

MAX MYANMAR¹

HUMAN RIGHTS POLICY

Introduction

5 Max Myanmar Holdings and its subsidiaries expect to be held to a higher standard⁵ in what we do. We strive to be a safety leader in our industry, a model-class operator for other businesses in Southeast Asia, a good corporate citizen, and a great employer. We care about the impact of our decisions, large and small, on those around us. This includes our impact on human rights.

10 Max Myanmar acknowledges and respects the principles contained in the International Bill of Human Rights², and the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work. We recognize our responsibility to respect human rights and avoid complicity in human rights abuses, as stated in the UN Guiding Principles on Business and Human Rights, and we actively participate in the United Nations Global Compact.

15 Max Myanmar’s Human Rights Policy reflects the Holdings commitment to conduct its business in a manner consistent with these principles and to protect and promote human rights within the company’s sphere of influence. Max Myanmar demonstrates national leadership in responsible workplace practices, and endeavors to conduct its business operations in a manner that is free from complicity in human rights abuses, including the environment. The Holdings’ core values and culture embody a commitment to ethical business practices and good corporate
20 citizenship, as outlined in our **Employee Handbook**.

We believe our main responsibilities lie in a number of critical areas: employee rights, environmental impact, and the risk of human rights violations within our supply chain.

¹ In the entirety of this document, “Max Myanmar” refers to Max Myanmar Holdings and its subsidiaries.

² The International Bill of Human Rights refers collectively to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

Our Commitments:

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Protection of the 25 Rights of Children

Employees are age 18 or Older. Max Myanmar employees are at least age 18. Employees under 20 are not employed in hazardous conditions³. Therefore, in this policy, “Child” refers to anyone under the age of 18 years.

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No Child Labor. Max Myanmar does not use or employ child labor under any circumstances, as defined in the International Labour Organization Convention 182, Article 3 (Worst Forms of Child Labor). There is no recruitment of child labor by Max Myanmar or its sub-contractors in our workplace. If any incident of child labor is identified in Max Myanmar’s industry, Max Myanmar shall initiate a program to transfer any children involved in child labor into quality

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education until they are no longer children.

Protection of the 25 Rights of Children

Max Myanmar does not tolerate Discrimination. We respect each individual’s human rights and provide equality of opportunity and treatment in employment, including hiring, compensation, promotion training or discipline, for the purpose of eliminating discrimination on the basis of ethnicity, gender, religion, nationality, age, social status, disability, sexual orientation, marital status, family origins, trade union affiliation or political opinion. Such discrimination will not be tolerated.

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We will be resolute in upholding human rights in everything we do and will not tolerate such discrimination in others. Ignorance and inaction do not constitute excuses for discrimination. Additionally, Max Myanmar is committed to implementing effective measures to protect migrant employees against any form of discrimination and to provide appropriate support services that reflect their special status.

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³ ‘Hazardous conditions’ are defined here within this policy with reference to the International Labour Organization Recommendation 190 II 3(b) as “underground, under water, at dangerous heights or in confined spaces.” Furthermore, ‘hazardous conditions’ includes working with dangerous machinery, equipment and tools, or to manhandle or transport heavy loads or working in an environment that exposes hazardous substances, agents or processes or to temperatures, noise levels or vibrations damaging to health as per International Labour Organization Recommendation 190 II 3(c and d).

Max Myanmar has a zero-tolerance harassment policy. Max Myanmar employees are treated with respect and dignity. Employees are not subject to physical, sexual, psychological or verbal harassment or abuse. Any confirmed instance of perpetrated harassment will be dismissed immediately. All reported cases will be submitted to the Whistle blowing Committee for investigation and immediate action.

Employment is voluntary. Max Myanmar does not use forced, bonded or indentured labor, involuntary prison labor, slavery or trafficking of persons, or other forms of forced labor. Max Myanmar is responsible for employment eligibility fees, including recruitment fees. No employee may be compelled to work through force or intimidation of any form, or as a means of political coercion or as punishment for holding or expressing political views. Max Myanmar rejects corporal punishment of any type.

