	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019


This Protocol is presented as a public statement by EXKAL concerning the unacceptable nature of harassment behaviour, and the wording of the protocol includes:

- A foundation that reiterates EXKAL's rejection of any harassment behavior.
- EXKAL's principles of combating harassment.
- The objectives of this Protocol.
- Definitions of conduct that are considered and established as punishable.
- Measures for the prevention of harassment.
- Measures of action for the care and processing of different complaints or complaints.
- Monitoring of interventions carried out.
- The rights and duties of the parties involved.
- The guarantees that EXKAL establishes against complaints or complaints filed.

And in proof of conformity sign this document.


Alfonso Antoñanzas Aranguren
(Representative of management)
In charge: Ceo

In Marcilla, 25 October 2019

 <small>FOR FUTURE GENERATIONS</small>	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

CONTENT INDEX

<u>I.</u>	<u>FOUNDATION</u>	4
<u>II.</u>	<u>STATEMENT OF PRINCIPLES</u>	4
<u>III.</u>	<u>OBJECTIVES</u>	6
<u>IV.</u>	<u>DEFINITION OF CONCEPTS</u>	7
<u>III.</u>	<u>PREVENTIVE MEASURES</u>	8
<u>IV.</u>	<u>ACTION MEASURES</u>	9
<u>V.</u>	<u>TRACKING</u>	12
<u>SAW.</u>	<u>RIGHTS AND DUTIES OF THE PARTIES INVOLVED</u>	12
<u>IX.</u>	<u>GUARANTEES OF THE PROTOCOL OF ACTION AGAINST HARASSMENT</u>	14
	<u>ANNEX I: FORMAL REPORTING MODEL</u>	16

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

I. FOUNDATION

EXKAL promotes, on the one hand, the promotion of the culture and policies that defend equality, the right to privacy and dignity at work of all the workers who make up the company and on the other hand, intervenes to eliminate and eradicate situations of discrimination that may occur within it and affect, gender inequalities, among others. An example of this is the recently developed Women's and Men's Equality Plan 2020-2022, which provides for the development of this Protocol for the Prevention and Action against Harassment.

EXKAL rejects any form of violence in the workplace on the basis that it is the most notorious manifestation of discrimination in not respecting or denying the fundamental rights of workers. Sexual harassment and sexual harassment are considered forms of violence against people.

It is the will of the company to send to all workers its commitment to a decent work environment, to do so it will act in the prevention and eradication of any type of harassment behavior within it. This commitment is manifested through the elaboration and compliance with this Protocol on prevention and action against sexual harassment and/or on the basis of sex, the scope of which falls within the entire workforce of the company.

II. STATEMENT OF PRINCIPLES


EXKAL is committed to creating, maintaining and protecting with all the measures at its disposal, a working environment where the dignity and individual freedom of each member of our company is respected.

It is the responsibility of all the people who make up the company to ensure that this commitment is fulfilled, especially those in senior and intermediate managers who must ensure that harassment does not occur in any of its modalities.

In the event of such attitudes and behaviours, assistance shall be provided to the person who suffers it, prevent the situation from recurring and punished depending on the circumstances and conditions of the event itself.

This Protocol on Prevention and Action against Harassment is part of the principles and commitments of the company, which prioritize over other values, actions and policies that promote equality and dignity:

- a) **Responsibility.** EXKAL assumes responsibility for promoting working conditions that prevent harassment. To this end, it will articulate specific procedures for its prevention and action so that every worker knows how to act in a situation of harassment.
- b) **Intolerance and prohibition** of any harassment conduct within the company.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019


- c) **Commitment to the right to a dignified and violence-free life.** EXKAL integrates respect, dignity and equality into its values, so it rejects and sanctions any action that is against them. To this end, it shall take all necessary measures to rehabilitate the dignity of the damaged victim as a result of a harassment situation, as well as instruct and punish attitudes that violate this right.
- d) **Communication.** EXKAL shares a commitment to provide all workers with the measures taken to prevent and act against harassment.
- e) **Awareness.** EXKAL promotes awareness-raising actions aimed at the entire workforce in order to contribute to the prevention of any type of harassment.
- f) **Commitment to rigour and promptness** during the process of action.

