



HAESL Respect in the Workplace Policy

1. Background

HAESL is committed to creating an inclusive and supportive working environment for all Employees regardless of their age, gender, gender identity, sexual orientation, relationship, family status, disability, race, ethnicity, nationality or religious or political beliefs. HAESL believes in creating an environment where Employees feel comfortable at work and be able to realise their full potential. A workplace free from discrimination, harassment and bullying is an important element of creating such an environment.

2. Definitions

“HAESL”	means Hong Kong Aero Engine Services Limited.
“Policy”	means this Respect in the Workplace Policy.
“Employees”	means the employees of HAESL including secondees.
“Workplace Participants”	means persons working in the same workplace, including an employer, an employee, a contract worker, a principal, a commission agent, a partner, an intern and a volunteer

3. Policy statement

HAESL is committed to providing a workplace free from discrimination, harassment and bullying. HAESL aims to ensure that all Employees are treated, and treat others, with dignity and respect. Behaviour which does not adhere to this Policy will not be tolerated and will lead to disciplinary action being taken, up to and including dismissal. This Policy is designed to ensure that all Employees understand what will be regarded as discrimination, harassment and bullying, what they should do about it and how it will be dealt with. This Policy applies to all Employees of HAESL.

4. What is discrimination?

Discrimination is the act of making distinctions between human beings based on the groups, classes, or other categories to which they are perceived to belong. Discrimination occurs when individuals or groups are treated "in a way which is worse than the way people are usually treated," on the basis of their actual or perceived membership in certain groups or social categories.

The four discrimination laws currently in force in Hong Kong are the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO). Under these ordinances, it is unlawful to discriminate against a person or a group of people on the ground of sex, marital status, pregnancy, disability, family status or race.

Discrimination may be “direct” or “indirect”

- Direct Discrimination means treating a person less favourably than another person due to the particular prohibited attribute of the first person (e.g. due to that person’s sex or disability).
- Indirect Discrimination results when a requirement, rule, policy or practice that is

applied to a group of persons has disproportionately detrimental impact on those persons with the group who have a prohibited attribute (e.g. are disabled or of a particular race). It may occur in practices which are fair in form and intention but discriminatory in impact and outcome. Indirect discrimination is not unlawful if the requirement, rule, policy or practice can be justified by the employer.

In determination whether a person discriminates, it is irrelevant whether or not that person is aware of discrimination, or whether or not it is intentional.

4.1 What are Sex, Disability, Family Status and Race Discrimination?

4.1.1 Sex Discrimination

The Sex Discrimination Ordinance (SDO), covers conduct relating to the sex, pregnancy and marital status of a person. It provides that sex discrimination, sexual harassment and victimisation are all unlawful.

- Direct Discrimination means treating a person less favourably than another person in comparable circumstances, because of a person's sex, marital status or pregnancy.
- Indirect Discrimination consists of applying the same treatment as between the sexes, persons with different marital status and persons who are pregnant or not, but is in practice discriminatory in its effect. As an example, in the employment area, apply a certain minimum height or weight requirement to applicants could exclude a large proportion of female applicants and could be to their detriment. This would be 'indirect' discrimination on the ground of gender unless there was justification for a minimum height or weight requirement in the particular job.
- The SDO provides protection from both direct and indirect discrimination for breastfeeding mothers (including women who express breast milk). The provisions relating to breastfeeding discrimination will come into operation on 19 June 2021.
- Sexual Harassment consists of any unwelcome sexual behaviour in circumstances where a reasonable person would have anticipated that the harassed person would be offended, humiliated or intimidated. Please refer to Point 5.1.1 for details.
- Victimisation arises where a person (the discriminator) treats another person (the person victimised) less favourably than other persons in comparable circumstances because the person victimised or a third person has done or intends to do or is suspected to have done or to intend to do the following:
 - bring proceedings against the discriminator or any other person under the SDO.
 - give evidence or information in connection with proceedings brought by any person against the discriminator or any other person under the SDO.
 - otherwise do anything under or by reference to the SDO in relation to the discriminator or any other person; or
 - allege that the discriminator or any other person has committed an act which is unlawful under the SDO.

