



Kingston Properties Limited

SEXUAL HARASSMENT POLICY

KINGSTON PROPERTIES LIMITED'S WORKPLACE POLICY AGAINST SEXUAL HARASSMENT

1. INTRODUCTION

1.1. Policy Statement

Kingston Properties Limited ("KPL") is fully committed to fostering a healthy, respectful, and sexual harassment-free workplace for all employees, in alignment with international, regional, and local best practices. Accordingly, the physical, emotional and mental health and safety of all persons engaged by and/or doing business with or behalf of KPL is of paramount importance.

In this regard, KPL expressly prohibits Sexual Harassment and endeavours to create an environment free from sexual harassment, and this policy is established to address and prevent any occurrence of sexual harassment at KPL.

1.2. International Agreements and Policy Linkages

KPL acknowledges:

- (i) **International Protocols and Conventions** to which Jamaica is committed, and which upholds Sexual Harassment as a form of violence, a human rights issue, and an obstacle to development;
- (ii) that the **International Labour Organization (ILO)** has formally recognized Sexual Harassment at the workplace as being harmful. The International Labour Office has pointed out that Sexual Harassment, is a violation of the fundamental rights of workers, and it constitutes a health and safety hazard, is an issue of discrimination, an unacceptable working condition and a form of violence, usually against female workers. Convention No. 111 on Discrimination in Employment and Occupation, cites issues of health and safety to employee welfare and workplace productivity, as they are affected by sexual harassment;
- (iii) that it is guided by the **Sexual Harassment (Protection and Prevention) Act, 2021** which is intended to facilitate redress for women and men in the workplace. KPL intends by this policy, to do all that it can, to prevent Sexual Harassment in its workplace and at work-sponsored initiatives regardless of the nature and regardless of whether such work-sponsored initiatives if events occur on KPL's premises or not;
- (iv) that the Jamaican **National Policy for Gender Equality (NPGE)** approved by Cabinet in 2011 promotes the objective and goal of sustainable behaviour change and an environment where females and males at all stages of the life cycle can enjoy their full human rights and develop their full potential as citizens. NPGE also mandates the Ministry of Culture, Gender, Entertainment & Sport and other entities to create mechanisms for persons to report and have redress for labour issues involving sexual harassment; and,
- (v) the **Gender Sector Plan of the Vision 2030 National Development Plan** finalized in

2010 specifically identifies Sexual Harassment as a deterrent to national development. The plan identified the absence of Sexual Harassment policy and legislation as a weakness in the economy and education and stipulates the development of Sexual Harassment policies in the workplace as an output indicator of the Plan.

2. KEY DEFINITIONS

Anti-Sexual Harassment Dispute Settlement Committee

A committee for Sexual Harassment dispute settlement which will consist of the following persons;

- A Senior Legal Officer/Counsel or his/her nominee (Chair);
- A third party trained to handle disputes of this nature. This member may come from the Bureau of Gender Affairs, or another qualified resource determined by the Chair; and
- A Human Resource Representative duly trained on Sexual Harassment prevention in the workplace.

Employer

An employer is any person who engages, in any form, a “worker”. Accordingly, employment includes **any form** of engagement of a worker.

Respondent

Respondent means a person accused of Sexual Harassment under this policy. The term “accused” and/or the phrase “person accused” has the same meaning and shall be construed accordingly.

Sexual Advance

A sexual advance includes **any one or more** of the following acts, forms of conduct or behaviour, namely:

- ✓ Physical contact of a sexual nature;
- ✓ Demand or request for sex or favours of a sexual nature;
- ✓ Sexual suggestions;
- ✓ Sexual innuendos;
- ✓ Showing pornography or the display of images or objects of a sexual nature; and/or
- ✓ Any other physical, gestural, verbal, non-verbal conduct of a sexual nature.

