

## **PROTOCOL FOR THE PREVENTION OF MORAL, SEXUAL AND SEX HARASSMENT IN THE WORKPLACE OR DISCRIMINATION.**

HEALTH AND SAFETY COMMITTEE FROM TURISTICA KONRAD S.L.

### **1. DECLARATION OF PRINCIPLES:**

To be treated with dignity is a right of every worker. Based on this right, TURÍSTICA KONRAD S.L. and Workers' Representation undertake to create, maintain and protect, with all the measures at their disposal, a working environment that respects the dignity and sexual freedom of all people who work in this workplace. Being the SECURITY AND HEALTH COMMITTEE of TURÍSTICA KONRAD S.L. (hereinafter CSS of TURISTICA KONRAD S.L.) a body for consultation and negotiation between the representatives of the workers and the Company for the development of a regular and periodic participation in the prevention of occupational risks.

The objective is to assume a common commitment to reflect on the problems of moral, sexual and sex-related harassment, to be more agile in early detection and to have greater operability to eliminate enabling risk factors.

The Company and all hotel personnel have the responsibility of helping to guarantee a working environment in which sexual harassment is absolutely unacceptable and undesirable. Specifically, management personnel and department heads have the obligation to guarantee with all the means at their disposal that no events of this type take place in the organizational units in their charge.

Therefore, any action or conduct of this nature is prohibited, being considered as a very serious labor offense, giving rise to the sanctions that are determined below.

In the event of such a violation, the person who suffers it, the avoidance of its repetition and the punishment of the guilty party and those who consent to it must be guaranteed.

All procedures will be urgent and confidential, will be brought to the attention of the Company's Management, and the privacy and dignity of those affected will be protected. The file and custody of the actions will be carried out by the Management of the Company.



Therefore, the present Protocol is approved within the C.S.S., so that it may be applied to cases of moral, sexual and sex harassment in the workplace. A set of commitments is established by way of a declaration of intentions and a procedure to specifically guide the development of the C.S.S.'s actions.

### **COMMITMENTS:**

Promote a work environment free of LABOR AND SEXUAL HARASSMENT OR GENDER BASED HARASSMENT:


- To train the components of the CSS of TURISTICA KONRAD S.L. in matters of harassment at work, sexual harassment and harassment based on sex so that they can adequately carry out the functions that this protocol entrusts to them. It is essential that this training is updated periodically.
- Promote the implementation of information campaigns to workers and representatives of the Company in order to publicize those aspects of the organization of work that affect the safety and health of workers.
- To promote the carrying out of the evaluation of psychosocial risks in all workplaces.
- Require the Employer to modify the working conditions that become a breeding ground for harassment at work, sexual harassment and harassment based on sex.
- Guarantee the right to denounce and consult workers, without having to suffer reprisals.
- Propose a negotiated solution to the problems.
- The members of CSS TURISTICA KONRAD S.L. will strictly observe professional secrecy in accordance with the provisions of article 37.3 L.P.R.L.

## **2. DEFINITIONS**

### **MORAL HARASSMENT**

The company defines moral harassment as any conduct that violates the dignity or physical or psychological integrity of employees, and that degrades the working environment.

It would therefore include discrimination, humiliation, threats, in a systematic and recurrent manner, for a prolonged period of time.



It would therefore be considered moral harassment:

- Unjust actions that seek to reduce the possibilities of the victim to communicate adequately with others, including the harasser himself, which may include attitudes such as ignoring the presence of the victim, criticizing systematically and unjustifiably the work he does, criticizing his private life or threatening him, both verbally and in writing.
- Actions that tend to prevent the victim from being able to maintain social contacts, such as assigning him/her jobs that isolate him/her from peers or prohibiting peers from talking to the victim.
- Actions or rumors aimed at discrediting or preventing the victim from maintaining his personal or work reputation, such as ridicule or slander the victim, speak ill of the victim behind his back, constantly question his decisions or force him to do humiliating work, or attack his political or religious beliefs.
- Actions aimed at reducing the victim's occupation and employability, such as not assigning him/her any work, assigning him/her totally useless, meaningless or degrading tasks.
- Actions that affect the victim's physical or mental health, such as forcing the victim to perform dangerous work that is especially harmful to the victim's health, or threatening or physically assaulting the victim.