4.1.2 Disability Discrimination

The Disability Discrimination Ordinance (DDO) prohibits conduct constituting disability discrimination, harassment, victimisation and vilification. Such conduct is defined as follows:

- *Disability* includes physical, mental, sensory, neurological or learning disabilities and the presence of some disease-causing organism in the body (for example, HIV). It also includes the malfunction, malformation or disfigurement of a part of a person’s body; or a disorder, illness or diseases that affects a person’s thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour. Disability includes a disability that presently exists; previously existed but no longer exists; may exist in the future; or is imputed to a person. Specific infectious diseases however could be excluded from application of the DDO.
- *Direct Discrimination* means treating a person with a disability less favourably than someone without a disability in comparable circumstances.
- *Indirect Discrimination* consists of applying the same treatment as between persons with a disability and persons without a disability but is in practice discriminatory in its effect on persons with a disability. It is only unlawful if the treatment cannot be justified.
- *Discrimination on the ground of the disability of an associate* means treating a person with an associate with a disability less favourable than another person in comparable circumstance without an associate with a disability. An associate includes a spouse, another person who is living with the person, a relative, a carer and a person who is in a business, sporting or recreational relationship with that person.
- *Victimisation* arises where a person (the discriminator) treats another person (the person victimised) less favourably than other persons in comparable circumstances because the person victimised or a third person has done or intends to do or is suspected to have done or to intend to do the following:
 - bring proceedings against the discriminator or any other person under the DDO.
 - give evidence or information in connection with proceedings brought by any person against the discriminator or any other person under the DDO.
 - otherwise do anything under or by reference to the DDO in relation to the discriminator or any other person; or
 - allege that the discriminator or any other person has committed an act which is unlawful under the DDO.
- *Disability Vilification* means any “activity in public” to incite hatred towards, serious contempt for, or service ridicule of, a person or persons with a disability. “Activity in public” includes any form of communication to the public, any conduct observable by the public and the distribution or dissemination of any matter to the public. The DDO also prohibits incitement that threatens physical harm to persons or property or premises of persons.

4.1.3. Family Status Discrimination

The Family Status Discrimination Ordinance (FSDO) prohibits family status discrimination and victimisation in employment. Family Status in relation to a person means that person has responsibility for the care of an immediate family member. An immediate family member is a person who is related is related by blood, marriage, adoption or affinity. The prohibited acts under the FSDO are defined as:

- *Direct Discrimination* occurs when, in comparable circumstances, a person who has family status is treated less favourably than a person who does not have family status.

- *Indirect Discrimination* occurs when the same requirement is applied to persons with family status and persons without family status, but is in practice discriminatory in its effect. It is only unlawful if it cannot be justified.
- *Victimisation* arises where a person (the discriminator) treats another person (the person victimised) less favourably than other persons in comparable circumstances because the person victimised or a third person has done or intends to do or is suspected to have done or to intend to do the following:
 - bring proceedings against the discriminator or any other person under the FSDO.
 - give evidence or information in connection with proceedings brought by any person against the discriminator or any other person under the FSDO.
 - otherwise do anything under or by reference to the FSDO in relation to the discriminator or any other person; or
 - allege that the discriminator or any other person has committed an act which is unlawful under the FSDO.

4.1.4 Race Discrimination

The Race Discrimination Ordinance (RDO) prohibits race discrimination, harassment, victimisation and vilification. In the RDO the term “race” means race, colour, descent, national or ethnic origin of the person and includes a race, colour, descent or national or ethnic origin that is imputed to the person. However, acts done on the ground of a person’s nationality, citizenship, resident status, status of indigenous inhabitant of the New Territories do not constitute acts done on the ground of race.

- *Direct Discrimination* means treating a person (belonging to one racial group) less favourably than another person (belonging to a different racial group) in comparable circumstances because of the person’s race.
- *Indirect Discrimination* means applying a requirement or a condition to all. However, persons of a particular race are less able to satisfy the requirement or condition compared to others of a different race and such requirement or condition cannot be shown to be imposed justifiably by reasons not related to race and it will be a detriment to the person(s) of such particular race if the requirement or condition cannot be met.
- *Discrimination on the ground of a near relative’s race* means treating a person having a near relative belonging to one racial group less favourably than another person in comparable circumstances not having a near relative belonging to the same racial group. A “near relative” includes a person’s spouse, parent or child (including born out of wedlock, adopted or step child), grandparent or grand child, sibling and in-laws.
- *Victimisation* arises where a person (the discriminator) treats another person (the person victimised) less favourably than other persons in comparable circumstances because the person victimised or a third person has done or intends to do or is suspected to have done or to intend to do the following:
 - bring proceedings against the discriminator or any other person under the RDO.
 - give evidence or information in connection with proceedings brought by any person against the discriminator or any other person under the RDO.
 - otherwise do anything under or by reference to the RDO in relation to the discriminator or any other person; or

- allege that the discriminator or any other person has committed an act which is unlawful under the RDO.
- *Racial Vilification* occurs when a person publicly incites hatred towards, has serious contempt for, or severely ridicules another person on the ground of the person's race. The RDO also prohibits racist incitement that threatens harm to persons or property or premises of persons.

5. What are harassment and workplace bullying?

5.1 Harassment is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment is different from bullying in that it is a form of discrimination. A single incident can amount to harassment. A person may be harassed even if the person was not the intended target. Harassment includes treating a person less favourably because the person has submitted or refused to submit to such behaviour in the past.

