



## Inclusive Excellence Policy Hong Kong

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- 1 Introduction.....4**
  - 1.1 Purpose and scope .....4
  - 1.2 Scope of application.....4
  - 1.3 Definitions of Diversity, Equity, Inclusion and Accessibility (DEIA) .....4
- 2 Our DEIA Vision, Mission and Goals.....4**
  - 2.1 Mission statement .....4
  - 2.2 Vision statement .....5
  - 2.3 Goals and Focus Group.....5
  - 2.4 External communication .....5
- 3 Legal and operational framework .....5**
  - 3.1 Personal Integrity and Equal Rights in Swiss Law.....5
  - 3.2 Anti-Discrimination Law in Hong Kong.....6
  - 3.3 The AO Code of Ethics and Conduct.....7
  - 3.4 The AO Employment Conditions & Social Benefits .....7
- 4 Terms and definitions.....7**
  - 4.1 Discrimination .....7
    - 4.1.1 Types of discrimination .....7
      - 4.1.1.1 Racial Discrimination (under Swiss and Hong Kong law).....7
      - 4.1.1.2 Gender Discrimination / Sexism (under Swiss and Hong Kong law).....7
      - 4.1.1.3 Age Discrimination (Ageism) (under Swiss law) .....7
      - 4.1.1.4 Neurodivergence Discrimination (Neuroableism) (under Swiss law).....8
      - 4.1.1.5 Disability Discrimination (under Swiss and Hong Kong law).....8
      - 4.1.1.6 Religious Discrimination (under Swiss law).....8
      - 4.1.1.7 Sexual Orientation Discrimination (under Swiss law).....8
      - 4.1.1.8 National Origin Discrimination (under Swiss law) .....8
      - 4.1.1.9 Pregnancy Discrimination (under Swiss and Hong Kong law).....8
      - 4.1.1.10 Marital Status Discrimination (under Hong Kong law).....8
      - 4.1.1.11 Genetic Information Discrimination (under Swiss law) .....8
      - 4.1.1.12 Socioeconomic Discrimination (under Swiss law).....9
      - 4.1.1.13 Family Status Discrimination (under Hong Kong law) .....9
    - 4.2 Sexual Harassment.....9
    - 4.3 Mobbing.....10
    - 4.4 Violence.....10
    - 4.5 Vilification (Specific for Hong Kong) .....11
    - 4.6 Victimisation (Specific for Hong Kong).....11
- 5 Personal Integrity Violation – The formal and informal complaint procedure .12**
  - 5.1 Formal process - internal.....12
    - 5.1.1 Responsibility .....12
      - 5.1.1.1 Responsibility of company management.....12
      - 5.1.1.2 Responsibility of those affected.....13
      - 5.1.1.3 Responsibility of Line Managers.....13

- 5.1.1.4 Responsibility of employees and witnesses ..... 13
- 5.1.2 The formal process steps ..... 13
  - 5.1.2.1 Reporting an incident (Step 1)..... 13
  - 5.1.2.2 Acknowledgment (Step 2)..... 14
  - 5.1.2.3 Complaint Meeting (Step 3) ..... 14
  - 5.1.2.4 Confrontation Meeting (Step 4) ..... 14
  - 5.1.2.5 Mediation Meeting (Step 5)..... 14
  - 5.1.2.6 Investigation (Step 6)..... 14
  - 5.1.2.7 Resolution (Step 7)..... 15
  - 5.1.2.8 Review (Step 8)..... 15
- 5.2 Informal Process – Employee Assistance Program (external provider) ..... 16
- 6 Measures to prevent discrimination .....17**
  - 6.1 Accessibility measures ..... 17
- 7 Ensuring a diverse work environment .....17**
  - 7.1 Talent Acquisition..... 17
  - 7.2 Law requirements in the recruitment process..... 18
- 8 Employee Resource Groups.....18**
  - 8.1 Establishment, frequency and reporting ..... 18
    - 8.1.1 Establishment..... 18
    - 8.1.2 Frequency ..... 18
    - 8.1.3 Reporting ..... 18
- 9 Entry into force .....19**
- 10 Sources .....19**
- 11 Annex I: Formal and informal process chart.....20**

## 1 Introduction

### 1.1 Purpose and scope

This document (“hereafter **“Inclusive Excellence Policy”**”) regulates the key principles around Diversity, Equity, Inclusion and Accessibility at the AO Foundation. This Inclusive Excellence Policy supports fostering innovation, improves decision-making, and enhances employee engagement by creating an inclusive and diverse work environment. It helps attract top talent, boosts our organization’s reputation, and ensures compliance with legal and ethical standards. Additionally, it promotes fairness, accessibility, and global competitiveness, contributing to better financial performance.

This policy sets out the AO's clear position on discrimination, sexual harassment, mobbing and violence. A formal and informal complaints procedure is described, and the contacts responsible as well as our Employee Assistance Program (external provider) are highlighted.

This policy was designed based on laws of Hong Kong and underlying principles of anti-discrimination under Swiss law but tailored for Hong Kong employees.

### 1.2 Scope of application

The policy applies to all staff employed in Hong Kong by the AO Foundation, AO Asia-Pacific Limited. This policy is a specification of the existing sections of our AO Code of Ethics and Conduct and the AO employment conditions. For this purpose, the term "employee" includes full-time, part-time and volunteer employees.

### 1.3 Definitions of Diversity, Equity, Inclusion and Accessibility (DEIA)

DEIA stands for Diversity, Equity, Inclusion, and Accessibility. These four components are increasingly prioritized in the modern workplace to promote a fair, inclusive, and supportive environment. Here's a breakdown of each component:

**Diversity:** Refers to the presence of differences within a given setting, including race, ethnicity, gender, age, sexual orientation, disability, education, and other characteristics. In the workplace, diversity means having a workforce that represents a wide range of backgrounds and perspectives.

**Equity:** Focuses on fair treatment and ensuring that all employees have access to the same opportunities. Equity addresses systemic inequalities and seeks to provide support and resources tailored to individuals' needs to ensure a level playing field, rather than assuming everyone benefits equally from the same conditions.

**Inclusion:** Involves creating a culture where all individuals feel welcomed, respected, supported, and valued. An inclusive workplace encourages participation and embraces the unique contributions of each employee, ensuring that everyone can fully engage and thrive.

