

Procedure of Counteracting Discrimination and Mobbing

Edition I, Ostrów Wlkp., 1 December 2016

Introduction

This Code will be used in Lubawa SA in Ostrów Wielkopolski and in affiliated companies (Lubawa Group). Companies affiliated with Lubawa SA in Ostrów Wlkp. Refer to companies that apart from Lubawa SA form Lubawa Capital Group, i.e.: Lubawa SA, Miranda SA, Litex Service Sp. z o.o., Litex Promo Sp. z o.o., Effect System SA and companies in which Lubawa SA holds more than 50% of capital or more than 50% of voting rights.

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Pursuant to the applicable anti-discrimination laws and anti-mobbing regulations, LUBAWA Group shall effectively counteract discrimination and mobbing and effectively solve the existing problems related to unequal treatment or mobbing in the workplace.

1. Purpose and scope of the procedure

1.1. The purpose of the procedure is to specify the rule of counteracting mobbing and discrimination in LUBAWA Group in order to create a friendly and safe working conditions, providing fair and equal treatment of workmates and business partners, and to implement rules and solutions that effectively contribute to preventing inappropriate behaviours.

1.2. The procedure specifies:

- Definitions of discriminating behaviours and those bearing the features of mobbing;
- Preventing cases of mobbing and discrimination in the workplace;
- The rules of conduct in case of the occurrence of discrimination or mobbing;
- Form of reporting illegitimate behaviour by an employee;
- The procedure of investigating notifications;

- Consequences for the person who mobs.

1.3 All the Employees in the Companies are obliged to read the procedure and observe it.

2. Definitions of terms and forms of infringement

2.1. **Mobbing** refers to actions or behaviours related to the Employee or directed against the Employee, consisting in persistent and long-lasting harassment or bullying of the Employee resulting in its low assessment of own professional suitability, causing or aiming at humiliation or sneering, isolation or elimination from the team of employees.

The Labour Code Art. 94. Obligation of the Employer to counteract mobbing

2.2 **Discrimination** refers to unequal treatment of Employees in the scope of establishing employment relation, employment conditions, promotion and access to trainings to improve professional qualifications, especially irrespective of sex, age, disability, race, religion, nationality, political beliefs, union membership, ethnical origin, communion, sexual orientation, and irrespective of the type of employment for a definite or indefinite period, and the amount of working time.

The Labour Code Art. 18. Forbidding discrimination of employees

2.3. Behaviours bearing features specified in par. 2.2. shall be deemed to be mobbing; they refer directly or indirectly to employment conditions, promotion and access to trainings in order to improve professional qualifications, especially on account of sex, age, disability, race, religion, nationality, political beliefs, union membership, ethnical origin, communion, sexual orientation, type of employment and the amount of working time.

2.4 The most frequent forms of infringement include:

- a) refusal to establish or terminate the employment relationship;
- b) unfavourable amount of remuneration for work or other employment conditions;
- c) omission in terms of promotion or granting other benefits connected with work;
- d) omission while appointing to take part in trainings that improve professional qualifications

3. General rules of conduct

3.1. The Companies do not accept discrimination, mobbing and other behaviours violating personal dignity and respect towards the other human being.

3.2. Any actions or behaviours specified in the Labour Code as discrimination or mobbing are strictly forbidden.

3.3. It is not allowed to use a privileged professional position in a manner not being in conformity with the law.

3.4. Each Employee shall be obliged to observe react to observed cases of discrimination or mobbing.

3.5. Discrimination and mobbing are against the law and internal regulations of the Companies such as the Code of Ethics and Business Conduct of LUBAWA Group, Human Right Protection Policy.

