

**PROCEDURE FOR PREVENTION OF MOBBING, DISCRIMINATION
AND SEXUAL HARASSMENT IN GIMPLAST SP. Z O.O. LOCATED IN SOSNOWIEC**

Implemented by the Ordinance of the CEO of Gimplast from November 03, 2021

**Title I
Rules and definitions****Definitions****§ 1.**

The notions used in this instruction are given the following meaning:

1. **labour code** – act from 26 June 1974 The Labor Code (consolidated text Dz.U.2019.1040 from 2019.06.05 as amended);
2. **antimobbing commission** - a body operating in Gimplast LLC located in Sosnowiec, with the task of prevention of mobbing, discrimination or sexual harassment as well as sanctioning cases of mobbing, discrimination or sexual harassment;
3. **representative of human resources** – a person appointed by the Employer from the department for human resources, specified in the Employer's structure, performing activities regarding the Employer's labour code according to art. 3 lc (labour code). A person whose task it is to collect data concerning any potential indications of mobbing, discrimination or sexual harassment and to undertake actions connected with prevention, examination and sanctioning of mobbing, discrimination or sexual harassment;
4. **mediation** - actions undertaken by a person of trust during which they indicate possible ways of resolving conflict and solving the problem to the persons of interest;
5. **mobbing** - hostile, damaging, unethical, verbal, visual or physical, systematically repeating behaviour on the part of the Employer, supervisor or a group of Employees, aimed at an Employee or a group of Employees, consisting in persistent and long-term harassment or intimidation, including actions characteristic for psychological or physical abuse, causing or able to cause Employee's lowered self-esteem regarding their work usefulness, causing or aiming at humiliating or ridiculing an Employee, isolating them or eliminating them from the team of co-workers, or Employee's fear.
6. **discrimination** – unequal treatment comparing to others, harmful, unjustified from the point of view of justice based on equal treatment of everybody who is in the same situation, both direct and indirect, especially due to gender, age, disability, race, religion, nationality, political convictions, union membership, ethnic identity, faith, sexual orientation and also due to a contract for specified or unspecified period or full-time or part-time employment - it is unacceptable.
7. **moderator** – representative of the human resources department acting as a third party conducting the meeting of persons of interest, where persons of interest present their own views and aim at solving the existing problem themselves;
8. **sexual harassment** – unwanted behaviour on the part of a supervisor or another Employee with sexual subtext, including demands or request of sexual favours or other behaviour with sexual subtext, expressed verbally or non-verbally, especially when rejecting such behaviour by the Employee who is the recipient of such behaviour, influences or can influence decisions regarding the Employee's promotion, change of working or payment conditions, salary, responsibilities, training availability or work evaluation; Sexual harassment also includes unwanted behaviours described above with sexual subtext, violating code of conduct, as well as interfering with or preventing from performing work activities or creating conditions of intimidation, hostility or humiliation;
9. **person of interest** – every person who is charged with committing mobbing, discrimination or sexual harassment and every person affected by mobbing, discrimination or sexual harassment (victim of mobbing, discrimination or sexual harassment);
10. **Employee** – every natural person working for Gimplast based on a job contract - regardless of its type, the type of work performed and position filled
11. **Gimplast/Employer** – Gimplast located in Sosnowiec;

12. **procedure** – this procedure for preventing mobbing, discrimination and sexual harassment;
13. **adjudicating panel of the antimobbing commission** – a body consisting of 3 members of the antimobbing commission, including: a representative of human resources department, a representative of the Employees, and a representative of the Employer dealing with a particular case of mobbing, discrimination or sexual harassment, appointed to adjudicate in the case of mobbing, discrimination or sexual harassment;
14. **report** – report of an occurrence of a case of mobbing, discrimination or sexual harassment by the Employee, including a victim or witness of mobbing, discrimination or sexual harassment, according to the Procedure;

Aim and scope of the Procedure

§ 2.

1. Resolutions of the procedure aim at protecting Employees from mobbing, discrimination or sexual harassment in the workplace or connected with work, and at counteracting the reported incidents of mobbing, discrimination or sexual harassment.
2. Protection described in pt. 1. covers all Employees of the Employer, regardless of its type and type of work performed or position filled.

Title II

Rights and responsibilities of the Employees and the Employer

Responsibilities of the Employer

§ 3.

1. The Employer is obliged to undertake all actions permitted by law, including actions described in the procedure, in order to prevent mobbing, discrimination or sexual harassment in the workplace or connected with work performed by the Employees for the Employer.
2. The Employer is obliged to undertake all actions permitted by law, including actions described in the procedure, in order to prevent the possibility of occurrence of mobbing, discrimination or sexual harassment, as well as to eliminate social effects of mobbing, discrimination or sexual harassment, and especially undertake intervention actions and provide any help to victims of mobbing, discrimination or sexual harassment.
3. The Employer is entitled to and obliged to undertake all actions permitted by law, and especially by the regulations of labour code, towards people who are perpetrators of mobbing, discrimination or sexual harassment.

§ 4.

1. The Employer is obliged to undertake actions described in the procedure in every case of a report of an occurrence of mobbing, discrimination or sexual harassment.
2. The Employer undertakes actions described in the procedure also in every case of gaining information about the occurrence of mobbing, discrimination or sexual harassment from a source different than a report.
3. The Employer is obliged to undertake actions described in pt. 1 and 2 immediately, on the same day, when the report was filed or information was gained.

Rights and responsibilities of Employees

§ 5.

1. Every Employee, who is the subject of mobbing or discrimination regarding employment, or actions characteristic for sexual harassment, has the right to demand from the Employer to undertake actions to counteract, and as a result eliminate, mobbing, discrimination or sexual harassment.
2. The fact that the Employee uses his right mentioned in pt. 1 of this paragraph in no way cancels the Employee's right to seek legal protection based on the valid legal regulations. The fact that the Employee uses such means of legal protection is also in no way dependent on earlier implementation of the regulations of this procedure.
3. Every Employee who has or obtains information about cases of mobbing, discrimination or sexual harassment has the right to file a report. When filing a report the Employee is obliged to disclose all known to him circumstances of mobbing, discrimination or sexual harassment.

Responsibility for mobbing, discrimination or sexual harassment

§ 6.

1. People who commit mobbing, discrimination or sexual harassment, also when seeking benefits, fall responsible under legal regulations, especially including labour code.
2. Responsibility mentioned in pt. 1 also includes persons who without foundations accuse of mobbing, discrimination or sexual harassment.

Title III

Preventive measures

Preventing mobbing, discrimination or sexual harassment

§ 7.

1. Employer is actively preventing mobbing, discrimination or sexual harassment in the workplace and connected with work, especially in the form of:
 - a. undertaking preventive measures indicated in pt. 2 of this paragraph, aiming at prevention of mobbing, discrimination or sexual harassment;
 - b. undertaking intervention actions aiming at immediate ceasing of mobbing, discrimination or sexual harassment, especially described in § 14 of the procedure.
2. Employer undertakes preventive measures in order to prevent mobbing, discrimination or sexual harassment consisting, especially, in:
 - a. as necessary, training Employees on the subject of mobbing, discrimination or sexual harassment and preventing these phenomena;
 - b. creating in Gimplast sp. z o.o. an e-mail address: etyka@gimplast.pl where questions regarding mobbing, discrimination or sexual harassment can be directed; the questions will be answered by a representative of human resources, no later than 7 days from the day of receiving the message;
 - c. creating informational materials on mobbing, discrimination and sexual harassment and sharing it with Employees.
3. Preventive measures can also be initiated by Employees. To this end, Employees have the right - outside of working hours, once per calendar year, for 2 (two) hours - to organise in the workplace a meeting on the subject of mobbing, discrimination or sexual harassment and the possibility of eliminating these phenomena in the case they occur in the company. Employer should be informed in writing about organising a subject meeting no later than 14 days/2 weeks before the time of the meeting.

Title IV Antimobbing bodies

§ 8.

In order to prevent and sanction mobbing, discrimination or sexual harassment at the Employer, the following antimobbing body is appointed:

- adjudicating panel of the antimobbing commission.

Antimobbing commission.

§ 9.

1. Antimobbing commission working for the Employer consists of 3 members. Antimobbing commission is appointed "ad hoc" by the Employer.
2. Only a person who is characterised by the following, can be a member of the antimobbing commission:
 - a. employed by the Employer based on a job contract;
 - b. who is not and has never been a subject of investigation for committing mobbing, discrimination or sexual harassment.
3. A candidate for the member of antimobbing commission is obliged, before accepting the function, to submit a statement mentioned in § 9 par. 2 pt b of the procedure. This statement is filed with the personal files of the antimobbing commission member.
4. Members of the antimobbing commission should be familiar with the subject of mobbing, discrimination or sexual harassment, as well as be trained in the knowledge of legal regulations regarding personal data protection and procedures regarding personal data protection in force at the Employer. Proper certificates are filed with the personal files of members of antimobbing commission.