**Accessibility:** Ensures that physical spaces, technology, and systems are designed or adapted to be usable by people of all abilities. This principle removes barriers for individuals with disabilities and promotes equal access to all aspects of the workplace, from recruitment to daily operations.

## 2 Our DEIA Vision, Mission and Goals

### 2.1 Mission statement

At the AO Foundation, our mission is to foster a culture where Diversity, Equity, Inclusion, and Accessibility (DEIA) are integral to our workforce and communities. We are committed to recognizing and embracing the unique differences of each individual, ensuring equitable opportunities, and removing barriers to access.

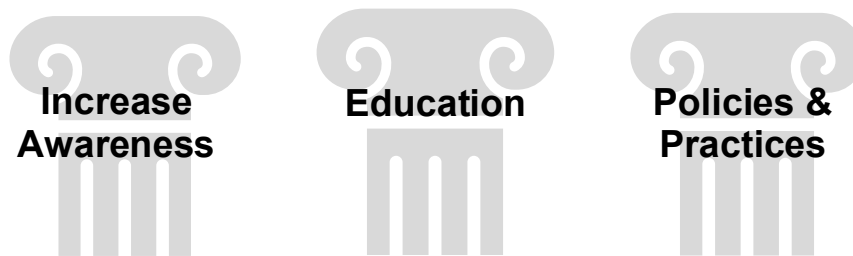
## 2.2 Vision statement

Our vision is to be a leader in healthcare, recognized for creating an inclusive environment where every individual - regardless of race, ethnicity, gender, ability, or background - feels valued, respected, and empowered. We envision a future where DEIA principles are deeply embedded in our practices, driving innovation, improving patient outcomes, and contributing to the overall well-being of the communities we touch. By championing diversity and equity, we aspire to set a new standard within the AO, that is accessible and welcoming to all.

## 2.3 Goals and Focus Group

The AO Executive Committee (AO EC) mandated the Human Resources department (hereafter “HR”) to set up a DEIA policy and best practices. HR leads a voluntary, multi-disciplinary group of employees from different departments, known as the Inclusive Excellence Focus Group. This Focus Group initiates, manages and implements initiatives and projects around DEIA.

**The established goals are the following 3 key pillars:**



The **Inclusive Excellence Focus Group** was set up in early 2024 and meets regularly to bring DEIA topics forward and increase the AO’s awareness and maturity level around DEIA steadily over the coming years.

In addition to these newly targeted DEIA initiatives for all AO employees, several DEIA efforts are already underway across other areas of the AO Foundation and its community, including [AO Access](#) for the surgeon community and the AO Research Institute Davos (ARI) [Gender Equity Plan](#) (GEP).

## 2.4 External communication

We aim to keep the community and potential future employees abreast of our ongoing DEIA efforts. HR is regularly showcasing updates and achievements in the Inclusive Excellence section on our [careers website](#) or intranet.

## 3 Legal and operational framework

International law and Swiss/ EU law places significant emphasis on the protection of personal integrity, particularly through human rights frameworks. Personal integrity refers to the rights of individuals to have their physical and mental well-being protected from harm, including violence, torture, and inhumane or degrading treatment.

Listed below are the Swiss and Hong Kong legal frameworks and existing internal AO regulations, which form the basis and reinforce the need for regulation and information in the form of an Inclusive Excellence Policy for our employees. If there is any conflict in applying the principles under the Swiss law and the Hong Kong law, the Hong Kong law will prevail specifically for employees in Hong Kong.

### 3.1 Personal Integrity and Equal Rights in Swiss Law

In the [Federal Constitution of the Swiss Federation, Art 8](#) the equality between women and men is specifically regulated to ensure equality in the areas of family, education, and workplace.

The Swiss Labor Law ([ArG, Art 6, Par. 1](#)) states, that the employer is obliged to take all measures to protect the health of employees that are necessary and to protect the personal integrity of employees.

The Swiss Code of Obligations ([OR, Art 328, Par. 1-2](#)) states the duty of care (Fürsorgepflicht), that the employer must acknowledge and safeguard the employee's personal rights, regard their health and ensure maintaining proper moral standards. The employer must ensure that employees are not sexually harassed, and to protect victims of sexual harassment against further adverse consequences.

The [Federal Act of Gender Equality](#) regulates discrimination in recruiting, allocating work duties, work conditions, salary, education & training, promotion and dismissal in the context of gender, marital status, family situation or pregnancy. Sexual harassment of women or men in the workplace is discriminatory. [Article 5](#) states the rights of employees to apply to the court or the administrative authority, such as police or victim support center for an order.

### **3.2 Anti-Discrimination Law in Hong Kong**

[The Hong Kong Bill of Rights Ordinance \(Cap. 383\)](#) generally stipulates that all persons are equal before the law and the law shall prohibit any discrimination on any ground. This principle materializes through the enactment of the following four ordinances ("Anti-Discrimination Ordinances") forming the legal framework of anti-discrimination in Hong Kong:

- [Sex Discrimination Ordinance \(Cap. 480\)](#) - Protects against discrimination based on sex, marital status, pregnancy, and breastfeeding.
- [Disability Discrimination Ordinance \(Cap. 487\)](#) - Protects against discrimination based on disability.
- [Family Status Discrimination Ordinance \(Cap. 527\)](#) - Prohibits discrimination on the grounds of family status, which refers to having the responsibility of caring for immediate family members
- [Race Discrimination Ordinance \(Cap. 602\)](#) - Prohibits discrimination and vilification based on race.

These laws prohibit direct and indirect discrimination in employment based on protected attributes like sex, pregnancy, marital status, disability, family status, and race. The laws cover both direct and indirect discrimination and protect against harassment and vilification.

### **Enforcement and Remedies in Hong Kong**

The [Equal Opportunities Commission \(EOC\)](#) is the statutory body responsible for implementing and enforcing these ordinances in Hong Kong.

Victims of unlawful acts under the Anti-Discrimination Ordinances can:

1. File a Complaint: Submit a complaint to the Equal Opportunities Commission (EOC), which can investigate and offer conciliation and legal help, but cannot make binding decisions.
2. Civil Action: Take civil action in the District Court within 24 months, excluding the time the EOC is handling the complaint.