In order to achieve the subject matter of the Protocol, EXKAL requests that each person in the organization assume its responsibilities in this regard:

- Avoiding behaviors or attitudes that may be offensive, humiliating degrading, annoying, intimidating or hostile, and not ignoring or tolerating such behaviors or attitudes.
- Acting appropriately in the face of these situations, communicating it, expressing its disagreement and supporting the people who are suffering from it.

EXKAL undertakes to:

- Develop and disseminate the Protocol on Prevention and Action against such behaviours or attitudes.
- Assist and support, within the framework of work, persons who are suffering from these situations, through the Commission established for this purpose.
- Articulate and advertise the different ways of resolving such cases in the company environment.
- Ensure that all complaints or complaints are handled rigorously and quickly, respecting the principle of confidentiality.
- Ensure that there are no retaliation against the person filing the complaint or complaint, or against other persons involved in the reporting process, except those shown to be intentionally in honest.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

The Directorate of EXKAL, in order to ensure the effective implementation of this Protocol, has established the following figure:

Commission for the Prevention and Action against Harassment in EXKAL.

This Commission is composed of the following persons:

- ✓ From the Directorate: Daniel Antoñanzas.
- ✓ From the Department of Human Resources: Look at Ugarte.
- ✓ On the part of the company's staff:
 - Amaya Azcona.
 - Carmen Velázquez.
 - Mayra Araujo.

The Commission, for the exercise of its functions, will have the ongoing support of the equality group.

The Commission shall have external support and advice for the actions deemed necessary.

III. OBJECTIVES

In order to protect the dignity of the people who make up the company and, in order to create and maintain a respectful work environment, a dual objective is established:


- Prevent sexual harassment and/or sexual harassment.
- Establish guidelines for action in cases of sexual harassment and/or harassment based on sex.

IV. DEFINITION OF CONCEPTS

Below are the definitions of the two types of harassment, as well as the conduct that is considered and established as punishable for the company in this matter.

a. Sexual Harassment

Any verbal or physical behavior, of a sexual nature that has the purpose or produces the effect of attacking the dignity of a person, in particular when an intimidating, degrading or offensive environment is created.

 <small>FOR FUTURE GENERATIONS</small>	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

Examples of sexual harassment are considered: Suing sexual favors; Make direct innuendos; Send letters, notes or emails of sexual content of an offensive nature; Execute deliberate and unsolicited physical contact (pinch, touch, unwanted massages, etc.)

b. Harassment based on sex

Behavior performed based on a person's sex, purposely or the effect of attacking their dignity and creating an intimidating, degrading or offensive environment.

By way of example: Disrespecting work done by people of a given sex; Use denigrating ways to address; Sabotage your work or deliberately prevent access to the right means to do so (information, documents, equipment); Reach physical strength to show the superiority of one sex over another.

Harassment behaviors can take various forms that make it impossible to exhaustively list all behaviors that are identified with it, so each case must be individually analyzed and evaluated in order to typify the severity of such behaviors.

On the basis of these premises, the specificities of each of them must be taken into account in the approach to harassment.

c. Agents

Just as it is necessary to effectively clarify any conduct, it is also necessary to define the **different agents** involved in a complaint or allegation of harassment.


When reference is made to them, it is always made as a presumption until a decision is established on the case confirming it.

Harassed Person: any person who is a victim of any harassment situation or conduct.

Whistleblower: any person who has made a complaint or complaint through the channels established in the field of harassment. The whistleblower may be the harassed person or another person representing you.

Person reported: any person on which a complaint or complaint has been made through the channels established in the field of harassment.

