or transferred case, with the Department of Social Welfare, Taipei City Government being copied. If the investigation (including appeals) for the same incident is completed and the investigation results are sent to the person directly involved, he/she may not file another complaint about

the same incident.

- 7.4 If the Company is not the offender's organization, it shall take appropriate emergency measures and transfer the complaint form and related information to the Department of Social Welfare, Taipei City Government within 7 days.
- 7.5 If a contracted labor is subject to sexual harassment when performing duties, the Company shall process the complaint and conduct a joint investigation together with the dispatch business unit. The results shall be provided to the dispatch business unit and the person directly involved.
- 7.6 Before the Sexual Harassment Complaint Handling Committee reaches a resolution, the applicant or his/her authorized agent may withdraw the complaint in writing (Form HR-00-014-T02). Once withdrawn, no complaint may be filed again for the same matter.
  - 7.6.1 This shall not apply to the above-mentioned complaint applicable to the Sexual Harassment Prevention Act is, except for the complaint withdrawn after mediation by the competent authority.
- 7.7 The Sexual Harassment Complaint Handling Committee shall only conduct a meeting if it is attended by the majority of members. A resolution shall only be made with the approval of the majority of the members attending the meeting.
- 7.8 The persons participating in the handling, investigation and resolution of the sexual harassment incident shall keep the complaint case confidential. In case of any violation, the chairperson of the Committee shall terminate the participation of such person. The Company may also impose sanctions and pursue relevant liabilities in accordance with applicable laws depending on the situation. The Company may also dismiss the person's employment or service.
- 7.9 Recusal by the handling person of sexual harassment incident
  - 7.9.1 When handling the sexual harassment incident, the person handling, investigating, or making a resolution shall recuse himself or herself in the following conditions:
    - 7.9.1.1 Where the person or his/her spouse, former spouse, any of his/her relative by blood within the fourth degree or relative by marriage within the third degree, or a person previously having such relationships with the handling person is a party to this matter.
    - 7.9.1.2 Where the person or his/her spouse or former spouse is connected to the party in a relationship of joint holders of rights or co-obligors in the matter.
    - 7.9.1.3 Where the person is currently or was once a deputy for or assistant to the person directly involved in the incident.
    - 7.9.1.4 Where the person was once a witness or appraiser in the incident.
  - 7.9.2 In case of any following situation, those directly involved may file recusal application against the investigators of complaint and appeal of sexual harassment incident:
    - 7.9.2.1 where such person does not recuse himself/herself under any of the circumstances set forth in the above-mentioned paragraph.
    - 7.9.2.2 where it is reasonable to believe that such person may become prejudiced in performing his/her functional duties.

The application mentioned in the preceding paragraph should describe the reason and fact with appropriate explanation and shall be filed with the Sexual Harassment Complaint Handling Committee. Those investigators against whom the application for recusal is made need to

submit a written opinion.

The investigators against whom the application for recusal is made shall stop investigation procedures before obtaining further approval of the Sexual Harassment Complaint Handling Committee. In case of emergency, the investigator shall take necessary measures.

If the handling, investigating, or resolving person does not follow the regulation specified in Paragraph 1 and the party to a sexual harassment complaint does not file recusal application, the recusal shall be made by such Sexual Harassment Complaint Handling Committee.

