

Policy No. 9

Version No. 2 date 09/01/2024

Subject: Regulations for the Prevention and Sanction of Sexual**Application Areas**Staff Function: *People and Culture*

Service Function: -

Business Line: -

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MANAGER OF PEOPLE AND CULTURE
Milagros AGUILAR

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1. OBJECTIVE OF THE DOCUMENT AND SCOPE OF APPLICATION

The objective of this document is to establish the Internal Regulations for the Prevention and Sanction of Sexual Harassment at Orygen Perú S.A.A., hereinafter the COMPANY and in the relationship with contractors, as well as the investigation procedure, which aims to determine the existence of sexual harassment and the responsibility of whoever is responsible, ensuring a confidential, impartial, effective investigation that allows the harasser to be sanctioned and protects the alleged victim, complying with due process and guaranteeing their right to a defence.

The prevention and sanction of sexual harassment, in any of its manifestations, will reach all workers of the COMPANY, persons included under the law of training modalities, contractors, as well as workers of special service companies and outsourcing services that, on the occasion of work, have contact with the personnel of the COMPANY.

2. DOCUMENT VERSION MANAGEMENT

Version	Date	Description of the main changes
1	06/01/2024	This PL No. 9 replaces PL No. 266 Regulation for the Prevention and Sanction of Sexual Harassment.

3. PROCESS DESCRIPTION

3.1 General Principles

The COMPANY promotes the principles of diversity, inclusion and equal opportunity and strives to foster a work environment in which people are treated with dignity, decency and respect with the goal of improving access to and participation in work activities and achieving higher levels of well-being and quality of life at work while achieving better results.

These Regulations are governed by the following principles:

- **Principle of dignity and defence of the person:** The authorities and all persons involved in the prevention and sanction of sexual harassment must act taking into account that the human person and respect for their dignity are the supreme purpose of society and the State and ensuring their protection, to the extent that harassment may generate an intimidating, hostile or humiliating environment; or affect the work, teaching, training or any other activity or situation of the person being harassed.
- **Principle of enjoying a healthy and harmonious environment:** Every person has the right to carry out their work, education, training or similar activities in a healthy and safe environment, in such a way as to preserve their physical and mental health and their

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professional development and performance.

- **Principle of equality and non-discrimination based on gender:** Institutions, authorities and all those involved in the prevention and sanction of sexual harassment must guarantee equality among persons, regardless of their sex, gender, gender identity or sexual orientation. Any type of distinction, exclusion or restriction based on such grounds, gender identity or sexual orientation that has the purpose or result of impairing or nullifying the recognition, enjoyment or exercise of the rights of persons is discrimination and is prohibited.
- **Principle of respect for personal integrity:** Institutions, authorities and all persons involved in the prevention and sanction of sexual harassment must guarantee respect for the physical, psychological and moral integrity of the parties involved.
- **Principle of immediate and timely intervention:** Institutions, authorities and all persons involved in the prevention and sanction of sexual harassment must intervene in a timely manner, immediately implementing measures to prevent acts of sexual harassment, as well as measures to protect victims in order to respond effectively.
- **Principle of confidentiality:** The information related to the identity of the persons affected in the procedures regulated by the Law and the Regulations are confidential, with the purpose of protecting their dignity, integrity and security.
- **Principle of due process:** Participants in proceedings initiated under these Regulations enjoy all the rights and guarantees inherent to due process, which includes the right to present their arguments, to offer and produce evidence, to obtain a reasoned decision based on law within a reasonable period of time and all those attributes derived from the essential content.
- **Principle of ex-officio initiative:** The institutions, authorities and persons involved in the investigation and sanction of sexual harassment must direct and promote on its own initiative the procedure in application of these regulations and order the performance or practice of the corresponding actions, as well as the collection of evidence, which may be convenient for the clarification of the facts and the resolution of the procedure.
- **Principle of Informality:** The institutions, authorities and all persons involved in the investigation and sanction of sexual harassment must interpret the rules related to this matter in a manner most favourable to the admission and final decision of the complaint or denunciation, without affecting the rights and interests of those involved, the whistleblowers and the denounced in the process due to requirements of formal aspects that can be remedied within the procedure, as long as such excuse does not affect the rights of third parties or the public interest.
- **Principle of celerity:** The institutions, authorities and all persons involved in the investigation and sanction of sexual harassment must adjust their actions in such a way as to avoid acts that hinder the development of the procedure or constitute mere formalisms, in order to reach a decision within the legally established deadlines.
- **Principle of non-revictimization:** Authorities and persons involved in the investigating

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process must adopt all necessary measures within the framework of the Peruvian Constitution and international treaties to prevent the victim of sexual harassment from being re-victimised.

