



美時化學製藥股份有限公司
Lotus Pharmaceutical Co., Ltd.

工作場所性騷擾防治措施及懲戒辦法
Prevention, Correction, Grievance and
Punishment of Sexual Harassment at Workplace

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1. 目的：

Purpose:

依據「性別工作平等法」及「工作場所性騷擾防治措施申訴及懲戒辦法訂定準則」，為維護本公司員工在工作場所免於性騷擾，特訂定本辦法。

This policy is established based on “the Act of Gender Equality in Employment” and “Regulations for Establishing Measures of Prevention, Correction, Complaint”, to protect employees from sexual harassment and gender discrimination.

2. 範圍：

Scope:

美時化學製藥股份有限公司之員工。(簡稱公司)

Employees of Lotus Pharmaceutical Co., Ltd. (hereafter the Company in brief)

3. 本辦法所稱性騷擾，係指下列行為：

Definition of Sexual Harassment

3.1 員工於執行職務時，任何人以性要求、具有性意味或性別歧視之言詞或行為，對其造成敵意性、脅迫性或冒犯性之工作環境，致侵犯或干擾其人格尊嚴、人身自由或影響其工作表現。

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 work environment leading to infringe on or interfere with his or her personal dignity, physical liberty or affects his or her job performance.

3.2 明示或暗示之性要求、具有性意味或性別歧視之言詞或行為，作為工作成立、存續、變更或分發、配置、報酬、考績、陞遷、降調、獎懲等之交換條件。

Making explicitly or implicitly 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.

前述性騷擾之認定，應就個案審酌事件發生之背景、工作環境、當事人之關係、行為人之言詞、行為及相對人之認知等具體事實為之。

The determination of sexual harassment in the aforementioned Paragraph shall be based on the background of the incident, work environment, relationship between the parties, the actor's

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testimony and conduct, and the counterpart's perception.

4. 性騷擾防治聲明

Sexual harassment prevention statement

- 4.1 部門或直屬主管不得利用工作上之權力、機會或方法，對員工或求職者性騷擾，亦不得縱容他人對員工或求職者性騷擾。

It is forbidden that a supervisor sexually harasses an employee or an applicant by taking advantage of the power, opportunities and approaches of his or her position.

- 4.2 員工不得於工作場所對同仁性騷擾，亦不得於同仁執行職務時對其性騷擾。

It is forbidden that an employee sexually harasses another employee at workplace or in the course of an employee executing his or her duties.

- 4.3 工作場所有以上性騷擾之情形時，部門或直屬主管應予勸阻或為其他適當之處置；未予勸阻或為其他適當之處置者，以縱容論。

The supervisor shall prevent employees from sexual harassment at workplace. It is not allowed that the supervisor connives such sexual harassment at workplace.

- 4.4 若有員工於執行職務時，於非公司所能支配、管理之工作場所遭受性騷擾，依本辦法提出申訴，公司將偕同該工作場所之管理者進行調查或採取其他必要途徑，協助保護員工的人身安全及權益。

In case an employee files sexual harassment complaint at a workplace not being directed and managed by the Company in the course of executing his or her duties, the Company will involve the concerned employer to work on the complaint or will take necessary measures to protect the employee.

5. 申訴提出流程

Complaint filing process

性騷擾事件之申訴，受害人或其委託代理人應自事實發生之日起，依公司之申訴管道提出申訴。

The employee or the agent shall file the complaint from the day of the fact happened according to the Company's policy.

5.1 申訴管道：

Complaint channel

公司致力提供一個尊重的工作環境，不容許任何在工作場所的性騷擾情事發生；員工於工作場所遇有性騷擾時，可向人力資源部門申訴。

申訴專用電話： 049-2250611 分機 5143

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申訴專用信箱：hr@lotuspharm.com

The Company dedicates to provide a respect environment. It is not allowed any sexual harassment happened at our workplace. Human Resources Department will be available for your complaint in case of sexual harassment concern.

TEL: 049-2250611 ext. 5143

E-mail: hr@lotuspharm.com

5.2 提出申訴:

Filing a complaint

性騷擾之申訴應以書面為之。必要時得以口頭、電話、傳真、電子郵件等方式提出，但應於五日內以書面補正。

The complaint of sexual harassment shall be filed in writing. If the complaint is filed orally or through phone, fax or e-mail, the written form shall be completed in 5 days.

