

# FOREVER SABAH BERHAD



(Co No. 1172311-D / 201601001385)

## **POLICIES AND GUIDELINES FOR ZERO TOLERANCE ON SEXUAL ABUSE, EXPLOITATION AND HARASSMENT**

Version 2.0

Approved by the Board of Directors on 14 July 2025

## ***A. Introduction***

Sexual abuse, exploitation and harassment refers to any unwanted conduct of a sexual nature that has the effect of verbal, non-verbal, visual, psychological, or physical harassment and may be reasonably perceived by the recipient as creating a hostile environment or placing a condition of a sexual nature on his/her employment.

Forever Sabah (FS) is fully committed to a safe, healthy and harassment-free working environment for all employees, volunteers and project participants, and believes that every employee, volunteer and project participant should be treated with respect and dignity. As a step toward ensuring a secure and comfortable workplace, FS has developed a Zero Tolerance Policy on Sexual Abuse, Exploitation and Harassment, which aims to:

- ❖ Prevent harassment of any employee, contractor, or volunteer in the workplace,
- ❖ Provide an effective mechanism to report and address concerns; and
- ❖ Educate all employees on Sexual Exploitation, Abuse, and Harassment (SEAH) risks, including power imbalances and systemic abuse.

FS intends that these policies align with evolving international standards including the U.N. Secretary-General's Bulletin *ST/SGB/2003/13* and Capacity Strengthening for Prevention of Sexual Exploitation, Abuse and Harassment (CAPSEAH) Minimum Actions and Practical Guidance.

Key elements include:

- ❖ A survivor-centered approach to investigations.
- ❖ Commitment to providing support for survivors of SEAH incidents, including external support
- ❖ Mandatory safeguarding training for all staff.
- ❖ Clear reporting channels and accountability mechanisms.

If, at any time during your employment, you have questions or comments about this Policy or its application, you are encouraged to contact members of management or Human Resources officers.

### ***i. Definitions, Categories and Scope of SEAH***

For the purposes of this Policy, reference to the workplace means any place where the work of FS is being carried out, and other locations and situations such as work-related off-site assignments and business travel, work-related conferences, training or social gatherings, or other locations where the prohibited conduct might have a subsequent impact on the work relationship, environment or performance, or on the reputation of FS as an organization.

All persons working in FS must understand that sexual harassment is frequently more about power than about 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, whether any sexual favor or physical / emotional intimacy is ultimately received or not.

SEAH may manifest through, but is not limited to, the following categories of SEAH misconduct:

- ❖ Verbal: Unwelcome sexual comments, jokes, or propositions.

For example:

- Making sexual jokes or innuendos in the workplace.
- Repeatedly asking a colleague or community member out on a date despite being turned down.
- Commenting inappropriately on someone's appearance or body.
- Spreading sexual rumors or gossip about someone.

- ❖ Non-verbal: Staring, gestures, or displaying sexually explicit materials.

For example:

- Staring in a sexually suggestive or intimidating manner.
- Sending sexually suggestive emojis or images, even without explicit text.
- Displaying pornographic or sexually explicit materials in a shared workspace or digital platform.
- Making sexual gestures (e.g., licking lips, miming sexual acts).

- ❖ Physical: Unwanted touching, assault, or rape.

For example:

- Unwanted touching such as hugging, patting, or brushing against someone's body.
- Attempting to kiss or hold someone without consent.
- Groping, fondling, or other forms of sexual assault.
- Rape or attempted assault.

❖ Psychological: Manipulation, threats, or coercion linked to sexual conduct.

For example:

- Threatening to damage someone's reputation or job if they reject sexual advances.
- Guilt-tripping, manipulating, or emotionally pressuring someone into unwanted intimacy.
- Intimidating behavior or other unethical behavior (such as offering bribes) meant to silence or isolate someone who reports SEAH.
- Undermining someone's work or credibility due to rejected sexual advances.

❖ Transactional: Offering work benefits, aid, or services in exchange for sexual acts.

This is when a manager, Head of Division or a person of authority or superiority gives or withholds a work-related benefit in exchange for sexual favors or physical / emotional intimacy. Typically, the harasser requires such favors or intimacy from the victim, either rewarding or (if request is denied) punishing the victim in some manner.

