

EQUALITY POLICY

Introduction

Apex Group Ltd is committed to honour and promote equality in all its operations, be it with its employees, clients and their relatives, and all its other stakeholders. As per Chapter 456 – Equality for Men and Women Act, article 2. (1) and (3), irrespective of one's sex, actual or potential pregnancy or childbirth, family responsibilities, sexual orientation, age, religion / belief, race or ethnicity, gender identity, gender expression or sex characteristics, Apex Group Ltd does not discriminate, and everyone has the same rights and opportunities for employment or availing of any of the Group's services.

Purpose: The purpose of the 'Equality Policy' is to ensure that all stakeholders are aware of the said policy. The 'Equality Policy' binds all Apex Group Ltd employees and any stakeholders who avail themselves of the company's services, to honour the said policy and refrain from committing or displaying any unlawful discriminatory behaviours/actions whatsoever. The 'Equality Policy' is to be seen in conjunction with the 'Sexual Harassment Policy', which also seeks to ensure equality in all the company's operations.

Scope: The scope of the 'Equality Policy' is to demonstrate the extent of processes the said policy covers, be it the recruitment process, employment, family friendly measures, service delivery, policy breach, and training. The 'Equality Policy' is to be seen in conjunction with the 'Sexual Harassment Policy', which also seeks to ensure equality in all the company's operations.

Legal Obligations

Apex Group Ltd recognises its legal obligations and honours the relevant legislation of:

- Chapter 456 – Equality for Men and Women Act;
- Legal Notice 181/2008 – Access to Goods and Services and their Supply Regulations;
- Chapter 452 – Employment and Industrial Relations Act.

Definitions

Direct discrimination is when an individual is treated less favourably than others in a comparable situation.

Indirect discrimination is when in an apparently neutral provision, criterion or practice, an individual is put at a particular disadvantage compared to others. This does not hold in a provision, criterion or practice which is objectively justified by a legitimate aim, for which means to achieving that aim are appropriate and necessary.

Equality is when one is not directly or indirectly discriminated by their sex, actual or potential pregnancy or childbirth, family responsibilities, sexual orientation, age, religion / belief, race or ethnicity, gender identity, gender expression or sex characteristics, and is given equal treatment and opportunities.

Victimisation is when an individual is discriminated against for having complained about discrimination, or because they have contributed in proceedings of a discrimination case.

Harassment covers a wide spectrum of behaviours, of which behaviours can be regarded as offensive, humiliating or intimidating to the subject person.

Sexual Harassment is when an individual sexually harass another individual (hereinafter referred to as the victim) by subjecting the victim to an act of physical intimacy, requesting sexual favours from the victim, subjecting the victim to any act of conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material where the request is unwelcome to the victim, or by which the victim's rejection of or submission to the act, request or conduct results or can result in being treated differently. Apex Group Ltd does not permit sexual harassment, from staff, management, clients and service-users and will take all the necessary steps to prevent such unlawful act.

In summary, direct discrimination, indirect discrimination and/or instruction to discriminate is unlawful.

The Recruitment Process

As per Cap. 456, article 4. (1), it is unlawful for an employer to directly or indirectly discriminate against individuals in:

- The arrangements made to determine who shall be offered the employment;
- Determining who shall be offered the employment;
- Terms and conditions on which the employment is offered;
- Determining who should be dismissed from employment.

Recruitment Personnel

All personnel involved in the recruitment process are given a copy of the 'Equality Policy', and made aware and personally responsible for complying with the said policy, to perform the recruitment process in a fair and lawful manner. As per Cap. 456, article 10(1), unless the employer can prove that the vacancy advertised can only be performed by an individual of a specific sex, the recruitment panel is encouraged that whenever possible, recruitment should be gender balanced.



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Vacancies, Job Descriptions and Advertisements

All vacancies, job descriptions and advertisements published are, and should be gender-inclusive in text and images throughout.