上述書面應載明下列事項，並由受害當事人簽名：

The above mentioned written form shall be signed by the complainant and shall contain the following items:

5.2.1 受害當事人之姓名、服務單位及職稱、住居所、聯絡電話、申訴日期。

Name, service unit and position title, address or residence, contact telephone number of the complainant and the date of filing the complaint.

5.2.2 有委託代理人者，應檢附委任書，並載明其姓名、住居所、聯絡電話。

If he/she has an agent, a commission form shall be forwarded and the name, address or residence and contact telephone number of the agent shall be listed.

5.2.3 申訴之事實及內容、事實發生時間、相關事證或人證。

Time, facts, contents and relevant proof if there is of the complaint.

5.2.4 請求事項。

Request items

5.3 不予受理之情形:

Dismissing a complaint

申訴案件有下列各款情形之一者，不予受理：

The complaint will be dismissed for following cases.

5.3.1 以口頭、電話、傳真、電子郵件等方式提出申訴，逾期未以書面補正者。

The complaint is filed orally or through phone, fax or e-mail, but a written form is not completed in required timeline.

5.3.2 申訴人非性騷擾事件之受害人或其委託代理人者。

The complaint which is not filed by the interested party or his or her agent

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5.3.3 同一事由經申訴委員會決議確定或已撤回後，再提起申訴者。

The complaint for the same incident which the decision is made or rejected

5.3.4 無具體之事實內容或未具真實姓名者。

No concrete fact and content or real name not shown

5.4 撤回申訴：

Withdraw a complaint

申訴人於性騷擾申訴處理委員會做出決議前，得以書面撤回其申訴；其經撤回者，不得就同一事由再為申訴。

The complaint can be withdrawn in written request before the decision made by the sexual harassment complaint handling committee. Once the complaint is withdrawn, it can not be filed again for the same incident.

6. 申訴處理流程

Complaint handling process

本公司為處理性騷擾申訴案件，設置性騷擾申訴處理委員會，以不公開方式為之。

The Company will organize a committee to deal with a complaint concerning sexual harassment coping with the matters in secret.

6.1 性騷擾申訴處理委員會

Sexual Harassment Complaint Handling Committee

6.1.1 委員會設置以三人或以上為原則，無給職。人力資源部門主管為當然委員，其餘委員由公司最高經營主管或其代理人就申訴個案指定本公司在職員工擔任。委員會得由公司最高經營主管或其代理人指定其中一人為主任委員，並為會議主席；主席因故無法主持會議時，得指定委員代理之。

The committee shall be organized with at least 3 members, with free of pay. Human Resources Head is an ex-officio member. Top Management or his/her deputy appoints appropriate incumbent employees as other members in the committee and committee chairman per nature of case. The committee chairman will facilitate the complaint handling process. In case the committee chairman is not available, he or she can assign his/her deputy from the committee.

6.1.2 委員會成員若為性騷擾申訴案件的當事人或其家屬或屬親密伴侶關係，或有其他具體事實，足認其執行職務有偏頗之虞者，應自行迴避，或當事人得以書面舉其原因或事實，向委員會申請迴避。主任委員或公司最高經營主管或其代理人應確認適度之迴避。

If the committee member is the party concerned or maintain a close relationship

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with the party or for any concern, he or she shall shun involvement in the investigation. The complainant may request in written not involving certain people in the committee / investigation with concrete reasons. The committee chairman or Top Management or his/her deputy shall confirm appropriate avoidance.

- 6.1.3 委員會成員應考量性別比例，男性或女性之任一性別不應低於三分之一。
Attention shall be paid to an appropriate proportion of committee members' gender. Any of male or female gender shall take at least one third in the committee.

6.2 調查程序

Investigation

- 6.2.1 人力資源部門接獲性騷擾申訴案件，應依本辦法之 4.2 條於收到後二個工作天內提報至公司最高經營主管或其代理人確認是否受理。

Human Resources Department shall report to Top Management or his/her deputy the receipt of complaint in accordance with the Clause 4.2 in 2 working days, who shall confirm whether the Company accepts the complaint filing.

- 6.2.1.1 若為受理，在三個工作天內成立性騷擾申訴處理委員會，並以書面告知申訴人；

The Sexual Harassment Complaint Handling Committee shall be organized in 3 working days if the Company accepts the complaint filing. The complainant shall be informed in written for the acceptance.

