



**Protocol for the
prevention and
eradication of harassment**

4 November, 2020

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0. Version control

Version	Date	Changes
1	2018	Initial version
2	November 2020	Various sections

1. Purpose and scope of application

The purpose of this protocol is to reiterate the FCC Group's commitment to the enforcement of standards and the development of an ethical behaviour in its business activities, based on the principles set out in the Code of Ethics and Conduct, which does not tolerate abuse of authority or any form of harassment, albeit physical, psychological or moral, nor any other behaviour that may generate a work environment that is intimidating, offensive or hostile to people.

This protocol applies to everyone who works at any Company pertaining to the FCC Group in which direct or indirect management control is exercised.

2. Applicable principles and preventive measures

To ensure a fair and diverse work environment that promotes both professional and personal development, the FCC Group undertakes:

- Not to tolerate any behaviour that implies **discrimination** on grounds of gender, race, age, nationality, religion, sexual orientation, disability, family origin, language, ideology, political or union affiliation or any other characteristic that has no objective bearing on employment conditions, regardless of whether or not it is in the applicable legislation in the relevant jurisdiction.
- To promote a **corporate culture of respect**, where the heads of the different organisational units ensure a work environment that is free of all types of harassment in their respective areas.
- To promote **communication and awareness-raising campaigns** against harassment.
- To implement specific, suitable and preventive **training** schemes regarding harassment and for the resolving of conflicts, and management styles amongst the work team managers.
- To ensure that **psychosocial risk assessments** include questions regarding sexual or gender-based harassment.
- To ensure that the **reporting and investigation mechanisms** are expeditious and speedy, respecting the rights of both parties and guaranteeing the right to privacy and the confidentiality of all involved.
- To adopt the corresponding **disciplinary measures** whenever conduct is detected that constitutes workplace harassment, sexual harassment or gender-based harassment or any other intolerable conduct.
- To adopt the applicable **measures to guarantee the labour rights and social protection of victims**, according to the prevailing circumstances in each case.
- In order to guarantee the effective prevention of behaviours that cause harassment, the content of this Protocol shall be **disseminated** thereby enabling any incident and/or irregularity to be reported. In addition, a section shall be maintained in intranet for the dissemination thereof.

3. Implementation

Within the FCC Group, various mechanisms exist for preventing, detecting, investigating and sanctioning cases of harassment, including:

- **Code of Ethics and Conduct** available to all Group employees, setting out the applicable and mandatory rules and principles.
- **Compliance Committees**, both Corporate and Area, which ensure the proper functioning of the prevention model, monitoring the applicable regulations, risks, and efficiency of controls, and fostering a culture of compliance.
- **Whistleblowing Channel**, managed by the Corporate Compliance Officer and the Corporate Compliance Committee, through which employees can channel or report possible breaches of the Code of Ethics and Conduct or any activities carried out that imply the commission of unlawful acts and/or irregular behaviours.
- **Policies and procedures**, identification of risks and controls, and undertaking of various commitments in the respective Equality Plans applicable in the different companies of the FCC Group.
- **Declaration of acceptance**, in so far as the Group requires its employees to declare that they understand and comply with the principles set out in the Code of Ethics and Conduct.

4. Concept of harassment

There are three types of harassment at the workplace, motivated by different behaviours or conducts that are characterised by creating an intimidating, degrading or offensive environment for the worker and that threaten their dignity and their right to honour, privacy, physical integrity or moral or non-discrimination.

These are classified into the following types, according to the causes or motivations that originate them, as well as the behaviours in which they manifest themselves:

1. **Work harassment or mobbing:** exposure to intense psychological violence, aimed systematically and over a long period of time at one or more persons by another or others acting from a position of power - not necessarily hierarchical, but in psychological terms - in order to create a hostile or humiliating environment that disrupts the victim's professional life.

Moral harassment or mobbing occurs when, among others, the following behaviours are repeated and continuous over time:

- Those that involve isolation or discrediting/making fun of the victim.
- Those that involve assigning absurd jobs or overloading workers.
- Shouting or insults, physical and/or verbal threats.
- Spreading rumours about the victim.

Conduct that implies a transient personal conflict at any given time, occurring within the framework of human relations, which evidently affects the world of work, happens in its environment, impacts the organisation and the professional relationship, but its purpose is not the destruction or deterioration of those involved, shall not be considered workplace harassment.

Notwithstanding the foregoing, appropriate measures will be adopted in each case to prevent specific conflicts from becoming normal and leading to workplace harassment behaviours.

