



# Anti-Harassment Policy and Complaint/Investigation Procedure

Policy Reference	PC-10
Effective Date	9 <sup>th</sup> Feb 2024
Updated	
Version	1.0

## 1 Policy

The CPL Group of Companies has a zero tolerance for harassment of any kind. Through enforcement of this policy and by education of employees, CPL will seek to prevent, correct, and discipline behavior that violates this policy.

## 2 Purpose

CPL strives to create and maintain a work environment in which people are treated with dignity, decency, and respect. The environment of the company should be characterized by mutual trust and the absence of intimidation, oppression, and exploitation. CPL will not tolerate discrimination or harassment of any kind.

## 3 Scope

All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment. (Refer to code of conduct) Further, Managers and supervisors who knowingly allow or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to People & Culture are in violation of this policy and subject to discipline.

## 4 Prohibited Conduct Under This Policy

CPL, in compliance with all applicable anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

### 4.1 Discrimination

It is a violation of CPL's 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 (including hairstyle/texture), color, national origin, age, religion, disability status, sex, sexual orientation, gender identity or expression, genetic information or marital status.

### 4.2 Harassment

CPL prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy any unwanted conduct, verbal, physical, or visual, that creates an intimidating, hostile, or offensive environment for an individual. Harassment may be based on factors such as race, color,



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religion, sex, gender identity, sexual orientation, national origin, age, disability, or any other protected characteristic.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- 4.2.1 Verbal Harassment:** This involves offensive comments, slurs, jokes, or derogatory remarks based on a person's race, gender, sexual orientation, religion, or other protected characteristics.
- 4.2.2 Sexual Harassment:** This includes unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature that interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.
- 4.2.3 Bullying:** This can involve repeated mistreatment, humiliation, intimidation, or belittling of an employee, often done by a supervisor, coworker, or even a subordinate.
- 4.2.4 Cyberbullying:** With the rise of technology, harassment can also occur online through emails, messages, or social media platforms. This might include spreading false information, making threats, or engaging in derogatory conversations.
- 4.2.5 Discrimination:** Treating an individual unfairly or unequally due to their protected characteristics, such as race, gender, age, disability, religion, or national origin, can create a hostile work environment.
- 4.2.6 Retaliation:** When an employee is treated unfairly, disciplined, or otherwise targeted by a manager, supervisor, or colleague because they reported harassment or participated in an investigation regarding workplace misconduct.
- 4.2.7 Microaggressions:** Subtle and often unintentional behaviours or comments that communicate discriminatory or negative attitudes towards someone's race, gender, or other characteristics.
- 4.2.8 Exclusion or Isolation:** Deliberately excluding someone from meetings, social events, or important discussions, which can contribute to a feeling of isolation and marginalization.
- 4.2.9 Physical Harassment:** Any form of unwanted physical contact, including touching, pinching, pushing, or any other inappropriate physical actions or the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- 4.2.10 Hostile Work Environment:** An environment where offensive behaviour, whether continuous or severe, interferes with an individual's ability to perform their job or creates an atmosphere of fear and discomfort.



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In support of mitigating sexual harassment this policy further emphasises our zero tolerance of sexual harassment through subsection 4.3.

### 4.3 Defining Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that is persistent or offensive and interferes with an employee’s job performance or creates an intimidating, hostile or offensive work environment. The International Labour Organization defines “Sexual harassment” as any behavior of a sexual nature that affects the dignity of women and men, which is considered as **unwanted, unacceptable, inappropriate, and offensive** to the recipient, and that **creates an intimidating, hostile, unstable, or offensive work environment**.

Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Though sexual harassment encompasses a wide range of conduct; some examples of specifically prohibited conduct include the following:

- 4.3.1** Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults, and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee’s body, or poking another employee’s body.
- 4.3.2** Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person’s sexuality or sexual experience.
- 4.3.3** Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting, or attempting to solicit any employee to engage in sexual activity for compensation or reward. sexual harassment is committed when an employer, supervisor, manager, or co-worker, undertakes or attempts to influence the process of recruitment, promotion, training, discipline, dismissal, salary increment or other benefit of an existing staff member or job applicant, in exchange for sexual favours.
- 4.3.4** Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee’s job more difficult because of that employee’s sex.
- 4.3.5** Sexual or discriminatory displays or publications anywhere in the CPL workplace by CPL employees.
- 4.3.6** Retaliation for sexual harassment complaints.



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## 4.4 What is not sexual harassment:

- 4.4.1 Occasional compliments that are socially and culturally acceptable and appropriate.
- 4.4.2 Any interaction of a sexual nature which is consensual between 2 adults, welcome or reciprocated.

## 5 Responding to Conduct in Violation of Policy

### 5.1 Employees

If an employee feels that they are being subjected to harassment they must immediately inform the harasser that the conduct is unwelcome and needs to stop. If the inappropriate conduct does not cease, or if the employee is unable to or uncomfortable with addressing the alleged harasser directly, the employee should report the incident to their own supervisor or to the People & Culture Team. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses. It is important to report all concerns of sexual harassment or inappropriate sexual conduct as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

### 5.2 Managers and Supervisors

Managers and supervisors must deal expeditiously and fairly when they have any knowledge of harassment within their departments, whether there has been a written or formal complaint. They must:

- 5.2.1 Take all complaints or concerns of alleged or possible harassment seriously no matter how minor or who is involved.
- 5.2.2 Report all incidents to P&C immediately so that a prompt investigation can occur.
- 5.2.3 Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigations or complaints.

Any managers or supervisors who knowingly allows or tolerates harassment or retaliation, including the failure to immediately report such serious misconduct to P&C, are in violation of this policy and subject to discipline.



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### 5.3 People & Culture Department

The People & Culture Team is responsible for:

- 5.3.1 Ensuring that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a harassment complaint.
- 5.3.2 Explaining CPL's harassment policy and investigation procedures to all parties involved.
- 5.3.3 Exploring informal means of resolving harassment complaints.
- 5.3.4 Notifying the police if criminal activities are alleged.
- 5.3.5 Arranging for an investigation of the alleged harassment and the preparation of a written report.
- 5.3.6 Submitting a written report summarizing the results of the investigation and making recommendations to designated company officials.
- 5.3.7 Notifying the complainant and the respondent of the corrective actions to be taken, if any, and administering those actions.

The P&C Manager will determine if an in-house investigation will be conducted or if a third party will be contracted to complete the investigation. All complaints involving senior management at a General Manager level will be handled by an external third party.



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## 6 Complaint Resolution Procedures

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The P&C Manager may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the P&C Manager will dictate the verbal complaint.

To ensure the prompt and thorough investigation of a harassment complaint, the complainant should provide as much of the following information as is possible:

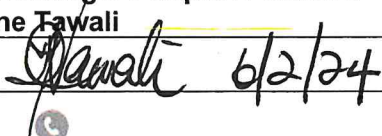
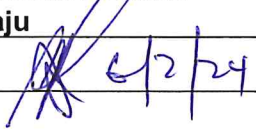
- 6.1 The name, department and position of the person or persons allegedly committing harassment.
- 6.2 A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- 6.3 The effect of the incident(s) on the complainant's ability to perform his or her job, or on other terms or conditions of his or her employment.
- 6.4 The names of other individuals who might have been subject to the same or similar harassment.
- 6.5 What, if any, steps the complainant has taken to try to stop the harassment.
- 6.6 Any other information the complainant believes to be relevant to the harassment complaint.

## 7 Confidentiality

All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the P&C Manager takes adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a sexual harassment complaint or investigation is maintained in secure files within the P&C department.

## 8 Other Available Procedures

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of harassment under the laws of Papua New Guinea.

<b>Issued By</b>	<b>Reviewed by and Approved By</b>
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 6/2/24	 6/2/24

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