Sexual Harassment

Sexual Harassment means the making of any **unwelcome sexual advance** towards a person, by another person, which;

- (a) is regarded as offensive or humiliating by the person towards whom the sexual advance is made; **OR**
- (b) has the effect of
 - (i) interfering with the work performance of the person to whom the sexual advance is made; or
 - (ii) creating an intimidating, offensive or a hostile work environment,and references to the term “sexually harass” shall be construed accordingly.

Stakeholders

A person who conducts business with an employer, which includes but is not limited to tenants, partners and shareholders.

Welfare Officer

A person so designated by KPL who or that receives reports of Sexual Harassment under this policy.

Worker

A person who carries out work **in any capacity for an employer** including:

- an employee, whether in the private or public sector;
- a domestic worker;
- a person engaged under a contract for services, or a subcontractor of that person;
- an employee of a person or subcontractor;
- a person whose service is procured or arranged by a company which is in the business of supplying workers for other businesses, and who has been assigned to work in the business or undertaking;
- an apprentice, a trainee or an intern;
- a student gaining work experience;
- a volunteer; and
- a person designated by the Minister after consultation with the Labour Minister (which means that this list may be updated after the effective date of this policy)

[NB: Worker for the purposes of this policy also means a “team member” and where the phrase team member is used in this policy, it should be construed accordingly.]

Workplace

Workplace means a physical place where every room or field, closed or open, movable or stationary, where workers work, or which is frequently entered by a worker for business, including all rooms, fields, lawns and surrounding areas that constitutes parts of, or are connected with the place of work.

A workplace for the purposes of this policy, does not only include physical places where work is performed during the regular working hours per day, such as office or real estate properties. Workplace for the purposes of this policy, covers any place under the direct or indirect control of KPL at which an employee/worker/team member needs to be present or to which he/she needs to go in order to perform his/her duties.

Workplace for the purposes of this policy, also includes all locations where employment related business is conducted as a result of employment responsibilities or employment relationship, in locations such as work-related and/or work-sponsored social functions, conference and training sessions, official business travel and lunches, dinner, or promotional campaigns organized for stakeholders, telephone conversations, and communications through electronic media.

NB: Conduct of a sexual nature includes reference to statements made orally or in writing.

2.1 Types of Sexual Harassment

The various forms of Sexual Harassment include:

- ✓ **Physical harassment**—unwanted/unwelcomed pinching, patting, touching, kissing, groping, and hugging which has clear sexual undertones.
- ✓ **Verbal harassment**—unwelcomed comments on appearance/physical attributes private/personal life, sexually suggestive or explicit jokes, insults and ‘put-downs’ based on a person’s sex (for the avoidance of doubt, the term sex here means “gender”).

[NB: It is important to note that often times, harassers hide behind the argument that comments are “compliments”. This does not mean that the behaviour is acceptable]

- ✓ **Non-verbal/Gestural harassment**—sexually suggestive gestures e.g., winks, licking of lips, gestures with hands, fingers, legs.
- ✓ **Psychological/Emotional Harassment**—consists of persistent proposals and unwelcome requests, unwanted invitations to go out on dates, insults, taunts or innuendos of a sexual nature.
- ✓ **Written/graphic/visual/audio harassment**—via internet communication (including electronic messages and attachments), letters, land line telephone, cellular telephones, distribution and display of pornographic materials (visual and audio), obscene and sexually explicit language.
- ✓ **Quid Pro Quo**: This form of Sexual Harassment is recognized where harassers use a position of power and authority to negotiate job benefits (employment, re-employment, continued employment, individual favourable compensation, terms, conditions, promotions, privileges). This also applies to public goods (social services, security, social benefits, natural resources), socially and economically valued goods (housing, school admission, scholarships, security) which are conditional on an exchange of sex or physical contact, and refusal leads to failure to access any of the above.
- ✓ **Stalking/Cyber Stalking**—Obsessively following, besetting, contacting and watching a person, either in person or using the internet, telephone, mail, and other media, which is motivated by what the perpetrator believes are feelings of desire and love, constitute sexual harassment.
- ✓ **Voyeurism (“Peeping Tom”)**—The act of watching, taping, recording, photographing a person without their knowledge, in a clandestine manner or otherwise, while the person uses or inhabits a space where they have an expectation of privacy such as their domicile, a public bathroom, changing room etc., is a sexually harassing act.
- ✓ **Intimidation/Bully/Retaliation**—Persons often use non-sexual behaviour to accommodate sexual harassment. Therefore, any act of intimidation meant to prevent someone from reporting sexually harassing behaviour or to punish someone for reporting sexually harassing behaviour are types of sexual harassment.

