

# ANTI-MOBBING POLICY

28 October

NAFTO Sp. z o.o.



# **ANTI-MOBING AND ANTI-DISCRIMINATION POLICY**

## **AND LIMITATION OF CONFLICT-RELATED RISKS AT THE**

## **WORKPLACE**

Acting pursuant to the obligation specified in Art. 94<sup>3</sup> Par. 1 of the Polish Labour Code, with respect to prevention of mobbing at the workplace and with a view to implementing the provisions of Art. 183a, 94(2b) in relation to Art. 111 and Art.94(10) of the Polish Labour Code, this Anti-Mobbing and Anti-Discrimination Policy and Limitation of Conflict-Related Risks at the Work Place is hereby introduced in NAFTA Sp. z o.o. with its registered office in Kraków, Poland.

### **Clause 1.**

#### **PURPOSE AND PREMISES OF THE POLICY**

It is the purpose and the desire of NAFTA Sp. z o.o. with its registered office in Kraków to create work conditions where all employees are treated equally, with respect and dignity. In compliance with the Polish Labour Code, the Anti-Mobbing and Anti-Discrimination Policy and Limitation of Conflict Related Risks at the Work Place, as well as the applicable legal provisions - this Policy confirms that no mobbing or discrimination shall take place or be tolerated at the work place.

NAFTO Sp. z o.o. shall take any complaints related to mobbing, discrimination or unequal treatment at the work place seriously.

Any discrimination in employment, direct or indirect, in particular on account of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, employment for limited or unlimited period of time, employment on a full or part-time basis is not permitted.

The Employees have equal rights on account of equal fulfilment of the same obligations; in particular, this refers to the equal treatment of men and women in employment.

Both parties of the employment relationship (the Employer and the Employees) shall observe the dignity and the personal rights of the Employer and the Employee.

### **Clause 2.**

#### **TERMS AND DEFINITIONS**

The terms used in this Policy shall have the meanings assigned to them below:

- 1) **Employer:** NAFTA Sp. z o.o., with its registered office in Kraków at ul. Igołomska 30, 31-983 Kraków,

entry No. in the National Court Register (KRS): 0000326316, VAT Reg. No. (NIP): 9542664132;

2) **Anti-Mobbing and Anti-Discrimination Commission** (hereinafter referred to as the '**Commission**'): an auxiliary body, appointed by the Employer to clarify whether mobbing took place, and furthermore to: compile data about a reported incident, summon witnesses, examine the evidence materials and prepare reports. The Commission is going to handle issues related to mobbing, discrimination or sexual harassment. The Commission's tasks also include clarification of situations and recommendation of actions aimed at limiting any undesired behaviour that violates the rules of social co-existence in situations when the reported incidents have the nature of a conflict and are not, according to the Commission, instances of mobbing and do not have the traits of sexual harassment;

3) '**mobbing**': means any actions or behaviour pertaining to an employee or targeted at an employee, consisting in persistent and long-lasting harassment or intimidation of an employee, resulting in a reduced assessment of professional utility, leading to or aimed at humiliating or ridiculing an employee, isolating an employee or eliminating him/ her from a team of colleagues;

4) '**discrimination**': means any non-permissible differentiation in employment, in particular related to sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, employment for limited or unlimited period of time, employment on a full or part-time basis;

5) **sexual harassment**: any undesired behaviour on the part of the superior or another employee of sexual nature, or referring to an employee's sex, aimed at or resulting in violation of the employee's dignity, in particular creation of intimidating, hostile, humiliating or degrading atmosphere; such behaviour may comprise, in particular, physical, verbal or non-verbal elements. In particular, this refers to a situation when rejection of such behaviour by an employee at whom it is addressed affects or may affect the decision about his/ her promotion, change in work or pay conditions, amount of remuneration, scope of duties, assignment to training or work assessment;

6) **conflict**: a dispute of two or more persons accompanied by tension, emotions, discord and polarisation of stances, as a result of which the mutual relations of the parties deteriorate and such status may cause undesired effects;

7) **Employee**: any natural person performing work for the Employer based on an employment contract, irrespective of the type of the contract, the type of the performed work and the position held.

