

Annex 5 to the WORK REGULATIONS of Packhelp S.A. with its registered office in Piaseczno

**PROCEDURE FOR COUNTERACTING HARASSMENT AND DISCRIMINATION
AND FOR REDUCING THE RISKS RELATED TO CONFLICTS IN THE
WORKPLACE**

Acting as the Management Board of Packhelp S.A. with its registered office in Piaseczno, in accordance with the Employer's obligation specified in Article 94³ § 1 of the Act of 26 June 974 – Labour Code (consolidated text: J. of Laws of 2019, item 1040, as amended), further referred to as the Labour Code, i.e. the obligation to counteract harassment at the workplace and to ensure the implementation of the provisions of Article 18^{3a} of the Labour Code, Article 94 item 2b of the Labour Code, in connection with Article 11¹ of the Labour Code and Article 94 item 10 of the Labour Code, hereby introduces at Packhelp S.A. with its registered office in Piaseczno, this Procedure for counteracting harassment and discrimination and for reducing the risk related to conflicts in the workplace.

**Chapter I
Definitions and Aim of the Procedure**

Definitions

§ 1

Terms used in this Procedure shall have the following meanings:

- 1) Employer – PACKHELP S.A. with its registered office in Piaseczno, entered into the register of entrepreneurs of the National Court Register (KRS) kept by the District Court for the capital city of Warsaw in Warsaw, XIV Economic Division of the National Court Register under KRS no. 0000587640, NIP (Tax ID): 1231308129, REGON (Business ID: 362932312, (further: "Packhelp S.A.");
- 2) Committee for counteracting harassment and discrimination, further referred to as the "Committee" – an auxiliary body established by the Employer in order to investigate cases of harassment, including by collecting data on the incident reported, calling witnesses, considering evidence, and preparing reports. The Committee deals with cases of discrimination and (sexual) harassment. The task of the Committee is also to conduct investigations and recommend actions aimed at limiting undesirable behaviours that infringe the rules social coexistence whenever the incidents reported are conflicts rather than, in the opinion of the Committee, instances of (sexual) harassment;
- 3) mediation – activities undertaken by the Committee in order to suggest to the parties involved, including the Employer itself, possible ways of resolving the conflict and solving the problem;

- 4) harassment – any hostile, destructive, unethical, verbal, visual or physical, and systematically repeated behaviour on the part of the Employer, line manager, or a group of Employees, directed at an Employee or a group of Employees, consisting in persistent and long-term harassment or intimidation, including by mental or physical harassment, lowering or likely to lower the Employee's professional self-esteem, resulting in or aimed at humiliating or ridiculing the Employee, their isolation or exclusion from the team of colleagues. Harassment is considered a highly reprehensible and condemnable behaviour, manifestations of which will not be tolerated in the Employer's enterprise;
- 5) discrimination – unequal, less favourable treatment of an Employee, relating directly or indirectly to the conditions of employment, promotion and access to training in order to improve professional qualifications, in particular on the grounds of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, as well as due to employment for a fixed or indefinite period, full-time or part-time;
- 6) sexual harassment – any undesirable behaviour of a sexual nature by a line manager or another Employee, including demands or requests for sexual favours or other sexual behaviours, expressed verbally or non-verbally. This applies in particular to situations where the rejection of such behaviours by the Employee against whom they are directed affects or may have an impact on decisions regarding the Employee's promotion, changes in working conditions or pay, the amount of remuneration, job responsibilities, referral to training, or performance appraisal. Sexual harassment also includes the above-described undesirable sexual behaviours that are contrary to good manners, as well as disrupting or preventing the performance of official duties or creating the atmosphere of intimidation, hostility or humiliation;
- 7) conflict – a dispute between two or more people, involving tension, emotions, disagreement and polarisation of positions, as a result of which the mutual relations of the parties involved deteriorate, which may result in undesirable actions;
- 8) involved party – any person who is charged with (sexual) harassment or discrimination, as well as any person who is (sexually) harassed or discriminated against (a victim of (sexual) harassment or discrimination);
- 9) employee – any natural person providing work for the Employer based on a contract of employment, regardless of the type of contract, type of work, and job position;
- 10) procedure – this Procedure for counteracting harassment and discrimination and for reducing the risk related to conflicts in the workplace;
- 11) report – it shall be understood as a notification submitted in writing by an Employee, in accordance with this Procedure, who claims that they are affected by or they suffer from actions or behaviours that could be regarded as (sexual) harassment or discrimination. The report may also be made by a witness of such actions or behaviours.

