



Krungthai
กรุงไทย

Manual

for

**“Guideline for the prevention and remedy
of sexual harassment in workplace”**



Introduction

The cabinet issued a resolution on 21 April 2020 agreeing with the preventive and remedial measures to handle sexual harassment issues in workplace and assigning the Department of Women's Affairs and Family Development to cooperate between and advocate the matter to government agencies and private organizations. Furthermore, the prevention and remedy of sexual harassment in workplace is one of criteria the S&P Global ESG Indices Corporate Sustainability Assessment (CSA) 2021 places importance on.

Therefore, the Bank focuses on sustainability as priority by conducting business under the ESG framework and establishing a foundation of transparent work culture through the Sustainable Krungthai Initiative or Krungthai Khunnatham. In order to do so, the Bank has incorporated human rights respect and workplace equality in its Code of Conduct. Sexual harassment issues and disciplinary penalties for sexual harassment are included in the Bank's regulations and a whistleblower channel has been set up. Furthermore, the guideline for the prevention and remedy of sexual harassment in workplace has been issued, so that the employees are aware of the importance of sexual harassment issues in workplace.



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1. Background

Promoting gender equality and women's empowerment are key principles that the global community has agreed on. Thailand ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on 8 September 1985 and thus has the obligations to promote and protect women's rights in order to promote equal rights of men and women, social justice on the basis of gender, and social inclusion, in other words, barring any discrimination on any basis including gender. The United Nations established the Sustainable Development Goals in 2015 to govern the development directions from 2015 to 2030; the 5th goal is to achieve gender equality and empower all women and girls. For the aforementioned reasons, relevant agencies and organizations must establish policies and operational directions that promote gender equality.

2. Related Laws

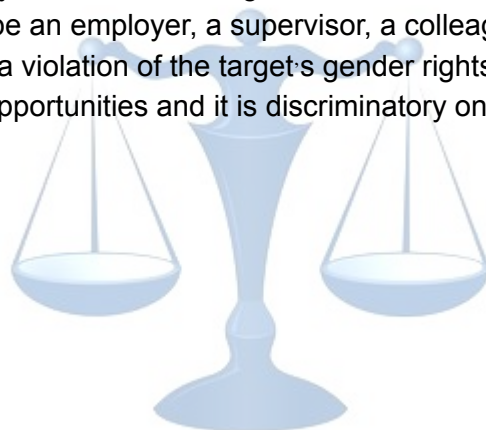
STOP SEXUAL HARASSMENT IN THE WORKPLACE



The 2017 constitution of the Kingdom of Thailand, which is the current one, as well as several past ones, addresses the issues of human dignity, rights, freedom, and equality, that all Thai citizens, regardless of their origin, gender, and religion, shall enjoy equal protection under the constitution.

The Gender Equality Act B.E. 2558 (2015) proves that Thailand is determined to promote gender equality. The Act prohibits unfair gender discrimination, which means to perform or not to perform any act dividing, obstructing or limiting any direct or indirect privilege without fairness on the grounds that such person is male or female or express themselves differently from their inborn gender.

Gender discrimination is one of the causes of sexual harassment, violence expressed in the forms of discrimination, division, obstruction, on the grounds of gender. This is a serious problem which has adverse effects on the target, both physically and mentally. Sexual harassment can occur anywhere, from home, educational institutes, tourist attractions to workplaces. Anyone, weather they are men, women, or someone who express themselves differently from their inborn gender, can be a target of sexual harassment in workplace, and the harasser can be an employer, a supervisor, a colleague, or a workplace acquaintance. Sexual harassment is considered a violation of the target's gender rights and their rights to good working conditions. It also hinders career opportunities and it is discriminatory on grounds of gender.



Current Thai laws that involve sexual harassment are:

- Amendment to Penal Code Act (22th edition) B.E. 2558 (2015) amended section 397 of Penal Code Act to any person who treats another with insolence or in an offensive way or causes another to undergo disgrace, trouble or annoyance shall be liable to a fine not exceeding 5,000 baht. And if such act is done in a public place or in front of the public, resembles sexual molestation, or is done by a supervisor, an employer or any person with authority over the target, the person shall be liable to imprisonment for not more than 1 month, or a fine not exceeding 10,000 baht or both.
- Labor Protection Act (2nd edition) B.E. 2551 (2008) protects formal workers by prohibiting an employer, a chief, a supervisor, or a work inspector from committing sexual abuse, harassment or nuisance against an employee.
- The Announcement of the State Enterprise Relations Committee Re: Minimum Employment Condition in State Enterprises B.E. 2545 (2002) issued in alignment with the State Enterprise Labor Relations Act B.E. 2543 (2000) protects state enterprise employees by prohibiting an employer, a chief, a supervisor, or a work inspector from committing sexual abuse, harassment or nuisance against an employee.
- Civil Service Act B.E. 2551 (2008) and the Regulations of the Office of the Civil Service Commission Re: Sexual Harassment B.E. 2553 (2010) define actions that are considered sexual harassment. This protects civil servants and officials in government agencies.

