

Disposal Directions for Prevention and Complaint Handling against Sexual Harassment in Chunghwa Telecom Co., Ltd.

Stipulated by CHT-HR-II Letter No. 91A3500550 on Jul. 16, 2002
Amended by CHT-HR-II Letter No. 95A0001258 on Jul. 19, 2006
Amended by CHT-HR-II Letter No. 0970000528 on Apr. 09, 2008
Amended by CHT-HR-II Letter No. 1030000383 on Apr. 17, 2014
Amended by CHT-HR-II Letter No. 1060000422 on Mar. 31, 2017
Amended by CHT-HR-II Letter No. 1080000122 on Jan. 24, 2019
Amended by CHT-HR-I Letter No. 1100002527 on Dec. 30, 2021
Amended by CHT-HR-I Letter No. 1120001290 on May 24, 2023

Article 1

In order for Chunghwa Telecom Corporation Limited (hereinafter referred to as the Company) and its subsidiaries to provide staffs (including employees and trainees) and job seekers with work and service environments that are free of sexual harassment, the company has taken appropriate prevention, correction, punishment, and handling measures to protect the rights and privacy of parties. As such, this provision was established in accordance with the Act of Gender Equality in Employment, Sexual Harassment Prevention Act, and the Ministry of Labor's Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace.

Article 2

The sexual harassment in the Company and the Institutions is to be handled in accordance with the provisions herein, unless provided otherwise by the laws and regulations. Where the perpetrator of sexual harassment is not an employee of the Company, the institution the victim serves is liable to provide legal assistance for exercising the rights thereof pursuant to the laws.

Article 3

Sexual harassment referred to herein is defined in line with Article 12 of Act of Gender Equality in Employment and with Article 2 of Sexual

Harassment Prevention Act respectively.

Sexual harassment referred to in the Act of Gender Equality in Employment shall mean one of the following two circumstances:

1. In the course of an employee executing his or her duties, any one makes a sexual request, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination, causes him or her a hostile, intimidating and offensive working environment leading to infringe on or interfere with his or her personal dignity, physical liberty or affects his or her job performance.
2. An employer explicitly or implicitly makes a sexual request toward an employee or an applicant, uses verbal or physical conduct of a sexual nature or with an intent of gender discrimination as an exchange for the establishment, continuance, modification of a labor contract or as a condition to his or her placement, assignment, compensation, evaluation, promotion, demotion, award and discipline.

Excluding sexual assault crimes, sexual harassment in the Sexual Harassment Prevention Act refers to the sexual statements or sexual behavior violating another person's wishes and also to the following situations:

1. If a person's obedience to or rejection of another's sexual advances become a condition of obtaining, losing or reducing their rights and interests in work, education, training, services, plans or activities.
2. If texts, pictures, voices, images or other objects are used to inundate or intimidate; or if languages and behaviors of discrimination, and insults or other methods are adopted. – For such reasons, the other's person's dignity of character is impaired. Or if another person feels scared, feels disliked with hostility or feels offended; or if another persons' work, education, training, services, plans, activities or other normal habits are improperly influenced.

Article 4

The Company should prevent instances of sexual harassment within the workplace, ensure the protection of employees from any form of sexual harassment, establish a friendly working environment, and foster the concept of gender equality between supervisors and employees. In the event of sexual harassment or suspected incidents, the company must promptly review and enhance its prevention and control measures. If employees or trainees working in workplaces that are outside the Company's control and management, the Company shall identify the types of sexual harassment risks in such workplaces, provide necessary protective measures, and provide notice of details in advance.

The Company should employ information masters and other relevant methods, to reinforce the promotion of Sexual Harassment Prevention and Remedial Measures, and complaint channels; and regularly implement training to prevent sexual harassment in the workplace, in on-the-job training or workshops, reasonably plan gender equality and sexual harassment prevention related courses, and publicly disclose announcements of relevant information in prominent places in the workplace.

Article 5

The Company and the Institutions are to set up telephone, fax, and e-mail addresses to handle complaints concerning sexual harassment, the related information of which is to be openly displayed in the workplace for complainant to file complaint, while the complaint is to be handled by appropriate personnel in consideration of the gender of the complainant.

The Amendments to the "Written Statement of No Sexual Harassment by Chunghwa Telecom Co., Ltd." shall be approved by the authorized Director of the Organization and Talent Development Department.