2. **Sexual harassment:** any conduct, whether verbal or physical, including words, gestures, attitudes or specific acts of a sexual nature, which have the purpose or effect of violating a person's dignity, particularly when creating an intimidating, degrading or offensive environment.

Behaviours that constitute sexual harassment include, among others, the following:

- Physical behaviour of a sexual nature that can range from touching to unwanted physical approaches.
 - Unwelcome verbal conduct of a sexual nature, such as annoying sexual innuendo, offensive propositions and flirting, obscene comments and other forms of sexual innuendo.
 - Non-verbal conduct of a sexual nature, such as the display of pictures or written materials of sexual or pornographic content, staring while making obscene gestures, etc.
 - Behaviours consisting of forcing an employee to submitting to sexual requirements (for example: sex in exchange for not being fired or changes to concepts of the employment relationship, or the repeated request for a date after these are rejected). This type of conduct is commonly called sexual blackmail.
 - The creation of an intimidating work atmosphere for the worker, generating an unpleasant, intimidating, hostile, offensive or humiliating work environment, known as environmental sexual harassment, is reflected in specific behaviours, such as: comments, insinuations and jokes of a sexual nature and content, the decoration of the environment with sexual reasons or the display of magazines or materials with sexual content, among others.
3. **Gender-based harassment:** conduct related to the gender of a person, aimed at violating their dignity and creating an intimidating, degrading or offensive environment.

This type of harassment is reflected in specific behaviours, such as:

1. Making fun of people who take on tasks traditionally assumed by either men or women.
2. Behaviours that involve unfavourable treatment of the person, related to pregnancy, motherhood or fatherhood.
3. Situations in which the gender or sexual orientation of the person are used as conditioning factors before taking decisions that affect them personally or professionally.

Any of the statements related to the different types of harassment defined above can occur both in the provision of services in person and, where appropriate, remotely. As a consequence, FCC's commitment to the prevention and eradication of different forms of harassment extends to all forms of service provision.

5. Investigation and response procedure

The purpose of this document is to define the guidelines, procedure, tools and mechanisms for handling the different types of investigations conducted by the organisation.

5.1.- Lodging an allegation

A harassment allegation must be lodged in writing, whether by the affected party or by a third party who has knowledge of workplace harassment.

The Code of Ethics and Conduct requires all workers to report any conduct deemed improper and/or which constitutes harassment.

The allegation must include a detailed description of the events that gave rise to it. To simplify this procedure, the corresponding Allegation Form has been created, attached to this Protocol as **Appendix I**.

Any of the **three channels** listed below allow activities and/or conduct that could represent an irregularity and/or case of harassment to be reported confidentially by means of a simple form:

- Submitting the corresponding allegation form via the online platform (Whistleblowing Channel): <https://fccone.fcc.es/web/fccone/canal-etico-fcc>
- Communication by email to any of these addresses (i) denunciaacoso@fcc.es; (ii) canaletico@fcc.es
- Communication addressed to the "FCC Compliance Committee", sent to: Apartado de Correos 19312, 28080 Madrid.

All communications will be received and diligently, rigorously and confidentially analysed by the Group's Compliance Committee, which will determine, based on the events reported, their qualification, in accordance with the Investigation and Response Procedure, determining, where appropriate, the application of this Protocol or, if needed, other forms of processing, as applicable.

5.2.- Head of the investigation

Depending on the information received and the risk involved, the Corporate Compliance Committee will determine the necessary investigation guidelines for understanding and clarifying the facts. To that end, the Compliance Committee will determine:

- The complainant. In this regard, it is strictly forbidden to take any action that constitutes reprisal for having filed a good faith harassment complaint.
- The person suspected/accused of a violation or unethical conduct, in order to confirm whether any action or activity has been carried out in breach of the Code of Ethics and Conduct.

During the investigations, it must be guaranteed that the fundamental rights of those under investigation are not violated.

All employees are entitled to the presumption of innocence and to the protection of their honour, whereby no false allegations aimed at harming another employee will be tolerated. If the existence of a false allegation or testimony is proven, the company will adopt the corresponding disciplinary measures.

- The person or persons responsible for conducting the investigations. The person or persons designated to conduct the investigation and resolution of the file must have full theoretical and practical knowledge of each type of harassment, whether moral, sexual or gender-

related. In this sense, it will be guaranteed that the instructors are aware that each of the types of harassment responds to different motivations or causes and is manifested in different ways.

Experts may, when appropriate, be requested to help the areas themselves, or assigned as external collaborators.

Once the persons in charge of the investigations have been determined by the Corporate Compliance Committee, the designation will be included in the Committee minutes, and the Corporate Compliance Officer will be responsible for reporting the facts and necessary elements to conduct the investigation to the corresponding Compliance Committee and the investigation team.