For example:

- Offering employment, promotions, or training opportunities in exchange for sexual favors, including when the transactional offer is made to staff, contractors, or project participants such as volunteers or community members.
- Withholding access to services or resources (e.g., aid, information, permits) unless sexual cooperation is given, including in the context of community projects.
- Requesting or implying that sexual acts will improve someone's standing in the organization or community project.

- ❖ Digital/Online: Sending unsolicited sexually explicit messages or images, or engaging in cyber-harassment.

For example:

- Sending unsolicited explicit images, videos, or messages via email, chat, or social media.
- Cyberstalking or repeatedly contacting someone online after they've asked you to stop.
- Creating fake profiles to harass or impersonate someone sexually.
- Using work-related communication platforms to make sexual advances.

## ***ii. What To Do If Harassed***

Forever Sabah recognizes that experiencing or witnessing sexual exploitation, abuse, or harassment can be distressing and confusing. If you experience or observe any form of SEAH, it is important to know that you are not alone, and support is available. This section outlines the steps you can take and the resources available.

### **1. Prioritise Your Safety**

- If you are in immediate danger or feel unsafe, remove yourself from the situation as quickly as possible.
- Seek support from a trusted colleague or supervisor.
- In case of emergency, contact local authorities or emergency services.

### **2. Document the Incident**

- Write down or record the details of what happened as soon as possible while they are fresh in your memory. Include:
  - Date, time, and location
  - Names of the person(s) involved
  - Description of the incident
  - Any witnesses, if applicable
  - Keep any relevant evidence (e.g., messages, emails, photos) in a secure and confidential location.

### **3. Report the Incident**

- You are encouraged to report the incident through one of the following confidential channels:
  - Physical external complaint form at the Metro Town office or [online complaint form](#).
  - Human Resources Officer

- Your line manager or supervisor
- Designated Safeguarding Focal Point (Chief Executive Facilitator) or a member of the Safeguarding Focal Point network
- Reports can be made in person, via phone, or in writing (e-mail or letter).
- Anonymous reports will be taken seriously, though investigation of anonymous reports may be more difficult and verification processes may require more time.
- More elaboration on the Complaint Procedure & Investigations is provided below in Section F.

#### **4. Seek Support**

- FS is committed to a survivor-centered approach. This means you will be treated with dignity and confidentiality, listened to without judgment, and supported throughout the process.
- Support services may include:
  - Emotional and psychological support, including [referral to local survival support services](#).
  - Medical assistance
  - Referral to legal support, if necessary
  - Adjustments in work duties or location if requested

#### **5. Know Your Rights**

- Retaliation against anyone who reports SEAH in good faith is strictly prohibited (for further elaboration see Section F below).
- You have the right to decline to participate in mediation or confrontation with the harasser.
- You have the right to request updates on the progress and outcome of any investigation.

Any employee or volunteer who is experiencing or affected by harassment may take an informal approach, if he/she considers it appropriate, in resolving the problem by raising the matter directly with the person responsible (the “alleged harasser”). It is possible that the alleged harasser may not realize that this behavior is unwelcome or offensive. The employee may make an initial attempt to make it clearly known to the alleged harasser that his/her behavior is contrary to this Policy and that he/she should stop behaving in this manner. Alternatively, the employee may directly seek the help of his/her immediate supervisor or Head to informally approach the alleged harasser on his/her behalf.

If the employee or volunteer is dissatisfied with the informal approach or finds it inappropriate in the circumstances or unsuccessful, he/she may proceed with a formal complaint under Section F at any time, including contacting the Designated Safeguarding Focal Point (Chief Executive Facilitator) or any member of the Safeguarding Focal Point

network to discuss the issue. Nothing prevents the employee from starting with making such a formal complaint if he/she feels that the conduct is serious enough to warrant such an approach immediately.

It shall not be a sufficient excuse or defense for the alleged harasser that the complainant has never attempted to take the above informal approach before making a formal complaint. However, the disciplinary panel may take such a factor into account when considering the severity of the allegations, the actual intention of the harasser, and the punishment to be given.

### ***iii. Scope of Applicability***

Our harassment policy will be made known to agents, vendors, contractors and volunteers of FS so that they should be aware that harassment of any FS employee, volunteer or participants of FS projects will not be tolerated.