### **Clause 3**

#### **RIGHTS AND OBLIGATIONS OF THE EMPLOYER AND EMPLOYEES**

1. The Employer shall take any actions permitted by the legal provisions, including the ones outlined in the Policy, in order to prevent mobbing, discrimination or sexual harassment at the work place or in relation to the work performed by the Employees for the Employer's benefit.
2. The Employer is liable for taking any actions foreseen by legal provisions, including the ones described in the policy, with the aim of levelling the social effects of mobbing, discrimination or sexual harassment, including in particular take intervention steps and offer assistance to the victims of such incidents.
3. The Employer is authorised to and liable for taking any actions foreseen by legal provisions, including in particular the provisions of the Polish Labour Code, with respect to persons who are the perpetrators of mobbing, discrimination or sexual harassment.
4. Every Employee who is the victim of mobbing or discrimination or sexual harassment has the right to demand that the Employer implements measures aimed at eliminating such phenomena or their effects.
5. Every Employee who knows or has been informed about the instances of mobbing, discrimination or sexual harassment has a right to file a report.
6. Groundless accusations of mobbing, discrimination or sexual harassment are forbidden.
7. Exercise by the Employee of the right listed in Section 4 of this Clause does not exclude the Employee's right to seek legal protection based on the applicable legal provisions. The Employee's use of such legal protection is not, in any way, dependent on the prior application of the provisions of the Policy.
8. Irrespective of the position held, the Employees are required to treat one another with dignity and respect and make sure that their words or behaviour does not violate the assets and rights of other persons. The Employees are required to counteract mobbing and discrimination by:
  - a) taking efforts for the observance of principles of social existence in relations with other Employees, including respect for their dignity and personal rights;
  - b) avoiding undesired behaviour at the work place with respect to the Employees and other persons, in particular leading to mobbing and discrimination;
  - c) reacting to any undesired behaviour of third parties, in particular leading to mobbing and discrimination;
  - d) refusing to participate or support any actions the elements of which are undesired behaviours, in particular leading to mobbing or discrimination or violating rules of social co-existence.
9. The Employees are also liable for:
  - a) avoiding conflicts, escalating conflicts;
  - b) making attempts at solving conflicts at earliest stage of its development;

- c) using assistance of the anti-mobbing and anti-discrimination committee appointed by the Employer in a situation when actions taken by them to solve a conflict are ineffective, in particular when the number of undesired types of behaviour grows or when such behaviour assumes the forms of physical or psychological violence, or when conflict escalation has negative effects related to the work process efficiency.

10. The Employer's managerial personnel is liable for keeping and fostering proper relations at the work place, based on the rule of mutual respect and not allowing for violation of personal rights (dignity) of the Employees.

11. The Employer's managerial personnel is liable for limiting the organisational risk and personnel risk in the management of work and personnel, as well as promoting desired stances and behaviour among the Employees, compliant with the rules of social co-existence. In relation to this, the superiors are liable for:

- a) solving conflicts with the Employees or among the subordinate Employees without excessive delays;
- b) offering an example of proper stance by their own conduct;
- c) manifesting openness to any feedback provided by the Employees;
- d) reporting to the Employer any instances of problems related to the relations which require intervention on the part of the Employer - with a view to limiting organisational and personnel risks in management.

#### **Clause 4.**

### **REPORTING MOBBING OR DISCRIMINATORY BEHAVIOUR**

1. Every Employee who decides that he/ she is a victim of mobbing or discrimination, also in case when he/ she has been a witness of such incidents, shall file a written notification to the Employer - via the Anti-Mobbing and Anti-Discrimination Committee.
2. A notification of this type shall contain presentation of the actual status, the date or the period to which it refers and other information - which may constitute evidence pertaining to the circumstances described in the notification, information about potential witnesses of the events and indication of the perpetrator and the victim.
3. The notification should be provided with a date and be signed by the submitting Employee.
4. Anonymous complaints or notifications without the Employee's signature shall not be reviewed.

#### **Clause 5.**

### **LIABILITY FOR**

### **MOBBING, DISCRIMINATION OR SEXUAL HARASSMENT**

1. In case the information presented in the notification is deemed true and confirmation that a given action may be classified as mobbing or discrimination, the Employer shall take actions aimed at eliminating the ascertained irregularities and preventing their recurrence.

2. In case the information presented in the notification is deemed true and the described actions are classified as mobbing or discrimination, sanctions foreseen by the labour law provisions shall be applied by the Employer with respect to the perpetrator. In particular, the Employer may:

- a) apply the penalty of warning or official reprimand;
- b) in cases of gross mobbing or discrimination, the Employer may terminate the employment relationship with the perpetrator.

3. The Employer may transfer an aggrieved employee - a victim of mobbing or discrimination, at his/ her request or upon his/ her consent - to another work position. The transfer is possible if there are technical and organisational conditions optimal for making such decision.