Although there are laws regarding sexual harassment, the problem persists, and even worsens. Women in all occupations still face different forms of sexual harassments.



3. Guideline for the Prevention and Remedy of Sexual Harassment in Workplace

The Bank has established the guideline for the prevention and remedy of sexual harassment in workplace so that all employees are treated with respect and dignity and the workplace is free from sexual harassment. All employees must be accountable for their actions and must observe the guideline. The Bank will create and maintain the workplace that is free from sexual harassment by fostering awareness and understanding of the issue, as well as establishing preventive and remedial measures. The Bank will also act without delay when a sexual harassment complaint is filed and have measures in place to mitigate the risk of sexual harassment.

Sexual harassment means any sexual behavior or action that is forced onto target and is unwelcome by the target. It may be in the form of verbal comments, texts, gestures, leering, presenting sound, pictures, documents, electronic data, objects of sexual nature, or any similar action that makes the target uncomfortable, annoyed, embarrassed, humiliated, or feel that one is insulted. It also includes stalking, disturbing or any action that causes unsafe conditions.

Forms and Effects of Sexual Harassment



There are two types of sexual harassment, which are:

1. Hostile work environment
 This refers to the use of verbal comments, for example, commenting on physical appearance, making sexual jokes, mocking or insulting the dignity of men, women or alternative gender identity, as well as sexual orientation. It also includes actions like leering, caressing, sending kisses, whistling, holding hands, touching, and showing pornography of any forms.
2. Quid pro quo harassment
 This is an obvious form of direct sexual harassment. It involves the use of benefits or the exert of power to obtain sexual favors, for example, sexual intercourse, physical touching, or any action of sexual nature. Quid pro quo harassment is often committed by ones higher in power to their subordinates. Although the other party may consent to doing the requested sexual favor or do so because it is unavoidable, it is considered sexual harassment because benefit is offered in exchange, which violates the governance and affects both the individuals and the organization, as well as work efficiency and image of the organization.

The development of preventive and remedial measures for sexual harassment in workplace to be used before taking disciplinary actions must use a victim-centric approach and take what the victim wants into consideration. The remedial procedure must be victim-friendly and does not cause embarrassment for either the harasser or the victim. There must be measures in place to protect the whistleblower, the witness, and the harasser, so as to prevent adverse effects on the relationship between parties, business units and within the organization. The measures must also focus on creating a good work environment, awareness, and the culture of mutual respect and zero tolerance for sexual harassment, which would help prevent sexual harassment.



What to do to prevent sexual harassment

- Employees must respect their colleagues, supervisors and subordinates.
- Employees should avoid risk factors, for example, they should wear appropriate clothing, avoid being alone in a private place with a supervisor, an acquaintance, or a person of the opposite sex. They should ask someone they can trust to accompany them.
- Employees should keep their eyes open and report any sexual harassment in their workplace. They should not ignore when a colleague is harassed. Instead, they should offer advice and help.
- Supervisors must set a good example and have a duty to prevent sexual harassment in workplace.
- If an employee is asked to go into a room and must be alone with a supervisor, especially outside of working hours or during business trips to another province/country, the employee must inform their direct boss about it.
- Employees should be proud of their work and their performance, and should value their performance more than trying to make career advancement by other means.

What not to do to prevent sexual harassment



Sexual harassment comes in many forms and we cannot cover everything here. In general, any sexually suggestive action that is unwelcome and causes annoyance, discomfort, embarrassment, or disgrace, is considered sexual harassment.

