

Yuanta Financial Holding Company
Guidelines for Workplace Sexual Harassment Prevention, Complaint, and
Disciplinary Treatment

Approved by the Chief Executive Officer on April 3, 2002
Amendments approved by the Chief Executive Officer on June 20, 2006
Amendments approved by the Chief Executive Officer on June 27, 2006
Amendments approved by the Chief Executive Officer on January 16, 2007
Amendments approved by the Chief Executive Officer on September 13, 2007
Amendments approved by the Chief Executive Officer on November 1, 2014
Amendments approved by the Chief Executive Officer on July 7, 2016
Amendments approved by the Chief Executive Officer on February 4, 2020
Amendments approved by the Chief Executive Officer on October 25, 2022
Amendments approved by the Chief Executive Officer on April 1, 2024

Article 1 (Purpose)

In order to provide a work and service environment free from sexual harassment and to take appropriate preventive, corrective, disciplinary, and treatment measures in order to protect the rights and privacy of the parties involved, the Company has established these Guidelines in accordance with Article 13, Paragraph 1 of the *Gender Equality in Employment Act* and the relevant provisions of the *Regulations for Establishing Measures of Prevention, Correction, Complaint and Punishment of Sexual Harassment at Workplace* issued by Taiwan's Ministry of Labor.

Article 2 (Scope of Application)

These Guidelines apply to all employees (including employees, dispatched workers, technical students, and interns, hereinafter referred to as "aforementioned employees") and job seekers of the Company. Any matters not covered herein shall be handled in accordance with the relevant laws and regulations and the regulations of the Company. If the victim of sexual harassment is an aforementioned employee and the perpetrator is not an aforementioned employee, except for the circumstances stipulated in Article 12, Paragraph 7 of the *Gender Equality in Employment Act*, the victim of sexual harassment shall be handled in accordance with the relevant provisions of these Guidelines. If an aforementioned employee or job seeker is involved in an incident of sexual harassment that is not covered by the *Gender Equality in Employment Act*, the complaint, investigation, and handling procedures

shall be handled in accordance with the *Sexual Harassment Prevention Act*, the *Stalking and Harassment Prevention Act*, or other relevant laws and regulations.

The Company, aforementioned employees, and job seekers shall strive to establish a work environment free from sexual harassment.

Article 3 (Sexual Harassment)

No supervisor of the Company shall do any of the following to an aforementioned employee, or between aforementioned employees any of the following shall not be done to each other, or aforementioned employees shall not do any of the following to job seekers:

1. To create a hostile, coercive, or offensive work environment that violates or interferes with a person's dignity, freedom, or performance by sexually demanding, sexually charged, or sexually discriminatory words or conduct.
2. Supervisors make explicit or implicit sexual demands, sexually oriented or gender-discriminatory statements or actions to aforementioned employees or job seekers in exchange for the creation, continuation, modification, or distribution of labor contracts, assignments, compensation, performance appraisals, promotions, demotions, rewards, and punishments.

In addition to investigating sexual harassment in accordance with Article 12, Paragraphs 1 to 4 of the *Gender Equality in Employment Act*, the Company may consider the circumstances in the following subparagraphs in a comprehensive manner:

1. To look at, touch, embrace, kiss, or smell any part of the body of another person inappropriately; and to compel another person to do the same to any part of one's body.
2. Sending, leaving, displaying or broadcasting sexual requirements, and sexually oriented or sexually discriminatory words, pictures, sounds, images or other objects.
3. Repeatedly or persistently following or pursuing behavior against one's will.