Legal assistance from the EOC can make it easier and cheaper to pursue a civil claim. In discrimination cases, usually each party pays their own legal costs, unless the case is malicious or there are special circumstances.

Successful claimants may receive:

- A declaration that the act was discriminatory and unlawful;
- Damages for emotional distress, lost future income, and possibly punitive damages;
- Orders for remedies like a written apology;

- An order for re-employment or promotion.

### 3.3 The AO Code of Ethics and Conduct

The [AO Code of Ethics and Conduct](#), applying to AO employees and AO officers, states the AO operates globally, fostering a diverse network and promoting equal opportunities for collaboration and growth. It ensures fair treatment for all partners and prohibits discrimination based on ethnicity, religion, race, gender, and other personal traits. The AO does not tolerate any form of harassment, bullying, or divisive behavior.

The AO protects the character and dignity of all employees. They have the right to have their mental and physical integrity protected at work. The AO is obliged to clarify any complaints and protect those affected. People responsible for the harassment face sanctions, which, depending on the severity of the harassment, can range from written warning to immediate dismissal. This principle, in addition to all Swiss employees, also applies to customers and suppliers.

### 3.4 The AO Employment Conditions & Social Benefits

Lastly, the AO Employment Conditions & Social Benefits emphasizes the importance of maintaining professional, respectful, and inclusive conduct among employees, while prohibiting discrimination and harassment, and outlining a process for addressing and investigating such issues (cf. section 5.2 “Personal Behaviour: Interaction with Others” of the AO Employment Conditions and Social Benefits).

## 4 Terms and definitions

### 4.1 Discrimination

Discrimination can be both direct, where unfair treatment is overt and explicit, or indirect, where policies or practices that appear neutral disadvantage certain groups more than others. Addressing discrimination often involves legal protections, awareness campaigns, and efforts to promote equality and inclusion in society.

According to the [SECO](#) and [humanrights.ch](#) (both sites not available in English), discrimination is a qualified type of unequal treatment and occurs when the following three elements are present:

- unequal treatment of people in comparable situations
- which includes unjustified disparagement and
- is linked to a special distinguishing feature

#### 4.1.1 Types of discrimination

The following definitions and examples are **not an exhaustive list** but are provided as a general guideline to give an overall impression of each type of discrimination.

##### 4.1.1.1 Racial Discrimination (under Swiss and Hong Kong law)

**Definition:** Unfair treatment of individuals based on their race or ethnicity.

**Examples:** Refusing to hire someone because of their race, racial profiling by law enforcement, or denying services based on ethnicity.

##### 4.1.1.2 Gender Discrimination / Sexism (under Swiss and Hong Kong law)

**Definition:** Unfair treatment, prejudiced attitudes and discriminatory behavior based on a person's gender or gender identity.

**Examples:** Wage gaps between men and women for the same work; glass ceiling effects preventing women from reaching leadership roles; discriminating transgender individuals.

##### 4.1.1.3 Age Discrimination (Ageism) (under Swiss law)

**Definition:** Prejudice or discrimination against individuals based on their age.

**Examples:** Employers favoring younger workers over older ones, mandatory retirement policies, or assumptions that older people are less capable of learning new skills.

#### **4.1.1.4 Neurodivergence Discrimination (Neuroableism) (under Swiss law)**

**Definition:** unfair treatment, prejudice, or bias against individuals with autism, ADHD, dyslexia, Tourette's syndrome, and other neurological variations that affect how a person thinks, learns, and processes information.

**Examples:** not hiring someone because of their neurodivergent traits, denying flexibility or accommodations what can improve productivity, dyslexic employee being consistently marked down in performance reviews for spelling errors despite excelling in other areas.

#### **4.1.1.5 Disability Discrimination (under Swiss and Hong Kong law)**

**Definition:** Unfair treatment based on physical or mental disabilities.

**Examples:** Denying access to buildings due to lack of ramps or elevators, not providing reasonable accommodation in the workplace, or excluding individuals from activities because of their disability.

#### **4.1.1.6 Religious Discrimination (under Swiss law)**

**Definition:** Treating someone unfavorably because of their religious beliefs.

**Examples:** Not hiring someone because of their religion, forcing someone to work on religious holidays, or harassment due to religious attire or practices.

#### **4.1.1.7 Sexual Orientation Discrimination (under Swiss law)**

**Definition:** Discrimination based on an individual's sexual orientation, such as being gay, lesbian, bisexual, or heterosexual.

**Examples:** Denying services to someone because they are in a same-sex relationship, bullying or harassment based on perceived sexual orientation, or exclusion from certain activities or opportunities.

#### **4.1.1.8 National Origin Discrimination (under Swiss law)**

**Definition:** Discriminating against individuals based on their country of origin, culture, or language.

**Examples:** Refusing to serve someone in a store because they speak a different language, workplace policies that unfairly impact non-native speakers, or xenophobic attitudes toward immigrants.

#### **4.1.1.9 Pregnancy Discrimination (under Swiss and Hong Kong law)**

**Definition:** Unfair treatment of a woman because of pregnancy, childbirth, or related medical conditions.

**Examples:** Not hiring or promoting someone because they are pregnant, firing someone because of pregnancy-related absences, or denying maternity leave benefits.

#### **4.1.1.10 Marital Status Discrimination (under Hong Kong law)**

**Definition:** Treating someone unfairly based on their marital status.

**Examples:** Offering different benefits to married-versus-single employees, or assuming that a single person is more available for work than someone who is married.

#### **4.1.1.11 Genetic Information Discrimination (under Swiss law)**

**Definition:** Discrimination based on information about an individual's genetic tests or the genetic tests of their family members.

**Examples:** An employer refusing to hire someone because their genetic tests show a predisposition to certain diseases.

#### **4.1.1.12 Socioeconomic Discrimination (under Swiss law)**

**Definition:** Treating people unfairly because of their social class or economic status, or their caste system. The latter is often observed in South Asia.

**Examples:** Denying opportunities based on poverty, educational background, where someone lives, or violence against lower caste individuals.

#### **4.1.1.13 Family Status Discrimination (under Hong Kong law)**

**Definition:** Discrimination against a person on the grounds of family status. "Family Status" means the status of having a responsibility for the care of an immediate family member.