***NB:** Acts or comments of a sexual nature, not intended to harass, can constitute Sexual Harassment if another person feels uncomfortable with such subjects. Claiming to not understand or failing to know that an act is harassing, does not mean that it is not in fact, sexual harassment.*

- ✓ **Toxic Environment**—A combination of the above, can create a toxic and oppressive environment for the direct target but also for other persons who are not targeted. Even if a person is not the direct target of Sexual Harassment but is made uncomfortable and is offended by the creation of a toxic environment, they should be able to make a report of sexual harassment.

Such behaviours are not and will not be tolerated and KPL shall take reasonable steps to prevent all types of sexual harassment.

2.2 Reasonableness of Conduct - Measuring reasonableness in Sexual Harassment claims can be done by identifying whether the behaviour leading to Sexual Harassment conduct is making the victim feel uncomfortable, offended, ashamed or afraid. An objective test will be used based on the

condition that a reasonable person could have anticipated such conduct would cause a humiliating and intimidating effect. Further, the conduct will be considered within the context in which it occurs.

3. ZERO TOLERANCE COMMITMENT AGAINST SEXUAL HARASSMENT

KPL is committed to ensuring that men and women are able to work in an environment free of sexual harassment, where safety is ensured, and human dignity is valued and protected. KPL takes a zero-tolerance approach towards Sexual Harassment and is committed to ensuring that its environment is free of any such behaviour that constitutes sexual harassment.

4. APPLICABILITY

This policy applies to all Workers, members of the Board of Directors, private contractors contracted by or on behalf of the KPL, stakeholders and/or other third parties conducting business with the KPL and interacting with its Workers.

All Workers and Board Members will be required to sign a copy of this policy indicating their understanding thereof and to attend all scheduled training and awareness programmes provided by KPL. All parties will be governed by the terms set out in this policy.

This policy contemplates and prohibits all forms of Sexual Harassment including offences committed by same sex, (male to male or female to female), supervisors, managers, directors, stakeholders and the opposite sex (male to female or female to male).

External partners who are required to work directly with KPL's Workers will be made aware of this policy through the terms of their engagement. Stakeholders will also be notified and their comments welcomed as part of KPL's global consultative process, but KPL is ultimately guided by the stipulations of the **Sexual Harassment (Protection and Prevention) Act, 2021**.

5. TRAINING

KPL will take all reasonable steps through various training tools and programmes including collaboration with internal, external partners, and stakeholders to ensure greater awareness and understanding of Sexual Harassment, its scope and effect. Each team member will be notified by his/her supervisor/manager of such initiatives and are required to participate. An attendance register will be maintained for such participation.

6. SCOPE

All forms of harassment will be considered under this policy, per Key Definitions above.

Investigators will apply a standard test of objectivity based on whether a reasonable person could have anticipated such conduct to cause a humiliating and intimidating effect on another person or could have the effect of interfering with such person's work performance.

This policy recognizes that Sexual Harassment may occur frequently, several times, intermittently, over an extended period of time or in a brief moment and so this policy does not require that the

unwelcomed conduct should occur more than once to be prohibited. KPL therefore encourages persons to report any occurrence of Sexual Harassment regardless of the frequency thereof.

The policy considers reports of unwanted/unwelcomed behaviour at any point in time during the course of employment or engagement. Matters reported under this policy may (dependent on the nature of the alleged action) lead to criminal proceedings under the **Sexual Offences Act** and any other applicable laws. These matters may be referred to the Jamaica Constabulary Force for independent investigations and proceedings, where necessary.