Freedom of Association and Collective Bargaining. We are committed to an open and constructive dialogue with our employees and, if applicable, with their representatives. Our employees are free to join organizations of their choice (ILO Convention 87) that represent them consistent with Myanmar law. These organizations may if recognized as the appropriate agent engage in collective bargaining (ILO Convention 98) according to the applicable legal regulations. Employees who act as representatives are neither disadvantaged nor favored in any way.

Safe and Healthy Work Environment. Max Myanmar regards high standards of safety and health as a cornerstone of success in business. Max Myanmar, its subsidiaries, and subcontractors will provide a safe and hygienic workplace setting. Max Myanmar takes the necessary steps to prevent accidents and injury arising out of, linked with, or occurring in the Draft Max Myanmar HR Policy as Approved by Committee CONFIDENTIAL 4 course of work or as a result of the operation of Max Myanmar facilities. Procedures and systems are to be in place to manage, track and report occupational injury and illness. Where necessary, workers will be provided safety equipment as appropriate to the work being performed. Employers must fully comply with all applicable workplace conditions, safety and respect environmental laws and regulations reflecting the Global Compact and Rio Declaration on Environment and Development (1992). Where residential housing is provided to employees, Max Myanmar will ensure that such housing is safe and healthy, with adequate lighting, and ventilation systems along with reasonable exit and entry privileges.

80 **Fair working conditions.** All Max Myanmar and its subsidiary employees have a written contract of employment, with agreed terms and conditions, including notice periods on both sides.⁴ All staffs are entitled to reasonable rest breaks, access to toilets, rest facilities and portable water at their place of work, and paid holiday leave in accordance with Myanmar law. Any employee that would like to take their annual leave to observe different cultural or religious
85 holidays may do so. All employees are provided with appropriate job skills and safety training.

Wages and Compensation. Max Myanmar and its subsidiaries recognize that wages are essential to meeting employee's basic needs. Max Myanmar is to pay its employees at least the minimum wage required by Myanmar industry law and provide legally mandated benefits, including gazetted Myanmar holidays and leaves, and statutory severance if employment is
90 terminated by the employer. Maternity and paternity leave are granted in accordance with Myanmar Labour Law. There are no disciplinary deductions from pay and all compensation will be provided in a timely matter.⁵

Working Hours. Working hours comply firstly with benchmark industry standards, which afford greater protection than current Myanmar national law. In any event, (i) workers are not
95 on a regular basis required to work in excess of 48 hours per week and (ii) are provided with at least 24 consecutive hours of rest for every seven-day period on average. Overtime is voluntary, (iii) does not exceed 12 hours per week, is not to be demanded on a regular basis, and is always being compensated at a premium rate – that is, at least exceeding the regular hourly compensation rate and in accordance with Myanmar Labour Laws.

100 **Protection on the Rights of Community**

Max Myanmar recognizes and safeguards the rights of communities and traditional peoples to maintain access to land and natural resources. We require respect for and prohibit the violation of land rights of communities and traditional peoples. We strive to maintain positive community relations and contribute towards local economic development.

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⁴ Max Myanmar acknowledges that their commitment to human rights as a business includes the operations and employees within their subcontractors. Max Myanmar is currently working with their subcontractors to ensure that all subcontracted laborers receive written contracts.

⁵ Max Myanmar acknowledges that there is an ongoing issue regarding the timely payment to subcontracted laborers by their subcontractors and is working to remedy the situation. In many cases, Max Myanmar has negotiated on the subcontracted laborers behalf, when payments are late or other issues arise.

Land Grab

Max Myanmar acknowledges our responsibility to take action and use our influence to help protect the land rights of local communities and indigenous⁶ peoples. Max Myanmar commits to the following plan of action to prevent and address land grabs and other land controversies:

110 1. Max Myanmar will adhere to the principle of **Free, Prior and Informed Consent (FPIC)** and will require our suppliers to adhere to this principle.

a. Our implementation of FPIC is consistent with the IFC Performance Standards and will apply to all communities (not only indigenous ones).

115 b. Max Myanmar acknowledges that Myanmar national law does not adequately protect land rights in accordance with the UN FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT's) and IFC Performance Standards on Environmental and Social Sustainability and will strive to the higher standard of international compliance.

120 Max Myanmar follows the IFC Performance Standards definition of FPIC. This is summarized as:

- Free: Consent to the sale of land is given voluntarily and absent of “coercion, intimidation or manipulation.”
- Prior: Consent is sought sufficiently in advance of any authorization or commencement
125 of activities from the existing land owner.
- Informed: Ensures that information is provided prior to seeking consent to acquire and that information is provided as the acquisition process proceeds.
- Consent: Refers to the collective decision made by the land rights-holders and reached
130 through customary decision-making processes of the affected peoples or communities.

2. Max Myanmar commits to a zero-tolerance policy for land grabbing. If a supplier fails to uphold any aspect of Max Myanmar's land requirements, Max Myanmar will work with

⁶ The term “indigenous” does not only refer to Myanmar ethnic people, but instead, embodies and reflects the definition set out by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in respecting the rights of indigenous peoples to self-determination.

the supplier on corrective action. If such action is not taken, the supplier relationship will be terminated.

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3. In instances where land is acquired and relocation must take place, Max Myanmar will uphold FPIC and ensure that adequate compensation (housing, land, money, etc.) is provided to all affected parties.
 4. In order to ensure and confidential and safe process for investigating grievances which are raised by affected parties regarding land grab, and to help ensure the Max Myanmar land policy is properly implemented, Max Myanmar and our suppliers will utilize appropriate grievance mechanisms.
 5. These complaints or comments can be submitted verbally, or in an anonymous written form, through suggestion boxes placed at each Max Myanmar site. Verbal complaints can be reported to Max Myanmar Project managers stationed at each site location, who will make their contact information available to the local community. The Whistle blowing Committee will regularly review these comments and provide remedies should a proven violation occurs.
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In addition, Max Myanmar will:

- Engage with appropriate industry and other groups to positively impact and respect all legitimate land tenure rights and the people who hold them.
 - Commit to a presumption of transparency such that relevant information related to land acquisitions made by Max Myanmar are made public.
 - Call on governments and traders to tackle land grabbing issues and support the agenda for responsible investment and call on other companies to adhere to industry initiatives which drive better respect for land rights.
 - Advocate for higher standards in land tenure, including the upholding of the IFC Performance Standards on Environmental and Social Sustainability and UN FAO 165 Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT's).
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Protection on the Rights of Environment

165 Max Myanmar believes that as a responsible corporate citizen, it is our duty to minimize the impact of our operations on the environment using risk management strategies based on valid data and sound science, and, to protect and enhance the quality of the environment in areas where we operate.

We are committed not only to compliance with applicable environmental statuses and regulation, but also to continuous improvement of our environmental performance at all our operations. We continue to work with governmental agencies, the local population, and responsible nongovernmental organizations to enhance our environmental performance.

170 Max Myanmar is committed to incorporating sustainable environmental considerations into our design standards and construction practices having particular regard to energy and water consumption, use of low environmental impact materials, waste disposal, recycling, and reusing materials.

175 Max Myanmar will assess the environmental impact of our operations during planning, design and implementation phases so as to prevent pollution and/or degradation of the external environment. Environmental audits are conducted regularly to assess environmental compliance, management systems and practice.

180 Environmental awareness training has been incorporated into the standard employee training of our mid- and high- level staff, to ensure all employees are operating with an environmental conscious and are able to fulfill their environmental responsibilities.

Security. Max Myanmar provides security consistent with the intent of the Voluntary Principles on Security and Human Rights, retaining security services for preventative or defensive purposes with instructions to use force only when absolutely necessary and to an extent proportional to the threat.