**Examples:** Denying opportunities, because of an employee or job candidate's family status and responsibility to care of immediate family members.

## **4.2 Sexual Harassment**

**Specific for employees in Switzerland:** The Swiss Federal Office for Gender Equality (FOGE) states, that "sexual harassment in the workplace means any behavior of a sexual or gender-specific nature that is unwelcome on one side and that violates a person's dignity. **The perception of the person harassed is the deciding factor**, not the intention of the person committing the harassment. Sexual harassment can be perpetrated through words, images, gestures or actions."

Sexual harassment is a criminal offence under the Swiss Criminal Code (CC). Such actions can therefore have criminal consequences (cf. [CC, Art 198](#)).

**Further examples of sexual harassment are highlighted on the FOGE website and listed here:**

- Making suggestive and ambiguous remarks about the appearance of members of staff
- Making sexist remarks or jokes about sexual characteristics, sexual behavior and the sexual orientation of women and men
- Displaying, posting or distributing pornographic material in the workplace
- Unwanted phone calls, emails, letters, text messages or short messages with sexist or suggestive content
- Sending members of staff unsolicited invitations with obvious intent
- Unwanted physical contact
- Following employees inside or outside the company
- Attempting to get close to an employee in a way which involves promises of advantage or threat of disadvantage
- Sexual assault, coercion or rape

Important is also the understanding of the **difference between sexual harassment and flirting:**

### **Sexual harassment...**

- ...is a one-sided approach
- ...is demeaning, insulting
- ...is not welcome by an individual
- ...undermines self-esteem
- ...creates a harmful working atmosphere and infringes on personal boundaries

### **Flirting, on the other hand...**

- ...is a mutual development
- ...is constructive, empowering
- ...is welcome on both sides
- ...strengthens the self-esteem and
- ...respects personal boundaries

**Specific for employees in Hong Kong:** The [Sex Discrimination Ordinance \(SDO\)](#) defines sexual harassment as unwelcome conduct of a sexual nature that a reasonable person would anticipate would offend, humiliate, or intimidate the person.

- Any sex-related language, action or physical contact that is unwelcome may constitute sexual harassment. An intimidating, hostile or offensive working or learning environment will also constitute sexual harassment. Sexual harassment can be through spoken words, emails, letters, phone calls, or the like. Sexual harassment does not have to be intentional or aimed at any particular subject and may be explicit or implicit. Sexual harassment may occur between persons of the same sex or opposite sex.
- According to [section 2\(5\)](#) and [section 2\(8\)](#) of [SDO](#), acts of sexual harassment can be done by any person to a man or a woman. The provisions concerning sexual harassment also apply to homosexual relations. For example, a man can be sued under the [SDO](#) if he sexually harassed another man, and likewise a woman who harassed another woman.
- Acts of sexual harassment may be carried out directly or indirectly in physical or verbal forms. Here are some examples:
  - unwelcome physical contact (e.g. hugging, kissing or touching);
  - staring or leering;
  - brushing up against the body;
  - intrusive questions about one's private life;
  - sexually offensive gestures.
- Sexual harassment also includes the creation of a sexually hostile or intimidating work environment by engaging in unwelcome or uninvited sexual behaviour, for example
  - sexually suggestive comments or jokes;
  - displaying sexually explicit pictures or posters;
  - insults or taunts based on sex;
  - wolf whistling.
- Some acts of sexual harassment may even amount to criminal offences in which the harasser may be liable to a fine or imprisonment, for example:
  - making obscene phone calls;
  - indecent exposure;
  - sexual assault (indecent assault or rape).

### 4.3 Mobbing

Mobbing and discrimination are related but distinct concepts: Mobbing refers to **a form of group bullying or harassment in a workplace or social setting where one or more individuals systematically target a person**. These behaviors can include gossip, exclusion, constant criticism, undermining, or other forms of psychological abuse.

The difference to discrimination is that the motivation for mobbing is not necessarily related to protected characteristics, e.g. gender, race, nationality but rather personal conflicts, power struggles, or organizational culture.

Discrimination is directly covered by law in many countries, with specific legal protections and recourse available. Mobbing, while harmful, might not always be explicitly covered by the same legal protection unless it overlaps with discrimination or harassment based on protected characteristics.

### 4.4 Violence

Violence is understood to be a source of power and, in a narrower sense, an illegitimate way to coerce someone: the will of the person over whom violence is exercised is disregarded or broken. Violence can be physical, psychological, verbal or non-verbal.

Threatening behavior also constitutes a violation of integrity using force. It represents the prospect of misconduct in the future, that the person making the threat claims to be able to control. A threat, that can be classified as a violation of integrity can – but does not have to – constitute the offence of a threat in accordance with [CC, Art 180](#).

**Specific for Hong Kong employees:** violence offence includes common assault and other more serious offence under the [Offence against Person Ordinance \(Cap. 212\)](#)

An assault is an intentional or reckless action which brings about the apprehension of the immediate infliction of unlawful force in the mind of the person to whom the action is directed. Words may amount to an assault if the words bring about an apprehension of the immediate application of force in the person to whom the words are addressed.

Battery, on the other hand, is the offence in which a person, intentionally or recklessly, inflicts unlawful force on another person.

#### **4.5 Vilification (Specific for Hong Kong)**

Vilification occurs by a public act which incites hatred towards, serious contempt for, or severe ridicule of another person (applies only on the ground of race/ disability discrimination).

#### **4.6 Victimization (Specific for Hong Kong)**

Victimization occurs when a person treats another less favourably on the ground that the other person does an act which relates to or refers to the above four Anti-Discrimination [Ordinances](#):

- (i) Make an allegation or complaint against the discriminator or other persons for breach of any of the four Anti-Discrimination Ordinances;
- (ii) Bring proceedings against the discriminator or other persons;
- (iii) Give evidence or information in connection with proceedings brought by any person against the discriminator or any other persons;
- (iv) Do anything under or by reference to any of the four Anti-Discrimination Ordinances.

However, if after investigating a complaint of a prohibited discriminatory act, it is determined that the complaint was false and not made in good faith or that the individual has provided false information regarding the complaint, disciplinary action may be taken against the relevant individual. This is not victimisation.