#### **Clause 6.**

### **PREVENTIVE ACTIONS**

1. The Employer conducts actual activities against mobbing, discrimination or sexual harassment at the work place and in relation to work, in particular consisting in:
  - a) taking preventive actions, aimed at counteracting mobbing, discrimination and sexual harassment;
  - b) taking intervention steps aimed at immediate cessation of mobbing, discrimination or sexual harassment.
2. The Employer takes preventive actions aimed at preventing mobbing, discrimination or sexual harassment, in particular consisting in:
  - a) mandatory training for all employees and the managerial personnel in the area of mobbing, discrimination or sexual harassment and counteracting these phenomena;
  - b) organisation of cyclical trainings, anti-mobbing presentations for the employees and/ or the managerial personnel.

#### **Clause 7.**

### **ANTI-MOBGING AND ANTI-DISCRIMINATION COMMITTEE**

1. To ensure proper review of an Employee's notification, the Employer appoints an anti-mobbing and anti-discrimination committee, hereinafter referred to as the 'Committee.'
2. The Committee comprises 3 - 5 persons, including:
  - a) the Employer's representative;
  - b) the Employees' representative;
  - c) the Employee of HR/ Personnel Department.

3. Additional persons may be invited to participate in the Commission - external or internal experts (psychologist, lawyer).
4. The tasks of the Committee shall include, in particular:
  - a) determination of the manifestations of mobbing, discrimination or sexual harassment; in this respect, the basic task of the Committee is to hold individual talks clarifying the situations described in the notification; the talks are held with the notifying person, the person to whom the charges contained in the notification refer and the witnesses of the events described in it;
  - b) formulation of proposals pertaining to mobbing, discrimination and sexual harassment prevention and removing their effects, as well as resolution of disputes and limitation of conflicts, after prior compilation of all information necessary to evaluate the facts;
  - c) providing the Employer with information and documents required for putting organisational and HR measures in place, related to counteracting mobbing and discrimination.
5. The purpose of explanatory talks is determination whether actions/ behaviour which constitute mobbing or discrimination took place in a given case. Every member of the Committee is required to be objective and impartial when assessing individual instances. Guaranteeing freedom of expression to the participants of the explanatory proceedings does not entail consent for violation of personal rights of persons to whom such statements refer and consent for violation of rules of social co-existence and generally accepted standards of speech.
6. In the first place, the members of the Committee are required to collect detailed information from the person who submitted the information/ notification with a view to potentially supplementing it. The Committee should hear all the interested parties and guarantee freedom of expression to them. The Committee is required to make the employees or heads of organisational units of the Employer liable for providing information or submitting documents, which are held by them and are related to the pending proceedings.
7. Every member of the Committee is required to be objective and impartial when assessing individual instances.
8. In case of doubts as to the assessment of a specific instance, the Committee may seek the advice of external experts.
9. If it is necessary to hear witnesses during the proceedings, the Committee shall summon them to the meeting. A note shall be prepared and after reading it out, it shall be signed by the witness. The witness also signs a non-disclosure declaration with respect to all the facts and circumstances that he/ she learnt during the hearing.
10. The Committee commences work within 5 business days from the date submission of the notification. The Employer, at its own and exclusive cost, shall equip the Committee with means (including premises and materials) necessary for the performance of its tasks.
11. The Committee members choose a chairman among them.
12. All the Employees are required to participate in the explanatory talks carried out by the Committee - at a place and time specified by it.

13. The Committee documents the explanatory talks in the form of notes from talks signed by all the members.
14. The Committee shall respect the personal rights and the good name of the person submitting the notification and potentially guilty persons as well as guarantee safety of personal data of all persons participating in the explanatory proceedings.
15. After the completion of the Committee's work, a report shall be prepared and signed by all its members, containing an assessment of the situation outlined in the notification.
16. The report may also contain the team's suggestions pertaining to the improvement of communication in a given organisational unit, improvement of management, as well as the necessity of holding additional explanatory and/ or disciplinary talks or potentially additional trainings and other measures aimed at improving the relations and standards of conduct at the work place.
17. Any decisions (including organisational and/ or HR decisions) pertaining to the situation assessed by the Committee and outlined in the notification shall be made by the Employer - after reading the report.
18. The work of the Committee, the meetings and the explanatory talks along with any documents related to the clarified situation and work of the Committee shall be confidential. The Employer authorises the Committee members to process personal data of persons participating in the proceedings.
19. Persons to whom the notification refers and who head the organisational unit to which the notification refers cannot serve as members of the Committee. Any persons who are married, persons who are in direct or secondary kinship/relation up to second degree or who are related on account of adoption, care or guardianship to the Employee notifying mobbing or the Employee specified in the notification as the perpetrator of mobbing or any persons who are in such legal or actual relationship to the notifying person that it raises justified doubts as to their objectivity and impartiality cannot serve a member of the Committee. The Employer shall immediately designate another person to replace the member of the Committee subject to exclusion due to causes above.