As per Cap. 456, article 2. (5) and 10. (1), if there is a gender specific vacancy, a justification for such gender eligibility restriction is to be included in the advertised vacancy.

Employment

As per Cap. 456, article 2. (1), **employment** is any gainful activity, including self-employment. It also includes promotion and transfer to another post, access to vocational or professional training, and the employment's duration, extension or termination.

As per Cap. 452, article 27., work of equal value entitles employees to the same remuneration, provided that an employer and a worker, or a union of workers' negotiations on collective agreement, may agree on different salary scales, annual increments and other conditions of employment that are employed at different times, where such salary scales have a maximum that is achieved within a specified period of time.

Full-Time Reduced and Part-Time Employees

Employees engaged on full-time reduced hours or part-time basis, are entitled to a full-timer's entitlements on a pro-rata basis.

Positive Action

Apex Group Ltd believes in positive action and seeks to reach a better employment balance between the sexes. Vacancy advertisements are made gender-neutral to appeal to both sexes and encourage applications from both genders.

Family-Friendly Measures

All employees engaged with Apex Group Ltd are entitled to family-friendly measures, with employees engaged on definite contracts are entitled to the said family-friendly measures till the end of the term of engagement.

Requests for family-friendly measures are presented to the HR Department, for which the said employee is then called for a meeting to discuss the request further.

Paid Leave for Family-Friendly Reasons

Maternity Leave – For the first fourteen (14) weeks, employees are entitled to fully paid maternity leave. Should the employee wish to avail themselves for an additional four (4) weeks, they are entitled to the applicable benefits as per stipulated in the Social Security Act.

Birth Leave – All employees are entitled to birth leave as per the Wage Regulation Order.

Marriage Leave – All employees are entitled to marriage leave as per the Wage Regulation Order.

Bereavement Leave – All employees are entitled to bereavement leave as per the Wage Regulation Order.

Urgent Family Leave – All employees are entitled to fifteen (15) hours pay per year for urgent family leave for cases related to sickness or accidents of their immediate family members.

Paid and Unpaid Leave for Family-Friendly Reasons

In unforeseen circumstances where on short notice employees request long leave for cases related to sickness or accidents of the employee's immediate family members, the employee is to present their request to the HR Department. Even if the employee does not have enough leave days, leave will be granted, for which the remaining balance will be of unpaid nature.

Work-Family Balance Measures

The company has a number of work-family balance measures including:

- Full-time flexible hours
- Working on reduced hours
- Working on part-time basis
- Flexibility in work schedules

All the information about the family-friendly measures are available on the Shireburn Indigo portal.

Victimisation

Victimisation is when an individual is discriminated against for having complained about discrimination, or because they have contributed in proceedings of a discrimination case.

Apex Group Ltd condemns any act of victimisation. Any victimisation act shall be deemed to be a breach of the 'Equality Policy' and 'Sexual Harassment Policy', for which the offender shall be subject to investigation and be liable to proceedings of misconduct and unlawful act.

Service Delivery

Apex Group Ltd is committed to honour and promote equality in its operations, be it with its employees, clients and their relatives, and all its other stakeholders. Everyone can avail themselves from Apex Group Ltd services. It is unlawful to practice direct or indirect discrimination, and as per S.L.456.01, article 1. (2)(a), the company employs equal treatment between men and women in the access to goods and services and their supply.

Equality Representative

The Equality Sub-Committee has an Equality Representative who is the spokesperson for all related equality matters. Until further notice, Apex Group Ltd Equality Representative is Odette Bellizzi – the HR & Payroll Officer.

One can contact the Equality Representative by sending an e-mail to hr@apex.com.mt or call on 21410049 / 21468880.

'Equality Policy' Breach

When the 'Equality Policy' is breached, the person who experienced/is experiencing inequality can tackle the breach either through an informal or a formal approach.