Article 4 (Preventive Measures against Sexual Harassment)

The Company implements the following measures to prevent sexual harassment in the workplace:

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1. Making appropriate use of various opportunities and means of information dissemination to enhance the promotion of preventive measures against sexual harassment in the workplace and channels for filing complaints to employees.
2. Providing education and training on prevention of sexual harassment in the workplace for aforementioned employees, with priority given to directors of the board, managerial officers, supervisors at all levels, and human resources personnel. In particular, supervisors at all levels, members of the Sexual Harassment Complaints Handling Committee and members of the Sexual Harassment Complaints Investigation Team (other than external professionals) shall receive regular annual training.
3. The Company shall identify the type of risk of sexual harassment in the work environment and provide necessary protective measures for aforementioned employees who work in workplaces that are not under the Company's control and management, and shall inform them of such measures in detail in advance.
4. When becoming aware of an incident under Article 2, Paragraph 3, although it is not necessary to follow the complaint, investigation, and handling procedures in accordance with these Guidelines, it is still necessary to pay attention to the risk of sexual harassment in the workplace, and to prevent or provide relevant assistance measures in a timely manner.

Article 5 (Sexual Harassment Corrective and Remedial Measures)

When the Company becomes aware of sexual harassment, it takes the following immediate and effective corrective and remedial measures:

1. When the Company becomes aware of sexual harassment as a result of receiving a complaint from the victim:
 - (1) Taking into account the wishes of the complainant, appropriate isolation measures shall be taken to avoid the recurrence of sexual harassment, and no unfavorable changes shall be made to the complainant's salary and other labor conditions.
 - (2) Provision of or referral for counseling, medical, or psychological consultation, social welfare resources, and other necessary services to the complainant.
 - (3) The Company shall initiate the investigation process by conducting interviews or appropriate investigative procedures with the

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person(s) involved in the sexual harassment incident.

- (4) If the complainee is in a position of authority and the circumstances are so serious that it is necessary to suspend or adjust the complainee's duties during the investigation, the complainee's duties may be suspended or adjusted; if sexual harassment is not recognized after investigation, the complainee will receive back pay for the period in which he/she ceased to work.
- (5) If an act of sexual harassment is found to be substantiated, the perpetrator will be appropriately punished or dealt with depending on the severity of the case. In serious cases, the labor contract may be terminated without notice in accordance with Article 13-1, Paragraph 2 of the *Gender Equality in Employment Act*.
- (6) If it is proved that there is a malicious fabrication, the complainant will be appropriately punished or dealt with.

2. When the sexual harassment incident comes to the attention of the Company other than as a result of the circumstances in the preceding paragraph:

- (1) Interviews with person(s) involved to clarify and verify the relevant facts.
- (2) Victims are informed of their rights and remedies and are assisted in filing complaints if they so desire.
- (3) Adjusting the work content or workplace appropriately for the person(s) involved.
- (4) Provision of or referral for counseling, medical or psychological consultation, social welfare resources and other necessary services in accordance with the victim's wishes.

When the Company receives a statement from the victim and becomes aware of the sexual harassment, but the victim does not wish to file a complaint, the Company takes the measures described in Subparagraph 2 in the preceding paragraph.

If the victim and the perpetrator belong to different business units and have a common operating or business relationship, the Company shall take the measures described in Paragraph 1 in accordance with the following provisions when it becomes aware of sexual harassment:

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1. Notifying the employers of both the victim and the perpetrator in writing, by fax, orally, or by other means of electronic data transmission, to work together to negotiate a settlement or remedy.
2. Protecting the privacy and other personal and legal interests of the parties involved.

Article 6 (Sexual Harassment Complaint Channels)

The Company has set up a designated telephone number and e-mail address to handle the complaints concerning sexual harassment in the workplace. The related information is openly displayed at a noticeable place in the workplace:

1. Complaint handling department: Human Resources Department
2. Telephone number for complaints: (02) 2173-6095
3. E-mail address for complaints: e-mail address of the head of human resources department

In the following cases, complaints may be filed with the local competent authority in accordance with the relevant provisions of the *Gender Equality in Employment Act*:

1. The aforementioned employee or job seeker believes that the Company failed to take immediate and effective corrective and remedial action when it became aware of the sexual harassment.
2. If the complainant is an aforementioned employee or job seeker, he/she believes that the Company has not handled the complaint.
3. The complainee is an aforementioned employee and the complainant is not satisfied with the results of the investigation or disciplinary action taken by the Company.
4. If the complainee is the highest person in charge of the Company, the aforementioned employee or job seeker may file a complaint directly with the local competent authority in addition to the complaint channel mentioned in the preceding paragraph.