For example, a staff member lodged a sexual harassment complaint against his/her supervisor. Upon investigation, the alleged sexual harassment complaint was not substantiated. Thereafter, the supervisor unnecessarily picked on the staff and eventually terminated his/her employment and there is no evidence showing that the staff member has any performance issues.

## 5 Personal Integrity Violation – The formal and informal complaint procedure

Discrimination, mobbing, sexual harassment, violence, vilification and victimisation are personal integrity violations. If you feel your personal integrity has been violated, you have these two possibilities:

	Formal process (internal)	Informal process (external)
<b>Format</b>	Direct contact	Fully anonymous for employee
<b>Contact</b>	Your direct line manager, your HR Business Partner, the HR team ( <a href="mailto:hr.operations@aofoundation.org">hr.operations@aofoundation.org</a> ), or the AO Ethics and Compliance Officer ( <a href="mailto:eco@aofoundation.org">eco@aofoundation.org</a> , +41 81 413 01 62)	Employee Assistance Program, 24/7 by phone or via the online platform.  For the contact details of our current provider, please refer to the corresponding article on the HR Knowledge Platform.
<b>Legal duty</b>	<p><b>Specific for Switzerland: HR staff and line managers have a duty of care and to intervene (Art 328 CO) and take actions.</b> They cannot consult employees, but they can inform about the steps in our internal, formal process.</p> <p><b>Employees in Switzerland have the duty to co-operate (Art 321a CO)</b> Employees in Hong Kong shall follow this practice as a matter of policy.</p> <p><b>Specific for Hong Kong:</b> HR Staff and line managers shall be aware that the employer has a duty to take reasonably practicable steps to address discrimination and shall act accordingly.</p>	<p>Our external provider offers fully anonymous counselling and advice.</p> <p>Please note that in the case of danger to yourself or others, <b>our provider is legally bound to act and engage a third party to address the danger.</b></p>
<b>Who</b>	All employees employed in Hong Kong can report an incident of personal integrity violation	<p>For employees</p> <ul style="list-style-type: none"> <li>- who feel their personal integrity has been violated</li> <li>- who feel they have been wrongfully accused</li> <li>- who are/were witnesses of a harassment</li> </ul> <p>For line managers and HR to get advice.</p>

### 5.1 Formal process - internal

The purpose of this internal, formal complaint process is to **provide a clear and confidential process for employees to report incidents of these 6 forms of integrity violations: discrimination, sexual harassment, mobbing, violence, vilification and victimisation** within our company and how the company will respond to such complaints.

This complaint process applies to all employees of the AO Foundation, as highlighted in section 1.2 Scope of application, regardless of their role or status.

#### 5.1.1 Responsibility

##### 5.1.1.1 Responsibility of company management

The AO Foundation is obliged to take actions against employees who do not respect the integrity of others. It must ensure that the complainant and any witnesses are not disadvantaged because of reporting the misconduct. If an employee's integrity is violated at work by people outside the company, the AO Foundation will also take all reasonable and appropriate steps to prevent this from happening.

Furthermore, the AO Foundation is obliged to ensure that personal integrity is protected at work through preventative measures as part of its legal duty of care. It must periodically raise awareness among all permanent and temporary employees, trainees and interns regarding mutually

fair, respectful and tolerant treatment and ensure that everyone is aware of the external, confidential point of contact and the internal points of contact for reporting any boundary violations.

#### **5.1.1.2 Responsibility of those affected**

Employees who feel they are being harassed, sexually harassed, discriminated against or confronted with violence should, if possible, clearly inform the person harassing them that they will not tolerate this behavior. If self-help is not possible or is unsuccessful, the person affected should contact the external point of contact to seek confidential advice, inform their direct supervisor, the HR Business Partner, HR Operations or the AO Ethics and Compliance Officer.

In addition, the person affected is advised to keep a diary noting down any instances of harassment (description of harassment incident, place, time, any witnesses) and to collect evidence. Confidential advice is also available to employees who feel they have been wrongly accused of a violation of integrity.

#### **5.1.1.3 Responsibility of Line Managers**

Superiors promote a work culture that is shaped by fairness, mutual respect and appreciation within their area of responsibility. They must ensure and are responsible for creating a working environment that is free from any kind of harassment. Any conflicts that arise must be actively addressed and resolved. They must investigate any reports of harassment, sexual harassment, discrimination or violence immediately. If necessary, line managers are advised to seek support from HR or an external specialist.

#### **5.1.1.4 Responsibility of employees and witnesses**

All employees are obliged to make a positive contribution to creating a working environment that is free from any kind of harassment through their personal behavior.

Anyone who observes others being harassed, sexually harassed, discriminated against or confronted with violence is asked to support the person affected and, if necessary, to confront the harassing person.

**The roles listed above have a duty to intervene.** This means that, to fulfil their duty of care, if there is a suspicion of a personal integrity violation, **they must take measures to deal with the situation and protect those involved** – even against the wishes of the person concerned, if necessary.

### **5.1.2 The formal process steps**

The following terms are used to describe the different roles within the formal process steps. **The complainant** is the person who is claiming to have been victim of discriminatory treatment or behavior. **The respondent** is the individual against whom the allegation of discrimination is made, the person accused.

#### **5.1.2.1 Reporting an incident (Step 1)**

Employees who believe they have been subjected to any type of harassment **should report the incident as soon as possible to the HR Business Partner, HR Operations or the Line Manager, verbally or in writing.** These contact points can be approached with or without prior advice from our external partner, our external provider (the personal integrity advisor from the Employee Assistance Program, or **from** a local law firm). This internal complaint procedure can also be initiated by HR, the next higher line manager or senior management. All complaints will be treated with the utmost confidentiality and information will only be shared with those directly involved in the process. No one should be disadvantaged because of a complaint that has been submitted on legitimate grounds.

**Complaint Form:** Employees are encouraged to always submit a written complaint form to HR outlining the details of the incident, including dates, times, locations, and any witnesses. We are utilizing a PDF Complaint Form rather than AO IT applications to ensure highest confidentiality

for the complainant, the respondent, the HR Operations team member, the respective HR Business Partner and directly involved parties.