Purpose and Scope of the Procedure

§ 2

1. At Packhelp S.A., all harassment and discriminatory behaviours are considered harmful. The escalation or tolerance of conflict situations that violate the rules of social coexistence and affront the dignity of Employees are also considered harmful and unacceptable.
2. The provisions of this Procedure are intended to protect Packhelp S.A. Employees against (sexual) harassment and discrimination in the workplace or in connection with work, and to protect them against adverse consequences of conflict situations.
3. The protection referred to in section 2 of this Article extends over all Packhelp S.A. Employees, regardless of the type of work or job position.
4. The provisions of this Procedure are also aimed at reducing conflicts that violate the rules of social coexistence and their harmful consequences.
5. The aim of this Procedure is also to build a sense of responsibility among Employees and the management of Packhelp S.A. for a correct communication and good cooperation of Employees in teams reporting to individual managers.

Chapter II

Rights and Responsibilities of Employees and the Employer

Employer Responsibilities

§ 3

1. The Employer is obliged to take all actions permitted by law, including those described in this Procedure, to prevent (sexual) harassment and discrimination in the workplace or in connection with work performed by Employees.
2. The Employer is obliged to take all actions provided for by law, including those described in this Procedure, in order to reduce the social effects of (sexual) harassment and discrimination, including in particular by intervening and providing assistance to the victims of such behaviours.
3. The Employer is entitled and obliged to take all actions provided for by law, in particular the provisions of the Labour Code, against persons who are perpetrators of (sexual) harassment or discrimination.

§ 4

1. The Employer is obliged to take actions described in this Procedure whenever an incident report is submitted.
2. The Employer undertakes actions specified in this Procedure whenever it learns about an instance of (sexual) harassment or discrimination from a source other than an incident report, in particular if it obtains relevant information during periodic

employee appraisals, from surveys, or by other methods that are used to diagnose the situation of employees and their interpersonal relations.

Employee Rights and Responsibilities

§ 5

1. Each Employee who believes that they fall victim to (sexual) harassment or discrimination has the right to demand that the Employer take measures to stop such acts or omissions and mitigate their effects.
2. Each Employee who is aware of or learns about an instance of (sexual) harassment or discrimination has the right to report it.
3. Making unjustified accusations of (sexual) harassment, or discrimination is prohibited.
4. The Employee's exercise of the right referred to in section 1 of this Article shall be without prejudice whatsoever to other applicable legal remedies to which they are entitled. The Employee's use of such legal remedies does not depend either on the earlier application of the provisions of this Procedure.

§ 6

1. Employees of Packhelp S.A., regardless of their job position, are obliged to treat each other with dignity and respect, and ensure that their words or behaviours do not violate the personal or other rights of other people. Employees are obliged to counteract harassment and discrimination by:
 - 1) making efforts to follow the rules of social coexistence in relations with other Employees, including by respecting their dignity and personal rights;
 - 2) avoiding undesirable behaviours in the workplace towards fellow Employees or other persons, in particular any behaviours that may be the source of harassment and discrimination;
 - 3) reacting to undesirable behaviours of third parties, in particular to behaviours that may be the source of harassment and discrimination, including by refusing to participate in or support any activities involving undesirable behaviours, in particular any behaviours that may be the source of harassment and discrimination, or violating the rules of social coexistence.
2. Employees of Packhelp S.A. are also required to:
 - 1) avoid getting involved in or escalating conflicts;
 - 2) try to resolve conflicts at the earliest possible stage;
 - 3) resort to the Committee for Counteracting Harassment and Discrimination established by the Employer in a situation where their conflict-solving efforts prove ineffective, especially when the number of undesirable behaviours increases or when such behaviours evolve into physical or mental violence, or when the conflict escalation adversely affects the efficiency of the work process.

3. The management of Packhelp S.A. is responsible for maintaining and shaping appropriate relations in the workplace, based on the principle of mutual respect and preventing the infringement of personal rights (dignity) of Employees.
4. The management of Packhelp S.A. is responsible for mitigating the organisational and personal risk in managing work and people, as well as for promoting desired attitudes and behaviours among Employees, in line with the rules of social coexistence. In view of the foregoing, line managers are required to:
 - 1) resolve conflicts with Employees or between reporting Employees, without undue delay;
 - 2) be a role model of the right attitude;
 - 3) be open to feedback from Employees;
 - 4) report to the Employer any problems that require intervention on the part of the Employer – in order to mitigate the organisational and personal risk in the management process.

Reporting Harassment and Discriminatory Behaviours

§ 7

1. Each Packhelp S.A. Employee who considers that they have fallen victim to harassment or discrimination or have been a witness of such behaviours should submit a written report to the HR Department – via e-mail or in person.
2. The report should include presentation of the facts, date or period it relates to and other information which may constitute evidence regarding the circumstances described in the report, as well as information about possible witnesses of the events and the identity of the perpetrator and the victim.
3. The report should be dated and signed by the submitting Employee.