5.1.1. Sexual harassment

Sexual harassment is unwelcome sexual behaviour in circumstances where a reasonable person would anticipate that the person subject to the behaviour would be offended, humiliated or intimidated. It may be directed at an individual or a group.

Acts of sexual harassment may be done by any person to a man or a woman, and may be direct or indirect, physical or verbal.

Sexual harassment includes:

- unwelcome sexual advances – e.g. leering and lewd gestures and touching, grabbing or deliberately brushing up against another person;
- unwelcome requests for sexual favours – e.g. suggestions that sexual cooperation or the toleration of sexual advances may further a person's career;
- unwelcome verbal, non-verbal, physical or non-physical behaviour of a sexual nature – e.g. sexually offensive emails, text messages or social media content, sexually derogatory or stereotypical remarks and persistent questioning about a person's sex life;
- behaviour of a sexual nature that creates a hostile or intimidating work environment – e.g. sexual or obscene jokes and comments and displaying offensive material.
- In relation to the provision of goods, services and/or facilities, the SDO protects service providers from sexual harassment by customers (and vice versa). This is so even if the harassment took place outside Hong Kong but on Hong Kong registered aircraft or ships.
- The SDO renders sexual harassment between workplace participants at a common workplace unlawful, even where there is no employment or employment-like relationship between them.

5.1.2. Racial harassment

The Racial harassment is unwelcome behaviour related to a person's race, colour, descent or national or ethnic origin (or the race, colour, descent or national or ethnic origin of a near relative of the person) in circumstances where a reasonable person would anticipate that the person subject to the behaviour would be offended, humiliated or intimidated or that the behaviour would create a hostile or intimidating working environment for the person subject to the behaviour. Racial harassment includes:

- verbal comments about an individual or a group that are racial in nature;
- name calling related to a person's race, or racist abuse, insults, taunts or jokes, including references to a person's physical features, accent, dialect or manner or pattern of speech;
- physical assaults, attacks or threatening behaviour related to a person's race;
- display or circulation of racially offensive posters, pictures or threats; and
- unwanted jokes or banter about a person's race or mocking, mimicking or belittling a person because of the person's race.

The RDO renders racial harassment between workplace participants at a common workplace unlawful, even where there is no employment or employment-like relationship between them. The definition of a workplace participant is the same as under the SDO and DDO.

5.1.3. Disability harassment

Disability harassment is unlawful under the Disability Discrimination Ordinance (DDO). It is unwelcome behaviour related to a person's disability (or to the disability of a near relative of the person) in circumstances where a reasonable person would anticipate that the person subject to the behaviour would be offended, humiliated or intimidated. Disability harassment includes:

- insulting comments and remarks related to a person's disability;
- name calling relating to, and making derogatory references to, a person's disability;
- offensive jokes related to a person's disability; and
- gestures mimicking a person's disability.

5.2 Workplace bullying

Workplace bullying is repeated, unreasonable behaviour directed to a person in the workplace which is intimidating, cruel, offensive, humiliating or malicious and is actually or potentially harmful. It may be physical or non-physical, verbal or non-verbal. It needs not be face to face. It can be by text message, email or social media. Workplace bullying includes:

- physical or psychological threats;
- overbearing or intimidating levels of supervision;
- derogatory remarks about a person or their performance;
- shouting or using an intimidating tone or patronising words;
- picking on a person in front of others or in private;

- spreading rumours about or insulting a person;
- blocking a person's promotion or training opportunities;
- ignoring or excluding a person from work activities or work-related social events;
- setting a person up to fail by overloading the person with work or setting impossible deadlines; and
- regularly making a person the butt of jokes.

Fair and reasonable counselling of a person about underperformance is not workplace bullying. Nor are investigating complaints, disciplinary action for misconduct and normal supervision and work directions.

6. Roles and Responsibilities

6.1 Function Heads / General Managers / Chief Executive Officer have overall responsibility for ensuring that:

- the Policy is implemented and that appropriate support and information are provided to all employees;
- the workplace promotes a positive work environment which provides a productive workplace with respect;
- all functional policies are consistent with this Policy and legislative procedures;
- discrimination / harassment complaints are dealt with promptly, fairly and confidentially, and that no subsequent victimisation occurs either to those who have complained of harassment, or to others who have provided them with advice or support;
- they act as role models for the integrity of the Policy.

6.2 Human Resources Department has responsibility to:

- ensure all Human Resources policies, practices and procedures are consistent with legislative and statutory requirements relating to discrimination / harassment;
- provide support and assistance in dealing with alleged discrimination / harassment cases;
- act as a source of information and advice to all employees.