This policy applies to:

- All full-time, part-time, probationary, seconded, or term employees.
- Contractors, suppliers, vendors, and service providers engaged by FS.
- Participants in FS project activities.
- Interns and volunteers working with FS.

### ***B. Zero Tolerance of Other Forms of Harassment***

FS does not tolerate the harassment of its employees, volunteers or project participants in the workplace. Examples of such Harassment, especially where repeated or persistent, include:

- Derogatory reference to racial, religious, gender, appearance or other characteristics
- Bullying, shouting, teasing, threats, blaming and other demeaning treatment in public or private
- Workload or performance demands out of sync with professional norms and job descriptions
- Gossiping and hostile attempts to damage personal or professional reputation

The following are contrary to this Policy and therefore will not be tolerated:

- Any employee or volunteer engaging in conduct deemed to be harassment or encouraging such conduct by others; and
- Any form of retaliation directed against an employee, volunteer or third party who either complains about harassment or who participates in any investigation concerning harassment. Retaliation includes dismissal, demotion, unwanted transfer, denial of opportunities within FS or harassment as a result of the complaint or participation in the investigation. This is elaborated in more detail in Section F below.

FS' **zero-tolerance** position on harassment in the workplace applies to all aspects of employment, including the recruitment process:

- i. Harassing another is a breach of a term or condition of employment;
- ii. The career development of an employee will not be compromised as a result of the actions of a harasser; and
- iii. Employees and volunteers are expected to behave in a non-threatening and non-offensive manner.

Breach of this Policy is considered employee misconduct and may result in disciplinary measures taken, including immediate dismissal, regardless of whether the conduct complained of was sanctioned by a superior or specifically forbidden.

### ***C. Safer Recruitment Process***

With the objective of preventing individuals with harmful intentions from gaining access to vulnerable groups within the organization, as well as ensuring the safety of candidates being interviewed for a position, a Safer Recruitment Policy shall be implemented to minimize risks. This includes:

1. Background Checks
  - Mandatory criminal background and reference checks for all employees, contractors, and volunteers.

- Verification of past employment history including checks for any history of sexual abuse, exploitation or abuse from references and past employment, particularly for roles involving vulnerable individuals.
2. Structured Interview Process
    - A minimum of two interviewers per candidate, ensuring safeguarding considerations.
    - Specific safeguarding-related questions to assess candidates' values.
  3. Contractual Safeguards
    - All employment and service contracts will include explicit safeguarding clauses.
    - Interviewers will make explicit FS' zero-tolerance policy on SEAH during interviews.
    - Prior to engagement, all vendors, contractors, and external partners must agree to FS' Zero-Tolerance Policy on SEAH and abide by the established international standards to which this Policy seeks to align (which are provided in this policy's introduction).
  4. Probationary Review & Monitoring
    - FS will assess new hires' compliance with safeguarding policies before confirming their employment.
    - If FS learns that vendors, contractors, or external partners are not abiding by FS' Zero-Tolerance Policy on SEAH and/or established international standards provided in that policy, and especially if there are incidents of SEAH, this can provide justification for termination of the partnership dependent on FS' assessment of the incident's nature and severity and its context.

#### ***D. Abuse of Authority***

Abuse of authority happens when a person uses his/her authority to interfere with an employee or volunteer, or the employee's / volunteer's work in FS. It includes humiliation, intimidation, threats and coercion, and may include sexually-related comments or behaviors, examples of which are provided in Section A.

#### ***E. Roles and Responsibilities***

##### ***i. Employees, Contractors and Volunteers***

All employees, contractors and volunteers are required to complete designated mandatory training requirements. Each employee, contractor and volunteer have the responsibility to treat colleagues, managers and stakeholders in general in a way that respects individual differences. They are strongly encouraged to address their concerns if someone else behaves in a way that is offensive, humiliating or degrading or if they observe an instance of sexual exploitation, abuse or harassment by another FS employee, contractor, or volunteer to anyone else associated with FS. Employees, contractors and volunteers should speak up or report the complaint to an immediate supervisor or HR and use the external complaint mechanism outlined in Section F.

Employees, contractors and volunteers should keep a written record of the details of the alleged incident(s) of sexual or other harassment, including time, locations and name of witnesses, if any. They shall also attend training sessions on harassment organized by FS from time to time. All employees, contractors and volunteers have a responsibility to cooperate in any investigation of a harassment complaint. All information should be kept confidential. These are serious issues and privacy must be respected.