3.2 Obligations of workers and the Company

It is the obligation of all workers, trainees and contractors who are providing services for the COMPANY to maintain a work environment free of sexual harassment. Any employee or trainee of the COMPANY who violates these Regulations shall be subject to the corresponding disciplinary sanctions, in accordance with the Company's Internal Labour Regulations.

The Company recognises that all workers have the right to a workplace free from physical and/or verbal sexual harassment.

In this regard, the Company establishes the following preventive measures:

- a) Provide one (1) sexual harassment training at the beginning of the employment or training relationship. The purpose of this training is to raise awareness of the importance of combating sexual harassment, identify such situations and to provide information on the channels available for handling complaints or reports. The training does not imply any alteration of the civil relationship maintained between the service providers and the Company. Training for workers and trainees shall include the rules, policies, procedures and all internal provisions on the subject.
- b) Conduct one (1) annual specialised training for the People & Organization department, for the Sexual Harassment Intervention Committee and for others involved in the investigation and sanction of sexual harassment, in order to inform about the correct treatment of victims, the development of the procedure.
- c) Create a Sexual Harassment Intervention Committee in the case of companies with twenty (20) or more workers, which will investigate and issue recommendations for sanctions and other additional measures to prevent new cases of sexual harassment. This Committee shall be composed of four (4) members: two (2) representatives of the workers and two (2) representatives of the Company; in both cases guaranteeing gender parity.
- d) In the case of companies with less than 20 workers, a delegate against sexual harassment shall be appointed.
- e) Disseminate the channels of attention for complaints or reports, which allow dealing with cases of sexual harassment.
- f) Adopt the necessary measures to prevent sexual harassment, as well as adopt measures to stop acts of sexual harassment within the Company.
- g) Distribute this policy to all workers.

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- h) Inform every person with personnel under their supervision about the issue of sexual harassment and the duties they must perform to prevent and eliminate it.
 - i) Make available to the victim the medical, physical, and mental or psychological care channels they may require.
 - j) Inform the Ministry of Labour and Employment Promotion when a complaint or report has been received, or when an investigation for sexual harassment has been initiated on its own initiative, as well as the protection measures granted to the alleged victim, within a term not exceeding six (6) business days, and inform the decision taken by the company regarding cases of sexual harassment, within six (6) business days after its issuance.

No worker should suffer threats, harm or retaliation of any kind for filing a complaint of sexual harassment, and the Company must ensure that their working conditions are maintained.

3.3 Conduct that constitutes sexual harassment in the employment relationship and in training modalities

The following behaviours constitute manifestations of sexual harassment in the workplace:

- k) The implicit or express promise to the victim of preferential or beneficial treatment with respect to their current or future situation in exchange for sexual favours.
- l) Threats that implicitly or explicitly demand an undesired conduct by the victim that violates or offends their dignity. This involves pressuring or intimidating attitudes with the purpose of receiving attentions or favours of a sexual nature, or as a means to meet or go out with the aggrieved person.
- m) Use of terms of a sexual or sexist nature or connotation, whether written or verbal, such as sexual advances, sexual propositions, obscene, hostile, humiliating or offensive gestures for the victims, such as: writings with messages with sexual content, indecent expositions with sexual and offensive content, obscene jokes, questions, jokes or compliments with sexual content; conversations with sexual terms, repeated leering with sexual content, telephone calls with sexual content, repeated propositions for dates, comments with sexual content or about the sexual life of the victim, repeated showing of any type of images with sexual content.
- n) Corporal approaches or other physical conduct of a sexual nature that are offensive and unwanted by the victim, such as: rubbing, leaning back, cornering, kissing, hugging, pinching, patting, intentionally obstructing the way, touching, among other behaviours of a similar nature.
- o) Conduct aimed at generating a hostile environment, through offensive treatment of the victim of sexual harassment due to the rejection of the aforementioned conduct.
- p) Other acts of sexual harassment established by current legislation.

