

CODE OF PREVENTION OF HARASSMENT AT WORK

**CODE FOR THE PREVENTION OF HARASSMENT AT WORK APPROVED
BY THE BOARD OF DIRECTORS OF CLÍNICA BAVIERA, S.A.**

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INDEX

I. INTRODUCTION

II. OBJECTIVES

III. CONSIDERATION OF HARASSMENT AT WORK

IV. PREVENTIVE MEASURES

V. WORKPLACE HARASSMENT COMMISSION

VI. PROCEDURE FOR ACTION

VII. FINAL PROVISION

CODE OF PREVENTION OF HARASSMENT AT WORK

I. INTRODUCTION

This Code for the Prevention of Workplace Harassment (the "Code") of Clínica Baviera, S.A. (the "**Company**") and of the integrated companies of the Group (the "**Group**") whose parent company is the Company, is intended to develop a framework for effective action against psychosocial risks in the workplace, establishing in a clear and documented manner the different phases that must be followed to ensure preventive and also resolute action in the face of such workplace conflicts.

As a guideline for the legal relationship between any company within the Group and the employee, this basic protocol for action against violence in the workplace is provided.

This code is just one more element in a much broader and necessary procedure of action to achieve an objective that is now a priority in labour relations: the prevention of violence in the workplace and the achievement of a working environment free of harassment.

Law 31/95 on the Prevention of Occupational Risks requires all companies to monitor and improve the working conditions of their employees, eliminating risks or minimising those that cannot be eliminated. Protection must be provided not only against risks of a physical nature, but also against those risks that may cause a psychological deterioration in the health of workers.

Within the context of Law 31/95, the Group is committed to implementing procedures that enable us to prevent, detect and eradicate psychosocial risks among employees and, in particular, the process for dealing with conduct that constitutes harassment in the workplace.

Harassment at work, whether sexual or psychological, occurring in the course of or in connection with work, shall be considered an occupational risk of a psychosocial nature, whatever its form. These behaviours are totally prohibited and are considered unacceptable in our Group, and the Group undertakes to use all its authority to ensure that its employees enjoy a healthy working environment, both physically, psychologically and socially, in which the dignity of people is respected at all times, adopting corrective and protective measures when such cases occur.

For the development of all of the above, a specific regulation is necessary to support the above, for which the present procedure or action protocol is approved as an instrument to achieve the main objective.

CODE OF PREVENTION OF HARASSMENT AT WORK

II. OBJECTIVES

The main objective of this code is to implement in the Group the necessary measures to prevent, detect and eradicate harassment in the workplace; determining those actions that are necessary for the investigation, prosecution and punishment of such conduct should it occur.

The objectives of the Group shall be as follows:

- Clear and concise statement of conduct that is considered to be workplace harassment.
- Implementation of the preventive culture in all departments of the organisation.
- Promote and implement agile and rapid mechanisms for the reporting and investigation of such conduct that respect the rights of both parties and guarantee the confidentiality of the data obtained in the investigation of such reports.

Therefore, the parties have subscribed to this Code, the purpose of which is to establish commitments regarding information, prevention, mediation and suppression of conduct relating to harassment in the workplace, as well as the establishment of an internal, summary procedure, surrounded by the guarantees of confidentiality that the matter requires, in order to channel any complaints that may arise and to encourage their resolution within the Group.

III.- CONSIDERATION OF HARASSMENT AT WORK

The term "*harassment*" covers any conduct, statement or request which, carried out with a certain degree of repetition and systematicity, may be considered offensive, humiliating, violent or intimidating, provided that it takes place in the workplace or on the occasion thereof and involves insulting, belittling, humiliating, discriminating or coercing the protected person in the psychological and/or ideological sphere, and may even harm their integrity through the degradation of working conditions, regardless of the motive that leads to the carrying out of such conduct.

On the other hand, Article 7.1 of LO 3/2007 defines "*sexual harassment*" as any behaviour, verbal or physical, of a sexual nature that has the purpose or effect of violating the dignity of a person, in particular when it creates an intimidating, degrading or offensive environment.

