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1.0 PRELIMINARY

At Samurai 2K Aerosol Sdn. Bhd., we strive to promote everyone's right to work in a respectful and dignified environment and will not accept any kind of harassment in the workplace. The first step to achieve this goal is by educating respective individuals to recognize workplace harassment and to combat this issue without any sense of victimization.

2.0 APPLICABLE LAW

- i. Employment Act 1955 (Act 265); and
- ii. Penal Code (Act 574).

3.0 OBJECTIVE

This policy is established to ensure the said individuals listed in Clause 4.0 are not subjected to behaviour and/or practices that constitute harassment, vilification and/or victimization, ultimately providing a safe and healthy work environment for the said individuals.

4.0 CATEGORIES OF PEOPLE

This policy shall be applicable to the following individuals :-


- i. Permanent Employees of Samurai 2K Aerosol Sdn. Bhd. ;
- ii. Contractual Employees of Samurai 2K Aerosol Sdn. Bhd. ;
- iii. Visitors ; and
- iv. Any third-party service providers.

5.0 COMMITMENT

The Company exercises zero-tolerance towards harassment during the course of employment. Any act of harassment by Employee shall constitute breach of terms and conditions of employment. A harassment that takes place towards an employee will not inhibit his or her career development at all times. The Company is committed to address the complaints forwarded pursuant to harassment seriously and in the event harassment is proven to have taken place based on investigations conducted by Human Resource Department, disciplinary action will be taken towards the alleged person regardless of his or her position.

6.0 DEFINITION AND SCOPE

6.1 Workplace harassment

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6.1.1 Harassment at workplace may constitute any verbal, written or physical conduct that is known or ought reasonably to have been known to be unwelcome, inappropriate or otherwise offensive to a person during the course of employment, and that such conduct demeans, humiliates, threatens him/her or otherwise violates his/her dignity. Harassment has the purpose or effect of :

- i. creating an intimidating, hostile or offensive workplace;
- ii. interfering with the performance of an employee's functions, duties and responsibilities; or
- iii. affecting employment opportunities or compensation.

6.1.2 Harassment may be motivated by one of these grounds: race or ethnicity; skin colour; religion; sex or gender; place of origin; ancestry; culture; age; mental or physical disability; sexual orientation; family, marital or social status; economic or financial background; and political affiliation which this Policy seeks to eliminate.


6.2 Racial harassment

6.2.1 Harassment in the work environment based on race causing physical, mental or emotional distress shall constitute as racial discrimination.

6.3 Sexual harassment

6.3.1 Sexual harassment can be referred to as conduct or behaviour that is sexual in nature. This include request for sexual favours by a manager, superior, colleague or even a non-employee. It usually takes the following two forms:

- i. **Quid pro quo**
Occurs when a Manager, Head of Department or a person of authority gives or withholds a work-related benefit in exchange for sexual favours. Typically, the harasser requires such favours from the victim, either rewarding or punishing the victim in some manner.
- ii. **Hostile environment**
This is when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work. Sexual harassment is usually more about power than sex. It occurs in situations where there is unequal power between the people involved and is an attempt by the harasser to assert power over the victim.

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6.3.2 Forms of sexual harassment

i. Verbal harassment

- (a) offensive or suggestive remarks, comments, jokes, jesting, kidding,
- (b) calling a person by a pet name such as honey, darling, babe, stud, or hunk.
- (c) spreading gossip, making open comments and questioning about an employee's personal or sex life.
- (d) inappropriate sexual sounds like whistling, kissing sounds.

ii. Non-verbal/gestural harassment

leering or ogling with suggestive overtones, licking lips or holding or eating food proactively, hand signal or sign language denoting sexual activity, persistent flirting, nods, winks, gestures with hands, fingers, legs or arms denoting sexual activity.

iii. Visual harassment

showing pornographic materials, drawing sex-based sketches or writing sex-based letters, sexual exposure.

iv. Written harassment

Sending sexually oriented notes, letters, faxes, short messages services (SMS), Multimedia Message Services (MMS), electronic mail (E-Mail), given or sent directly to the claimant or something left where the claimant might see it.

v. Psychological harassment

repeated unwanted social invitations, relentless proposals for dates or physical intimacy.

vi. Physical conduct of a sexual in nature


Inappropriate touching, patting, pinching, stroking, brushing up against the body, hugging, kissing, fondling, sexual assault, cornering or blocking a passageway, providing unsolicited back or neck rubs and coercive sexual intercourse.

vii. Sex-based conduct

denigrates or ridicules or is intimidator or physically abusive of an employee because of his/her sex such as derogatory or degrading abuse or insults which are gender related.


6.4 Abuse of authority

- 6.4.1 Abuse of authority happens when a person uses his/her authority to interfere with an employee or the employee's job. It includes humiliation, intimidation, threats and coercion.