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The following should also be taken into account:

- a) The establishment of sexual harassment does not require proof that the perpetrator's conduct was repeated, nor that the victim's rejection was explicit. Repetition may be considered an aggravating element of sexual harassment.
- b) Sexual harassment occurs regardless of whether there are degrees of hierarchy between the person being harassed and the harasser, whether the act of sexual harassment occurs during or outside the training, working or similar day, or whether it occurs in the training, working or similar place or environments.

3.4 Obligations in cases of sexual harassment involving contractors

The following obligations are established:

- q) When the alleged harassing person works for the intermediary or outsourcing company and the alleged victim is part of the main company, the complaint is made to the main company, which, within a period not exceeding one business day from receipt of the complaint or knowledge of the facts, informs the intermediary or outsourcing company of the complaint so that it may take the measures it deems appropriate.

The parent company shall conduct the investigation procedure through its Sexual Harassment Intervention Committee and issue a report in accordance with the provisions of these regulations. If the report concludes that sexual harassment has occurred and includes recommendations for sanctions or other additional recommendations, the report will be sent to the contractor.

- r) When the alleged victim of sexual harassment works for an intermediary or outsourcing company and the alleged harasser is part of the parent company, the complaint or report is filed with the parent company, which, within a period not exceeding one business day from receipt of the complaint or knowledge of the facts, informs the intermediary or outsourcing company of the complaint or report so that it may take the measures it deems appropriate.

Thus, when the worker of the parent company is the one reported as the alleged harasser, the parent company will carry out the entire investigation and sanction procedure through its Sexual Harassment Intervention Committee and will issue a report in accordance with the provisions of these regulations, and the conclusions thereof will be forwarded to P&C.

- s) When the alleged harasser and the alleged victim work for a contractor company, and the act of sexual harassment has occurred within the scope of control of the parent company, or on the occasion of the service they provide for it, the alleged victim may file the report with the contractor company or with the parent company. In the latter case, the parent company transfers the complaint to the company to which the alleged harasser belongs within a period not exceeding one business day of receipt of the complaint.

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The investigation and sanction procedure is the responsibility of the intermediary or outsourcing company, without prejudice to the corresponding coordination with the parent company.

In the three (03) cases mentioned above, the investigation procedure does not imply the recognition of the employment relationship of the reported person, whistleblower or alleged victim with the parent company.

3.5 Procedure for the investigation and sanctioning of sexual harassment

3.5.1 Initiation of the procedure

- a) Those involved in the procedure of a Sexual Harassment case must perform the following functions:
 - 1. Receive the complaint or report.
 - 2. Order protective measures.
 - 3. Investigate and propose sanctions and other additional measures to prevent new cases of harassment.
 - 4. Order sanction measures and other additional measures to prevent further cases of harassment.
- b) The investigation and sanction procedure is initiated by a party, at the request of the alleged victim or a third party; or on its own initiative, under responsibility, when the Company becomes aware by any means of the facts that allegedly constitute sexual harassment, under responsibility.
- c) The complaint or report may be submitted in writing, in person or electronically to the PP. The complaint or report must be submitted to the relevant PP in the format indicated in ANNEX 1.
- d) At the time of the report, the “Record of the Whistleblower Rights” (APPENDIX 2) shall be read out, in the case of the victim, stating the rights to which they are entitled and which are recognised in these Regulations.
- e) The whistleblower must sign a “Record of the Whistleblower Rights” mentioned in point c, if it is the victim, in order to state that they have been duly informed of their rights under the procedure, using both physical and virtual formats.
- f) In the event that the alleged harasser is the head of the body receiving the complaint or report, such complaint or report must be filed with the immediate superior of the alleged harasser or whoever takes their place. The alleged harasser should refrain from taking part in the investigation.
- g) The members of the Sexual Harassment Committee, in charge of investigating and sanctioning sexual harassment, as well as any other member of the Company, must communicate with the alleged victim only through the formal channels

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established for this purpose.