#### **5.1.2.2 Acknowledgment (Step 2)**

A complaint will be acknowledged within 3 business days by the HR department, if received in writing, and the employee will be informed of the next steps.

#### **5.1.2.3 Complaint Meeting (Step 3)**

In the complaint meeting the complainant is explaining the situation in detail to the HR Business Partner and Line Manager (if the Line Manager is not the person the complaint is about).

The following content is discussed and recorded in writing in the complaint form:

- Incidents that were perceived as violating integrity: timing/duration/frequency
- Response and attempted self-help measures by the complainant; response of the person accused when hearing from complainant to stop the behavior
- Accused person(s), any witness(es), collected evidence
- Need for protective measures and, if necessary, psychological and social support
- Willingness to reach an amicable solution (mediation meeting)
- Procedure and agreement on confidentiality throughout the complaint procedure
- Complaint form is signed

#### **5.1.2.4 Confrontation Meeting (Step 4)**

Usually together with the complainant's line manager, the HR Business Partner holds a meeting with the respondent, where the following content is discussed and recorded in the complaint form:


- Information about the complaint and confrontation with the allegations
- Willingness to reach an amicable solution (mediation meeting)
- If the misconduct is admitted by the respondent: discussion regarding consequences and measures (company measures)
- Need for psychological and social support
- Procedure and agreement on confidentiality throughout the complaint procedure
- Complaint form with meeting record is signed

#### **5.1.2.5 Mediation Meeting (Step 5)**

If complainant and respondent agree to attend, HR will meet with them to discuss the situation. The external provider (the personal integrity advisor from the Employee Assistance Program, or from a local law firm) may also be involved if HR considers it helpful or necessary. If the respondent acknowledges any misconduct, the discussion will focus on appropriate measures and sanctions. However, if the mediation fails or the respondent denies the allegations, the investigation process will proceed.

#### **5.1.2.6 Investigation (Step 6)**

An impartial investigation will be conducted promptly by the respective HR Business Partner in alignment with the Head Legal & Compliance (L&C). This may involve interviews with the complainant, the respondent, and any witnesses, as well as the review of any relevant documentation or evidence, in line with applicable data privacy.

At the same time an internal investigation is in progress, an employee might be at the same time in contact with our external provider (Employee Assistance Program) already for advice, a local Public Service or with the police directly. The investigation by the police should be taking place before internal investigation by the AO to ensure the complainant is not influenced by the investigation procedure. (The option to file a complaint at the police with potential consequent investigation by a public prosecutor's office is not in scope of this  policy)

**Protection Against Retaliation:** The AO Foundation prohibits any form of retaliation against employees who report the discrimination or sexual harassment or participate in an investigation.

#### 5.1.2.7 Resolution (Step 7)

**Outcome:** Upon completion of the investigation, the respective HR Business Partner, will discuss the appropriate course of action with the Head of HR and the Head of L&C. The external provider shall be consulted in this phase by HR, if deemed useful or necessary. The respective line managers, supported by HR, and the responsible AO EC member are responsible to take and enforce the decision. Violations may have consequences under labor law.

The final decision may include remedial action or disciplinary measures against the respondent, up to and including termination of employment. Proven **false allegations** by complainant and respondent will also lead to remedial action or disciplinary measures.

#### Remedial action entails:

- Requiring the respondent to provide a verbal or written apology
- HR issuing a written warning with a copy to the respondent's personnel dossier

#### Disciplinary measures entail:

- HR issuing a written warning with a copy to the respondent's personnel dossier
- Potentially coaching, visiting a counselling center, change of role, transfer to another department
- Dismissal of the respondent

**Feedback:** The complainant will be informed by the HR Business Partner of the outcome of the investigation and final decision, while maintaining confidentiality as required by law.

**Support:** The AO will offer continued support to the complainant, which may include hours of counseling with the external provider or adjustments to current work arrangements and monitoring of the situation.

#### 5.1.2.8 Review (Step 8)

**Ongoing Monitoring:** The complainant should monitor the situation after the resolution and will remain in contact with the HR Business Partner to ensure that the harassment has ceased, and that no retaliation occurs.

#### Procedural principles in the formal process

- All reports and information are subject to the principle of equal treatment. This means that internal investigations are carried out regardless of the hierarchy level and position of those involved.
- All employees involved in a complaints procedure are obliged to cooperate as part of their duty of allegiance to the employer, as per the principle under the Swiss [CO, Art. 321a \(1\)](#).
- The parties involved in the proceedings are obliged to maintain secrecy for the duration of the formal procedure to protect their own personality rights and the personality rights of third parties
- If allegations are made against a member of a decision-making body, the member will recuse themselves and another member will assume their decision-making responsibilities
- The accused person has a right to know who is making allegations against them. They may comment on the specific allegations and the evidence incriminating them. Here it is important to carefully weigh up the conflicting interests of those involved. The presumption of innocence applies until the formal procedure is concluded

- People who are to be interviewed must be informed about their rights and obligations at the start of the interview. They may bring a person of their own choice to the interview
- Witnesses must not suffer any disadvantage because of their complaint raised. Although absolute confidentiality and anonymity cannot be guaranteed, all possible measures must be taken to ensure anonymity and confidentiality to the greatest extent possible if these are requested.
- In the complaint process, all discussions, procedural steps, measures, decisions and outcomes must be documented. Interviews conducted with people involved as part of an investigation must be minuted and this record must be signed by them. Similarly, mediation records must be signed by all parties involved
- Those involved in the proceedings have the right to view files, as per the principle under the [FADP, Art. 8](#). The person accused has a legal right to be heard, which means they have a right to comment on the allegations made against them and the outcome of the investigation
- The withdrawal of a complaint of an incident must be made in writing, via a dated letter signed by the person concerned
- The investigative report and records must be stored in a separate, protected area with strictly limited access rights. If it can be proven that violations of integrity have been committed, the measures taken under labor law must be recorded in the personnel files of those involved

**This formal, internal complaint process will be reviewed on an ongoing basis to ensure it remains effective and compliant with Hong Kong law and the relevant principles under Swiss law where applicable and not inconsistent with Hong Kong law.**

## **5.2 Informal Process – Employee Assistance Program (external provider)**

Alternatively, for anonymous help or initial assessment, employees can contact our external service partner, who offers a **24/7 counseling service**. The external provider offers confidential services and can help assess the situation, provide resources, and recommend appropriate actions.