Harassing person: any person on which a complaint or complaint has been made through the channels established in the field of harassment, and their harassment conduct is demonstrated.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

III. PREVENTIVE MEASURES

EXKAL, in accordance with the preventive approach to the Protocol, will develop the following measures aimed at preventing cases of harassment from arising.

Information And Awareness:

In order to ensure that the content of this Protocol is known to all persons in the company, it will be properly distributed and broadcast through different communication channels existing in the organization (internal newsletters, talks or seminars).

The delivery of the Company's Welcome Manual, addressed to all new, fixed or temporary contracted staff, will include information on the prevention and action against sexual harassment and/or by reason of sex in accessible format.

In order to enable everyone on the staff to recognize and accompany people who may be experiencing harassment, EXKAL will conduct awareness-raising and awareness campaigns.

Training:

EXKAL will shape the people who make up the **Commission prevention and action against harassment**, which shall provide in particular for the phenomenon of sexual harassment and/or harassment on the occasion of sex, as well as in the measures of action contained in this Protocol.

IV. ACTION MEASURES


The following details the **process to follow** conflict resolution motivated by any harassment situation, **when the person reported is part of the workforce**:

Claim procedure:

The company proposes the following options of action, to be freely chosen by the person making the claim:

Informal route:

1. The allegedly harassed person or whistleblower will seek to address directly (verbally or in writing) who is allegedly harassing him, to express his rejection of attitudes and behaviors and requesting the cessation thereof.
2. If the above action does not work, or the allegedly harassed person does not feel able to verbalise it directly with the harassing person, then both she and the complainant may go to any of the persons on the Commission to interfere in the alleged harassment case.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

3. The Commission will then proceed to meet with the person who allegedly carried out the harassment. In this interview the Commission will communicate the consequences arising from the persistence of its conduct.
4. The Commission will collect and document this intervention in a report.

The informal complaint phase shall have a fixed and defined duration not exceeding 2 weeks.

Formal route:

The formal complaint or complaint will be filed if the informal route has not worked, if the facts are so serious that the informal route is not sufficient, or if the whistleblower so wants it.

1. The allegedly harassed person or whistleblower shall appeal to the Commission and file a complaint or complaint of harassment in writing. This will provide a model that is appended ([Annex I. Model of formal denunciation](#)) and which must contain very specific data.


The form for the completion of the formal complaint will be completed in an interview with a person of the Commission who will be in charge of collecting the required data in writing from the person's declaration. Subsequently, the writing will be validated with the person who signs the complaint.

2. The Commission shall inform the allegedly harassed person or the complainant of his rights and duties and shall inform the alleged harasser in writing that there is a complaint or complaint to him and that he/she will be investigated, in turn communicating his rights and duties.

The formal complaint phase shall have a fixed and defined duration not exceeding 48 hours.

Investigation procedure:

1. The Commission will assess the case and decide which persons in the Commission will conduct the investigation, endeavoring that they do not work directly with any of the parties concerned, who do not have a close personal relationship and who are persons who can act and make a decision impartially.
2. The persons of the Commission designated for investigation shall be responsible for gathering evidence and conducting interviews, both to the persons directly involved (which may be accompanied at the time thereof) and to the complainant other than the allegedly harassed person, or to those who have been potential witnesses.
3. Interested persons may, at any time, make claims and provide documents or other elements that may be taken into account.
4. The Commission shall, after collecting and analysing all the evidence, carry out the relevant report.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

The entire investigation process will be carried out under the following guidelines:

- As long as the investigation is conducted, contact between the allegedly harassed person and the person reported shall be avoided as far as possible.
- Anyone who files the complaint should only provide evidence based on discriminatory proceedings and the person accused of harassment must prove that there has been no such discrimination. It will be for the Commission to consider that there are these indications.
- The confidentiality of the information obtained in the investigation and, as far as possible, the identity of the persons involved shall be respected at all times.