- h) All procedural actions must be documented in writing or other means to which the parties may have access.
- i) The Committee must keep the identity of the alleged victim and the whistleblower confidential from persons outside the procedure. The names of the witnesses should be kept confidential, if requested by the witnesses.
- j) The PP, within a period not exceeding one (1) business day, shall make available to the victim the channels of medical, physical and mental or psychological care, for their comprehensive health care, being able to go to medical centres with which the Company has an agreement.
- k) Likewise, in the event that the alleged victim waives the services made available for the protection of their integral health, this must be recorded in writing with their handwritten or electronic signature and fingerprint on the document, using either physical or electronic formats.
- l) It should be emphasised that the report issued as a result of the medical, physical and mental or psychological care is incorporated into the procedure and considered as evidence only if the victim authorises it.

Likewise, if the alleged victim so wishes, they may file their complaint through the Ethical Channel, which does not exclude that the report must be submitted through its PP using the format indicated in the ANNEX, so that the investigation can be initiated.

3.5.1.1 Protective measures

The PP must implement one of the following protective measures in favour of the alleged victim, within no more than three (3) business days from the date on which the complaint or report is filed:

- a) Rotation or change of location of the alleged harasser.
- b) Temporary suspension of the alleged harasser.
- c) Rotation or change of location of the alleged victim, provided it has been requested by the alleged victim.
- d) Management before the competent authority for the issuance of an order prohibiting approach, proximity to the alleged victim or to their family circle, or establishing any form of communication with the alleged victim.
- e) Other measures that seek to protect and ensure the well-being of the alleged victim.

3.5.1.2. Communication to the Ministry of Labour and Employment Promotion

When a complaint or report has been received, or when an investigation into sexual harassment has been initiated on its own initiative and protective measures have been granted to the

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alleged victim, the Ministry of Labour and Employment Promotion must be notified within no more than six (6) business days of its receipt.

3.5.1.3. Communication to the Sexual Harassment Intervention Committee

Within one (1) business day of receiving the complaint or report, the PP shall transfer it to the Sexual Harassment Intervention Committee for the initiation of the investigation.

3.5.2. Investigation stage

The Sexual Harassment Intervention Committee, during the investigation, shall do the following:

- m) Within no more than fifteen (15) calendar days from the receipt of the complaint or report, it must investigate the facts and issue a report with the conclusions of the investigation.
- n) During the investigation, the complained or reported person must be informed of the alleged facts, present their defence and have the opportunity to present the evidence they deem appropriate within 3 calendar days.
- o) The Report issued by the Committee shall contain the following:
 - Description of the facts.
 - Evaluation of evidence.
 - Proposal of sanction or filing of the case, duly motivated.
 - Recommendation of additional measures to prevent further cases of harassment.
- p) Within a maximum of one (1) business day, the report must be brought to the attention of P&C, which shall be responsible for issuing a decision.

3.5.3. Means of evidence

In accordance with the constitutionally recognised principle of presumption of innocence, it will be up to the alleged victim to prove the facts they claim. In other words, the alleged victim of an act of sexual harassment must present the necessary evidence to the appropriate authorities to prove the existence of such conduct. Otherwise, if there is no evidence or indication of what is alleged, the alleged harasser shall be presumed innocent.

The alleged victim may present the following evidence to prove sexual harassment:

- q) Own statement.
- r) Report issued as a result of medical, physical and mental or psychological care, only if authorised by the victim.

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- s) Witness statements.
 - t) Public or private documents.
 - u) Recordings, e-mails, telephone text messages, photographs, objects, tape recordings, among others.
 - v) Psychological, psychiatric, forensic, handwriting analysis, biological and chemical examinations, among others.
 - w) Any other suitable means of evidence.

The inviolability of the content of the evidence must be observed, and no erasures, alterations, interlineations or additions may be introduced.

The means of evidence may be presented, both by the alleged victim and by the alleged harasser, throughout the investigation process, until the final resolution is issued.

