

Non-Discrimination Policy

Policy Purpose

1.1 This policy sets out The Yoma Group's approach to promoting an equal opportunity and non-discriminatory working environment with the primary aim of providing equality for all, preventing all forms of discrimination and fostering positive and productive relationships between all people including diverse groups.

1.2 The Yoma Group recognises the right of every employee to attend work and to perform their duties without being subjected to any form of discrimination.

1.3 The Yoma Group will not tolerate any forms of discrimination, or victimisation of employees or third parties who work on The Yoma Group's behalf.

1.4 The Yoma Group aims to create an inclusive working environment to maximise the potential of all staff by providing equal opportunities in all aspects of employment including but not limited to in the recruitment, training and development of employees, and to pro-actively tackling and eliminating discrimination.

Scope & Audience

2.1 The rights and obligations set out in this policy apply equally to all employees of The Yoma Group, details mentioned below:

- board members; or
- part time or full time staffs on a substantive; or
- fixed-term contract; or
- project team staffs; or
- consultant contract (paid or voluntary); or
- contractor or sub-contractor; or
- an employee of a job agency who has been assigned to work in the company/organisation; or
- intern or volunteer

and also to associated persons such as secondees, service contractors, or services and others agreed or contracted under different contract types.

2.2 Every employee or persons mentioned in clause 2.1 have personal responsibility for the application of this policy. As part of the employee induction, or service contractor induction, all employees or different types of contractors are expected to read and familiarise themselves with this policy, ensure that it is properly observed and fully complied with and to complete the declaration of this policy.

Principles

The key principles of this Non-Discriminatory Policy are to

- Provide equality for all

- Promote an inclusive culture
- Respect and value individual differences
- Prevent any forms of discrimination; and
- Promote and foster positive and productive relationships across the workforce.

This means not only being aware of the impact of the employment policies and or our programs across on the people listed in clause 5.1.

Policy

The Yoma Group is committed to providing a safe and productive working environment in which the diversity of individuals within The Yoma Group is recognised and respected. Discrimination will not be tolerated in any form, under any circumstance and disciplinary action will be taken against any Yoma Group personnel who breach this policy. Through this policy, The Yoma Group aims to:

- Create a working environment which is free from any forms of discrimination where all personnel are treated with dignity, courtesy and respect
- Provide an effective response procedure for complaints based on the principles (clause 3)
- Guarantee for providing support to protect from any forms of victimisation or reprisals; and
- Encourage reporting of behaviour which breaches this Non-Discriminatory Policy.
- Guarantee to seriously and confidentially take all complaint or reporting and with respect.

Commitment

5.1 Every employee is entitled to a working environment that promotes dignity, equality and respect for all. The Yoma Group will not tolerate any acts of discrimination committed against an employee, contractor, job applicant or visitor including types of contractors and employees mentioned clause 2.1 because of characteristic including but not limited to following:

- gender identity;
- gender (or sex);
- gender reassignment;
- sexual orientation/preference; (including homosexuality, lesbianism, bisexuality and heterosexuality, transgender);
- physical appearance;
- marital status;

- relationship status;
- parental status;
- pregnancy; maternity and paternity;
- breastfeeding;
- carer status / family responsibilities;
- race (including ethnic origin, colour, nationality and national origin);
- ethnicity;
- social origin;
- disability/ impairment;
- religious beliefs and activity;
- political beliefs and activity;
- age;
- health;
- association with any person with any of the above characteristics.

5.2 Discrimination on the basis of work pattern (part-time working, fixed term contract, flexible working) will also not be tolerated.

5.3 Also employees and types of employments and contractors mentioned in clause 2.1 may also be personally liable for any acts of discrimination prohibited by this policy that they commit. No form of discrimination will be tolerated in the Yoma Group.

Definitions

6.1 Discrimination

Discrimination occurs when a person is treated less favourably than others because of characteristics that are not related to the person's competencies or the inherent requirements of the job. All workers and job seekers have the right to be treated equally, regardless of any attributes other than their ability to do the job.

This Policy is underpinned by the potential types and forms of discrimination outlined below to show the commitment of The Yoma Group against discrimination in any form in the workplace.