- 6.2.1.2 若不受理，亦應存檔備查。有明確申訴人者，應以書面載明理由通知申訴人。

The complaint still need to be placed on file if the Company decides not to accept it. The complainant if there is shall be informed reasons in written.

- 6.2.2 一旦受理並成立性騷擾申訴處理委員會以後，主任委員應指派委員會展開調查。

The committee chairman shall assign members to deploy investigation upon creation of the committee.

- 6.2.3 調查過程中，相關人員有配合調查之義務。

To handle the complaint, the Company may invite the parties concerned to describe the case and proceed investigation. The parties concerned shall not refuse necessary investigation unless a proper reason.

- 6.2.4 調查成員及相關人等對調查過程與相關資料均應保密，不得擅自對外洩漏。對於無法保密者，將依情節輕重予以懲處。

In the process of conducting such an investigation, the right of privacy and other

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legal rights of the parties involved shall be protected and respected. Punishment will be made for violation in accordance with seriousness of the case.

6.3 處理決議

Decision

- 6.3.1 申訴案件應自受理之次日起二個月內作成決議結案。必要時得延長一個月，延長以一次為限，並以書面通知當事人。

A complaint shall be decided and close in two months after the filing is accepted. The process may be extended for one more month when it is necessary. Both parties must be informed regarding the extension.

- 6.3.2 如確有性騷擾之事實，委員會得依情節輕重對此申訴案提出適當之懲戒或處理建議，或依勞動基準法第十二條予以解雇，呈公司最高經營主管或其代理人核可。調查報告及裁決建議事項應以書面通知人力資源部門主管、申訴人、被申訴人及其單位主管，並移請相關單位依規定辦理。

For the fact of sexual harassment, the committee will make appropriate disciplinary decision to the party in accordance with seriousness of the case, or terminate the employment referring to Clause 12 of Labor Standards Act. The decision will be reported to Top Management or his/her deputy for grant. The committee shall inform investigation report and disciplinary decision in written form to Human Resources Head, the complainant, the respondent and his/her manager, in order to take disciplinary actions.

- 6.3.3 申訴人及被申訴人對處理決議有異議者，得於收到書面通知次日起二十日內，以書面提出申覆。經結案後，不得就同一事由再提出申訴。

The complainant or the respondent of the complaint may file a written appeal within 20 days from the date of receiving the decision if either party is not satisfied with the decision.

Once the case aforesaid is closed, neither party may file a complaint for the same incident.

- 6.3.4 申訴案件如有涉及刑責，公司將其移送司法機關。已進入司法程序之性騷擾案件，委員會得暫緩調查及決議。

The Company may transfer the investigation to judicial authorities in case of criminal responsibilities. For incident handled by judicial authorities, the committee may suspend the investigation and decision.

- 6.3.5 申訴案件經調查結果，認定有誣告之事實時，委員會亦將對申訴人做出適當之懲戒或處理。

If the fact of false reporting is proved, the committee shall make an appropriate

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punishment or render other corrective measures to the complainant.

- 6.4 人力資源單位應將申訴案件之處理經過作成書面紀錄，並密封存檔至少三年。
The Company shall file the complaint handling record for at least 3 years in high confidentiality classification.

7. 其他

Other

- 7.1 公司不得因性騷擾或員工提出申訴，而予以解雇、調職或為其他不利之處置。
The Company shall not terminate, transfer or take any disciplinary action that is adverse to employees who personally file complaints or assist other persons to file complaints.
- 7.2 當事人有輔導或醫療之必要時，委員會得引介專業輔導或醫療機構。
If the committee regards that it is necessary to provide counseling or medical treatment for the parties involved, the Company may refer them to professional counselors or medical institutions.
- 7.3 公司將致力防治性騷擾以保護員工免於性騷擾，並提供性騷擾防治之相關訊息與知識以教育員工。
The Company will dedicate to sexual harassment prevention, provide relevant information and knowledge at workplace to educate and protect employees from sexual harassment.
- 7.4 為因應管理需求，本辦法之內容日後若有調整，在未及改版前，依公司之公告為準。
For in-time management, the company may issue an announcement(s) for content adjustment of this policy, which will be effective immediately and be revised into the next version of this policy.
- 7.5 本辦法經核准後生效實施。
This policy will be effective immediately after approval.