§ 10.

1. The commission includes: a representative of human resources, a representative of Employees and a representative of Employer.
2. Tasks of the antimobbing commission include, especially:
 - a. resolving disagreements and conflicts, after previously collecting all information necessary to evaluate facts of the particular case,
 - b. determining incidents of mobbing, discrimination or sexual harassment;
 - c. forming propositions of preventing and removing the results of mobbing, discrimination or sexual harassment,
 - d. providing the Employer with information and documents necessary for implementing disciplinary measures.
3. Employer equips the antimobbing commission with resources (including materials and rooms) necessary for performing its tasks and solely covers all their costs.
4. Antimobbing commission can act on the basis of a regulation set by itself and accepted by the Employer.

§ 11.

1. Adjudicating panel of the antimobbing commission debates in session. Commission sessions are called verbally or in writing, including fax or via e-mail of the representative of human resources department.
2. The subject of the session of an antimobbing commission adjudicating panel can be all issues regarding a particular case of mobbing, discrimination or sexual harassment. From each session of the antimobbing commission adjudicating panel a protocol is prepared and signed by all participants of the session.

3. Adjudicating panel of the antimobbing commission debates in session. From each session of the antimobbing commission adjudicating panel a protocol is prepared and signed by all participants of the session.
4. A session of the antimobbing commission adjudicating panel, with the subject of deliberating a particular case of mobbing, discrimination or sexual harassment, takes place at the location specified in the message described in pt. 1.
5. Participation in the sessions of the antimobbing commission adjudicating panel, apart from its members, can be allowed for experts, including psychologists, attorneys or legal counsel, psychiatrists and trade union representatives, on application of the antimobbing commission or members of the adjudicating panel.

Title V

Procedures in cases of occurrence of mobbing, discrimination or sexual harassment

Reporting

§ 12.

1. Each report should be filed in written form to a representative of human resources, by e-mail, to the following address: etyka@gimplast.pl or personally with personal signature of the person filing the report. A report can be filed by a person who is not a person of interest. Reports filed anonymously are not processed.
2. A representative of human resources initially researches the report, and in the case when the report was filed by a person different than the person of interest they immediately have a conversation with the person filing the report. After the conversation with the person filing the report who is not the person of interest and in the case when the report was filed by the person of interest, the representative of human resources department takes action as a moderator, i.e. has a conversation with all persons of interest. After the conversation or conversations, if explicitly requested by the persons interested, the representative of human resources can propose a solution to the problem to the persons interested. Otherwise, the representative presents the case in the form of a report to the antimobbing commission and requests to call a meeting of the antimobbing commission.
3. In the case when the representative of human resources proposes a solution to the problem, persons of interest can, within two working days of the proposition, accept or reject the proposition, to which aim they should submit with the representative of human resources a written response to the proposed solution. Submitting - within the timeframe indicated in the previous sentence - even one response about rejecting the proposal or lack of submitted responses on the subject of accepting or rejecting the proposal by at least one person of interest, results automatically in referring the case by the representative of human resources to antimobbing commission, of which they inform all persons of interest.
4. In the case of accepting the solution to the problem proposed by the representative of human resources by all persons of interest, a report from the case is prepared for antimobbing commission in order to obtain its acceptance and applies for calling a meeting of antimobbing commission.
5. In the case of obtaining acceptance of antimobbing commission, the representative of human resources immediately undertakes action in order to implement actions accepted by persons of interest as a solution of the problem.
6. In the case of lack of acceptance of antimobbing commission, also regarding preventive measures agreed by the persons of interest and representative of human resources, the case is deliberated by the antimobbing commission.

Actions undertaken by the antimobbing commission

§ 13.