## ***ii. Superiors***

All employees who hold any position superior to any other employee should also be familiar with this Policy and are expected to be alert to any sign of harassment, such as an unexplained change in an employee's performance, rumors or an employee isolating himself/herself or seemingly distracted. If something does not seem right, the superior should speak to the employee concerned. Having someone willing to listen often helps the employee to talk about a problem. The superior also has a responsibility of ensuring that the workplace remains free of harassment and in doing so, the superior should apply this Policy consistently.

## ***iii. Human Resources (HR)***

The Human Resource officers are in charge of ensuring that this Policy and its applicable procedures for dealing with harassment are understood by all employees. This includes

making sure that this Policy is consistently applied in all harassment complaints. The Human Resource office, together with the Safeguarding Committee, is also responsible for setting up a panel or appointing any person (whether part of FS or not) to conduct an investigation whenever required, and to review this Policy and its procedures so that the aims of this Policy are achieved. Human Resources and the Safeguarding Committee also hold responsibility for a confidential Incident Log for harassment cases, including to enable monitoring and evaluation of policies, resolution times and outcomes, and institutional wellbeing.

#### ***iv. Designated Safeguarding Focal Point (SFP)***

The Chief Executive Facilitator (CHeF) serves as the designated Safeguarding Focal Point and has the overall responsibility of taking the lead in promoting a harassment-free workplace.

#### ***v. Network of Safeguarding Focal Points***

A group of Prevention of Sexual Exploitation, Abuse, and Harassment (PSEAH) Safeguarding Focal Points from across staff, and including the Designated SFP, will also have responsibility of promoting awareness and understanding of this Policy across all staff and contractors, reporting cases, and promoting a harassment-free workplace. There will be a formal agreement outlining the roles and responsibilities of the SFPs, who will undergo training in PSEAH policies, internal and external reporting mechanisms, and will have authority to act to escalate reported cases and enforce safeguarding protocols. The network will have a focus on a balance of gender and other considerations (e.g. geographic location), with at least 50% female participation.

The responsibilities of the SFPs are:

1. Serve as first points of contact for SEAH-related concerns.
2. The SFPs ensure periodic safeguarding training for all staff and contractors (outlined in Section H).
3. Maintain confidentiality and ensure fairness during investigations.

4. Coordinate periodic assessments of PSEAH policy effectiveness and training gaps.

All employees will be provided information about the roles and contact details of the Safeguarding Focal Points during onboarding.

#### ***vi. Safeguarding Committee***

A rotating committee of Safeguarding Focal Points will be appointed periodically and will have the responsibility of liaising with Human Resources and coordinating all PSEAH trainings, periodic assessments, assessment of training gaps, and periodic reviews of this Policy. In the event of a reported incident, Human Resources and the Safeguarding Committee will appoint a panel to investigate the case in a fair and confidential manner.