#### SEXUAL HARASSMENT AND BASED ON GENDER HARASSMENT.

Sexual harassment is conduct of a sexual nature, or other conduct based on sex, which affects the dignity of women and men at work, and which is expressed through physical or verbal behavior expressed in acts, gestures or words, the active subject of which knows or should know that such conduct is unwanted by the victim. Harassment must also be objectively weighed as capable of creating an intimidating, hostile, offensive or humiliating work environment.

The concept of Sexual Harassment is included in Community Directive 2202/73/CE of September 2002. This situation can occur both inside and outside the workplace, during selection prior to or within the contractual relationship; the harasser is usually a superior in the hierarchy, but may also occupy a position of equal or lower hierarchical rank. Sexual harassment in the world of work is a discrimination that manifests itself to both men and

women, although most of the latter suffer from it, thanks to a social environment of power imbalance that tends to silence this type of conduct, even blaming the harassed herself as the cause of the harassment.


"Sexual harassment: A situation in which any unwanted verbal, non-verbal or physical behavior of a sexual nature occurs with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment within the meaning of this Directive shall be deemed to be discrimination on grounds of sex and shall therefore be prohibited.

Article 7.2 of Organic Law 3/2007, of 22 March, for the effective equality of women and men, states that "Harassment on the grounds of sex is any behavior based on the sex of a person, with the purpose or effect of violating his dignity and of creating an intimidating, degrading or offensive environment". Article 8 states that discrimination on the grounds of pregnancy or maternity also constitutes direct discrimination on the grounds of sex.

By way of example, without limiting or excluding, we relate to conduct constituting sexual harassment:

- Deliberate and unsolicited physical contact, excessive or unnecessary physical contact.
- Jokes, suggestive comments, observations about the appearance or sexual condition of the worker.
- Sexually offensive phone calls, SMS, letters or emails.
- Repeated and persistent invitations to participate in social play activities, despite the fact that the person concerned has made it clear that such invitations are not desired.
- Requests for sexual favors and compromising invitations, when they associate the approval or denial of these favors, by means of attitudes, insinuations or directly, to an improvement in working conditions or stability in employment.
- Any behavior that causes or aims at discrimination, abuse, humiliation, intimidation or humiliation on account of their sexual condition.
- All sexual assault.
- Sexual harassment is distinguished from freely accepted and reciprocal approaches, because in the first case, they are not desired by the person who is the object of them.

It is not necessary to reiterate unwanted episodes in order to constitute sexual harassment.



### 3. INFORMATION AND DISSEMINATION

In order to prevent and avoid harassing behavior, this protocol shall be disclosed by placing it on the Company bulletin board, in the Staff Dining Room, in the changing rooms and in the office of the union representative, a copy being available to any person who requests it.

Likewise, the Company, in conjunction with the Trade Union Representation, undertakes once a year to give a day-lecture aimed at preventing this problem.

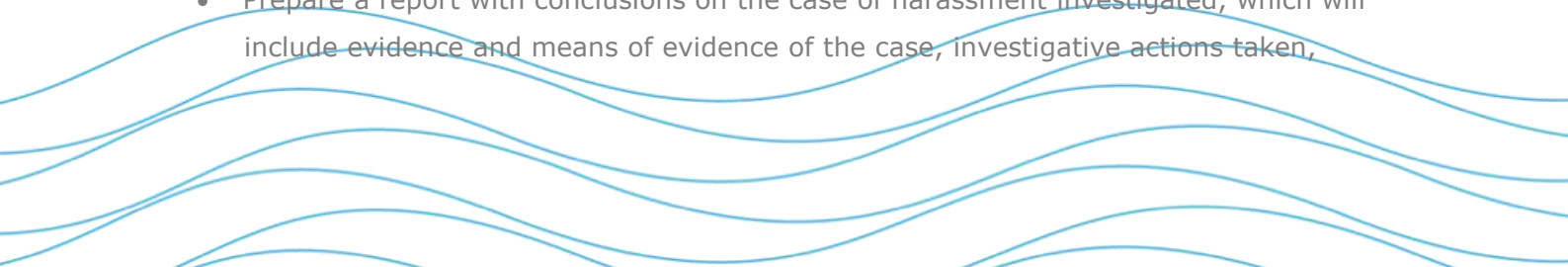
### 4. PROCEDURE

CSS TURISTICA KONRAD S.L. will be in charge of monitoring and investigating alleged cases of harassment at work (without prejudice to the Company's own competences) and it is CSS TURÍSTICA KONRAD S.L. or any member thereof if it so wishes, to whom any worker who considers himself/herself to be affected by or has knowledge of a case of this type will be addressed.

