

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

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Article 1

Chunghwa Telecom Co., Ltd. (referred to as "the Company" hereinafter) and the subordinate Tier 1 and Tier 2 Institutions (referred to as "the Institutions" hereinafter) stipulate this Directions in accordance with the Act of Gender Equality in Employment, Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace, Sexual Harassment Prevention Act, and the pertaining laws and regulations to prevent and correct sexual harassment as well as protect the rights of victims while to establish an harmonious work environment that is respectful and equal with regard to gender.

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 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.

Article 5

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 Human Resource 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 6

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.

Article 7

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 8

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 Subparagraphs in Paragraph 1, Article 9 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 the investigation within 2 months, which may be extended to 1 month if necessary, and notify the parties directly involved.
2. The taskforce is to conduct investigation in an undisclosed manner to protect the privacy and other legal rights concerning personality of the parties directly involved. Both parties may be interviewed during the investigation. Where there is power imbalance between those directly involved or witness, confrontation(s) shall be avoided. The taskforce may search for evidence in and visit the workplace of the defendant. During the interview with the complainant, the complainant may be accompanied by relevant personnel with the consent of the taskforce; the same applies to the defendant therein. The taskforce may invite professional(s) to partake in the investigation, and 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 9

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

1. A complaint that is made not in line with the requirement of pertaining regulations and not notifiable for rectification, or overdue for rectification thereof upon notice;
2. A complaint that is filed beyond the timeframe for complaint filing;

3. The complainant that is not the victim, the statutory agent, or proxy thereof in a sexual harassment incident;
4. 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;
5. A complaint concerning an incident not of sexual harassment;
6. A complaint with no specific fact or content, or with no real name, service unit, domicile or residence of the party provided; or
7. 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 10

Where an individual involving in the handling, investigation, or review of a complaint over sexual harassment is the party directly involved; the spouse, ex-spouse; a relative by blood within the fourth degree of relationship thereto; a relative by marriage within the third degree of relationship thereto; or parent or kin thereto, he/she is to recuse himself/herself. Any individual that ought to but fails to recuse himself/herself, or any specific fact that is sufficient enough for an individual compromised in performance of duties thereof, any of the parties directly involved may state the reason and fact in writing to the Review Committee to demand recusal thereof.

Except for the necessity in the investigation or the concerns of public safety, the individual in the preceding paragraph 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 11

Concerning the complaint filed in accordance with the Sexual Harassment Prevention Act and under investigation or a trial, the Review Committee may report to the competent authority of the municipality, county, or city where the Review Committee is situated in for approval of a halt of the incident handling prior to the conclusion of investigation or trial procedure thereof if it deems necessary.

Article 12

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. 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.

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 13

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, while render appropriate disciplinary actions against the complainant should they find him/her making false accusation.

Article 14

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 15

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 16

The Company and the Institutions ought to encourage the personnel thereunder to take trainings related to sexual harassment prevention and correction.

Article 17

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 18

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 19

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

Article 20

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