The expression includes the manifestations listed below, although these do not constitute a closed list, and it is therefore possible to include cases not expressly defined in the expression:

CODE OF PREVENTION OF HARASSMENT AT WORK

- Measures aimed at isolating a protected person from professional activity through attacks on his or her performance, manipulation of his or her reputation and emptying of functions.
- Abuse of power, including setting unachievable targets or assigning impossible tasks, unreasonable performance monitoring and unjustified denial of access to leave and training.
- Deliberate and unsolicited physical contact, non-consensual comments, gestures or advances of a sexual nature, requests for sexual favours, and any other behaviour which has as its cause or aim discrimination, abuse or humiliation of the worker on the basis of sex.
- Actions aimed at discriminating against, isolating or discrediting a person on the basis of his or her ideological, political or trade union affiliation, manipulating his or her reputation or obstructing its representative role in the Group.

IV.- PREVENTIVE MEASURES

All Group employees have the right to an environment free of hostile or intimidating behaviour and conduct towards them that ensures their dignity and their physical and moral integrity.

The Human Resources department will periodically carry out work climate surveys with all employees in order to analyse those factors that are at the root of organisational conflicts and which are closely related to situations of violence.

V.- WORKPLACE HARASSMENT COMMISSION.

This code of prevention of harassment at work will facilitate the way of acting that allows the detection, prevention, reporting, sanctioning and eradication of harassment behaviour, for which a Workplace Harassment Committee (the "Committee") is created to process the process contemplated in this code. This Committee shall be made up of the heads of the human resources, financial and legal departments.

Any member of this team involved in a process of harassment at work or affected by a relationship of kinship and/or affection, friendship or manifest enmity, or immediate hierarchical superiority or subordination with respect to the victim or the person reported, shall be automatically disqualified from taking part in said process. If he/she is the person complained of, he/she shall be disqualified from any proceedings until the resolution of his/her case.

CODE OF PREVENTION OF HARASSMENT AT WORK

This team will receive specialised training on organisational treatment and intervention in the field of workplace bullying and psychosocial risks.

The following functions or competences of the advisory team fall within the remit of the monitoring committee:

- Establish the necessary procedures to collect objective information on complaints received regarding psychosocial risks.
- Follow up on each of the cases reported.
- Conduct investigations into reported cases of harassment at work.
- Elaboration of proposals for the solution of the complaints formulated.
- To convene and prepare meetings to discuss the reports or opinions prepared for each specific case, as well as to forward them to the parties concerned.

VI ACTION PROCEDURE

The action protocol set out in this code shall be developed under the principles of speed and confidentiality, guaranteeing and protecting the privacy and dignity of the persons subjected to harassment.

A grievance procedure is structured for employees who feel they are being subjected to harassment.

- ❖ The procedure shall be initiated by the mere filing of a complaint by the employee who is the alleged victim of harassment, or by a third party witness to the harassment using the
Group-approved whistleblowing procedure and complaints channel
- ❖ Once the request for action on harassment has been notified, the Commission will initiate the phase of investigation or the opening of an information file, aimed at ascertaining and verifying the facts denounced, giving a hearing to all those involved, witnesses, and as many persons as the Commission deems necessary to appear in person, taking any steps necessary for the clarification and veracity of the facts denounced. During the processing of the allegations, to the extent permitted by the company, the complainant or respondent shall be offered a change of job.
- ❖ The Commission has a maximum period of thirty (30) days to make a reasoned decision on the application submitted. This period shall start from the moment the Commission becomes aware of the application, and the investigative or informative phase shall end with the

CODE OF PREVENTION OF HARASSMENT AT WORK

the Commission's opinion by drawing up a report which it shall first bring to the attention of the applicant.

- ❖ In the event that the report establishes the existence of harassment, the appropriate corrective measures shall be adopted, applying the corresponding legal sanctions. A

For these purposes, it is hereby stated that the existence of any type of harassment constitutes a very serious disciplinary offence, punishable by dismissal, without prejudice to any other legal action that may be appropriate.

When the report does not establish situations of harassment, or it is not possible to verify the facts, the file shall be archived and the process shall be terminated, and in this regard, to the extent permitted by the Group's organisation, the feasibility of changing jobs shall be studied. In this case, all documentation resulting from the file shall be destroyed within a short period of time after the end of the process, by means of systems that guarantee its confidentiality.

- ❖ The Group notes that employees who believe they have been subjected to harassment, those who make a complaint about harassment or those who provide assistance in the event of harassment will be informed of this fact.

any proceedings, for example by providing information or acting as a witness, shall not be subject to intimidation, persecution or retaliation. Any such action shall be regarded as a disciplinary matter.

VI. FINAL DISPOSITION

This Code was approved at the meeting of the Board of Directors of the Company held on 15 December 2011 and amended at the Board meeting held on 21 July 2016.