## **Clause 8.**

### **INTERVENTION AND SUPPORT ACTIVITIES**

1. In the course of the proceedings, the Committee shall determine whether and which intervention actions with respect to the perpetrator or support activities with respect to the victim of mobbing, discrimination or sexual harassment should be taken in a given case with a view to immediate cessation of these actions at the place of work or in relation to work. Intervention/ support activities are also recommended in case of a situation which was determined as a conflict situation in the course of the proceedings.
2. The intervention may take place with the use of the available means or measures agreed with the interested parties, including the assistance of a mediator designated by the Committee, a person who is the Employer's employee or a person outside of the work place, who indicates the possible modes of ending the conflict and solving the problem to the interested parties.



3. The Committee may suggest that the interested parties participate in the proceedings at any stage of the proceedings. The condition for transferring a case to mediation is the consent of both parties of the proceedings. The mediator is designated by the Committee - at the consent of the interested parties.
4. Duration of the mediation shall not exceed 21 days. At the unanimous request of the interested parties or due to other important causes, the Committee may extend the deadline, in particular if probability of amicable settlement of the case is possible.
5. The mediation should lead to the analysis of issues which are the object of the dispute, clarifying the misunderstandings, and in consequence finding a mutually satisfactory mode of resolving a dispute or clarifying the circumstances and the causes that prevented the settlement.
6. The mediator's role is to take care that the agreement satisfies the interested parties and is compliant with the law and the rules of social co-existence. The settlement shall contain the arrangements of the parties of the proceedings within the scope of conflict solving, with indication of mutual obligations of the parties and the potential date of their performance.
7. The settlement shall be signed by both parties of the proceedings and the mediator.
8. After the end of the proceedings, the Committee shall prepare a final report which shall be signed by all members of the Committee. The report shall be submitted to the Employer and shall also be delivered to all the interested parties.
9. In case of the Committee's decision ascertaining that mobbing, discrimination or sexual harassment took place, the Committee shall propose further necessary actions.
10. The victim of mobbing shall be instructed by the Committee about the general measures of legal protection with which he/ she is vested, in particular the possibility of filing a suit.
11. The victim of mobbing has a right to apply for transfer to another work place. Such transfer may consist in change of the room, combined, if necessary, with a change in the work position for an equivalent one. If such application is submitted to the Committee, it shall be forwarded to the Employer.
12. In relation to a specific case of mobbing, discrimination or sexual harassment at the work place, and in relation to the performed work, the Committee may determine additional preventive measures that the Employer should take to prevent such situations in the future.

### **Clause 9.**

### **CONFIDENTIALITY**

1. All persons who participate in the work related to mobbing, discrimination or sexual harassment are liable for observing confidentiality with respect to all facts learnt during the work and in relation to it. Before the commencement of work, they shall sign a declaration on confidentiality.
2. With the exception of the interested parties to whom copies of the requested documents are issued on demand, the Committee members are not allowed to copy any documents pertaining to a given instance of mobbing, discrimination or sexual harassment or any documents pertaining to the work of the Committee

in order to make them available or to distribute them in any mode. Furthermore, no document pertaining to a given instance of mobbing, discrimination of sexual harassment or the work of the Committee can be copied or shared with the witnesses.

**Clause 10.**

**FINAL PROVISIONS**

1. Exercise by the Employee of rights with which the Employee is vested on account of violating the rule of equal treatment in employment, as well as rights on account of protection from mobbing cannot be a basis for unfavourable treatment of the Employee and cannot have any adverse consequences with respect to the Employee; in particular, it cannot be a cause justifying termination of the employment relationship by the Employer with or without a notice period. The above shall also be applied to the Employee who offered support in any form to the Employee exercising the rights with which he/ she is vested on account of violation of the rules of equal treatment in employment or on account of rights related to the protection from mobbing.
2. Any changes hereto shall be made by the Employer by means of a relevant order. Uniform text of the Policy shall be published together with the changes.