6.3 Line Managers / Supervisors have responsibility to:

- ensure that all Employees in their reporting line are aware of the Policy and what is expected of them as Employees with respect to discrimination / harassment;
- ensure company policies relating to discrimination / harassment are implemented and that appropriate support and information are provided to all Employees;
- address the issue of discrimination / harassment and its elimination, making clear to all employees of their reporting line their duties to other employees and external customers regarding discrimination / harassment, including confidentiality and victimization;
- encourage Employees / Workplace Participants to speak up if the employees / Workplace Participants feel that they have been unlawfully discriminated / harassed by other employees or others such as contractors, service providers or customers;
- examine and, where necessary change, any practices which may contribute to the occurrence of unlawful discrimination / harassment and/or taking corrective action immediately when they observe behaviour which may be intimidating or offensive. They are also required to take proactive and anticipatory actions in the implementation of the Policy;
- promote proper standards of conduct and if necessary, seek assistance and advice from

the Head of Human Resources Department.

6.4 Employees are individually responsible for ensuring that they:

- adhere to the Policy and guidelines;
- respect the rights of others and do not discriminate against/ harass against other employees or external customers;
- report any discrimination or harassment witnessed or made aware of to the appropriate General Manager / Function Head / Manager / Head of Human Resources Department;
- deal with discrimination / harassment effectively by taking appropriate action in accordance with this Policy.

7. Guidelines

7.1 How to deal with discrimination, harassment or workplace bullying

Informal approach

Employees may raise the matter informally with the other person, at the time or later. Employees should describe the offensive behaviour and explain that it is unwelcome or makes them uncomfortable. Employees should record in writing the name of the other person, what happened, when and where it happened, who (if anybody) witnessed it and how the Employees responded. If Employees feel uncomfortable about raising the matter directly with the other person, they can make an informal approach to their line manager or Head of Human Resources Department or to the head of their department. The line manager or Head of Human Resources Department can advise Employees confidentially about how to resolve the matter, informally or formally.

Formal approach

Employees may make a formal complaint about the matter to the line manager or Head of Human Resources Department of their business unit.

Employees should provide full details of the behaviour, including the name of the other person, what happened, when and where it happened, who (if anybody) witnessed it and how the Employees responded. Employees should also provide any documentary evidence. Employees may also make a formal complaint via a third party service provider at www.haesi.ethicspoint.com

7.2 Appropriate behaviour

All Employees have a responsibility to behave in a manner which is appropriate, and which respects the rights and sensitivities of others. HAESL expects Employees to contribute to an environment of trust and respect and to conduct themselves in a manner which is not offensive or reasonably perceived by others to be offensive and which takes due account of the diversity of others' backgrounds, cultural values and beliefs.

8. Investigations

- When a formal complaint is made, it will be kept strictly confidential. The preliminary inquiry will be conducted by the Head of Human Resources Department to determine whether there are grounds for an investigation. If the Head of Human Resources Department determines that there

are no such grounds, the investigation will not proceed. If the Head of Human Resources Department determines that there are such grounds, with the consent of Senior Management, an investigation team will be formed to determine whether discrimination, harassment or bullying has taken place.

- The investigation team may interview the complainant, the person against whom the complaint has been made and witnesses proposed by either of them. If the complaint is found by the investigation team to be valid, the person making the complaint will be notified and will be told what action is proposed. However, action taken against the person against whom the complaint is made may remain confidential as between that person and the employer of that person. If the complaint is found by the investigation team to be invalid, the investigation will be closed.
- If an investigation does not proceed because the Head of Human Resources Department determines that there are no grounds for an investigation or an investigation is closed because the complaint is found by the investigation team to be invalid, nothing will be placed on the file of the person against whom the complaint is made.
- Everyone involved in an investigation must keep the names of the persons involved, the details of the complaint and the existence of the investigation confidential. This is subject to any legal disclosure obligations and to the need for the person against whom the complaint is made to know the details of the complaint.
- If a person makes a complaint which is found to be capricious, malicious or knowingly false, any investigation will cease and disciplinary or other appropriate action, including termination of employment, may be taken against the person making the complaint. No such action will be taken if the complaint is made in good faith. Suspected criminal offences and breaches of the law may be reported to law enforcement and the appropriate authorities.

9. No retaliation or victimisation

Retaliation against or victimisation of a person making a complaint in good faith of discrimination / harassment or bullying (or providing evidence in good faith of discrimination / harassment or bullying) will not be tolerated. Nor will such a person suffer any detriment as an employee (for example demotion or an unwanted transfer) by reason of making such a complaint or providing such evidence.

10. Right of Amendment

HAESL reserves the right to amend any provision of this Policy at any time with or without prior notice.

Human Resources Department
11 April 2023