The Commission's mission is to adopt a resolution on organisational, human resources, or disciplinary matters addressed to workers involved in a harassment complaint or complaint.


The investigation phase shall have a fixed and defined duration not exceeding 2 weeks.

Precautionary measures:

For the duration of the investigation procedure and until it is resolved, the Commission shall, where appropriate and possible, lay down precautionary measures which may in no case adversely affect the working conditions of the person allegedly harassed.

Case Resolution:

1. The Commission shall carry out an assessment of the case. This assessment and subsequent decision-making shall decide whether or not to have harassment, the seriousness of the harassment, the corresponding sanctions and whether recourse to judicial proceedings is appropriate.
2. The Commission shall take one of the following decisions:
 - i. The file of actions, on the understanding that insufficient evidence is not identified and/or that the reported facts cannot be classified as constituting harassment, without prejudice to proposing the organizational measures it deems appropriate.
 - ii. Initiate an informal settlement process among the people involved to reach possible agreements. In this case the following premises should always be given: the situation can be corrected, the victim must be in conformity with this solution and the appropriate conditions or commitments must also be guaranteed to take measures that prevent its recurrence.
 - iii. The opening of a disciplinary file to the person reported on the understanding that the complainant, or, where appropriate, the victim, has been harassed at work and the execution of the corresponding sanctions.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

3. Complaints made that are intentionally un honest or intentional, will be considered a very serious misconduct and will put in place the corresponding sanction and actions that may be legally appropriate.
4. A report will be prepared, containing the information obtained, its opinion on it and its proposals for a solution. This report will be transferred to the Company's Property.
5. The Resolution shall be transferred to the parties concerned (allegedly harassed person and allegedly harassing person).
6. Case records will be kept by the Department of Human Resources, with all guarantees to maintain confidentiality.

The resolution phase shall have a fixed and defined duration not exceeding 1 week.

* Throughout the process, the Commission may, taking into account the specific case in each case, take the extraordinary measures that are appropriate to ensure the protection and integrity of the persons involved.

V. TRACKING

The Commission will carry out an ongoing assessment of the impact of the actions of the Protocol on Prevention and Action against Harassment.


The aspects to be evaluated will be aimed at analysing from the field of prevention (training and informational actions) through the interventions carried out, through the assessment of the reports and any other mechanism that it deems appropriate.

VI. RIGHTS AND DUTIES OF THE PARTIES INVOLVED

In cases of sexual harassment and/or harassment due to sex that occur in the company, all persons who are part of the company have a number of rights and duties that they have an obligation to fulfill. In this sense:

Person allegedly the victim of harassment

- It has the right to learn about all the ways of resolving the harassment situation, both internal and external, in order to decide which one best suits its particular case.

	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019


- You have a duty to act in good faith in filing complaints or complaints. The deliberate filing of a false harassment complaint or complaint constitutes a very serious grounds for sanction.
- You have the right to use the services and processes available in the company: consult with the Commission and follow the Protocol of Action.
- You have the right to attend interviews with a person you trust.
- It has a duty to document, as far as possible, all situations that have elose within the framework of the harassment experienced. Recording all the facts related to the harassment situation by detailing them as much as possible, will facilitate the investigation of them.
- It has a duty to cooperate at all times with the investigation carried out to clarify the events that have taken place.

Person who allegedly harasses

- You are entitled to the presumption of innocence until the case is resolved.
- You have the right to learn about all the consequences that harassing someone else can bring to your organization.
- You have the right to attend interviews with a person you trust.
- You have a duty to change your attitude and behavior at the time you receive a request from a person who is harassed by her or by a third party whistleblower.
- It has a duty to cooperate at all times with the investigation carried out to clarify the events that have taken place.