Informal Approach

The person who experienced/is experiencing inequality can approach the offender and informally seek to resolve the issue. If resolution is not reached, the complainant can lodge a formal complaint with the Equality Sub-Committee.

Formal Approach

When the person who experienced/is experiencing inequality seeks to address this through a formal approach, they are to lodge their complaint in a written format. If they are unable to write a complaint, the Support, Training & Coaching Officer can write the complaint on their behalf. Complaints cannot be processed if they are not in a written format.

The written complaint is then presented to the Equality Sub-Committee, who discuss and process it in strict confidentiality. Following investigation, if the offender is found guilty, or the complainant is found to have lodged a complaint in bad faith, they will be penalised according to the severity of the case.



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'Equality Policy' and 'Sexual Harassment Policy' Training

All employees can access the 'Equality Policy' and the 'Sexual Harassment Policy' through their personal Shireburn Indigo account.

Upon engagement, all new employees are given a hardcopy of the 'Equality Policy' and 'Sexual Harassment Policy', and attend an informative session on the equality measures Apex Group Ltd employs. Employees are to sign receipt of receiving the 'Equality Policy' and 'Sexual Harassment Policy' are made personally responsible to comply with the said policy.

Furthermore, on a yearly basis, all employees who have attended an information session on Apex Group Ltd equality measures are invited to attend a refreshing session.

SEXUAL HARASSMENT POLICY

Introduction

Apex Group Ltd is committed to honour and promote equality in all its operations, be it with its employees, clients and their relatives, and all its other stakeholders. The company does not permit that any employee or person who avails themselves from any of the company's services fall victim of sexual harassment. Apex Group Ltd is committed to prevent sexual harassment in all its forms, and as per Chapter 456. Equality For Men and Women, article 9. (2)(b), it will take the necessary steps to reasonably prevent sexual harassment.

Purpose: The purpose of the 'Sexual Harassment Policy' is to ensure that all stakeholders are aware of the said policy. The 'Sexual Harassment Policy' binds all Apex Group Ltd employees and any stakeholders who avail themselves of the company's services, to honour the said policy and refrain from conducting any form of sexual harassment. The 'Sexual Harassment Policy' is to be seen in conjunction with the 'Equality Policy', which also seeks to ensure equality in all the company's operations.

Scope: The scope of the 'Sexual Harassment Policy' is to demonstrate what the said policy covers, be it defining sexual harassment and its effects, victimisation, responsibilities, policy implementation and communication, policy monitoring, policy breach reporting and policy training.

Legal Obligations

Apex Group Ltd recognises its legal obligations and honours the relevant legislation of:

- Chapter 456 – Equality for Men and Women Act;
- Chapter 452 – Employment and Industrial Relations Act;
- Legal Notice 181/2008 – Access to Goods and Services and their Supply Regulations.

Definitions

Sexual Harassment can be physical, verbal, non-verbal, sex-based conduct and sexual blackmail. As per Cap. 452. article 29. (2), and the Legal Notice 181/2008 of Access to Goods and Services and Their Supply (Equal Treatment), sexual harassment is unlawful.

- **Sexual Harassment is** when a person sexually harass another person (hereinafter referred to as the victim), by subjecting the victim to an act of physical intimacy, requesting sexual favours from the victim, subjecting the victim to any act of conduct with sexual connotations, including spoken words, gestures or the production, display or circulation of written words, pictures or other material where the request is unwelcome to the victim, or by which the victim's

rejection of or submission to the act, request or conduct results or can result in being treated differently. Apex Group Ltd does not permit sexual harassment from staff, management, or clients and will take all the necessary steps to prevent such unlawful act.

- **Sexual Harassment is not** a sexual conduct that was welcomed, invited, mutual, consensual or reciprocated.

Effects of Sexual Harassment

Sexual harassment can be a physical, verbal, non-verbal, sex-based conduct and sexual blackmail, and whose act, request or conduct is unwelcomed by the victim and can be regarded as offensive, humiliating or intimidating to the victim.