1. The task of the decision the antimobbing commission adjudicating panel is to collect the facts and evaluate whether mobbing, discrimination or sexual harassment has taken place, who are the perpetrators and victims of the incident, and also the conflict resolution method (intervention actions).
2. Antimobbing commission adjudicating panel should listen to all persons of interest and give all persons of interest full freedom of speech.
3. Each member of the antimobbing commission adjudicating panel is obliged to remain objective and unbiased while evaluating particular cases.
4. In the case of doubts in evaluation of a particular case, the antimobbing commission adjudicating panel can request advice of external experts.
5. If during deliberations there comes a necessity to question witnesses, the antimobbing commission adjudicating panel call them to the session. Each witness is heard when other witnesses are absent. There is a separate protocol written from this activity, which should be signed by the witness after they have read it. The witness also signs an obligation to keep confidential all facts and circumstances which they learnt during the questioning of the witness.

Title VI

Intervention measures

§ 14.

1. During deliberation the antimobbing commission adjudicating panel establishes if and what type of intervention measures, sanctioning the perpetrator or supporting the victim of mobbing, discrimination or sexual harassment, should be taken in that particular case, in order to immediately stop any mobbing, discrimination or sexual harassment in the workplace or connected with work.
2. Intervention can occur with available resources or resources agreed with persons of interest, including the help of:
 - a. moderator – after the approval of persons of interest, the representative of human resources department, as a third party, will lead the meeting of persons of interest when, where persons of interest present their own views and aim at solving the existing problem themselves. The moderator prepares notes from what was agreed upon by the persons of interest, which are submitted to the antimobbing commission adjudicating panel. The meeting is held outside of a session of the antimobbing commission adjudicating panel;
 - b. mediator - a representative of human resources department who indicates possible ways of resolving conflict and solving the problem to the persons of interest. A meeting with the mediator can take place during a session of the antimobbing commission adjudicating panel or separately from it. At the meeting everybody create a strategy for solving the problem together. In the case of a meeting taking place outside of the antimobbing commission adjudicating panel session, the mediator prepares notes from the meeting and submits it to the antimobbing commission adjudicating panel.
3. After the deliberation is closed, the antimobbing commission adjudicating panel prepares a decision which is signed by all members of the antimobbing commission adjudicating panel. The decision of the antimobbing commission adjudicating panel is final. The decision requires a written justification and indication of actual foundations on which the decision was based. The decision is delivered to all persons of interest.
4. In the case when the decision of the antimobbing commission adjudicating panel states that the case of mobbing, discrimination or sexual harassment has taken place, the antimobbing commission adjudicating panel defines necessary and immediate actions aimed at terminating or sanctioning mobbing, discrimination or sexual harassment.
5. In the case mentioned in pt. 4, the antimobbing commission adjudicating panel informs and asks the Employer (or a person authorised by the Employer), to punish the person or persons who, in the

opinion of antimobbing commission adjudicating panel, committed mobbing, discrimination or sexual harassment. Punishment described in the previous sentence consists in imposing on the person or persons, who in the opinion of antimobbing commission adjudicating panel, committed mobbing, discrimination or sexual harassment, a disciplinary action or in terminating the employment relationship.

6. The victim of mobbing has the right to apply for transferring them to a different workplace. The above-mentioned transfer can consist in changing the room where the mobbing victim works, and if necessary also changing the working position to an equal one. In the case of sending such an application to the antimobbing commission adjudicating panel, such application is given to the Employer (or a person authorised by the Employer).
7. Regarding a particular case of mobbing, discrimination or sexual harassment, the antimobbing commission adjudicating panel can decide on additional preventive measures which should be taken by the Employer in order to prevent mobbing, discrimination or sexual harassment in the workplace and connected with work in the future. Implementing the above-mentioned actions is assigned to a representative of human resources department in cooperation with the Employer (or a person authorised by the Employer).

Title VII Final provisions

Confidentiality

§ 15.

1. All persons admitted to actions connected with mobbing, discrimination or sexual harassment are obliged to preserve full confidentiality of all facts learnt during the case and connected with it. These persons, prior to undertaking any actions, should sign a declaration which obliged to preserve confidentiality.
2. Excluding persons of interest, who receive copies of requested documents upon demand. Members of antimobbing commission cannot copy in order to share, or in any other way share or publish any documents regarding a particular case of mobbing, discrimination or sexual harassment. Any documents regarding a particular case of mobbing, discrimination or sexual harassment or work of the antimobbing commission are also not copied or shared with witnesses.
3. Data included in the materials and documents of antimobbing commission may contain sensitive personal data and are protected as fit for personal data protection.

Procedure changes

§ 16.

All and any changes to the Procedure are done by the Employer in the form of a proper regulation. Every time, together with the changes, the unified text of the procedure will be announced.