7. ROLES AND RESPONSIBILITIES

The following roles and responsibilities will apply under this policy:

7.1 Employer/Management

- To provide/facilitate a workplace that is free from all forms of Sexual Harassment.
- To take the necessary steps to prevent the occurrence of Sexual Harassment in the workplace and or eliminate Sexual Harassment if it occurs.
- To provide an environment which discourages victimization.
- To demonstrate commitment to this policy by leading by example and responding immediately and appropriately if an offence occurs in the workplace.
- To provide counselling support.
- To monitor and revise policy and education/information programmes based on changes in national and international policies and standards, as necessary.

7.2 Worker

- To report offences experienced or witnessed when they occur in keeping with the guidelines provided by this policy.
- To obtain and become familiar with this policy.
- To ensure that behaviour conforms to the requirements of this policy.
- To pay attention to the responses of others to avoid breaches of this policy.
- To continually examine our behaviour, gestures and comments to ensure compliance with this policy.

7.3 Human Resource Personnel

- To ensure all workers are aware of their obligations in relation to providing a workplace free from Sexual Harassment.
- To treat all complaints seriously and confidentially.
- To take immediate and appropriate corrective action in line with the policy.
- To provide guidance and education where requested, and/or appropriate to cases and subsequent decisions relating to Sexual Harassment;
- To document and investigate all cases of alleged sexual harassment. All documentation should be filed with the personnel files of both the complainant and respondent.
- To develop and maintain a Sexual Harassment register.

- To appropriately discipline workers who harass other workers and those who make false accusations.

7.4 The Anti-Sexual Harassment Dispute Settlement Committee

- Conduct a hearing into the allegation of Sexual Harassment which is referred for action by the Welfare Officer.
- Make recommendation to the Management of KPL based on the findings of the hearing.
- Notify workers of their rights, depending on the nature of the sexual harassment.
- In appropriate circumstances, report the matter to the Sexual Harassment Tribunal established under the Sexual Harassment (Protection and Prevention) Act, 2021.

7.5. Welfare Officer

- Receives reports of Sexual Harassment
- Investigates Reports of Sexual Harassment and determine whether there is merit to the report of Sexual Harassment
- Ensure provisional working arrangements are made if necessary to ensure the complainant (person making report) and respondent (person accused) continue working in a safe environment while the case is being investigated. This could include a temporary relocation of the respondent/complainant to a different workspace, where appropriate (care should be taken not to take this step where such a step could be viewed as a material change in the conditions of work).
- Examine whether a mutually agreed upon resolution of the matter can be achieved between the parties and if so, document such consensus regarding the claim to the relevant HR records.
- If no mutually agreed resolution of the matter can be achieved refer matters to the Sexual Harassment Dispute Settlement Committee, where necessary.

7.6. The Sexual Harassment Register

- KPL shall maintain or cause to be maintained, a register containing the following information in respect of every Sexual Harassment claim lodged under this policy: (a) the name of the parties to the Sexual Harassment claim; (b) the particulars of the Sexual Harassment claim; (c) the date at which the Sexual Harassment claim was lodged; (d) any action taken by KPL or person in relation to the Sexual Harassment claim (e) such other particulars relating to the Sexual Harassment claim as may be prescribed by law after the coming into effect of this policy.
- KPL shall take all reasonable steps to ensure that the information contained in the register is kept in a secure manner and that the confidentiality of the information is preserved, and shall: (a) take all necessary and appropriate measures to protect the information contained in the register from unauthorised access, unauthorised use and unauthorised disclosure; and (b) ensure that any person who has access to the register adheres to the above measures, at all times.