4. Preventing and counteracting discrimination and mobbing in the workplace

4.1 Obligations of the Employer

- Relations between the Employees and the Employer are based on the observance of obligations resulting from the provisions of the law and respect of personal dignity and tolerance towards the Employee;
- The Employer does not tolerate sexual, physical and mental harassment of the employees or the use of abusive language;
- Decisions as regards Employees, especially in the scope of employment, promotion, trainings that improve professional qualifications, remuneration are made by the Employer based on an objective assessment of their results at work, skills and competence as well as professional experience;
- The criteria of assessing the Employee should be clearly defined and easily verified;
- The Employer does not discriminate Employees on account of race, religion, nationality, colour of the skin, age, sex, marital status, sexual orientation, political beliefs, union membership, or the type of employment and the amount of working time;
- The Employer takes preventive actions in order to eliminate and disclose improper behaviours as early as possible;
- The Employer takes actions the aim of which is to make the Employees aware of norms and ethical rules applicable in the Companies;
- The Employer shall be obliged to support the Employees exposed to any negative behaviour from the Workmates or Business Partners.

4.2. The Employer fulfils its obligation to counteract mobbing and discrimination especially by:

- Implementation of methods and mechanisms the aim of which is to disclose and eliminate unacceptable forms of behaviour;
- Monitoring of the number of reported cases of negative behaviours;
- Reacting in each case to suspected situations of discrimination or mobbing, irrespective of the source of the information;
- Taking actions provided for in the provisions of the law, the aim of which is to remove the consequences of discrimination or mobbing, especially to help victims of improper behaviours;
- Appointing suitable Committees, including: Anti-Mobbing Committee and Ethical Committee of the Companies from Lubawa Group the aim of which is to take preventive actions and counteract mobbing.

4.3. The Employer takes all actions with the use of available legal punitive measures applied towards perpetrators of discrimination and mobbing.

4.4. Tasks related to counteracting and preventing discrimination and mobbing shall be performed by department managers.

4.5. Obligations of the Employee:

- The Employee shall be obliged to treat equally other Employees and Workmates;
- Any disputes and conflicts shall be settled with respect towards personal dignity of the parties to the conflict;
- It is unacceptable for the Employee to make use of its entitlements and the information obtained during work for other purposes than the original ones;
- Each Employee being a victim of discrimination or mobbing or the Employee being a witness of such behaviour shall be obliged to notify of such situation.

5. The rules of conduct in case of the occurrence of discrimination or mobbing

5.1. If the Employee makes use of the rights it is entitled to on account of violation of the rule of equal treatment in the workplace cannot be the basis for unfavourable treatment of the Employee and cannot cause any negative consequences to such Employee.

5.2. Cases of discrimination or mobbing can only be reported in form of a complaint in accordance with the Procedure of Reporting and Investigating Improprieties. The notification can be submitted anonymously or overtly with the use of the following channels:

- e-mail sent to the address: zaufanie@lubawagroup.com

- SMS message: 661 003 330

- telephone – hotline: 62 737 57 02

- written form (internal communication box)

- to the appointed person.

5.3. The notification shall include:

- a) characteristics of the situation
- b) list of evidence and/or witnesses of the event (if possible)
- c) specification of the perpetrator(s)
- d) date of the notification

5.4. In case of notifications submitted in person, the person submitting the notification shall be asked to provide a signature confirming the information included therein.

5.5. The process of investigating and explaining circumstances specified in the notification shall be carried out in accordance with the aforementioned Procedure and should include:

- a) hearing of the stand of the Employee submitting the notification,
- b) hearing of the stand of the Employee referred to in the notification as the perpetrator, verification of possible evidence and hearing of witnesses,

c) investigation for the purpose of verifying the information obtained from the Employees.

5.7. Work of the team investigating the notification is secret.

5.8. According to the provisions of the law the Employer can apply the following sanctions towards the person committing an act of discrimination or mobbing:

a) change of the employment relationship of the accused,

b) termination of the employment relationship of the accused,

c) holding the accused liable to disciplinary actions for violation of employee duties.

5.9. The Employer can also hold liable employees who intentionally and falsely accuse third parties of discrimination or mobbing.

6. Final provisions

6.1. The Employer can conduct trainings in the scope of applying provisions of this Procedure and the Employees are obliged to take part in such trainings.

6.2. All Employees of the Companies are obliged to read this Procedure.

Prepared by:	Checked by:	Approved by:
Date:	Date:	Date: