

# **Anti-Sexual Harassment and Non-Discrimination Policy**

Ngern Turbo Public Company Limited (the "Company") is committed to creating and maintaining a safe and mutually respectful working environment that upholds the human dignity of all personnel, against sexual harassment and discrimination in all forms.

The foundational principle of this Policy is Genuine Equality: personal characteristics — race, color, religion, sex, sexual orientation, gender identity or expression, physical or mental disability, genetic information, or any other characteristic — must not be used as a basis for any employment decision, whether to exclude a person or to grant a person preferential treatment. Everyone is judged by one and the same standard: competence and performance.

## **1. Objectives**

- To create and maintain a safe working environment free from sexual harassment, in which all personnel treat one another with respect for human dignity.
- To uphold the Meritocracy in all employment decisions, with no discrimination against — and no preferential treatment for — any group.
- To establish clear behavioral standards and procedures for preventing, investigating, correcting, and eliminating work-related sexual harassment and discrimination.
- To assure employees and stakeholders that the Company maintains complaint-handling mechanisms that are fair, transparent, and strictly confidential.
- To ensure the Company's operations comply with labor law, good corporate governance principles, and international labor standards.

## **2. Scope**

- Persons : Employees at all levels (permanent, temporary, probationary), the Board of Directors, contractors, outsourced personnel, and external parties such as customers and business partners.
- Places and activities : Not limited to the workplace; this Policy also covers offsite work assignments, company events, communication through online work channels (e.g., company email, work chat groups), and social media activity that affects work.
- Limitation of scope : This Policy governs work-related conduct only. Personal relationships entered into voluntarily by both parties are private matters among consenting adults, and therefore outside the scope of this Policy, unless such

relationships or conduct spill over into the workplace (e.g., abuse of authority, retaliation after a breakup, or continued unwanted contact through work channels.)

### 3. Anti-Sexual Harassment

#### 3.1. Definitions and Assessment Criteria

Sexual Harassment means any act, behavior, or communication of a sexual nature that is unwelcome to the other party and connected to work, causing the recipient to feel distressed, humiliated, fearful, or degraded, or affecting their safety or career advancement.

Conduct constitutes sexual harassment under this Policy only when all three of the following conditions are met:

- i. **Unwelcome:** The recipient does not want the conduct. However, welcomeness can only be known from the other party's response; therefore, a single polite expression of interest is therefore not itself a violation — the violation is ignoring the answer, such as repeating the conduct after a clear refusal. Note also that a "yes" given under pressure from someone holding power over the recipient's job is not genuine consent.
- ii. **Work-Connected:** The conduct touches work in at least one of three ways:
  - Setting — it occurs at the workplace, on work travel, at company events, or in work communication channels.
  - Power — it uses position, authority, or job-related benefits as leverage
  - Consequence — it creates a hostile working environment or impairs the recipient's ability to work.
- iii. **Reasonable Person Standard :** An ordinary, sensible person in the recipient's position would find the conduct offensive or intimidating. This is an objective filter that cuts both ways: it blocks claims based on the hypersensitivity of some individuals beyond what a reasonable person would feel (a polite compliment or a single dinner invitation is not harassment), and it equally eliminates the "I didn't mean it / I was just joking" defense — the test looks at conduct, not the actor's intent.

#### 3.2. Prohibited Conduct

The Company absolutely prohibits the following conduct:

- **Physical harassment** : Sexually touching, embracing, or fondling without consent.
- **Verbal harassment** : Sexually suggestive remarks; comments on a person's body, figure, or private life in a sexual manner.
- **Quid pro quo** : Offering job-related benefits (e.g., promotion, salary increase, or continued employment) as a condition for sexual intercourse or sexual gratification.
- **Visual and gestural harassment** : Leering; displaying unwelcome symbols or gestures with sexual connotations.
- **Cyber harassment** : Sending messages, obscene images, or videos with sexually harassing content through company email, chat applications, or company social media.

### 3.3. Conduct That Is Not Sexual Harassment

For clarity and to prevent overly broad interpretation, this Policy does not prohibit voluntary relationships between individuals, and the following conduct is not sexual harassment:

- **Consensual relationships** : Dating or romantic relationships between employees entered into willingly by both parties. Where the relationship is between a supervisor and their direct report, it must be disclosed to Human Resources so the reporting line can be managed and conflicts of interest prevented.
- **A single respectful expression of interest** : Politely asking a colleague on a date or expressing romantic interest between colleagues, without the use of coercive power, where the person stops immediately and does not repeat the attempt once declined.
- **Ordinary social interaction** : Greetings, polite compliments within normal social etiquette, or general conversation that a reasonable person would not regard as sexually harassing.

However, the conduct above becomes harassment the moment that

- i. It is repeated after a clear refusal.
- ii. Positional power is used to pressure, reward, or punish.
- iii. Physical contact occurs without the other party's consent.

## **4. Non-Discrimination**

### **4.1. Foundational Principle: Merit-Based Decisions**

Every employment decision — recruitment, selection, promotion, compensation, work assignment, disciplinary action, and termination — must be based solely on qualifications, competence, performance, and suitability for the role.