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Application of Max Myanmar's Human Rights Policy:

This human rights policy statement applies to every employee within Max Myanmar – including its subsidiaries. This commitment extends to our over 8,000-plus network at Max Myanmar. 190 Our suppliers and subcontractors have been notified of our human rights policy, and are aware of its implications.

Max Myanmar is committed to publicizing and enforcing a non-retaliation policy that permits employees to express their concerns about human rights and environmental conditions without fear of retribution or losing their jobs. A whistle blowing system assures that employees can 195 make complaints and suggestions anonymously. These anonymous complaints can be submitted in written form through any Max Myanmar suggestion box, which is placed at each and every Max Myanmar operations site. These boxes are regularly monitored and if necessary, investigated and remedied by the Whistle blowing Committee.

We are committed to complying with effective law, both at the international and national level. 200 We recognize that within Myanmar, the resources and political will to implement and enforce such laws is lacking, however Max Myanmar will strive to a higher international standard. Max Myanmar believes that businesses respect human rights by modeling and promoting good governance and rule of law around the world. Advancing good governance and the rule of law is an important aspect of corporate responsibility. Both are vitally important to human rights. For 205 example, good governance leads to reliable enforcement of labor and environmental laws while the rule of law promotes a criminal justice and national security regime that furthers transparency and fairness for all.

We seek to establish relationships with entities that share the same respect for human rights as Max Myanmar. Max Myanmar will work with our suppliers, subcontractors and business 210 community whenever possible to drive towards the adoption of comparable standards for their own operations.

Due Diligence: Implementation, Monitoring and Enforcement:

215 We at Max Myanmar work to meet our responsibilities to protect, respect and promote human rights by:

1. Clearly stating our human rights policies and advancing these policies through our business operations and practices;
2. Proactively engaging with stakeholders to obtain input to help evolve our approach;
- 220 3. Actively participate in relevant human rights-focused collaborative initiatives, including the Global Compact and;
4. Communicate annually to the public on the work we are doing to meet our human rights responsibilities through our annual Max Myanmar Responsible Business Report and other communication vehicles

225 We assess the human rights impacts of all our operations on an ongoing basis. We produce a report annually on the assessment of our implementation of this human rights policy. To best respect human rights, we regularly review our relevant policies, processes and management systems. Directors from each and every subsidiary will submit human rights compliance reports quarterly to the Whistle blowing Committee. The Whistle blowing Committee will review these
230 reports quarterly, and address any remaining concerns immediately.

We also regularly review and strengthen anonymous grievance reporting mechanisms that allow our employees and others affected by our operations to report suspected incidents of human rights abuse. Max Myanmar supports and protects all employees who report suspected human rights violations. Max Myanmar has established an anonymous written complaints mechanism
235 that is regularly reviewed by the Whistle blowing Committee, as mentioned previously in this policy.

We investigate and, where appropriate, take remedial action to address reported violations. The Whistle blowing Committee will be responsible for immediate action and remedy to each proven violation. Max Myanmar commits to a transparent remedy standard where the violation
240 committed matches the discipline taken, and that all disciplinary action taken is consistent with other similar violations. In instances where there is an ongoing human rights investigation, Max Myanmar will fully cooperate and support appropriate action taken for proven violations.

We have adopted a risk based approach to providing appropriate training in non-discrimination, cultural and human rights and environmental education for our employees including security personnel according to their role, work they undertake, and their environmental responsibilities.

Max will ensure that our communications with governments, regulatory bodies and public authorities are consistent with our human rights commitments, as stated in this policy.

Where Max identifies that we have caused or directly contributed to adverse impacts on the human rights of others, Max shall provide for and cooperate in the remediation of the adverse impacts through legitimate processes.

Max will continue to take a constructive and progressive role in human rights-related multistakeholder initiatives, including the Global Compact. We believe that multi-stakeholder efforts are an effective means of promoting reasonable standards for positive change in human rights practices for business.