### ***F. Complaint Procedure & Investigation***

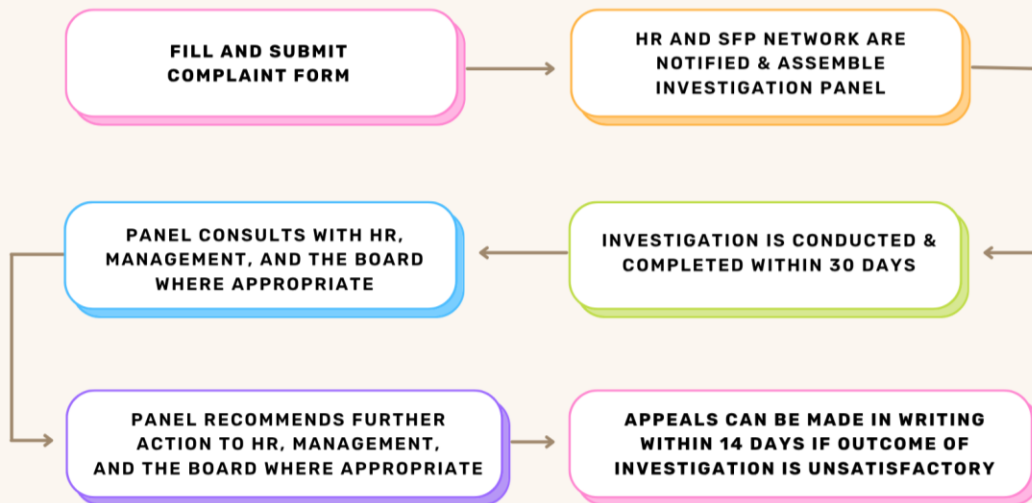
#### ***i. Complaint Procedure***

An employee, volunteer or contractor who has been directly harassed, or has witnessed or is affected by the harassment of others, should report such conduct to their supervisor, HR, or a member of the Safeguarding Focal Point Network. If the employee, volunteer or contractor needs help in determining whether harassment has occurred, or whether to take the formal or informal approach, they should seek advice from someone in the SFP Network or HR.

The informal approach is where a complainant chooses to address an incident directly with the alleged harasser or decides to pursue the matter personally in whichever way they deem appropriate, which may include seeking external support on their own volition.

The formal approach is when a complainant chooses to address an incident through internal FS channels, illustrated below:

## FORMAL COMPLAINT PROCEDURE & INVESTIGATION



In the event that a member of the Network is the subject of or implicated in the complaint, the employee, contractor or volunteer should raise the matter with HR. However, if both a member/member of the Network and HR are implicated in the complaint, the employee, contractor or volunteer should raise the matter with any other member of the senior management or the Board of Directors if appropriate. Configuration of the investigation panel will ensure safety, confidentiality, and no conflict of interest. Note that anonymous complaints will be investigated but may require more time and deliberation.

Allegations of harassment of all kinds will be treated seriously and with utmost regard for confidentiality. Forever Sabah aims to resolve any complaint as quickly as possible. Under no circumstances shall the employee, contractor or volunteer alleging the harassment be required to submit a complaint to the alleged harasser.

### ***ii. No Retaliation***

The right and duty to report harassment at any time by way of complaint or as witness in an investigation should be exercised without fear of reprisal. FS **prohibits** any form of

retaliation against any person making the complaint or becoming a witness, even if the allegation turns out to be unproven (except if the complaint or testimony was deliberately and knowingly false, fabricated or in bad faith). (Note: “Unproven” simply means that the evidence is insufficiently decisive, and is not the same as false, fabricated or in bad faith).

No director, officer, employee, volunteer or contractor who in good faith reports a suspected violation shall suffer harassment, retaliation, or adverse employment consequences based on the reporting of such a violation. An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action up to and including suspension and termination of employment.

These terms are more comprehensively laid out in the Forever Sabah Whistleblower Policy.

### ***iii. Investigation***

Investigations will uphold procedural fairness, ensuring that all complaints are treated seriously and impartially. Investigations will be conducted with utmost discretion to avoid any embarrassment or risk of exposure to the parties. Both the complainant (if not anonymous) and the alleged harasser will be separately interviewed, as will any individual who may be able to provide relevant information. Every complainant (if not anonymous) and alleged harasser is expected to cooperate in any investigation if so requested.

The outcome of the investigation will be communicated to the complainant (if not anonymous). Where the complainant is dissatisfied with the outcome of the investigation, they may appeal to the Safeguarding Committee and HR, or escalate the matter to senior management or the Board of Directors if still dissatisfied, in writing within 14 days from the date they are officially informed of said outcome.

Forever Sabah will fully comply with all applicable Malaysian laws, and will cooperate with the relevant investigating authorities and regulatory bodies as required in the handling of any SEAH-related matters.

We place equal emphasis, commitment and care to practicing a restorative justice process as organizational culture. We believe this supports the safety, growth and wellbeing of both the individual and the collective. This is detailed in Section G below.

#### ***iv. Confidentiality and Incident Log***

All complaints will be kept strictly confidential. Information acquired from the investigation will also be kept confidential. All parties involved in the investigation, including both the complainant and the alleged harasser, are required to keep such information confidential.

FS maintains a secure Incident Log to document:

- Nature of allegations.
- Steps taken during the investigation process and resolution times.
- Outcomes and follow-up actions.
- Trends in reported incidents to enhance prevention strategies.

Only the Safeguarding Committee, HR and senior management will have access to the information in this log, except for those who are implicated during an investigation.