- 7.10 PharmaEngine Sexual Harassment Complaint Handling Committee shall conduct investigations on a sexual harassment incident based on the following investigation principles:
- 7.10.1 Sexual harassment incident shall be investigated in a non-public manner and the parties' interest and integrity interest shall be protected.
  - 7.10.2 Sexual harassment incident shall be investigated in an objective, fair and professional manner, providing the parties with the opportunity to state their opinions and defense.
  - 7.10.3 If the victim's statement is clear and there is no need to make enquiries, duplicated enquiries shall be avoided.
  - 7.10.4 To investigate a sexual harassment incident, the parties and related parties may be asked to provide explanations in person. Persons with relevant knowledge and experience may also be invited to provide assistance.
  - 7.10.5 To handle a sexual harassment incident, confrontation between the parties or witnesses in a sexual harassment case shall be avoided.
  - 7.10.6 As required for investigation, an investigator may prepare written documents and provide them to the parties directly involved for their review or advise them on the key contents, within the extent of confidentiality.
  - 7.10.7 All persons handling a sexual harassment incident shall keep confidential the name of the parties directly involved and other personally identifiable data, except required by the investigation and for consideration out of public security.
  - 7.10.8 In the course of investigation on a sexual harassment incident, the parties directly involved may be referred to or provided with psychological assistance and legal aid depending on their physical and mental status.
  - 7.10.9 In the course of complaint, investigation, monitoring or review of a sexual harassment incident, no differential treatment shall be provided to any person that filed a complaint, report, claim, lawsuit, testimony, assistance or other participation.
- 7.11 The Complaint Handling Committee shall start investigation within 7 days of receiving the complaint or arrival of the transferred case and also complete the investigation within two months. If necessary, the length of the investigation may be extended by another one month and those directly involved shall be informed.
- 7.12 Based on the results of investigation, the Complaint Handling Committee shall reach a resolution with reasons (Form HR-00-014-T03) and may impose disciplinary sanctions or provide other recommendations. The investigation resolution shall be notified to the persons directly involved, and the Company (if the sexual harassment incident belongs to the scope of Article 3, Subparagraph (2) of the Regulations, the investigation resolution shall be sent to the Department of Social Welfare, Taipei City Government) in writing, specifying that any objection to the resolution of the complaint case shall be subject to the remedial procedures

provided in Article 7.13 of the Regulations.

### 7.13 Remedial Procedures

7.13.1 Appeal mechanism regarding the Act of Gender Equality in Employment, and:

7.13.1.1 An appeal (Form HR-00-014-T04) with the Complaint Handling Committee shall be filed within 20 days from the date that the person directly involved receiving the resolution. However, the term of the complaint appeal shall be calculated from the date when it occurs or it is known, whichever the latter.

7.13.1.2 Appeal shall be filed with written reasons, and it shall be handled separately by the resolution at a committee meeting held by Complaint Handling Committee. Once the case is closed, no complaint may be made for the same incident.

7.13.2 Re-application mechanism for complaints regarding the Sexual Harassment Prevention Act: Re-application for a complaint shall be made with the Department of Social Welfare, Taipei City Government within 30 days from the date of receiving the investigation resolution.

7.14 If any conduct of sexual harassment is confirmed by investigation, the Company may, depending on the gravity of the matter, transfer, demote the employee or impose salary reduction, punishment or other measures on that employee. If criminal liabilities are involved, the Company shall also assist the applicant to file a lawsuit. If the conduct of sexual harassment is proven to be a false accusation, the Company may, depending on the gravity of the matter, impose disciplinary sanctions or dispositions against the applicant in accordance with applicable regulations such as the Work Rules.

7.15 The Company shall follow up, review and monitor any resolution and conduct of sexual harassment incident to ensure effective performance of disciplinary sanctions or disposition measures and to avoid reoccurrence of the same event or any reprisal.

7.16 The Company will not dismiss, transfer or impose any unfavorable sanctions on any employees for filing any complaint or assisting any other people to file a complaint provided in the Regulations.

## 8 Effectiveness

The Regulations shall become effective upon announcement after approval of the President. The same procedure shall be followed when the Regulations are amended.

## 9 Attachments

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| 9.1 | HR-00-014-T01, v03 | Sexual Harassment Complaint (Record) Form, total 2 pages. |
| 9.2 | HR-00-014-T02, v03 | Withdraw of Complaint (Record) Form, total 1 page.        |
| 9.3 | HR-00-014-T03, v03 | Investigation Report/Resolution, total 2 pages.           |
| 9.4 | HR-00-014-T04, v03 | Objection, total 1 page.                                  |