Any person member of CSS TURISTICA KONRAD S.L. involved in a procedure of harassment, or affected by a relationship of obvious kinship, friendship or enmity, or of immediate superiority or subordination with respect to the victim or person denounced, will be automatically invalidated to form part of the process, being replaced by the party he represents. If a person is denounced, they will be invalidated for any procedure until their case is resolved, and they will be replaced in the same way as before.

The decisions of CSS TURISTICA KONRAD S.L. will be adopted by vote, prevailing the majority vote.

For these cases, they are competences of CSS TURISTICA KONRAD S.L.

- Receive all complaints of harassment at work, sexual harassment and sex reason.
  - Carry out the investigation of the complaints, in accordance with this protocol, for which the company will have all the means necessary to bring it to a successful conclusion, access to all necessary information and documentation that may have relation with the case and access to all the dependencies of the Company, all staff must collaborate in what is necessary or convenient.
  - To recommend and to manage before the Direction of the Company the provisional and precautionary measures that consider necessary.
  - Prepare a report with conclusions on the case of harassment investigated, which will include evidence and means of evidence of the case, investigative actions taken,
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aggravating and mitigating if any. Urge, if appropriate, the Management of the Company to open disciplinary proceedings against the person complained of if it deems it appropriate.

- To supervise the effective compliance with the sanctions imposed as a consequence of harassment cases.

In addition to the foregoing, the persons designated by CSS TURISTICA KONRAD S.L. are responsible:

- Attend throughout the procedure to the person who claims to be a victim of a situation of harassment and initiate the necessary actions.
- Represent the victim before CSS TURISTICA KONRAD S.L. whenever the latter so determines.
- To carry out interviews with the people affected and those involved in the case that it deems appropriate.
- Assist the victim throughout the investigation process, in the processing of disciplinary proceedings if opened and in all steps that may subsequently be necessary.
- It will carry out the previous report that it will send to CSS TURISTICA KONRAD S.L.

It is the exclusive competence of the company to initiate the disciplinary procedure, as well as to stipulate sanctions always in function of the conclusions derived from the report of conclusions.

## **5. ACTION**

The action must be agile and fast, being scrupulous with the protection of privacy, confidentiality and dignity of the affected persons, as well as their physical and mental health. Two types of procedure are established at the choice of the affected person, a Preliminary Procedure and a Formal Procedure. In both procedures the communication of the facts can be made verbally or in writing by the affected person (model is attached), as well as by any other person who has knowledge of any act of harassment to any of the members of CSS TURISTICA KONRAD S.L. However, if CSS TURISTICA KONRAD S.L. had knowledge by any other means of actions of this type, it will assess the source, nature and seriousness of what it has had knowledge and, if the evidence is sufficient, will initiate the ex officio investigation. If the Management of the company has knowledge of the facts, it must inform CSS TURISTICA KONRAD S.L. to initiate the investigation.

Likewise, the management of the company will be informed of the start of the proceedings. As soon as CSS TURISTICA KONRAD S.L. becomes aware of a possible case of harassment, together with the Prevention Service it will study the evaluation of psychosocial risks of the department or departments affected. All possible deficiencies in the organization of work that may be related to the situation of harassment will be examined with the aim of designing preventive measures to avoid the repetition of cases. If this does not exist, they will immediately request it to be carried out.

This is without prejudice to the victim's parallel or subsequent use of administrative or judicial channels.