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6.4.2 Although not exhaustive, the following conduct or behaviour shall constitute harassment : -

- i. Verbal, written or physical abuse, threats and assaults;
- ii. Derogatory remarks, slurs, epithets or language;
- iii. Unacceptable, annoying or unwanted nicknames or negative stereotyping;
- iv. Coercion, unwelcome demands, invitations or requests that are sexual in nature;
- v. Bullying and victimization (Eg :- unreasonable and persistent criticism or humiliation, unreasonable distribution of work and responsibilities);
- vi. Abusive and offensive language or shouting including abusing a person loudly, in the presence of others;
- vii. Repeated threats of dismissal or other severe punishment without a valid reason;
- viii. Constant unreasonable criticism about work performance that are petty and/or insignificant;
- ix. Leaving offensive messages on e-mail or the telephone;
- x. harassment via electronic platform i.e. email, SMS, Facebook, Twitter or others;
- xi. Threatening gestures or actual violence;
- xii. Sabotaging one's work, (Eg :- deliberate withholding or supplying incorrect information, hiding documents or equipment, not passing on messages and causing disruption in one's work performance;
- xiii. Deliberate exclusion, isolation or alienation of an employee including maliciously excluding and isolating a person from workplace activities;
- xiv. Persistent and unjustified criticisms, often about petty, irrelevant or insignificant matters;

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- xv. Humiliating a person through gestures, sarcasm, criticism and insults, often in front of clients, Management or other workers;
- xvi. Allocation of humiliating or demeaning tasks;
- xvii. Inappropriate comments about a person's appearance; and
- xviii. Making the person undertake harmful or humiliating actions.

6.5 Actions that does not constitute workplace harassment

- 6.5.1 Legitimate and reasonable actions taken in the course of employment by the Management such as constructive criticism, demotion, disciplinary action, retrenchment or dismissal of employee due to poor work performance or /and poor attitude that affects work performance shall not be considered as workplace harassment.


7.0 ROLES AND RESPONSIBILITIES

7.1 Employees

- 7.1.1 Employees shall inform and/or file a formal complaint against any individual in Clause 4.0 if the said individual behaves in a manner that is offensive, humiliating or degrading.
- 7.1.2 The said formal complaint shall be forwarded to his or her Head of Department or to the Senior Manager of Human Resource Department.
- 7.1.3 The Employee shall substantiate the formal complaint with evidences i.e. photos, video recording and etc. that would assist the Human Resource Department in carrying out investigation.

7.2 Heads of Departments

- 7.2.1 Heads of Departments are obligated to spread awareness on workplace harassment and the content of this Policy to his/her subordinates from time to time.
- 7.2.2 Heads of Departments are obligated to ensure working environment of his/her subordinate is safe and free from any forms of harassment.
- 7.2.3 Heads of Departments are obligated to handle every complaint forwarded by his/her subordinate with commitment and integrity.
- 7.2.4 In the event, the Heads of Departments are unsure of the legitimacy of the

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Complaint forwarded by his/her subordinate, the particular Head of Department shall consult the Senior Manager of Human Resource Department.

7.3 Human Resource Department

7.3.1 Human Resource Department shall be responsible for the enforcement and compliance of this Policy.

7.3.2 Human Resource Department shall be responsible for conducting thorough investigation upon receipt of complaint from any individuals in Clause 4.0.

8.0 COMPLAINT PROCEDURE

8.1 Individuals in Clause 4.0 shall submit their complaint to grievances@samuraipaint.jp.

8.2 A copy of the said complaint must be handed over to the Human Resource Department.

8.2 Human Resource Department shall initiate investigation upon receipt of the formal complaint (both softcopy and hardcopy) within 3 working days.

8.3 In the event an employee would like to seek advice on an incident to confirm whether harassment has taken place and/or to decide the best course of action, he or she shall seek advice from the Senior Manager of Human Resource Department.

8.4. Taking into account issue related to authenticity of the complaint forwarded, Human Resource Department shall not pursue any anonymous complaints.


8.5 Issues pursuant to workplace harassment shall be addressed without any incidents involving retaliation against complainant.

8.6 For further guidance on Complaint Procedure, reference shall be made to Annex A - Grievance Procedure.

9.0 DISCIPLINARY PROCEDURE

9.1 The following falls within the ambit of disciplinary action :-

- i. Written warning;
- ii. Transfer;
- iii. Adverse performance evaluation;
- iv. Demotion;
- v. Suspension;
- vi. Dismissal; and

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vii. Withold increment/bonus.

9.2 In the event, harassment has been proven to have been taken place based on investigations and evidences furnished, disciplinary action shall be taken towards the Complainant depending on the seriousness of the misconduct.

10.0 CONFIDENTIALITY

10.1 All parties involved are obligated to keep any information regarding harassment (investigation process and outcome) confidential.

11.0 FALSE ACCUSATION

11.1 Misuse of this Policy is strictly prohibited.

11.2 In the event, a Complainant is proven to have made false accusation or fabricated allegations upon investigation, disciplinary action shall be taken towards the Complainant.

12.0 INTERPRETATION AND REVIEW

12.1 This policy shall be reviewed and amended periodically to ensure that it is relevant with the trend of times and it serves the ultimate purpose of providing a secure and comfortable work environment for employees of the Company.

12.2 The English language version of this Policy shall prevail in case of any inconsistencies with translated versions.

13.0 RECORDS AND SAFEKEEPING

13.1 All investigation documentation and associated materials pursuant to harassment complaints shall be retained for three years from the date of commencement of investigation.

13.2 Access to any harassment data shall be strictly controlled by Human Resource Department.

ANNEX A - GRIEVANCE PROCEDURE