The Company shall not dismiss, transfer, or otherwise disadvantage an aforementioned employee for filing a complaint or assisting another person to file a complaint. This does not apply to transfers based on the protection of the complainant and with his/her consent.

Article 7 (Methods and Content of Sexual Harassment Complaints)

Complaints of sexual harassment may be brought to the attention of the head of human resources department or relevant personnel in the following ways:

1. If the complaint is made in writing, the complainant shall state the matters stipulated in Paragraph 2 and sign or imprint his/her seal on the record.
2. If the complaint is made orally or by e-mail, the officer or department receiving the complaint shall make a record stating the matters stipulated in Paragraph 2, read it aloud to the complainant or make it available for perusal, and after confirming that its contents are correct, have it signed or imprinted on the record by the complainant's seal.
3. For the format of the written record of Subparagraph 1 and the record in the preceding paragraph, please refer to Annex I "Sexual Harassment Incident Complaint Form."

The writing or record referred to in the preceding paragraph shall state the following:

1. Name, service unit and position title, address of residence, contact telephone number of the complainant, and the date of filing the complaint.
2. If there is a legal representative or authorized representative, his/her name, address of residence, and contact telephone number; if authorized, a letter of authorization should be attached.
3. The facts and content of the complaint and the relevant evidence.

In case of non-compliance with the provisions of the preceding two paragraphs, but the circumstances can be remedied, the officer or department receiving the complaint shall notify the complainant to remedy the situation within fourteen (14) days. If no correction is made within the time limit, the complaint will not be accepted.

When the Company receives a complaint of sexual harassment, the Company will notify the local competent authority in accordance with the contents and methods stipulated by the Ministry of Labor.

Article 8 (Inadmissibility of Complaints)

Complaints of sexual harassment will not be accepted under any of the

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following circumstances:

1. If the manner and content of the complaint do not conform to the provisions of the preceding Article, or the complaint is notified to be rectified but fails to rectify within the time limit.
2. The complainant is not the victim of sexual harassment, his/her legal representative, or his/her authorized representative.
3. No specific facts, or no real name, service unit, or address of residence.
4. If the same matter has been determined by a resolution of the Complaints Handling Committee, or if the complaint has been withdrawn and no new facts have occurred or new evidence has been discovered, but the complaint is filed again.

In the case of the first three subparagraphs of the preceding paragraph, the Company shall not accept the case but shall take the measures described in Article 5, Paragraph 1, Subparagraph 2.

Article 9 (Sexual Harassment Complaints Handling Committee)

In order to handle sexual harassment complaints, the Company has established the Sexual Harassment Complaints Handling Committee as a unit to handle sexual harassment complaints in an undisclosed manner. The committee in the preceding paragraph shall have three (3) to five (5) members. Except for the head of the human resources department as an ex officio member, the chief executive officer shall select or appoint the Company's current employees to serve as the committee members. Among them, there shall be professionals with gender awareness, and more than one-half of the members shall be women.

The committee in Paragraph 1 may have one of its members designated by the chief executive officer as the chairperson of the committee and as the chairperson of the meeting. If the chairperson is unable to preside over a meeting, he or she may designate another member to act as chairperson.

Article 10 (Sexual Harassment Complaints Investigation Team)

In order to handle sexual harassment complaints, the Company shall appoint personnel from the human resources department and external professionals with gender awareness to form a Sexual Harassment Complaints Investigation Team. The investigation shall be conducted in

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an objective, impartial, and professional manner, and the privacy and other personal and legal interests of the parties involved shall be protected during the investigation process.

The investigation results of the team in the preceding paragraph shall be compiled into the “Sexual Harassment Incident Investigation Report” in Annex II and forwarded to the Sexual Harassment Complaints Handling Committee for consideration and handling. The content shall include the following:

1. The cause of the sexual harassment complaint, including the statements of the parties involved.
2. Records of the investigation and interview process, including dates and interviewees.
3. Findings of Fact and Reasons.
4. Handling recommendations.