Such act, request or conduct of sexual harassment can also result in having the victim being treated differently or anticipated to be treated differently because of rejecting submission to the act, request or conduct.

Victimisation

As per Cap. 452. article 28, **victimisation** is when an individual is victimised for having complained to the lawful authorities, or for having initiated or participated in proceedings for redress on an alleged breach of the provision Cap. 452 Act, or for having disclosed information, confidential or otherwise, to a designated public regulating body, regarding alleged illegal or corrupt activities being committed by the employer or by the persons acting in the employer's name and interests.

Apex Group Ltd condemns any act of victimisation. Any victimisation act shall be deemed to be a breach of the said policy, for which the offender shall be subject to investigation and be liable to proceedings of misconduct and unlawful act.

Dignity and Respect of Persons

Sexual harassment is an unlawful act, request or conduct which harms the dignity and respect of the victim. Experiencing or having experienced sexual harassment can result in shame, fear, people downplaying such an act, request or conduct, or consider it as 'normal' practice which is welcomed by the victim.

Apex Group Ltd commits in treating all employees and clients who avail themselves of the company's services equally, and through the 'Equality Sub-Committee' ensures that the 'Sexual Harassment Policy' is communicated and implemented with all the stakeholders involved.

Responsibilities of Staff

All employees of Apex Group Ltd are to:

- Communicate respectfully and with dignity with all their superiors, peers, clients and their relatives and other stakeholders;
- Document any sexual harassment act, request or conduct which they experienced or observed in order to help the management in risk management and any sexual harassment reports;
- Read the 'Sexual Harassment Policy' and 'Equality Policy' and attend the training sessions held at Apex Academy on the related policies.

Dealing with Sexual Harassment

When the 'Sexual Harassment Policy' is breached, the person who experienced/is experiencing a sexual harassment act, request or conduct, can tackle the breach either through an informal or a formal approach.

Dealing with Sexual Harassment in an Informal Approach

The person who experienced/is experiencing sexual harassment can approach the harasser and informally seek to resolve the issue. If resolution is not reached, the complainant can lodge a formal complaint with the Equality Sub-Committee. It remains with the rights of the victims of sexual harassment to seek redress through the formal procedures outlined in this policy.

Dealing with Sexual Harassment in a Formal Approach

When the person who experienced/is experiencing sexual harassment seeks to address this through a formal approach, they are to lodge their complaint in a written format by filling in the 'Sexual Harassment Incident Report Form', attached in Appendix 1. If they are unable to write a complaint, the Support, Training & Coaching Officer can write the complaint on their behalf. Complaints cannot be processed if they are not in a written format.

The written complaint is then presented to the Equality Sub-Committee, to discuss and process it in strict confidentiality. Following investigation, if the offender is found guilty, or the complainant is found to have reported a false accusation, they will be penalised according to the severity of the case.

If it is proven that the complainant reported a false accusation, the complainant will be subject to disciplinary action, up to and including termination of employment. Nonetheless, failure to prove veracity of the accusation does not constitute of false accusation.



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Apex Group Ltd strictly condemns and prohibits that the complainant is subject to victimisation for lodging a written complaint on an equality breach. Furthermore, Apex Group Ltd strictly condemns and prohibits that a falsely accused offender is subject to victimisation.

'Equality Policy' and 'Sexual Harassment Policy' Training

Upon engagement, all new employees are given a hardcopy of the 'Equality Policy' and the 'Sexual Harassment Policy', and attend an informative session on the equality measures Apex Group Ltd employs. Employees are to sign receipt of receiving the 'Equality Policy' and the 'Sexual Harassment Policy' are made personally responsible to comply with the said policy.

Furthermore, on a yearly basis, all employees who have attended an information session on Apex Group Ltd equality measures are invited to attend a refreshing session accordingly.