6.1.1: Direct discrimination

Direct discrimination is when someone is treated less favourably than another person because of a protected characteristic mentioned in clause 5.1. Direct Discrimination is not justifiable.

Examples of direct discrimination would be when a selection committee decides not to appoint a young woman on the ground that she may in the future become pregnant and want to take maternity leave. This would be 'direct' discrimination on the grounds of potential pregnancy; or a worker is from a non-Englishspeaking background and the team leader thinks he/she would be difficult to understand. This could be an example of direct racial discrimination.

6.1.2: Indirect Discrimination

Indirect discrimination is when you have a condition, rule, criterion, policy or practice that applies to everyone but particularly disadvantages people who share a characteristic mentioned in clause 5.1 and it cannot be shown to be a proportionate means of achieving a legitimate aim.

An example of indirect discrimination would be a manager continually holding team meetings on a Monday, which is a day that a part-time member of the team does not work; or a manager requires all applicants for a position to speak and write English fluently, where fluency in written English is not required in order to carry out the essential requirements of the job.

6.1.3: Occupational Requirement

In limited circumstances employers can directly discriminate against an individual for a reason related to any of the characteristics mentioned in clause 5.1 where there is a genuine occupational requirement. The occupational requirement must be crucial to the post and be a proportionate means of achieving a legitimate aim. Decisions are made on a case by case basis. For example, refusing the job applications based on religions.

6.1.4: Associative Discrimination

Associative discrimination is where an individual is directly discriminated against for association with another individual who has a characteristic mentioned in clause 5.1.

An example would be not promoting a staff member because they care for a person who had a stroke. This is a discrimination against the staff member because of their association with a disabled person or carer's responsibility.

6.1.5: Perspective Discrimination

Perspective discrimination is where an individual is directly discriminated against due to a perception by others that they have a characteristic listed in clause 5.1. It applies even if the individual does not actually possess that characteristic.

An example would be if colleague A harasses colleague B because they think colleague B has AIDS, even though they do not, in fact have the illness. Colleague A has made assumption and discrimination against colleague, based on a perception.

6.1.6: Discrimination Arising from Disability

Discrimination arising from disability is where an individual has been treated unfavourably because of something connected with their disability (so does not have to be the disability itself).

An example would be disciplining a staff member for repeated spelling mistakes that are in fact caused by dyslexia which amount to discrimination arising from disability. This type of discrimination is unacceptable where the employer (or a line manager) knows, or could be reasonably expected to know, that the person has a disability.

6.1.7: Discrimination on Recruitment & Promotion

Discrimination on recruitment and promotion is where an individual is directly or indirectly discriminated against based on i) the perception by others that they might have a particular characteristic mentioned in clause 5.1 ii) because of having have a particular characteristic mentioned in clause 5.1 in recruitment and promotion processes.

6.1.8: Discrimination on Career & Professional Development (Training)

Discrimination on career development and professional development including trainings is where an

individual is directly or indirectly discriminated against based on i) the perception by others that they might have a particular protected characteristic mentioned in clause 5.1 ii) because of having have a particular protected characteristic mentioned in clause 5.1 in recruitment and promotion processes.

6.1.9: Discrimination on Equal Pay

Discrimination on equal pay is where an individual is directly or indirectly discriminated against based on i) the perception by others that they might have a particular characteristic mentioned in clause 5.1 ii) because of having have a particular characteristic mentioned in clause 5.1, not only in remuneration but also other forms of monetary and non-monetary benefits or incentives throughout the employment duration of the organisation/company.

6.1.10: Neglecting Diversity & Inclusion

Diversity recognises the unique characteristics that each employee brings to their work. Inclusion helps us build a workplace that promotes respect, fairness and equity for all.

Diversity can take many forms: work background, experience, multiculturalism (including race, ethnicity and languages), gender identity, sexual orientation, family structure, age, physical abilities, education, thoughts / worldview, mental health, religious beliefs and political views. Each individual has unique qualities that they bring to the workplace and the wide range of perspectives that results from this diversity promotes business growth and success.

All employees including any types mentioned in clause 2.1 are required to provide an environment that is inclusive, supportive, respectful and welcoming and which accepts differences and values diversity.