- KPL will not disclose information recorded in the register, in relation to a Sexual Harassment claim, unless the disclosure is made with lawful authority. Disclosure is made with lawful authority only if, and to the extent that: (a) the disclosure is made to a party to the Sexual Harassment claim upon their request; (b) the disclosure is made to the Sexual Harassment Tribunal (“the Tribunal”), where a complaint is made to the Tribunal under **Sexual Harassment (Protection and Prevention) Act, 2021**; (c) the disclosure is made for the purposes of, and is necessary for, the discharge of any functions under **Sexual Harassment (Protection and Prevention) Act, 2021** or any other relevant enactment; (d) the disclosure is made for the purposes of any proceedings, whether criminal or civil and whether arising under or by virtue of **Sexual Harassment (Protection and Prevention) Act, 2021** or otherwise.
- A person who knowingly or recklessly discloses information kept in a register in contravention of this policy, commits an offence and on summary conviction in a Parish Court be liable to a fine not exceeding five hundred thousand dollars or in default of payment thereof to a term of imprisonment not exceeding one month. KPL will therefore report any such person to the appropriate authority.
- KPL will maintain the information in the register for a period of eight (8) years.

8. INTERNAL MECHANISMS

8.1. Reporting and Investigation

KPL encourages persons to report any Sexual Harassment regardless of the nature and the persons involved. In this regard, KPL shall designate a person as Welfare Officer. KPL shall inform all persons to whom this policy applies of the person designated as Welfare Officer.

KPL shall develop and maintain multiple avenues for the reporting of Sexual Harassment under this policy including written reports, electronic reporting (excluding reporting via social media), in-person reporting, or otherwise.

✓ Reporting

Persons who wish to make a claim of Sexual Harassment may do so by:

- documenting the incident/incidents/conditions in writing; and
- making a report, in writing, to a designated welfare officer.

✓ Investigation

Once report of Sexual Harassment is made, KPL will ensure that the report is thoroughly investigated. Accordingly, upon receipt of a report under this policy, the Welfare Officer shall:

- in the case where the Sexual Harassment report is made against a Worker, notify the Worker in writing, in-person, electronically, or otherwise in writing **within two (2) days** of receipt of the Sexual Harassment report. Where the person is notified in-person, the Welfare Officer shall document such notification;
- in the case where the Sexual Harassment report is made against a stakeholder, take such action that the Welfare Officer considers appropriate in the circumstances, to

- bring the matter to the attention of the stakeholder; and
- in cases where the Welfare Officer or the Anti-Sexual Harassment Dispute Resolution Committee is the person accused, the KPL Human Resource Personnel may be contacted, or the Whistle Blowing/Complaints mechanism can be used **[see link]**.

[NB: a person aware of and/or affected by Sexual Harassment but is not the direct victim is also encouraged to make a report and may also do so using KPL's Whistle Blowing policy **[see link]**]

In any of the above scenarios, the Welfare Officer shall commence an investigation into the particulars of the Sexual Harassment claim **within fourteen (14) days** of the Sexual Harassment claim in the following manner:

- the Welfare Officer shall within two (2) business days of receiving the report, meet with the complainant and elicit such information as is necessary from the complainant in respect of the Sexual Harassment report. The complainant should be advised of his/her right to have a representative present at this meeting;
- during the meeting with the complainant, the Welfare Officer should mention to the complainant the availability of the KPL Counseling Support Facility (see below);
- the Welfare Officer shall, having notified the accused of the report, issue an invitation to the accused in writing to a meeting within five (5) business days of such notification. The invitation should state that the accused is encouraged to take with him or her a representative to this meeting;
- having reviewed the report and met with the accused and the complainant separately, the Welfare Officer shall examine the record as a whole and the totality of the circumstances, such as the degree of the alleged harassment and the context in which such alleged incidents occurred;
- the findings will be assessed, based on the finding examine whether a mutually agreed upon resolution of the matter can be achieved between the parties. Where no mutually agreed resolution of the matter can be achieved the matter will be referred to the Sexual Harassment Disputes Settlement Committee for a hearing.
- Where the Welfare Officer is the person accused, the Human Resource Personnel will perform the functions listed above.

