



Jubail Energy Services Company (JESCO)

Anti-Harassment Policy

1. INTRODUCTION

- 1.1 This Anti-Harassment Policy (this **Policy**) forms part of the corporate governance framework of Jubail Energy Services Company (**JESCO**). JESCO is committed to promote, and values, a work environment free of physical, verbal or psychological harassment and discrimination. This includes any unwelcome comments or actions regarding race, colour, ethnicity, creed, ancestry, age, gender, national origin, marital status, pregnancy, childbirth or related medical condition.
- 1.2 The Anti-Harassment Law No. 488 dated 14/9/1439 H issued by the Council of Ministers of the Kingdom of Saudi Arabia obligates private sector entities to adopt the necessary regulations to prevent and combat harassment within workplace. This Policy further elaborates on the basic framework against harassment introduced by said law. It is JESCO commitment that any form of harassment in the workplace will not be tolerated; all reported incidents and allegations of harassment will be promptly investigated.
- 1.3 This Policy was approved by resolution of the JESCO Board on 11 September 2019 and shall be effective as of such date. The Policy is subject to periodic review and any changes thereto requires approval by the Board.

2. HARASSMENT

- 2.1 Harassment is an abusive behaviour towards another which could take many forms. It is characterized by single or repeated acts, words, gestures, implications and other forms of communication or interaction or other unwelcome conduct which undermines the dignity or the physical or psychological integrity of the victim, interferes with an individual's work performance or creates an intimidating, hostile, or abusive work environment. Harassment also includes retaliation or threat of retaliation for reporting harassment or threatening to report harassment.
- 2.2 A specific form thereof, i.e., sexual harassment, occurs where the following are made towards another person:
 - (a) unsolicited and unwelcome sexual advances, requests to engage in sexual activity or to provide sexual favours;
 - (b) unsolicited and unwelcome comments remarks of sexual nature, unwanted social invitations for non-work-related meetings; or
 - (c) other verbal or physical conduct of a sexual nature, such as inappropriate physical conduct (assault, unwanted touching or repeatedly standing too close); inappropriate jokes, teasing, stories, suggestive gestures; making, showing or posting sexually

demeaning or offensive videos, pictures, cartoons or other materials; insults based on gender; etc.

- 2.3 Harassment is many times used to condition promotions, awards, training or other job benefits. Harassment of employees is deemed to occur also if any qualifying behaviour happens outside working hours or workplace but has the effect of interfering with an individual's work performance or creating an intimidating, hostile, or abusive work environment.
- 2.4 JESCO also prohibits any violence in the workplace, i.e., any act or threat of physical violence, which may include a spectrum of behaviours that could generate a reasonable concern for safety at the workplace or extends to colleagues in the workplace or to the work environment. Workplace violence includes but is not limited to physical attacks (such as hitting, shoving, pushing or kicking); threatening behaviour (such as shaking fists, destroying property, throwing objects or other similar conduct); verbal or written threats (such as intimidating language, any expression of intent to inflict harm). Any act of workplace violence will be dealt with in accordance with the provisions of this Policy.

3. DEALING WITH AN ACT OF HARASSMENT

- 3.1 Any employee who believes to have fallen victim to harassment may inform the alleged offender (orally or in writing) that such conduct is unwelcome and offensive and must stop. The aggrieved employee may also opt for approaching JESCO Human Resources Department (**HR**) and/or his/her line manager to discuss the alleged harassment and seek resolution of the matter.
- 3.2 If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, or where the employee feels uncomfortable about approaching HR and/or his/her line manager about the alleged harassment, or where approaching HR and/or his/her line manager did not yield a satisfactory resolution, the employee may file a formal complaint (a **Complaint**) FORMAL Reporting of AN ACT OF HARASSMENT
- 3.3 Where an employee believes to have fallen victim to harassment and where such employee is uncomfortable with taking any of those steps as set forth in clause 3. of this Policy, or where such steps did not yield a satisfactory resolution, the employee may report the alleged harassment by filing a Complaint.
- 3.4 A Complaint about harassment is made by using JESCO Ethics Point Helpline. Such complaint must contain a description of the behavior allegedly constituting harassment, the time of occurrence, the individual/s involved, any witnesses and any other evidence which may be relevant to the allegations made. Once filed, any complaint will be resolved pursuant to the complaint resolution procedure as set in clause 6. Of this policy.
- 3.5 All individuals complaint on actual or suspected incidents of harassment are assured that such complaint will be treated seriously and with strictest confidentiality. Any such Complaint filed