6.2 The following behaviours do not constitute discrimination:

- reasonable management practices, including performance management and disciplinary procedures;
- a direction to carry out reasonable duties and instructions;
- a direction to comply with the company/organisation's policies, procedures or guidelines.

6.3 Victimization

Victimisation involves treating someone unfairly or badly or in a detrimental way, because they have made, or intend to make a complaint or raise a grievance or suspect they are doing so a discrimination complaint. This also includes those who have supported another person in making a complaint. Immediate action will be taken against any employees who retaliates or victimises a complainant.

Roles and responsibilities

7.1 Organisation Responsibility

Preventing from any forms of discrimination is central to our work and each of us have a responsibility for taking action.

- The Yoma Group will embed equality and avoid any forms of discrimination in all aspects of employment, including but not limited to recruitment, promotion, opportunities for training, pay and benefits, discipline and selection for redundancy.
- person and job specification will be limited to those requirements that are necessary for the effective performance of the job.
- candidates for employment or promotion will be assessed objectively against the requirements for the job, taking account of any reasonable adjustments that may require also for LGBTQs and candidate with disability.
- The Yoma Group will screen new policies, initiatives, programmes for their potential impact on equality/non-discrimination - to meet the needs of people from the group mentioned in clause 5.1.
- The Yoma Group also prohibit retaliation based on a protected activity, such as the filing of a complaint of discrimination or participation in the investigation of such a claim. Any witness, complainant or respondent involved in an investigation ought not to be retaliated against for their participation in the process.

7.2 General Responsibilities

All employees and stakeholders of The Yoma Group are responsible for following this policy to create an environment free from any forms of discrimination. The Yoma Group expects all employees to avoid any behaviour or conduct that could reasonably be interpreted as Discrimination as defined under this policy.

Any employee has the right to raise concerns or make a complaint regarding discrimination under this policy without fear of retaliation. Any person found in violation of this policy is subject to disciplinary action up to and including termination of employment.

7.3 Specific Responsibilities

7.3.1 Top Management

Board of Directors and Executive Committee are responsible for overseeing The Yoma Group's non-discrimination efforts, including but not limited to:

- (1) the review, investigation and resolution of complaints and violations of this policy;
- (2) identifying and addressing patterns or systemic problems that are identified during the review of these complaints.

7.3.2 Employees

All employees have the responsibility to monitor their own conduct and to maintain appropriate standards of behaviour. Further, all employees must:

- Be aware of and familiar with Organisation's Policy on workplace non-discrimination and its application
- Comply with this Policy;
- Speak out against any forms of discrimination and provide support if it is witnessed;

- Be aware of the issue of discrimination, of the forms it can take and of the damage it can do to individuals and organisations; and
- Ensure that their conduct does not include behaviour that could possibly constitute any forms of discrimination;
- Co-operate with any measures introduced to ensure equality of opportunity;
- Report any discriminatory acts or practices;
- Not encourage or attempt to make others practice any forms of discrimination;
- Not victimise anyone as a result of them having reported or provided evidence of discrimination;

Employees who observe or otherwise become aware of any forms of discrimination, or other misconduct that may violate this policy must report such conduct in accordance with this policy as soon as practical after learning of the potential violation.

7.3.3 Managers/Line Manager's Responsibility

Line managers at all levels should appreciate their responsibility both to set a good example, and to deal promptly and fairly with complaints of any forms of discrimination. They must give full consideration to conduct which is either deliberately, or likely to be taken as, discrimination. It is the responsibility of all managers to:

- Be aware of and familiar with the Yoma Group's Policy on workplace non-discrimination and its application and bring to the attention of their staff;
- Actively support and promote this Policy;
- Monitor the work environment and take action to stop any forms of discrimination immediately it is observed or reported;
- Ensure that the standards established within this policy are adhered to within their own area of responsibility;
- Encourage employees to report instances;
- Ensure that they are not instructing employees to act in a discriminatory manner or are not putting pressure on employees to discriminate;
- Ensure that information on equal opportunity/non-discrimination is incorporated in departmental/team induction process for new or contracted temporary staff/consultant or staffs under different types of contracts mentioned under clause 2.1 are supported by ongoing/respective training
- Screen new policies, initiatives, programmes for their potential impact on equality/non-discrimination and to meet the needs of people from the groups mentioned under clause 5.1 and
- Respond promptly, seriously and with sensitivity to every complaint.