1. **Sexual harassment by staring and leering:** sexually suggestive staring, looking up inside a dress or skirt, staring at a female employee's breast and causing discomfort and embarrassment to the employee or others nearby
2. **Verbal comments:**
 - making comments of sexual nature or undertone on appearance, figure, or clothes
 - asking someone to unwillingly do anything of sexual nature in a private place or making sexual propositions
 - making sexual jokes
 - making flirtatious remarks, talking about body figure, saying obscene words or words that have sexual connotation, engaging in phone sex, calling names, criticizing another person's sexual behavior
 - talking about sex or sexual intercourses, making comments about sexual orientation, making sexual innuendoes, asking another person about their sexual preferences or experience, creating and spreading rumors about someone's sex life
3. **Physical action:**
 - unwanted touching, groping, stroking of sexual nature, hugging, kissing, touching jokingly, pulling someone to sit on one's lap, etc.
 - unwelcome or persistent seduction, intentionally getting too close to someone, cornering someone or blocking someone's path, winking and whistling at someone suggestively, suggestively licking lips, pervert drooling, making suggestive hand or body gestures
4. **Other actions:**
 - presenting sex-related pictures, objects and texts; opening pornographic images on a computer in the workplace
 - showing sexual content in public places such as pornographic calendar, sex-related messages or drawings, symbols that represent genitals or sexual intercourses, sending sex-related messages, images, symbols via Facebook, LINE, etc.
5. **Quid pro quo:**
 - promising to give benefit such as a position, a good performance evaluation, a scholarship, a raise, a promotion, a contract renewal, among others, if the target agrees to do sexual favors, such as having sexual intercourse or any other sexually-related favor
 - threatening to harm the target's employment or assault the target; forcing the target to engage in any sexual activity, raping or attempting to rape the target

What you should do when you are sexually harassed

- Express clearly that you are not comfortable with it and leave the scene
- Tell the harasser to stop and ask for someone's help.
- Record voice, take a photo or take a video of the incident (if possible).
- Document the incident as soon as possible. Make notes of the date, time, and place of the incident, description of the incident, names of the alleged harasser, witness or any other people at the scene of incident.
- Tell someone you trust as soon as possible.
- Discuss the incident with your friends or colleagues, and report the incident to your supervisor or the authority by yourself. You can ask your colleague to give you advice or accompany you when you make the report.
- If you are too embarrassed or too scared to make the report yourself, a friend or colleague may do this for you with your consent.

STOP
SEXUAL HARASSMENT
 IN THE WORKPLACE

4. Preventive Measures and Guideline for Sexual Harassment in Workplace

- 1) Continuously foster good organizational culture and instill good morals and ethical behavior in employees.
- 2) Constantly communicate about the guideline, desirable behavior, the prevention of sexual harassment, related regulations and disciplinary punishments.
- 3) Create a good and safe work environment.
- 4) The management and employees should keep their eyes open and blow the whistle if they witness an incident. They should foster a zero-tolerance culture for sexual harassment, in which people do not ignore and report if they see someone else being sexually harassed.
- 5) Have a process to handle sexual harassment complaints as well as a process to take disciplinary action.
- 6) Report the performance of operations following the guideline at least once a year.



5. Sexual Harassment Handling Procedure

Complaints Handling and Disciplinary Action Process

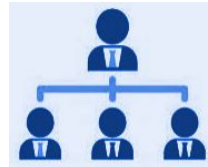


Complainants make a complaint to their supervisor or submit a complaint via one of the Bank's provided channels.*

*



- The business units relevant to the case conduct initial investigation or follow the disciplinary action process specified by the Bank's regulations.
 - In case the complaint is submitted to other channels, the process as specified by the Bank's regulations will be followed.



The Discipline and Employee Relation Department makes a conclusion from the findings reported by the first line investigation committee or the Internal Audit Group, and presents it to the Disciplinary Committee to decide the disciplinary action.



The Disciplinary Committee presents its resolutions to the President.

Note: *If the complainants are harassed by their supervisor, they may submit their complaint themselves through any of the Bank's provided compliant channels.

Complaint Channels

- **The Chairman of the Board of Directors**

Email: whistletruth@krungthai.com

Post: Office of the Board of Directors, Nana Nua Building Fl.13

35 Sukhumvit Road, Klong Toey Nua Subdistrict, Wattana District, Bangkok, 10110

- **Whistleblowing Team**

Email: whistle@krungthai.com

Post: Whistleblowing Team, Office of the President

35 Sukhumvit Road, Klong Toey Nua Subdistrict, Wattana District, Bangkok, 10110

Tel: 02-208-4120

Fax: 02-256-8778

- **Krungthai Contact Center**

Tel: 02-111-1111 (available 24/7)

Website: www.krungthai.com or <http://www.contactcenter.ktb.co.th>

Email: call.callcenter@krungthai.com

- **Complaint Center**

Email: Compliant.center@krungthai.com

Postal: P.O. Box 44, Hua Lam Pong Post Office, Bangkok, 10331

Fax: 02-256-8170

- **HR Care** (by Discipline and Employee Relation Department, Human Resources & Corporate Governance Group)

Email: hr.care@krungthai.com

Hotline: 02-208-8887