Article 6

The Company must immediately adopt effective corrective and remedial measures after the Company becomes aware of any instances of sexual assault or sexual harassment, and pay attention to the following:

1. Protect the victim's rights and privacy.
2. Maintain or improve the safety of their environment.
3. Punishment of perpetrators.
4. Other measures for prevention and improvement.

Article 7

An Appeal Review Committee is to be established (referred to as "the Review Committee" hereinafter) at the Company and the Institutions to handle complaints concerning sexual harassment.

The Review Committee consists five to nine members, with one of whom as the Chair to preside the meeting, who is a deputy head, a supervisor of higher level, the allocated supervisor from the Human Resource Department or from the Accounting Department designated by the head of the relevant institution, whereas the remainders on the Review Committee are to be designated by the head of the relevant institution as well as assigned by the labor union branch corresponding to the institution in the case of the employee of the Institutions, or invited expert(s) or scholar(s) if necessary. The ratio of male and female on the Review Committee shall be in proportion, whereas the ratio of the female members thereon is not to be less than 50 percent.

The members on the Review Committee serve a 2-year tenure with no pay, while the successor thereof in the event of vacancy due to certain reason is to assume the remainder of the tenure he/she succeeds.

The Review Committee is to have one executive secretary and several part-time officers, selected by the head of the respective institution or the allocated staff of the Organization and Talent Development Department.

In the event the Chair of the Review Committee cannot preside the

meeting thereof, one individual may be appointed or elected by the members thereon to act on his/her behalf; the Review Committee meeting may be convened only with an attendance of a half or more of all the members thereon in person instead of proxy, and a resolution can only be made with ayes from over a half of the presented members, while the president thereof has the deciding vote in the event of equal votes.

Article 8

Aside from seeking assistance in accordance with the pertaining laws, a victim in sexual harassment incident may file a complaint to the Review Committee of the institution the perpetrator belongs to, whereas the perpetrator is the head of the institution, the complaint can be filed to the Review Committee of the parent institution thereof.

The complaint in the preceding paragraph is to be filed orally or in writing. For orally filed complaints, the personnel or unit in charge of receiving these complaints shall put them in record. After the record is read to the complainant, or the complainant reads the record, and that the complainant verifies the content thereof, the complainant is to sign his/her name or imprint his/her seal on the record.

The complaint record in writing or made orally is to include the following items:

1. The name, gender, birthdate, National Identification Card Number or passport number, service or education unit and title, domicile or residence, and contact number of the complainant;
2. Where the complainant has a statutory agent, the name, gender, birthdate, National Identification Card Number or passport number, occupation, domicile or residence, and contact number of the statutory agent;
3. Where the complainant has a proxy, the name, gender, birthdate, National Identification Card Number or passport number, occupation, domicile or residence, and contact number of the proxy as well as the letter of proxy by the complainant;

4. Facts and relevant evidence of the complaint; and
5. Date of the complaint made.

In the event of the complaint record in writing or made orally not in line with the preceding paragraph and rectifiable, the complainant is to be notified for the rectification thereof within 14 days. Appeals will not be accepted from individuals who fail to make the necessary corrections within the specified time limit.

Article 9

Prior to a resolution by the Review Committee, the complainant, or the agent or proxy with authorization, may withdraw the complaint in writing, and may not file a complaint on the basis of the same cause afterward.

In the case that a complaint is made in accordance with the Sexual Harassment Prevention Act, the preceding paragraph does not apply, except that a conciliation reached through the mediation by the competent authority of the municipality, county, or city where the Review Committee is situated in and that the complaint is withdrawn.

Article 10

The review procedure of the Review Committee is as follows:

1. Upon reception of complaint over sexual harassment or referral of case, except the complaint to which the situations specified in the Provisions of Paragraph 4, Article 8 and in the Subparagraphs in Paragraph 1, Article 11 herein applies and thus rejected in the resolution, the Chair is to appoint 3 or more members to form a taskforce to start investigation within 7 days upon the reception thereof, complete and close the investigation within 2 months, which may be extended to 1 month if necessary, and notify the parties directly involved.
2. The investigation process of the task force shall follow the following principles:

- (1) Investigation of the sexual harassment incident shall not be publicly disclosed, the investigation process should protect the privacy and personal legal interests of the affected parties.
 - (2) The sexual harassment investigation must be conducted under the principles of objectivity, fairness, and professionalism as well as allow the affected parties sufficient opportunities to state their opinions and responses.
 - (3) If the complainant's statement is clear, avoid repeated questioning if there is no need for questioning.
 - (4) It is necessary to notify the parties and related persons of the sexual harassment investigation to arrive for questioning; those with relevant knowledge and experience should be invited for assistance.
 - (5) Avoid confrontation of the parties or witnesses, in cases of sexual harassment incidents where there is an imbalance of power between the parties or witnesses involved.
 - (6) If necessary, investigators may compile written documents, assuming there are no violations of confidentiality, so that the parties may read or be given a summary report.
 - (7) Investigators of sexual harassment must maintain the confidentiality of all names and other identifiable data of parties, unless it is necessary to the investigation or due to considerations for public safety.
 - (8) There shall be no undue discrimination against individuals who complain, inform, file lawsuit, testify, provide assistance, or otherwise participate in the complaint, investigation, or trial proceedings of sexual harassment incidents.
 - (9) During the interview with the complainant, the party directly involved may be accompanied by relevant personnel with the consent of the taskforce.
 - (10) The taskforce should compile the results of investigation into a report submitted to the Review Committee for review.
3. The parties directly involved (complainant and defendant) are to be notified before the complaint review, so that either party may present

to make statements, while individuals relevant to the case or expert(s) or scholar(s) may attend to make statement under invitation if necessary.

4. The Review Committee is to produce a resolution with reason(s) and offer recommendations as to the disciplinary measure(s) or other appropriate measure(s) in accordance with Standards Governing the Administrative Rewards and Discipline of Chunghwa Telecom Personnel.
5. The review resolution is to specify reasons, inform the parties directly involved in writing, and refer to relevant institutions for process pursuant to relevant regulations.

Article 11

Where any of the following subparagraphs applies to the complaint, the complaint is to be rejected in the resolution:

1. The complainant that is not the victim, the statutory agent, or proxy thereof in a sexual harassment incident;
2. A complaint that is made on the basis of a cause that has been concluded in a resolution for a complaint, or in a complaint that has been filed in accordance with the Act of Gender Equality in Employment and withdrawn;
3. A complaint filed on the basis of same cause after the appeal was closed.

Where the Company and the Institutions reject the complaint, they are liable to inform the parties directly involved in writing within 20 days from the day after the arrival of the complaint, and to send a copy to the competent authority of the municipality, county or city where the Review Committee is situated in for an incident to which any of the Subparagraphs in Article 2 of the Sexual Harassment Prevention Act applies.

Article 12

If individuals participating in the handling, investigation, and resolution

and appeal of sexual harassment fall into the following circumstances, the parties should apply for self-recusal:

1. Where the individual themselves or their spouse, former spouse, any of their relative by blood within the fourth degree or relative by marriage in the third degree, or a person having previously such a relationship with the individual, are the affected parties.
2. Where the individual themselves, their spouse, or former spouse is connected with the affected parties in a relationship of joint holders of rights of co-obligors in the matter.
3. Where the individual is currently or was once an agent for or assistant to the matter.
4. Where the individual was once a witness or expert witness in the matter.

If individuals participating in the handling, investigation, and resolution and re-appeal of sexual harassment fall into the following circumstances, the affected parties may apply for recusal:

1. Where the individual fails to recuse themselves in spite of the existence of any of the circumstances specified in the preceding article.
2. Where there are concrete facts to sufficiently support the belief that the individual is likely to be biased in the exercise of their functions.

An application under the preceding paragraph shall be made, with a statement of grounds and facts, to the Review Committee, and shall be duly explained; the investigator whose recusal has been applied for may give their view in writing with respect to the application.

The individual who has been applied for recusal handling, investigation, and evaluation shall cease their Review Committee work before the application is accepted or rejected by the Review Committee. However, in cases of urgency, matters should still be dealt with as necessary.

If the individual participating in the handling, investigation, and resolution fails to recuse themselves in spite of the existence of any of the

circumstances specified in Paragraph 1 and no application for recusal has been submitted by the complainants, the Review Committee shall order their recusal.

Except for the necessity in the investigation or the concerns of public safety, the individual participating in the handling, investigation, and resolution of sexual harassment is liable to keep the name of the parties directly involved or other identifiable information in confidence, whereas a violation of which results in termination of the right of the individual of participating in the Review Committee. Also, the individual is subject to disciplinary action or dismissal of duty in line with the severity of the violation and in accordance with the relevant regulations upon approval of the head of institution.

Article 13

The Review Committee is to notify the parties directly involved and the institution(s) they are affiliated with of the resolution rendered thereby regarding the sexual harassment incident in line with the Subparagraphs of Article 12 in the Act of Gender Equality in Employment, and to indicate that in the event of any of disagreement from any of the parties directly involved regarding the resolution for the complaint, he/she may submit an appeal within 20 days from the next day of the arrival of resolution, or from the day of occurrence of the cause for the appeal or of the day of knowledge thereof.

The appeal is to be made in writing with reasons specified, along with a photocopy of the original resolution for the complaint, to the Review Committee that rendered the resolution. The Review Committee is to stay with the original resolution of complaint if it finds no reason for the appeal, or amend the original resolution if it finds reasons to and notify the parties directly involved and the relevant institutions. Once the case is closed, no further appeal may be filed on the same grounds.

The procedure for complaint handling applies to the handling of an appeal, except for otherwise provided by the laws and regulations.

The Review Committee is to notify in writing the parties directly involved and the competent authority of the municipality, county, or city it is situated in regarding the results of the investigation and handling of an incident to which any of the Subparagraphs in Article 2 of the Sexual Harassment Prevention Act applies, while specify that any party with disagreement with the result of investigation of a complaint may file a second complaint to the Sexual Harassment Prevention Committee of the competent authority of the municipality, county, or city the Review Committee is located in within 30 days from the next day after the arrival of the investigation notice.

Article 14

The parties directly involved have the right to file an appeal against the decision of the Review Committee under any of the following circumstances:

1. Where there is a clear contradiction between the resolution and the stated reasons.
2. Where the organization of the Review Committee is illegal.
3. Where the committee members who are required to be recused according to Article 12 of this provision participating in the decision-making process.
4. Where the committee members who took part in the resolution case violated their duties and committed a criminal offense, resulting in a confirmed guilty verdict.
5. Where the witnesses and appraisers, evaluating the evidence as the basis for the decision, have made false statements.
6. Where the evidence used as the basis of the decision is forged or altered.
7. Where the civil, criminal, or administrative litigation judgment, as well as the administrative sanction, which served as the basis for the decision, has been modified due to subsequent determinations in the judgment or administrative sanction.

8. Where evidence that has not been considered are found or such evidence can be used.
9. Where the original resolution constitutes significant evidence that can substantially impact the outcome, yet has not been taken into consideration.

Article 15

The Company and the Institutions are liable to take appropriate disciplinary actions against an employee thereof in line with the severity of the act of sexual harassment by the employee thereof that has been verified as truth in an investigation and in accordance with the Standards Governing the Administrative Rewards and Discipline of Chunghwa Telecom Personnel or the pertaining laws and regulations, If criminal liabilities are involved, the Company should assist the complainant to go through legal channels; while render appropriate disciplinary actions against the complainant should they find him/her making false accusation.

Article 16

The Company and the Institutions are to track, examine, and supervise complaints concerning sexual harassment, to ensure effective execution of complaint resolution, and to avoid the same incident or retaliatory action from happening.

Article 17

Any party directly involved shall be referred to professional counseling or medical institution should the Company and the Institutions consider him/her in need of counseling or medical attention.

Article 18

All the members on the Review Committee are without pay; nevertheless, the members may be paid for writing the investigation report in

accordance with the pertaining regulations, while the part-time members that are not of the employees of the Company or the Institutions may be paid for attending meetings.

Article 19

Where the Company and the Institutions commission other private enterprise for business handling, they are to specify in the commission contract the adherence thereby to the provisions herein, while a sexual harassment defined herein made by the employee of the commissioned entity and established in the review may be listed as a cause to breach of contract.

Article 20

The required funding for the Review Committee is to be disbursed by the pertaining budgets of the respective institutions.

Article 21

The Company will not impose dismissal, reassignment, or other unfavorable punishment on employees who file complaints or assist others in filing complaints.

Article 22

Any matters not addressed in this regulation shall be dealt with in accordance with the provisions of the Act of Gender Equality in Employment. Any violation of the Act of Gender Equality in Employment shall render the action or decision invalid.

Article 23

The provisions herein shall come into force upon the approval of the President, and the same in case of any amendment hereto.