5.3. Investigation documents

The investigation will commence with the opening of an internal file, and will include at least the following actions:

- Interviews with the notifiers and/or with the areas involved, as required to obtain further information and achieve a greater understanding of the situation.
- Interviews with the person(s) against whom allegations have been made in order to record their version of events and check the alleged facts. In this regard, the right to assistance during the interview from workers' legal or trade union representatives is acknowledged, upon request.
- Interviews with the people involved in the events or who may have knowledge of them, who will receive the same non-retaliation guarantees as those established for the people aforementioned.
- Requests for documents submitted to different departments and third parties.
- Possibility of requesting, upon approval of the Compliance Committee, expert reports from external professionals.

In any event, as many additional steps will be taken as deemed relevant and necessary to clarify the facts.

Minutes of each investigation and interview session will be taken upon conclusion of the meeting, which must be signed by all present. Upon completion of the investigation, an **internal report** will be prepared up, and an action proposal submitted to the Corporate Compliance Officer.

Investigation of the case must last no more than **1 month** from the start of the investigation, unless the investigation of the events requires prolonging it for as long as necessary.

If the Compliance Committee and/or those in charge of the investigations find any evidence of sexual harassment, all **precautionary measures** deemed necessary shall be adopted and, in that case, the investigation procedure must be handled urgently, within no more than **15 working days**.

5.4.- Report and response

Upon completion of the investigation, the person responsible for conducting the investigation will submit a written report to the Corporate Compliance Officer, which must contain at least a brief reference of the means used, the documented and proven results of the investigation, and a conclusion of the investigation, proposing the measures to adopt.

Furthermore, after the completion of the file, both the complainant and the person against whom allegations have been made will be informed of its conclusions.

Only when the file is about sexual harassment or for gender-based reasons, the monitoring commission of the equality plan that, if any, applies to the company to which the complainant worker belongs will be informed.

5.5.- Other issues

a) Preventive investigation

The preventive action model includes periodic investigations, under the authority of freedom of enterprise, and defined in the Corporate Compliance Officer's work plan. In such cases, if breaches of the Code of Ethics and Conduct are detected, the investigation process described above will be set in motion.

b) External procedures

If a procedure has been initiated by the Inspectorate of Work and Social Security, civil proceedings have been started or any other investigation procedure external to the FCC Group, the Corporate Compliance Committee will adopt the pertinent decision in light of the prevailing circumstances, informing all parties involved.

6. Filing and custody of the investigations

The FCC Group has an information filing mechanism enabled for this purpose, with access being restricted to members of the Corporate Compliance Committee and the Corporate Compliance Officer, and duly protected. The generated investigation file will be kept by the Corporate Compliance Officer.

7. Data Protection

Basic information on Data Protection	
<i>Responsible party</i>	<i>FOMENTO DE CONSTRUCCIONES Y CONTRATAS, SA (FCC, SA)</i>
<i>Purpose</i>	<i>To investigate, handle and resolve possible behaviours that are contrary to the provisions of the FCC Protocol for the prevention and eradication of harassment.</i>
<i>Legitimacy</i>	<i>Organic Law 10/1995 (Penal Code), Organic Law 3/2007 on effective equality between men and women, the Code of Ethics and Conduct, and all other applicable legislation and/or which replaces it.</i>
<i>Recipients</i>	<i>Compliance Committee, Corporate Compliance Officer or the area's Compliance Officer, heads of the investigation, Human Resources of FCC, SA or of the Entity to which the employee pertains and, if the reported event is liable to administrative and/or legal action, all information related thereto must be communicated to said competent authorities (Inspectorate of Work and Social Security, State Security Forces, Judges and Courts) for the investigation, inquiry and sanction of the event.</i>
<i>Rights</i>	<i>To access, rectify and erase data, lodge a complaint before the Supervisory Authority (www.agpd.es), as well as other rights, when possible as explained in the additional information.</i>
<i>Additional information</i>	<i>Full additional information is available in the Group's intranet or upon request from the FCC Human Resources Dept.</i>

APPENDIX I

In _____, on _____ 20____.

Name and surname:

National ID Document No.:

Company:

Work centre:

Facts supporting the allegation (what, who, where and circumstances of interest):

Most suitable time and means for initiating the communication:

By means of this document, you can request that this allegation be handled in accordance with the procedures established in the FCC Group and the signatory acknowledge that they have been informed of the points relating to Data Protection set out in the Harassment Prevention and Eradication Protocol.

Petitioner's signature:

Signed: _____