It is important to note that managers have a positive duty to prevent any forms of discrimination in the workplace. That is, they must be proactive in addressing incidents when they become aware – or could reasonably be expected to be aware – of them. This includes cases where the employees has not made a complaint.

7.3.4 The Grievance Handling Committee

The committee members of the Grievance Handling Committees are responsible for overseeing The Yoma Group's non-discrimination efforts, including but not limited to:

- (1) review, investigate and find solution of complaints and violations of this policy
- (2) identifying and addressing patterns or systemic problems during the review process of complaints;
- (3) revise or modify the existing policies initiatives, programmes for their potential impact on equality/non-discrimination to meet the needs of people from the groups mentioned under clause 5.1.

The Committee Members are also responsible for the periodic review and assessment of this policy and other related policies and procedures.

7.3.5 Human Resources Department

The Human Resources Department is responsible for developing policy to ensure that The Yoma Group meets its obligations and requirements under relevant committed policy and procedures. It is also responsible for providing advice, guidance and ongoing support to top management, managers and employees in relation to the prevention of any forms of discrimination including the counselling process. If necessary, employees and managers can seek advice and/or assistance from the Human Resources Department on how to handle situations.

Complaint Process

The complaint process on any forms of discrimination have to go through the reporting options while complying with the Yoma Group's grievance handling policy which will be a separate document/policy of this policy.

8.1 Reporting Options

Complaints of conduct that may violate this policy should be filed through the following options:

- Immediate supervisor; or
- HR Department

8.2 Complainant

The complainant has the following rights and responsibilities:

- to be treated in a fair and consistent manner;
- to be protected from victimisation;
- to provide correct and accurate written information in good faith to substantiate their complaint;
- to co-operate with the Grievance Handling Committee as required in the resolution of her/his complaint;
- to obtain advice and support from within the Grievance Handling Committee and from external agencies as required.

8.3 Respondent

The respondent has the following rights and responsibilities:

- to be treated in a fair and consistent manner;
- to be protected from victimisation;
- to provide correct and accurate information in good faith in response to the complaint;

- to be provided, where appropriate or necessary, with clear guidelines about required changes or improvements to her/his behaviour;
- to be supported in her/his endeavours to change their behaviour (where relevant);
- to obtain advice and support from within organisation and external agencies.

Resolution

If employees believe that they may have suffered discrimination because of the characteristic mentioned in clause 5.1, employees should consider the appropriateness and feasibility of attempted informal or formal resolution by discussion in the first instance with the line manager or another colleague in a relevant position of seniority. Employees may decide alternative to raise the matter through the complaint mechanism of this policy. See details in the Yoma Group's Grievance Handling Policy .

Confidentiality

The Yoma Group will ensure that any concerns/issues/complaints raised is handled according to the principles of confidentiality, safety, impartiality, thoroughness, timeliness and accuracy. Confidentiality in the complaint resolution process means that a complaint can only be discussed with those people directly involved in the complaint or resolution process and the Grievance Handling Committee.

All complaints and reports, and the name of people involved will be handled in the strictest of confidence. Details will only be released on a "need to know" basic or when required or when a notification to outside authorities has been made. Observing confidentiality helps to ensure the protection of the rights of all parties by limiting access to the details of the complaint. In addition, it helps to limit damage to any existing trust between the aggrieved parties, thereby facilitating resolution.

Record Keeping

Where a matter is progressed to formal processes, full records must be maintained. Records may include emails; minutes of meetings; reports, recommendations and recorded outcomes. A file will be created and stored in the Human Resources Department. Annex A (attached with this policy) may be used to assist the record keeping requirements. Where the complaint is proven, records will be retained for 3 years.

Breach of the Policy

A breach of this policy will result in disciplinary action. Depending upon the severity of the case, consequences may include apology, counselling, transfer, demotion, dismissal, or other forms of disciplinary action deemed appropriate.