will be shared only on a bona fide need-to-know basis. However, in certain circumstances the name of the individual filing the report may need to be disclosed to the individuals responsible for investigating the suspected violation or to a governmental agency investigating any such suspected violation.

4. CONFIDENTIALITY

4.1 JESCO and none of its employees or agents will take adverse action against individuals reporting on alleged harassment in good faith and without malicious intent whether or not the report ultimately proves to be well founded. Any report on harassment made in good faith and without malicious intent will be treated with utmost confidentiality.

4.2 Anyone who either:

- (a) breaches confidentiality assured by this Policy in any way, *e.g.*, by disclosing or revealing the identity of the reporting individual, any particulars of his/her report or any information from the investigation file to any third party whatsoever (unless involved in the resolution process of the alleged harassment); or
- (b) takes retaliatory action or retribution against another who has either reported an act of harassment or participated in an investigation of suspected or alleged act of harassment,

will be subject to disciplinary and/or legal action, similarly as if such individual himself/herself committed an act of harassment towards the person who either reported a suspected violation or participated in an investigation of a suspected violation (as the case may be).

5. FALSE AND MALICIOUS ACCUSATIONS OF HARASSMENT

5.1 False and/or malicious accusations of harassment may have extremely serious implications for the reputation of JESCO as a company, its employees and the wrongly accused innocent individual and that individual's family and beyond. False accusations of harassment and false witness statements related to such accusations will be considered harassment and will be dealt with in accordance with the provisions of this Policy.

5.2 Panel (as defined below in clause 6.2 of this Policy) will decide the intent of complainant after the investigation (as defined below in clause 6.3 and 6.4 of this Policy).

6. COMPLAINTS RESOLUTION PROCEDURE

6.1 All Complaints must be treated with utmost confidentiality and impartiality. All individuals involved in the Complaints resolution process must bear in mind at all times that any person

who stands accused of harassment must be deemed innocent until the committing of the act of harassment is proven beyond reasonable doubt.

- 6.2 Upon receipt of a Complaint, a panel of three (3) individuals (the **Panel**) shall initiate the Complaints resolution process.
- (a) The Panel comprises of the heads of JESCO audit and legal department and a representative of the chief executive officer's office (the **Heads**) provided that the individuals involved in the alleged misconduct do not report to such Heads. The Panel may appoint other individuals at their discretion as members where a Head is not available for Complaint resolution procedure due to approved vacation or sick leave.
 - (b) Any Head who supervises any of the individuals involved in the alleged misconduct automatically disqualifies as a member of the Panel. In such circumstances, the remaining member/s of the Panel shall immediately appoint a replacement for the disqualified (conflicted) member/s at his/her/their discretion. Where no agreement can be reached on the replacement/s, or where there is only one (1) non-conflicted Panel member remaining JESCO chief executive officer shall appoint, at his/her discretion, (a) replacement/s so that the Panel comprises of three (3) individuals at all times.
 - (c) Where the alleged misconduct involves a female employee (whether as the complainant or the accused), the Panel must appoint a female Panel member at their discretion who shall take the seat of, and replace, one (1) of the Panel members who shall step down.
 - (d) In addition to the above, any member of the Panel should disqualify himself/herself if his/her impartiality in the procedure may be reasonably questioned.
 - (e) The Panel shall appoint a chairman/chairwoman (the **Chair**) from among its members for each new case brought to the Panel by way of rotation. The Panel shall take all its (procedural) decisions by majority vote. The Chair shall have a casting vote. The Panel must appoint a secretary from among its members.
- 6.3 The Panel must acknowledge receipt of the Complaint opposite the Complainant within one (1) business day from the time of the receipt of the Complaint. The Panel must start its investigation within two (2) business days from the receipt of the Complaint. The complaint resolution procedures must be completed within five (5) business days from the receipt of the Complaint. Pending completion of the Complaint resolution procedure, the Panel shall at its discretion and where required, adopt - in coordination with the chief executive officer so as to ensure confidentiality - appropriate and effective measures to avoid occurrence of further harassment and interaction between the Complainant, the accused and witnesses
- 6.4 The thorough investigation initiated by the Panel must include interviewing the Complainant, the accused and any witnesses, collection and review of any relevant documents and any other evidence. In exceptional circumstances which the Panel shall document it may agree that an interviewee be interviewed by only one (1) single Panel member. All such interviews must be

