



**Harassment Prevention
and Eradication Protocol**

2018

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

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 and implement **adequate training** for the resolving of conflicts and management styles amongst work team managers.
- To ensure that **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 harassment based on sex.

- 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 Committee**, which ensures the proper functioning of the prevention model, monitoring the applicable regulations, risks, and efficiency of controls, and fostering a culture of compliance.
- **Ethics Channel**, managed by the Corporate Compliance Officer and the 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. The Concept of Harassment

In the world of work, we can distinguish three types of harassment:

1. **Workplace harassment**: 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 – which has the purpose or effect of creating a hostile or humiliating environment that disrupts the victim's professional life.

2. **Sexual harassment:** any conduct, whether verbal or physical, of a sexual nature which has the purpose or effect of violating a person's dignity, particularly when creating an intimidating, degrading or offensive environment.
3. **Harassment based on sex:** conduct related to the sex of a person which has the purpose or effect of violating their dignity and creating an intimidating, degrading or offensive environment.

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.

However, the aforementioned, precisely in view of the preventive nature of this protocol, in such cases, must be followed by the opening of a file, seeking to clarify and resolve such conduct in order to prevent these occasional events or conflicts from becoming commonplace and culminating in workplace harassment.

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 a complaint

A harassment complaint 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 complaint must include a detailed description of the events that gave rise to it. To simplify this procedure, the corresponding Complaint Form has been created, attached to this Protocol as **Annex 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 complaint form via the online platform (Ethics 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 analysed diligently, rigorously and confidentially by the Compliance Committee, and the protocol will apply to them comprehensively and based on best practices, so as to respond to them and handle them in an organised fashion.

5.2.- Head of the investigation

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

- 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 complaints aimed at harming another employee will be tolerated. If the existence of a false complaint or testimony is proven, the company will adopt the corresponding disciplinary measures.

- The person or persons responsible for conducting the investigations. 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 Compliance Committee, the designation will be included in the Committee minutes, and the Corporate Compliance Officer will be tasked with reporting the facts to the investigation team along with all elements necessary to conduct the investigation.

5.3.- Investigation Documentation

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 in order to obtain further information and greater understanding of the situation.
- Interviews with the person(s) against whom allegations have been made in order to get their version of events and check the alleged facts. In this regard, the right to assistance during the interview from workers' legal representatives is acknowledged, upon request.
- Interviews with those involved in the events or who may have knowledge thereof.
- Requests for documentation to different departments and third parties.
- Possibility of requesting, upon approval from 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 drawn 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 Corporate Compliance Officer will submit the results to the Compliance Committee, and present a written report that 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; the Compliance Committee will propose the measures to adopt.

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, labour proceedings have been started or any other investigation procedure external to the FCC Group, the Compliance Committee will adopt the pertinent decision in light of the concurrent circumstances.

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 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 Harassment Prevention and Eradication Protocol.</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>

ANNEX I

At _____, on ___ of _____ 20__.

Name and surname:

National ID (DNI):

Company:

Work Centre:

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

Most suitable time and means for initiating the communication

By means of this document, it is requested that this complaint is handled in accordance with the procedures established in the FCC Group and the signatory acknowledges that he/she has been informed of the points relating to Data Protection set out in the Harassment Prevention and Eradication Protocol.

Petitioner's signature:

Signed: _____