3.5.4. Sanction and other measures

P&C shall issue a decision within ten (10) calendar days of receiving the report from the Sexual Harassment Intervention Committee.

Within this period, P&C shall forward the report of the Sexual Harassment Intervention Committee to the person reported and the alleged victim, and shall grant them a period of four (4) calendar days to present their allegations, if they deem it appropriate. Said report shall contain, if applicable, the proposed sanction to be applied, as well as other measures to avoid new cases of sexual harassment.

3.5.5. Communication to the Ministry of Labour and Employment Promotion

The decision taken by P&C must be reported to the Ministry of Labour and Employment Promotion within six (6) business days of its issuance, specifying the result of the investigations carried out and, if applicable, the sanctions imposed.

3.6 Sanctions in cases of Sexual Harassment

Once it has been concluded that the reported act of sexual harassment has occurred, the severity of the sanction must be decided according to criteria of reasonableness and proportionality. In this way, the number of incidents and the intensity of each one of them must be taken into account, without reiteration being a determining factor for the configuration of the act of sexual harassment.

The severity of the sanction shall be greater in cases where there is repetition of hostile conduct and concurrence of two or more elements constituting sexual harassment, as established in section 3.3 of these Regulations.

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Likewise, the severity of the sanction shall be increased depending on the level of psychological or physical affectation of the victim, the systematic nature of the conduct or if a hostile environment has been generated or if it affects the victim's dignity, as well as their fundamental rights.

If the harassing person is a worker of the Company, one of the following disciplinary measures will be applied, depending on the severity:

- a) Verbal warning.
- b) Written warning.
- c) Suspension from work without pay.
- d) Dismissal for serious misconduct.

The decision taken by P&C shall be communicated to the parties involved in this process.

In the event that the sexual harassment complaint is declared unfounded by a final resolution, the person to whom the false or unproven facts were imputed shall be entitled to file the pertinent legal actions against the person who filed the complaint for alleged harassment.

P&C has the power to discipline the reporting person, provided that bad faith on the part of the whistleblower is duly proven.

In the event the person who commits the act of sexual harassment is under the training modalities regime, depending on the seriousness of the offense, P&C has the power to terminate the internship agreement.

3.7 Options and/or alternatives of the person harassed by the employer, management personnel, trusted personnel, owner, associate, director or shareholder:

The person harassed by the employer, management personnel, trusted personnel, owner, associate, director or shareholder, may choose from the following alternatives:

- a. Initiate action for the cessation of the harassment.
- b. Demand the payment of compensation, terminating the employment contract, pursuant to Article No. 35 (b) of the Sole Ordered Text of Legislative Decree No. 728, Labour Productivity and Competitiveness Law, provided that their report is declared well-founded.

In the event that the complaint is filed against the General Manager of the Company, the procedure set forth in section 3.5 of these Regulations shall not be applicable, and the victim shall have the right to file a lawsuit for cessation of hostility, in accordance with the provisions of Article No. 35 (a) of the Sole Ordered Text of Legislative Decree No. 728, Labour Productivity and Competitiveness Law.

The term to file a claim for cessation of hostility or payment of compensation for arbitrary dismissal is thirty (30) calendar days, counted from the day following the last act of harassment or indication thereof.

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The amount of compensation referred to in section 3.7 b) of these Regulations shall be equivalent to one and a half ordinary monthly remuneration for each full year of service, up to a maximum of twelve (12) remunerations. Fractions of years shall be paid in twelfths or thirtieths, as applicable.

If the act of sexual harassment is committed against an intern, the victim has the right to the payment of compensation for the damage suffered, which shall be processed through the appropriate channel.

3.8 Confidentiality

Complaints should be treated as confidential to the extent possible and a full investigation should be conducted. All hearings and documentation are confidential and private, and the Company must refrain from publishing any information related to the complaints filed, either to those directly involved in the investigation or to third parties.

The purpose of this measure is to protect the whistleblower, to encourage the reporting of sexual harassment, and to protect the reputation of any person who may be improperly accused of sexual harassment.