Liability for (Sexual) Harassment and Discrimination

§ 8

1. If the information presented in the report is confirmed and if it is confirmed that a specific behaviour may be understood as harassment or discrimination, the Employer shall take steps to eliminate the irregularities thus identified and prevent their recurrence.
2. If the information in the report is confirmed and if it is confirmed that the behaviours described in the report were an instance of harassment or discrimination, the Employer shall impose sanctions on the perpetrator(s) as provided for in labour law. In particular:
 - 1) the Employer may apply the penalty of admonition or reprimand;
 - 2) the perpetrator of harassment or discriminatory activities may be additionally deprived of the right to a prize or bonus;
 - 3) in case of gross instances of harassment or discrimination, the Employer may terminate the employment relationship with the perpetrator.

3. The Employer may transfer the affected Employee – a victim of harassment or discrimination, at their request or with their consent, to another workplace. The transfer occurs if the existing technical and organisational conditions make it optimally possible to implement such a decision.

Chapter III

Preventive Actions

Counteracting (Sexual) Harassment and Discrimination

§9

1. The Employer actively counteracts (sexual) harassment and discrimination in the workplace and in connection with work, in particular by:
 - a) taking preventive actions referred to in section 2 of this Article aimed at counteracting (sexual) harassment and discrimination;
 - b) undertaking interventions aimed at the immediate cessation of (sexual) harassment and discrimination.
2. The Employer takes preventive measures to counteract (sexual) harassment and discrimination consisting, in particular, in:
 - a) compulsory training of all Employees and managers on (sexual) harassment and discrimination issues and their prevention;
 - b) conducting regular training, at least once in two years, and making anti-harassment presentations for employees and/or the management;
 - c) creating a dedicated e-mail address at Packhelp S.A. to which questions related to (sexual) harassment and discrimination can be sent; such questions will be answered by Employees appointed by the Employer from the HR team or members of the Committee or by third-party cooperating experts;
 - d) creating and providing Employees with information materials on (sexual) harassment, discrimination and other undesirable behaviours.

Chapter IV

Committee for Counteracting Harassment and Discrimination

§ 10

1. In order to ensure an appropriate consideration of Employee reports, Packhelp S.A. appoints the Committee for Counteracting Harassment and Discrimination.
2. The Committee is composed of 3 members:
 - a) Representative of the Employer – Marek Cieszko;
 - b) Representative of Employees – Gabriela Sokół;
 - c) Employee of the HR Team – Katarzyna Doleżał.Additional persons may be appointed to the Committee, i.e. an internal or external expert (psychologist, lawyer).
3. The tasks of the Committee include in particular:

- a) finding manifestations of (sexual) harassment and discrimination; here, the main task of the Committee is to conduct individual interviews to investigate into the situations described in the report; such interviews are conducted with the reporting person, the person to whom the allegations presented in the report are related, and witnesses of the events described in the report;
 - b) making proposals for the prevention and elimination of the consequences of (sexual) harassment and discrimination, as well as dispute resolution and conflict mitigation after collecting all the information necessary to assess the facts;
 - c) providing the Employer with information and documents necessary to implement organisational and personnel measures related to counteracting harassment and discrimination.
4. The purpose of explanatory interviews is to find out whether any actions/behaviours in the case reported could be regarded as harassment or discrimination. Each member of the Committee is obliged to remain objective and impartial when assessing individual cases. Ensuring the freedom of expression of participants in the investigation does not mean that it is allowed to violate the personal rights of persons whom various statements refer to, or that it is allowed to violate the rules of social coexistence or the generally accepted culture of expression.
 5. In the first place, members of the Committee are required to collect detailed information from the person who submitted the information/report in order to supplement it if necessary. The Committee should hear out all the parties involved, with full freedom of expression.
 6. Each member of the Committee is obliged to remain objective and impartial when assessing individual cases.
 7. In case of any doubt as to the assessment of a specific case, the Committee may consult external experts.
 8. If, in the course of the proceedings, it is necessary to hear witnesses, the Committee invites them to the meeting. A memo is prepared from hearing, which should be read and signed by the witness concerned. The witness also signs a confidentiality undertaking as to all facts and circumstances of which they have become aware during the examination of the witness.
 9. The Committee starts its work within 5 working days after receipt of a report. The Employer, at its own and exclusive expense, provides the Committee with the resources (including premises and materials) necessary for the performance of its tasks.
 10. The Committee members elect a chairman from among themselves.
 11. All Packhelp S.A. Employees are obliged to participate in explanatory interviews conducted by the Committee for Counteracting Harassment and Discrimination – at the time and place specified by it.
 12. The Committee has the right to submit an application to the Employer to conduct a survey in individual organisational units of Packhelp S.A. Conclusions from the

surveys provide supplementary information and may be used to clarify a specific situation or implement some broader anti-harassment and anti-discriminatory measures or activities aimed at identifying, solving, and limiting conflicts.