Commission

- It has a duty to monitor the implementation of the Protocol.
- You should know and learn about all cases of harassment that come to you that have occurred in the company.
- It has a duty, if possible, to encourage the complainant to try to directly resolve the existing case before making a formal complaint or complaint.
- It has a duty to assess, on an annual basis, the development of the prevention and action system.


 <small>FOR FUTURE GENERATIONS</small>	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

Template

- It has a duty to watch over and promote a culture of respect among all people.
- You have a duty to communicate to the person who is performing harassment behavior, that the harassment behavior is inappropriate, and that you must cease.
- You have a duty to support the person who is a victim of harassment and to try to guide them to make an official complaint or complaint.
- They have a duty to propose aid and, where appropriate, where the person concerned accepts the aid, to carry out the tasks of communication with the Commission.
- If the situation poses a risk to the health and safety of the harassed person, it has a duty to bring him to the commission's knowledge immediately in order for him to proceed.
- They have a duty to act in good faith in filing complaints or complaints. The deliberate filing of a false harassment complaint or complaint constitutes a very serious grounds for sanction.
- You have a duty to remain available to the investigation if your participation is required.
- It has a duty not to position itself publicly in a case of harassment until the resolution of the same, as this would influence the process. In the case of data to be provided, the means established for this purpose will be used.
- All persons who have been involved or participated at any time in the investigation or intervention in case of harassment, will be required to stealth over all the information processed. This duty of stealth extends even after being part of the company's workforce.

IX. GUARANTEES OF THE PROTOCOL OF ACTION AGAINST HARASSMENT

- a) **Confidentiality and discretion.** It shall ensure, from the different mechanisms of intervention in the face of harassment with which the company has, the privacy of the harassed person, potential witnesses or the complainant, from an attitude of discretion that guarantees their well-being and safeguards confidentiality, as well as their protection against possible retaliation.
- b) **Prohibition of retaliation.** Initiating a harassment complaint in good faith will not discredit the victim or witness or affect their work, salary or assignments of tasks, as well as any other of their working conditions. Any allegation of retaliation will be considered a separate incident, will be investigated in the same way, and may be subject to disciplinary action.

 <small>FOR FUTURE GENERATIONS</small>	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019


- c) **Possibility of transfer.** In the event of a decision of a file with a penalty which does not involve dismissal or forced transfer, the necessary measures shall be taken to ensure that the victim and aggressor do not remain in the same workplace. The person assaulted may preferably choose between remaining in his post and requesting a transfer of a work centre, which will not at any time lead to a worsening of working conditions.

- d) **Objectivity.** If there are family or affective links to the accused person or the complainant among the persons involved in the investigated complaint or complaint process, the determination of a change of person shall be made as the intervention is deemed incompatible, in order to ensure maximum objectivity, transparency and justice in the resolution of the complaint.

- e) **Dignity recovery measures.** EXKAL will ensure and ensure that appropriate actions will be taken to restore the dignity of the person who has been harassed, as well as that of the person who has been falsely accused. These measures shall provide the necessary assistance and specialized care in the labour framework to victims of such discrimination.


ANNEX I: FORMAL REPORTING MODEL

Person making the claim	
Name:	
Department:	
Charge/Position:	

 <small>FOR FUTURE GENERATIONS</small>	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

Person receiving the claim	
Name:	
Department:	
Charge/Position:	
Subject to the claim	

Identifying the facts	
Date	
Time	
Place	

 <small>FOR FUTURE GENERATIONS</small>	INSTRUCTION OF THE INTEGRATED MANAGEMENT SYSTEM	Code: IRE-S07.03	
	PROTOCOL FOR PREVENTION AND ACTION IN SITUATIONS OF SEXUAL HARASSMENT OR SEXUAL REASON	Edition: 0	Date: 25/10/2019

Frequency			
Type of harassment			
Detailed description of the facts			
Witnesses to harassment			
First and last name			
Department			
Signature of the person author of the claim		Signature of the person receiving the claim	
Date		Date	