minuted by the Panel. Such minutes must be signed by the Panel members and the interviewee. In case the interviewee refuses to sign the minutes of the interview, the interviewee must address a written letter to the Panel elaborating on the reasons for his/her refusal to sign such interview minutes

- 6.5 The Panel shall, upon completing its review of all evidence relevant to the Complaint, prepare a brief report of the investigations conducted and the evidence presented to, and considered by, it. It shall attach the signed minutes of any interviews it conducted in the course of the Complaint resolution process and any evidence and documents it may have gathered to such report. The report must contain the Panel's verdict as to whether they deem the alleged act of harassment to have in fact taken place.
- 6.6 Where the Panel concludes that the act of harassment carries a degree a gravity which requires action beyond measures such as mediation, the Panel must contact outside legal counsel for advice as to what forms of punishment for the committed act of harassment are available pursuant to the applicable (private) law to sanction the misconduct. Based on such advice, the Panel shall then take a final decision as to its recommendation of the imposition of any punishment, and as to whether the misconduct shall be reported to the relevant authorities (together the **Final Decision**) The Panel shall document such Final Decision in writing. In any event, the offender must be given the opportunity to comment on the Final Decision and be heard for a second time by the Panel prior to the issuing of the Final Decision. The Final Decision must then be implemented by HR without undue delay and any review of the matter. HR shall report in writing to the Panel and JESCO chief executive officer on the implementation of the Final Decision.
- 6.7 Where the Final Decision was taken by unanimous vote the offender shall not be afforded the right to appeal. In any other case including abstention from voting in respect of the Final Decision, the offender shall have the right to appeal the Final Decision. Such appeal shall be filed to the Panel which must refer the case within two (2) business days to JESCO Audit Committee for final resolution on an anonymous basis.

7. SANCTIONS

This Policy including the Complaints resolution procedures is incorporated by reference into, and deemed to form part of, any employee's contract of employment. Acts of harassment may constitute grounds for disciplinary action or sanctions, including, without limitation, verbal or written warning, adverse performance evaluation, suspension, and in the most extreme case, termination of employment or engagement. Actual sanction will be determined having regard to the degree and gravity of the offence, number of occasions or repetition of offences and their frequency, and other relevant factors. Extremely serious cases, including physical violence, may result in the immediate termination of employment without prior warning or other sanctions. Any offender must bear in mind that harassment or abusive behaviour may constitute grounds for legal action by the victim and/or JESCO.



8. IMPLEMENTATION

JESCO will ensure that this Policy is widely disseminated to all relevant persons. All employees must be made aware of the content of this Policy and confirm in writing that they have fully understood the Policy including the Complaints resolution procedures in all detail. Those new to JESCO shall be made aware of this Policy as part of their induction. It is the responsibility of every manager to ensure that all his/her employees are aware of this Policy.