#### ***vi. False accusations***

Although FS encourages any employee, volunteer or contractor who had experienced harassment to report the matter, any deliberately and knowingly false accusations, fabricated allegations or complaints against another made in bad faith are considered misconduct. There may be disciplinary measures taken against the complainant for

making complaints of such deliberately false nature. Appropriate restitution will be made to those deemed to have been the subject of unfounded or malicious accusations.

### ***vii. Disciplinary Measures, Restitution and Appeal***

If an SEAH complaint is substantiated, FS will take appropriate disciplinary actions, which may include:

1. Suspension or termination of employment or contract for severe offenses.
2. Formal warnings and mandatory retraining for lesser offenses.
3. The incident will be documented in the harasser's file.
4. Referral to law enforcement where required.

If an employee, volunteer or contractor is dissatisfied with an investigation's outcome, they may appeal to the Board of Directors within 14 days.

Restitution for unfounded complaint: An employee, volunteer or contractor accused and found not guilty of harassment will be granted restitution deemed appropriate by FS in its discretion for any direct and foreseeable pecuniary loss suffered by them. For instance, where interim suspension without pay pending resolution of the complaint is instituted, such payment shall be reinstated.

### ***G. Organizational Restorative Justice Process***

Forever Sabah is committed to a principles-based, survivor-centered approach to restorative justice in addressing sexual exploitation, abuse, and harassment (SEA/SH). Rooted in the values of dignity, empathy, accountability, and healing, our approach seeks to honor the experiences of those harmed, address power imbalances, and contribute to the restoration of individual and collective wellbeing.

In the event of a SEA/SH incident, Forever Sabah may facilitate a restorative justice process that:

- Acknowledges and validates the harm caused;
- Supports healing and reparation for survivors;
- Encourages responsible parties to take meaningful accountability;
- Rebuilds trust within the organization and wider community.

This process is entirely **voluntary** and grounded in **informed consent** from all parties. Survivors and accused persons are not required to meet face-to-face.

Forever Sabah's restorative processes are grounded in the belief that meaningful dialogue, accountability, healing, reparation, and transformation are only possible when individuals who violated this policy come forward to acknowledge their wrongdoing, demonstrate a willingness to engage honestly and openly, and take restorative steps to rebuild trust and integrity. A restorative pathway is not viable in cases where the individual manipulates facts, conceals misconduct, or refuses to cooperate with investigations. In all cases, the process is initiated only when all parties provide informed and voluntary consent and when it is safe and appropriate to proceed.

Importantly, participation in a restorative process does not exempt individuals from formal accountability. Forever Sabah has a duty to report confirmed incidents of SEA/SH to the relevant authorities. Restorative justice is therefore offered as a complementary process, not a substitute for disciplinary, legal, or administrative action.

Any person who acknowledged wrongdoing, cooperated fully, and engaged sincerely in community healing processes will be supported through a structured restorative plan. This included measures for reparation and rebuilding trust, while the organization fulfills its duty to report the matter to the authorities.

While restorative justice is not always appropriate or feasible, where the conditions are right, it serves as a powerful tool to repair harm, restore relationships, and rebuild trust within the organization and broader community.

Forever Sabah's approach aligns with global best practices (e.g., the [European Forum for Restorative Justice](#)) while being culturally responsive to local contexts.

### ***H. Monitoring, Evaluation and Learning (MEL)***

HR and the Safeguarding Committee will actively track and evaluate safeguarding practices to ensure continuous improvement.

#### ***i. Safeguarding M&E Database***

1. Use of Incident Log to monitor reported SEAH cases, including investigation timelines.

#### ***ii. Periodic Safeguarding Review***

1. Assesses policy effectiveness, training gaps, and response times.
2. Tracks recurring patterns in specific teams or project areas.
3. Measures staff confidence in reporting SEAH concerns.
4. Outcomes will be used to strengthen FS's safeguarding framework.

#### ***iii. Mandatory SEAH Training***

1. SEAH training integrated into onboarding for all new hires.
2. Periodic safeguarding refresher training for all employees and contractors.
3. Specialized investigative and response training for Safeguarding Focal Points.

### ***I. Review & Amendments***

This Policy will be subject to at least biennial review to ensure compliance with global safeguarding frameworks and address SEAH risks as they emerge. Staff are invited to raise specific problems or suggestions around policies whenever appropriate.