In the case of sexual harassment involving a dispatched worker, the Company may conduct an investigation in cooperation with the dispatching company and notify the dispatching company of the results of the investigation.

Article 11 (Conflict of Interest Recusal)

Members of the Sexual Harassment Complaints Handling Committee and members of the Sexual Harassment Complaints Investigation Team who are the complainant or the complainee, or who are spouses, former spouses, blood relatives within the fourth degree of consanguinity, relatives by affinity within the third degree of relations by marriage, or who are parents or family members of the complainant or the complainee, are required to recuse themselves.

The complainant or the complainee may apply in writing to the Company for the recusal of the officers in the preceding paragraph who should have recused from the duties of their committee or team but did not do so, or for the recusal of the officers in the preceding paragraph in respect of the same complaint which does not have the relationship in the preceding paragraph but is recognized as being in danger of bias in the performance of their duties due to other specific facts. The officer who is the subject of an application for recusal may file an opinion on the application.

The officer who is the subject of the application for recusal shall cease

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processing, investigating, or resolving the sexual harassment case until the Company has made a decision to permit or reject the application. However, in case of emergencies, they must still be disposed of as necessary.

In the event that an officer in Paragraph 1 should have recused himself/herself but did not do so without an application for recusal by the complainant or the complaine, the Company shall order him/her to recuse from the duties.

Article 12 (Protection of the Rights and Interests of the Parties Involved and Participant Confidentiality)

The Sexual Harassment Complaints Handling Committee and the Sexual Harassment Complaints Investigation Team shall perform their duties in accordance with the following provisions, so that the person(s) involved will not be subject to any retaliation or other unfavorable treatment:

1. To protect the privacy and other personal and legal interests of the parties involved and those invited to assist in the investigation; their names or other identifying information shall be kept confidential, except when necessary for the investigation or in the interest of public safety.
2. Evidence of sexual harassment in the workplace shall not be falsified, altered, destroyed or concealed.

In the event of a violation of the provisions in the preceding paragraph, the chairperson of the Sexual Harassment Complaints Handling Committee shall terminate his/her participation in the sexual harassment complaint incident, and the Company may, depending on the severity of the case, penalize him/her, pursue the relevant responsibilities in accordance with the relevant regulations, and terminate his/her election or appointment.

Article 13 (Presence of Parties Involved and Related Persons and Their Descriptions)

When the Sexual Harassment Complaints Committee or the Sexual Harassment Complaints Investigation Team convenes a meeting, it may notify the parties involved and related persons to attend the meeting for explanation, so as to provide the parties involved with sufficient opportunities to present his/her views and to defend himself/herself.

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Unless it is necessary to question the parties involved, repeated questioning shall be avoided, and the assistance of those with relevant knowledge and experience may be invited.

Article 14 (Withdrawal of Complaint)

The complainant or his/her representative may withdraw his/her complaint in writing before service of the notice of resolution of the Sexual Harassment Complaints Committee. A complainant whose complaint has been withdrawn may not file another complaint on the same matter. However, this does not apply to the occurrence of new facts or the discovery of new evidence in respect of the same matter.

Article 15 (Complaint Resolution Processing and Notification)

A meeting of the Sexual Harassment Complaints Handling Committee shall be held only if at least half of its members are present, and a resolution shall be made only with the consent of at least half of the members present. If there is an equal number of “Yes” and “No,” the decision depends on the chairperson.

The committee referred to in the preceding paragraph shall refer to the investigation results of the Sexual Harassment Complaints Investigation Team and make a reasoned resolution, and may make recommendations for disciplinary action or other treatment.

The Company shall notify the complainant and the complaine in writing of the resolution in the preceding paragraph after reporting it to the chief executive officer for approval.

Article 16 (Time Limits for Closing Complaints and Reopening Disputes)

A complaint shall be settled within two months from the day after the Company receives the complaint. The process may be extended for one more month when it is necessary, and the parties involved must be informed regarding the extension. The complainant or the complaine may file a written appeal within twenty (20) days from the day after the date of resolution served on the parties involved if either party involved is not satisfied with the decision.