The investigation process will be completed as quickly as possible and without delay.

If a report of Sexual Harassment is lodged against any member of the Sexual Harassment Disputes Settlement Committee, he/she will be required to recuse himself/herself and will not be allowed to participate in any way in the proceedings and will be replaced by the CEO.

If a complaint was made against the CEO or any member of the Executive Committee, the matter may be sent through the Company Secretary to the Chairman of the Board who will appoint a Special Committee of persons independent of the Company to hear the complaint.

If a complaint was made against a member of the Board of Directors, the Company Secretary may seek the assistance of the Ministry of Culture, Gender, Entertainment, and Sport to assist in the empanelment of a Special Committee to hear the complaint.

Any team member who is dissatisfied with the actions taken by KPL may adopt the procedure laid out in the Grievance Policy **[see link]**.

- ✓ Investigation and treatment of Sexual Harassment by a stakeholder

Where a team member is sexually harassed by a stakeholder, the team member should immediately report the matter to the Welfare Officer for the appropriate action to be taken. Based on the circumstances, the complaint will be investigated internally and thereafter the matter will be referred to the Sexual Harassment Tribunal for adjudication and action.

8.2 Adjudication Procedure

Where the Welfare Officer shall make a referral of a report of Sexual Harassment where there is sufficient basis that the alleged Sexual Harassment took place and could lead to disciplinary action, the following procedure shall obtain:

- The Welfare Officer shall provide a written report to the Anti-Sexual Harassment Disputes Settlement Committee documenting the report received, the investigation process, findings and recommendations.
- Both the complainant and the respondent shall be forthwith advised in writing of the referral of the complaint to the Anti-Sexual Harassment Disputes Settlement Committee for hearing.
- The communication advising the respondent (person accused) of the referral should also clearly state that the team member has the right to a representative being present at the hearing and all the documents which the Anti-Sexual Harassment Disputes Settlement Committee shall consider at the hearing should be shared with the team member not less than **seven (7) business days** before the hearing.
- Both the team member (the person accused of sexual harassment) and the complainant along with his/her representative will appear before the Anti-Sexual Harassment Disputes Settlement Committee and the hearing shall be conducted in the same manner as set out in the KPL Disciplinary Action Policy **[See link]**.
- Where the sanction is one other than dismissal, the team member will be advised, in writing, of the disciplinary action to be taken and a copy of the said letter placed on his/her file and in the Sexual Harassment Register.
- Where the sanction recommended by the Anti-Sexual Harassment Disputes Settlement Committee is dismissal, the team member shall be advised in writing and shall have the right of appeal as outlined in the KPL Disciplinary Action Policy **[see link]**.
- The complainant will also be advised of the recommendation by the Anti-Sexual Harassment Disputes Settlement Committee.
- If either the complainant or the respondent is dissatisfied with the outcome, he/she has the option of referring the matter to the Sexual Harassment Tribunal established under the **Sexual Harassment (Protection and Prevention) Act, 2021**.

9. SOCIAL MEDIA REPORTING PROHIBITED

KPL absolutely prohibits the reporting, discussion, communication or otherwise dissemination of information on social media concerning a report of or investigation of sexual harassment under this policy. Any breach of this provision shall be dealt with in accordance with the KPL Disciplinary Action Policy [see link].

10. COUNSELING SUPPORT FACILITY

KPL understands the complex nature of Sexual Harassment and the mechanisms to ensure its prevention. More importantly, KPL also understands the negative effect that Sexual Harassment can have on team members, whether directly or indirectly.

Accordingly, KPL will develop an internal counselling support facility. A request to benefit from this support facility may be accessed through a special/secure email system developed internally for this purpose.

The details of the counseling support accessed under this policy including the names of the persons who seek such support is confidential. KPL will take all reasonable steps to ensure that such information is not disclosed unless such disclosure is required by law.

All persons whether a victim, person accused, or anyone otherwise impacted by Sexual Harassment under this policy, are invited to make use of this support facility.