These channels are:

#### **A. PRELIMINARY PROCEDURE**

Its purpose is to seek a solution through confrontation between the parties through a mediator. In these cases, the figure of a mediator would have a relevant role, who would first of all be the person chosen by the complainant from among the members of CSS TURISTICA KONRAD S.L. or, failing that, by a vote of the members of the same, who, at the express request of the members with an explanation of the reasons for said mediation, would act objectifying the situation and determining the measures for its solution, as well as verifying the resolution of the problem.

The actions of the preliminary procedure must be carried out within fifteen days; the result of said procedure will be communicated to the prevention service and to the CSS.

If at the end of the period no satisfactory agreement has been reached for the parties, CSS TURISTICA KONRAD S.L. will propose the actions it deems appropriate, including the opening of the formal procedure.

Likewise, if the proposed solution is not satisfactory as to who is harassed, or if it is not complied with by the aggressor, the formal procedure will be initiated.

#### **B. FORMAL PROCEDURE.**

When the preliminary procedure does not work or is inappropriate to solve the problem, the formal procedure will be used, with the following guidelines:

The effective performance of the case will be carried out by two persons appointed by and among the members of CSS TURISTICA KONRAD S.L., one belonging to the social part and the



other to the representation of the company. These persons may not have a relationship of dependency or work ancestry with either the complainant or the respondent, and may carry out their investigative work in the manner it deems appropriate, maintaining the confidentiality of all actions. To this end, the Company must provide all the material means and authorizations necessary for the correct development of the intended purpose.

These people will be in charge of initiating the investigations that will consist of interviewing both the alleged harasser and the alleged harasser, possible witnesses, as well as gathering all the necessary evidence.

Immediately, they will send the person being denounced detailed information on the nature and content of the denouncement that has been made against him/her, and he/she must sign the corresponding receipt, giving him/her a period of time to answer what he/she considers appropriate.

The parties may appear at the investigations with someone they trust (friend, advisor, legal representative of the workers).

It is strictly necessary to emphasize that both the complainant and the respondent deserve all due respect, that all procedures will be carried out with the utmost confidentiality and that the presumption of innocence is a right enshrined in Spanish law. CSS TURISTICA KONRAD S.L. will inform those involved in the process of the obligation of confidentiality.

#### PRECAUTIONARY MEASURES.

In the case of complaints of harassment and until the procedure is closed, provided that there is sufficient evidence of the existence of the same, CSS TURISTICA KONRAD S.L. may request the Company's management to separate the victim from the alleged harasser, as well as other precautionary measures it considers proportionate and appropriate, by writing to the company's management. The measures adopted may never be detrimental or harmful to the victim, nor a substantial change in their working conditions.

#### CONCLUSION REPORT

Within a maximum period of one month, counted from the initiation of the formal procedure, CSS TURISTICA KONRAD S.L. will prepare a report with the conclusions on the alleged harassment under investigation, which will include the investigative actions carried out, the evidence and evidence obtained, aggravating and mitigating factors if any, the conclusions



reached and proposed sanction, urging the Management of the Company to open disciplinary proceedings against the person denounced if it deems it appropriate.

Once the report of conclusions has been issued, the investigative work of CSS TURISTICA KONRAD S.L. will end. This report will be mandatory and binding for the company.

## **6. GRADUATION OF THE FAULT**

Sexual and moral harassment in the workplace are considered very serious faults. As established in article 39 of the III Framework Labor Agreement of the Hotel and Catering Sector, these actions will be sanctioned with suspension of employment and salary from sixteen to sixty days or disciplinary dismissal, as established in article 40 of the Framework Agreement.

It is considered an aggravating factor in order to determine the seriousness of the facts and, therefore, to scale the following sanctions:

- Recidivism.
- The dominant position of the aggressor, both for being his hierarchical superior and for having the power to decide on the victim's employment relationship or promotion.
- The existence of more than one victim.
- The non-existence of a permanent or indefinite contract on the part of the harassed person.
- The proven existence of pressure on the victim, witnesses, family members, or any person around the victim in order to interfere in the investigation.
- The proven existence that the victim's psychological or physical condition has been seriously affected by the harassment.
- The existence of physical or mental disability on the part of the victim.

In proof of conformity of all the above, it is signed by the Company and its Trade Union Representation.

**BY THE COMPANY**

**FOR THE UNION REPRESENTATION**