Once the complaint in the preceding paragraph is closed, neither party involved may file a complaint for the same matter.

The Sexual Harassment Complaints Handling Committee may, with the consent of the complainant, decide to suspend the investigation and

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resolution of a complaint that has already entered judicial proceedings, and the suspension period is not subject to the limitations set forth in Paragraph 1.

Article 17 (Disciplinary Treatment)

If an act of sexual harassment is investigated and found to be substantiated, the Company will, based on the recommendation of the Sexual Harassment Complaints Handling Committee and relevant regulations, punish or handle the perpetrator appropriately, depending on the severity of the case, and notify the local competent authority of the results of the handling of the case, in accordance with the content and manner stipulated by Taiwan's Ministry of Labor. If criminal liability is involved, the complainant may be assisted in filing a complaint. If the Company is jointly and severally liable for damages with the perpetrator in accordance with Article 27, Paragraph 1 and Paragraph 2 of the *Gender Equality in Employment Act*, the Company may seek compensation from the perpetrator after compensating the victim for his/her damages.

The Company shall track, evaluate, and monitor the disciplinary or treatment measures for sexual harassment described in Paragraph 1 to ensure that they are effectively implemented and to prevent the recurrence of the same incident or retaliation.

Article 18 (Implementation)

These Guidelines shall be implemented after it has been approved by the chief executive officer, and the same applies when it is amended.

Sexual Harassment Incident Complaint Form

Date of Complaint:

Name of Complainant		Employee Number <small>(if none, do not fill in)</small>		Service Unit		Title	
Contact Telephone Number		Address of Residence					
Name of Complainee		Gender		Service Unit		Title	
Date of Incident		Time of Incident		Location of the Incident			
Measures Desired	<input type="checkbox"/> Counseling consultation <input type="checkbox"/> Seeking medical treatment with assistance <input type="checkbox"/> Referral for external psychological counseling <input type="checkbox"/> Referral for external legal counseling <input type="checkbox"/> Assisted isolation (including redeployment) <input type="checkbox"/> Other:						
Facts and Content of the Complaint							
Relevant Evidence or Witnesses							
Remarks	<ol style="list-style-type: none"> 1. The Company's complaint hotline: (02) 2173-6095 and e-mail: the e-mail address of the head of the Human Resources Department. 2. When a complaint is filed by a representative, the representative's name, address of residence, and contact telephone number should be stated; an authorization of a representative should be accompanied by a letter of authorization. 3. The completed form should be signed or imprinted with a seal at the lower part of the signature block, attached with relevant documents or supporting information, and sent to the Human Resources Department. 4. If the manner or content of the complaint is not in accordance with the regulations, the complainant will be notified to rectify the situation within 14 days, and the complaint will not be accepted if it is not rectified after the deadline. 5. The complainant or his/her representative may withdraw his/her complaint in writing before service of the notice of resolution of the Sexual Harassment Complaints Committee. A complainant whose complaint has been withdrawn may not file another complaint on the same matter (However, this does not apply to the occurrence of new facts or the discovery of new evidence in respect of the same matter). 						

I hereby confirm that the above form is correct.

Complainant: _____(Signature or Seal)

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Sexual Harassment Incident Investigation Report

Date of Investigation

Internal Investigator	Name		Department		Title	
External Professional	Name		Service Unit		Title	
Cause of Action (including statements of parties involved)	Summary of the Complainant's Statement:					
	Summary of the Complainee's Statement:					
Records of Investigation Interviews (including dates and interviewees)	Interview No. __, Date of Interview: _____ Interviewee: _____ Interview No. __, Date of Interview: _____ Interviewee: _____ Interview No. __, Date of Interview: _____ Interviewee: _____ ※Interviews may be summarized here or detailed interview records may be attached to this form as an annex.					
Findings of Fact and Reasons	※The basis for the determination and the corresponding supporting information should be stated.					
Handling Recommendations	※The basis for the recommendations should be stated; if it is internal or external rules and regulations, the names of the rules and regulations, and the supporting provisions, should be stated.					

Sexual Harassment Complaints Investigation Team: _____(Signature or Seal)

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