For line managers and human resources, the service includes expert manager consultations, meaning expert advice and guidance on a topic in question. The annual fee of the service is **covered fully by the Human Resources budget**.

**You receive guidance from the external provider on:**

- **Emotional support**
- **Practical & Physical Support**
- **Program Management (expert consultations for Line Managers / Human Resources)**

**Please note that counselling services are treated strictly confidentially by the external provider, except if there are reasonable concerns about potential harm to the self or others.** The HR department (headquarter Switzerland) receives only summarized and fully anonymous feedback through an annual report, detailing the overall volume of consultations split into core topics.

The external provider is available 24/7 (different contact methods) in **English and the local language**. The external provider offers immediate telephone counselling if there is a professional indication of urgency. Contact details and further detailed information on the offerings can be found on the HR Portal.

**Your well-being is our priority:** We highly encourage you to utilize the valuable support provided by the external provider should you encounter any challenging situations during your time with us. The external provider's services should be utilized, especially when you need an impartial external perspective and are unsure who to consult.

## 6 Measures to prevent discrimination

Several initiatives have already been planned to increase awareness and to sensitize line managers and employees around DEIA and discriminative behavior.

Throughout the year HR will set up different information sessions, training for our employees and webinars with internal and external speakers. HR is nurturing networks and partnerships within Switzerland to promote and advance DEIA.

Employee Resource Groups (see chapter 8) will be able to contribute actively to the DEIA agenda and keep the exchange with HR on focus topics.

### 6.1 Accessibility measures

The following measures ensure that everyone, regardless of ability, can participate fully in social, educational, and professional environments at the AO offices. Measures entail workplace, as well as digital & communication accessibility:

- 1) **Workplace Accessibility:** We offer height-adjustable ergonomic chairs and ergonomic training to all our employees in Hong Kong office. The office building, elevators and sanitary facilities are accessible by wheelchair. The walkway between working cubical are wheelchair accessible.
- 2) **Digital & Communication Accessibility:** We offer assistive technologies, such as hearing or reading aid applications for visually impaired users, hard of hearing or deaf users, to best support employees in their daily work. Please contact the IT Helpdesk to order specific applications or tools.

## 7 Ensuring a diverse work environment

At the AO, we foster a diverse workforce that feels included and empowered, which is fundamental to the success of recruiting top talents. We strive to be a diverse and inclusive organization with equitable access and opportunity for advancement within the organization at all levels.

### 7.1 Talent Acquisition

DEIA in Talent Acquisition at the AO Foundation refers to welcoming and valuing people from all backgrounds and demographics. This includes factors such as race, ethnicity, gender, age, disability status, and cultural background.

Everyone has equal opportunities during the hiring process, as we ensure transparency around the talent acquisition process on our website and by posting job opportunities with clear requirements, expectations and timelines. We prepare inclusive job descriptions with gender-neutral language to avoid alienating potential candidates.

Some positions allow job sharing or part time-model possibilities. HR and Line Managers discuss these options in the kick-off Recruiting Briefing Call for every vacancy.

#### **Standardization in the recruiting process to facilitate unbiased screening and selection:**

- **Personalized and not only data driven screening process:** Every application received in our applicant tracking system is being screened by a member of the talent acquisition team and the hiring line manager.
- **Structured interviews:** To minimize bias, we have prepared interview guidelines and questionnaires. This standardization ensures every candidate is evaluated on the same criteria
- **Diverse interview panels:** We include diverse members on our interview panels to help check biases and offer a more objective view of each candidate (e.g. hiring managers, other team members, HR).
- **Standardized Assessments:** We evaluate candidates based on their skills and competencies instead of using subjective criteria. Online assessments are used in the final stage of the recruitment process to support the decision making.

- **Case studies:** For designates roles, we use case studies in the final round of interviews where appropriate. When applying written case studies in the process, the outcomes of the shortlisted candidates are anonymized to interrupt unconscious biases in the selection process.
- **Regular training sessions:** HR is offering training sessions for all hiring personnel to educate them about unconscious bias and its impacts in the recruitment process.
- **Equity:** No exclusion of candidates, who cannot join face-to-face interviews as standard of our process, due to local distance or mobility impairment. In this case we organize online meetings.
- **Recommending family and/or friends:** The AO is open to hiring relatives and friends, however, it is subject to the same standardized recruiting procedures as mentioned above.

## 7.2 Law requirements in the recruitment process

We are open to hiring all nationalities, however, must adhere to the law in Hong Kong and requirements in the recruitment process. For overseas candidates, we can only consider applicants subject to successful application for a valid permit to work in Hong Kong.

## 8 Employee Resource Groups

All AO employees are encouraged to build or join employee resource groups (ERG), that meet frequently and work on specific needs and initiatives around DEIA.

### 8.1 Establishment, frequency and reporting

#### 8.1.1 Establishment

Identify the purpose and goals

- Define the key reasons for establishing the ERG. Typically, ERGs support underrepresented groups, promote cultural awareness, provide networking opportunities, or address issues like work-life balance.
- Set specific, measurable goals, such as raising awareness, mentoring, or policy advocacy.

Define membership criteria and name of the ERG

- Who can join this specific ERG: Is it open to everyone or only to specific employees with the same focus (e.g. LGBTQ+) and be creative on the name.

Size of ERG and meeting format

- Minimum number of members to start a group: 4
- Meeting format: face to face and/or online

Set up a structure

- Define leadership role, member role
- Ensure diversity within the leadership team to reflect the values of the ERG.

Plan initial activities

- Start with a few simple initiatives, such as a launch event, networking session, or lunch-and-learn.
- Encourage feedback and member input to align activities with the group's interests.

#### 8.1.2 Frequency

- **Purpose:** Regular check-ins (1x per month), updates on ongoing projects or preparing for specific events (with more frequent meetings and smaller sub-working groups feasible)
- **Duration:** 1-2 hours, up to the ERG to reach set initiatives or objectives
- **Benefits:** Keeps momentum going without overwhelming members

#### 8.1.3 Reporting

- **Format:** Quarterly written reports

- **Reporting to the HR Project Lead (HR Business Partner) and the AO EC**
- **Content**
  - Summarize significant events organized during the quarter, with event names, dates, attendance numbers, outcomes or key feedback
  - Summarize significant accomplishments, notable progress toward ERG goals
  - ERG group growth, with current total members vs. previous quarter
  - Employee Engagement and Inclusion: How is the ERG positively affecting employee morale, sense of belonging, or professional development? Key takeaways from activities or projects that can improve future efforts? Specific, measurable goals that the ERG will focus on in the coming quarter?