Personal characteristics such as race, religion, sex, sexual orientation, gender identity, disability, socioeconomic status, culture, and political opinion must not be a factor in any employment decision, whether negatively (exclusion) or positively (preferential treatment).

### **4.2. Definition and Prohibited Conduct**

Discrimination means using any personal characteristic listed in Section 6 as a factor in an employment decision — whether by excluding a person from an opportunity, or by granting a person or group preferential treatment over others.

#### **4.2.1. Negative Discrimination (Prohibited)**

Excluding, rejecting, or treating a person less favorably because of a personal characteristic — e.g., denying promotion because of sex, or paying different compensation for work of equal quality.

#### **4.2.2. Positive Discrimination Is Still Discrimination (Prohibited)**

Granting an advantage to a person or group on the basis of a personal characteristic automatically disadvantages others with superior qualifications, and therefore violates the principle of equality in exactly the same way. Prohibited conduct includes:

- Hiring or promoting a person because of their sex, race, disability, sexual orientation, or any other personal characteristic in order to increase that group's representation in the organization — e.g., selecting a female candidate over a better-qualified male candidate merely to raise the proportion of female employees or selecting an LGBT person merely to promote inclusion.

- Setting quotas or representation targets (diversity targets) based on personal characteristics in recruitment, selection, or promotion.
- Lowering standards or applying a lower bar specifically for any one group. For example, having lower performance standards for a person with a disability.
- Disqualifying or reducing the opportunities of a better-qualified candidate or employee merely because they do not belong to a group being promoted.

#### **4.2.3. Equal Treatment Does Not Mean Equal Outcomes**

Equality under this Policy means the same rules and the same standards for everyone — not equal results or equal group proportions. Where a selection process is fair and based purely on merit, an outcome in which any group ends up over- or under-represented is not discrimination and requires no intervention to adjust the proportions.

#### **4.3. What Is Not Discrimination**

- **Selecting the most qualified person:** Choosing purely on competence, even where the result raises or lowers any group's proportion.
- **Compliance with legal mandates :** e.g., employing persons with disabilities at the ratio required by the Empowerment of Persons with Disabilities Act (one person with a disability per 100 employees). This is a legal obligation, not a policy choice of the Company.
- **Reasonable accommodation :** Removing physical barriers so that a person can demonstrate their ability on equal terms — e.g., wheelchair ramps or assistive equipment. This adjusts the environment, not the standard; accommodated employees remain subject to the same performance standards as everyone else.
- **Bona fide occupational qualification (BFOQ):** Cases where a personal characteristic is genuinely required by the nature of the work itself — e.g., only hiring male officers to field debt-collection work in remote or unsafe areas.

### **5. Enforcement (Applicable to Both Parts)**

### 5.1. Protection of Reporters and Witnesses

The Company places the highest importance on protecting any person who reports a violation of this Policy in good faith, or who provides information as a witness.

Retaliation against, victimization of, or causing adverse consequences to a reporter for reporting facts constitutes a serious violation of this Policy and will be subject to the maximum disciplinary action under law and Company regulations, regardless of the offender's position or length of service.

Knowingly filing a false complaint, or filing a complaint with intent to victimize another person, is equally a violation of this Policy and will be subject to disciplinary action proportionate to the offense.

### 5.2. Reporting Mechanisms

- **Duty to report** : Every employee who experiences, witnesses, or has reasonable grounds to suspect a violation of this Policy has a duty and responsibility to report it to the Company.
- **Reporting channels** : The Company provides safe and confidential channels for receiving complaints:
  - i. Human Resources: the Human Resource Business Partner (HRBP) department
  - ii. Management: any manager or executive the reporter trusts
  - iii. Anonymous channel: People's Voice
- **Handling process** : The Company will investigate facts promptly, fairly, independently, and with the strictest confidentiality practicable, to ensure fairness to all parties — including the accused, who is presumed innocent until the investigation is concluded — and will impose disciplinary action proportionate to the offense where a violation is found.

### 5.3. Investigation Committee

The Investigation Committee is an independent ad hoc committee responsible for investigating, establishing facts, gathering evidence, adjudicating, and determining disciplinary sanctions — including civil and/or criminal proceedings as appropriate — for

incidents of sexual harassment and discrimination. It must consist of persons with no involvement in the matter, who are impartial, free of conflicts of interest with any party involved, and able to maintain the highest level of confidentiality to protect the rights of victims and whistleblowers. It comprises representatives from:

- i. Management team
- ii. The Human Resource Business Partner (HRBP) department
- iii. Corporate Legal

Committee selection shall follow these guidelines:

- i. **Composition conducive to testimony** : The committee shall include at least one member with whom the affected person can comfortably share sensitive information (e.g., at least one member of the same sex as the affected person). This is a functional requirement of the investigation process, not a sex-based preference.
- ii. **No conflict of interest** : The direct supervisors of either party should not serve on the Investigation Committee, to prevent bias or protection of their own subordinates.

#### **5.4. Policy Distribution and Training**

This Policy will be distributed to all new employees at orientation and stored on the Company intranet, accessible to employees at all times. All employees must attend annual training on anti-harassment and non-discrimination.