11. RIGHT TO APPROACH SEXUAL HARASSMENT TRIBUNAL

Notwithstanding anything contained in this policy a person may, after exhausting the steps and procedures under this policy, make a complaint directly to the Sexual Harassment Tribunal established under the **Sexual Harassment (Protection and Prevention) Act, 2021**.

12. PROTECTION AGAINST RETALIATION

The act of bullying, intimidation and threats which are meant to accommodate Sexual Harassment or retaliate against an individual/ individuals who have made a claim of Sexual Harassment shall be treated as acts of Sexual Harassment and shall be treated accordingly. Reference can be made to the **Sexual Harassment (Protection and Prevention) Act, 2021**.

13. FALSE CLAIMS

A person who is found to willfully and knowingly bring forth a false claim of Sexual Harassment against another individual, shall be liable for a breach of the Sexual Harassment policy and shall be reprimanded accordingly.

14. LIABILITY FOR HARASSMENT

A person who is found to be in breach of this policy shall be found liable for Sexual Harassment and

reprimanded accordingly. To the extent that KPL failed to enforce this policy it shall be in breach of the policy.

Each case will be assessed based on the following:

- The severity or frequency of the harassment;
- The extent to which the harasser should have anticipated that such behaviour was unacceptable or unwanted;
- The level of remorse;
- Whether there have been any prior incidents or warnings.

15. SANCTIONS

Each Sexual Harassment case will be assessed based on its own merit and taking into consideration the points listed above. The following factors will be taking in account at the relevant stage of the process:

- The severity or frequency of the harassment.
- Whether the Accused has expressed genuine remorse for his/her actions.
- Whether the Accused has been previously reprimanded for his/her conduct.
- Whether the Accused's act involved inappropriate physical contact.
- Whether there have been prior incidents or reports of this nature against the Accused.
- Whether the Accused had received training on Sexual Harassment.
- Whether there is an obvious abuse of a senior position at the Supervisory level upward.
- Whether the Accused used threat or violence.
- Whether the Accused co-operated with the investigations.
- Whether the Accused attempted to bribe any party significant to the proceedings under this Policy.
- Whether a benefit deserving by the victim has been blocked by the Accused.
- The extent to which the Accused should have anticipated that such behavior was unacceptable or unwanted.
- Whether such harassment involved the use of social media or other modes of communication

In the event of a breach to this Policy, the Anti-Sexual Harassment Disputes Settlement Committee, may, in its discretion recommend any of the appropriate sanctions set out in the Schedule of Breaches and Disciplinary Penalties **[see link]**. The sanctions to be applied may include but not limited to the following:

- Order to issue an apology;
- Issuing a written warning or reprimand;
- Issuing a transfer or reassignment of duties to the respondent (where this can be facilitated);
- In serious cases, suspension without pay, or termination of employment; and
- Training or counseling of the respondent as necessary to ensure that he/she understands why his or her conduct violated the policy.

16. CONFIDENTIALITY

All claims of Sexual Harassment shall be documented and thoroughly archived for the purposes of monitoring and evaluation (see also obligation to maintain a Sexual Harassment Register above). However, KPL will endeavour to protect the privacy of all parties involved throughout the course of the investigation. However, where there has been an allegation of Sexual Harassment, KPL is required by law to maintain a record.

17. LEGISLATION

Under present Jamaican law, the **Sexual Harassment (Protection & Prevention) Act, 2021** is being used as the instructive legislative framework for this policy and redress for Sexual Harassment cases shall be applied as outlined in the Act.

18. EFFECTIVE DATE OF THE POLICY:

This policy shall be effective as of June 26, 2025.

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| Approved by the Board of Directors | June 26, 2025 |
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Worker's Acknowledgment

I have received the Sexual Harassment Policy, and I understand that it is my responsibility to read and comply with the policies and any revisions made to it.

Worker's Signature

Worker's Name (Print)

Date

TO BE PLACED IN WORKER'S PERSONAL FILE