## 9 Entry into force

This regulation enters into force **on 1 January 2026** and replaces all previous regulations and/or related supplements and/or changes by the organizations, institutes, companies that are part of the AO Foundation. AO reserves the right to supplement or modify this regulation at any time.

## 10 Sources

Bundesgesetz über die Arbeit in Industrie, Gewerbe und Handel (Arbeitssgesetz): [Art. 6 Par. 1](#)

Code of Obligations: [OR, Art 328, Par. 1-2](#)

Federal Act of Gender Equality (GEA): [Art 3, 4 and 5](#)

Federal Constitution of the Swiss Federation: [Art. 8](#)

Federal Office for Gender Equality FOGE Homepage. "[Sexual harassment in the workplace](#)" (21.08.2023).

Federal Act on Foreign Nationals and Integration (FNIA): [Art. 21](#)

Staatssekretariat für Wirtschaft (SECO). Information leaflet. "[Mobbing und andere Belästigungen - Schutz der persönlichen Integrität am Arbeitsplatz](#)» (27.07.2018).

Swiss Criminal Code (CC): [Art 198](#)

[The Hong Kong Bill of Rights Ordinance \(Cap. 383\)](#)

[Sex Discrimination Ordinance \(Cap. 480\)](#)

[Disability Discrimination Ordinance \(Cap. 487\)](#)

[Family Status Discrimination Ordinance \(Cap. 527\)](#)

[Race Discrimination Ordinance \(Cap. 602\)](#)

[Crimes Ordinance \(Cap.200\)](#) Section 122

For parts of the policy ChatGPT was used.

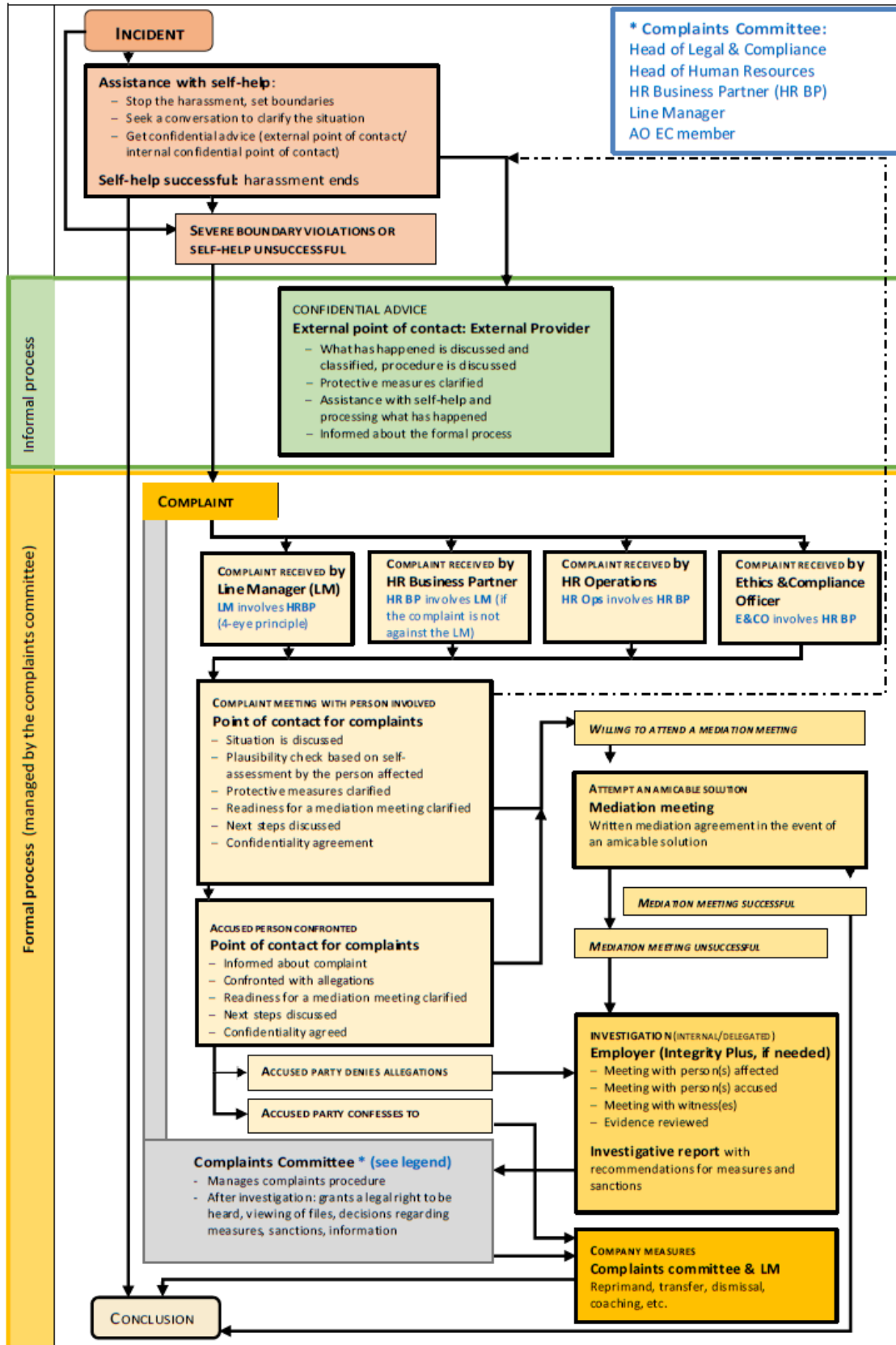
I, \_\_\_\_\_ (Name/ Last Name in block letters) herewith acknowledge having received and read the Inclusive Excellence Policy Hong Kong.

**Employee**

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**Date, Signature**

## 11 Annex I: Formal and informal process chart



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Violation of integrity process-V01