The report of sexual harassment, as well as all the effects of the investigation and administrative sanction without any restriction, are reserved and confidential.

3.9 Criminal Action

When, during or as a result of the procedure, indications of the commission of criminal offences are identified, the Company must bring such facts to the attention of the Public Prosecutor's Office, the National Police of Peru, or other competent institutions, informing the alleged victim thereof, in accordance with Supreme Decree No. 014-2019-MIMP.

Likewise, the person affected by an act of sexual harassment is entitled to initiate the criminal actions that they considers pertinent, while the labour investigation for sexual harassment against their lasts, in accordance with the grounds established in Legislative Decree No. 1410.

4. UNITS RESPONSIBLE FOR THE DOCUMENT

Responsible for preparing the document:

- Labor Relations and Compensation

Responsible for authorising the document:

- People and Culture

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5. REFERENCES

- PO No. 1 Organisational Document Management.
- PL No. 84 Workplace Harassment.
- Law No. 27942, Law for the Prevention and Sanction of Sexual Harassment.
- Law No. 29430, Law that amends Law No. 27942, Law for the Prevention and Sanction of Sexual Harassment.
- Internal Labour Regulations.
- Legislative Decree No. 1410, Crimes incorporated to the Penal Code on sexual harassment.
- Supreme Decree No. 014-2019-MIMP that approves the Regulation of Law No. 27942, Law on Prevention and Sanction of Harassment.
- Ministerial Resolution No. 115-2020-MIMP of the Ministry of Women and Vulnerable Populations.
- Supreme Decree No. 021-2021-MIMP, Supreme Decree that modifies the Regulation of Law No. 27942, Law for the Prevention and Sanction of Sexual Harassment.

6. POSITION OF THE ORGANIZATIONAL PROCESS IN THE PROCESS TAXONOMY

Process Area: People and Culture

7. DEFINITIONS AND ACRONYMS

Acronyms and keywords	Description
Regulation	Regulation for the Prevention and Sanction of Sexual Harassment.
P&C	People and Culture
Sexual Harassment Intervention Committee	Committee responsible for investigating sexual harassment and issuing recommendations for sanctions and other additional measures to prevent further cases of sexual harassment. The purpose of this Committee is to guarantee the participation of employees in the investigation and sanctioning of sexual harassment. In the case of companies with less than 20 workers, the functions of the committee shall be performed by a Delegate against the sexual harassment.

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Sexual Harassment	Sexual harassment in the workplace is a form of violence manifested through all abusive conduct with a sexual or sexist connotation, unwanted or rejected by the person against whom it is directed, which undermines their dignity or moral, psychological or physical integrity, endangering their employment or creating a hostile, intimidating and humiliating work environment for the worker. It may occur outside the working hours and outside the workplace. Sexual harassment can be of two types: • Conduct of a sexual nature • Sexist behaviour
Conduct of a sexual nature	Physical, verbal, gestural or other behaviours or acts of a sexual connotation such as: comments and insinuations, leering, exhibition or exposure of pornographic material, touching, bodily touching or approaches, sexual demands or propositions, virtual contact or others of similar nature.
Sexist behaviour	Behaviour or acts that promote or reinforce stereotypes in which women and men have attributes, roles or spaces of their own that imply subordination of one sex or gender with respect to the other.
Harassing Person	Any person, regardless of sex, gender identity, or sexual orientation, who engages in one or more acts of sexual harassment.
Victim	Any person, regardless of sex, gender identity or sexual orientation, who is a victim of sexual harassment.
Complaint or report	Action by which a person reports, either verbally or in writing, facts that allegedly constitute acts of sexual harassment, with the purpose that the competent authority may carry out the corresponding investigative and disciplinary actions.
Authority Relationship	Any link existing between two persons through which one of them has managerial power over the activities of the other, or holds an advantageous position in relation to the latter. This concept includes that of a relationship of dependence.
Subordination relationship	Any link that arises within the framework of a relationship of service provision, training, instruction or other similar arrangements, in which one person holds a position of influence over the other.

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8. ANNEXES**ANNEX 1:** Sexual Harassment Complaint Form**ANNEX 2:** Record of Whistleblower Right