13. The Committee documents explanatory interviews in the form of memos signed by all members of the Committee.
14. The Committee acts with respect for the personal rights and reputation of the reporting person and potential perpetrators, and ensures the security of personal data of all persons participating in the investigation.
15. Upon completion of the Committee's work, minutes are drawn up and signed by all members of the Committee. The minutes contain assessment of the situation described in the report.
16. The minutes may also include the team's suggestions to improve communication in a given organisational unit or streamline its management, as well as the need to conduct additional explanatory interviews and/or disciplinary talks, or possibly implement additional training and other measures to improve relations and standards of behaviour in the workplace.
17. All decisions (including organisational and/or personnel decisions) regarding the situation described in the report assessed by the Committee are taken by the Employer – after reading the minutes.
18. The work of the Committee, meetings and explanatory interviews, as well as all documents related to the situation that is subject to investigation and the work of the Committee itself are confidential. The Employer authorises the Committee members to process personal data of persons participating in the proceedings.
19. The person that the report refers to or the manager of the business unit in which such a person is employed cannot be a member of the Committee. A member of the Committee cannot be a person related to the Employee who has reported harassment or the Employee who is named in the report as a perpetrator, with the relationship understood as marriage, direct kinship or affinity, secondary kinship or affinity up to the second degree, or relationship by adoption, care and guardianship, or a person in such a legal or factual relationship with the reporting person that it may raise justified doubts as to that person's objectivity and impartiality. In situations specified in this section, a member of the Committee shall be excluded from the composition of the Committee.

Chapter V

Intervention and Support Measures

§ 11

1. In the course of the proceedings, the Committee determines whether and what intervention measures against the perpetrator or support measures for a victim of (sexual) harassment or discrimination can be implemented in a specific case in order to immediately stop such occurrences in the workplace or in connection with work. Intervention/support measures are also recommended in the case of situations that were identified as conflicts during the investigation procedure.
2. Intervention may take place with the use of measures that are readily available or measures agreed with the parties involved, including via a mediator appointed by the Committee, who suggests possible ways of resolving the conflict and solving the problem to the parties involved.
3. The Committee may propose to the parties involved in the procedure to participate in mediation at any stage thereof. The condition for referring a case to mediation is the consent of both parties to the proceedings. The mediator is appointed by the Committee with the consent of the parties involved.
4. Mediation should not exceed 21 days. Following the joint request of the parties involved or for other valid reasons, the Committee may extend the above-mentioned time limit, in particular if there is a possibility that the case will be settled in an amicable manner.
5. Mediation should make it possible to analyse disputable issues, clarify misunderstandings and, consequently, find a solution that will satisfy all parties to the dispute or, alternatively, clarify the circumstances and reasons that stood in the way of a settlement.
6. The role of the mediator is to ensure that the settlement satisfies the parties involved and is in line with legal regulations and the rules of social coexistence. The settlement should contain arrangements between the parties to the proceedings on how to resolve the conflict, including mutual obligations of the parties, and the possible deadline for their implementation.
7. The settlement is signed by both parties to the proceedings and the mediator.
8. Upon completion of the procedure, the Committee draws up the Final Report, which is signed by all members of the Committee. The Final Report is shared with the Employer and all the parties involved.
9. Should the Committee decide that (sexual) harassment or discrimination occurred, the Committee proposes further necessary action.
10. A victim of harassment should be instructed by the Committee about general legal remedies to which the person is entitled, in particular about the possibility of bringing an action to court.
11. A victim of harassment has the right to apply for a transfer to another workplace. The transfer may consist in a change of the room or building, combined, if necessary, with a change of the current job position to an equivalent one. If such a request is submitted to the Committee, the request is forwarded to the Employer.
12. If the actual situation requires a diagnostic and therapeutic consultation, the Committee informs the Employer of the need to provide, at the Employer's expense, the assistance of a psychologist or psychiatrist.

13. In connection with a specific (sexual) harassment or discrimination incident in the workplace and in connection with work, the Committee may establish additional preventive measures that should be taken by the Employer in order to prevent such occurrences in the future.

Chapter VII Final Provisions

Confidentiality § 12

1. All persons admitted to dealing with (sexual) harassment or discrimination incidents are obliged to maintain the confidentiality of all facts of which they become aware in the course of their involvement in the case and in connection therewith. Before commencing work, such persons should sign a confidentiality undertaking constituting Annex 1 to this Procedure.
2. With the exception of the parties involved, to whom, upon their request, copies of the requested documents are issued, members of the Committee must not copy for the purpose of making available, or otherwise disclosing or distributing any documents concerning a specific (sexual) harassment or discrimination incident or the work of the Committee. Moreover, no document concerning a specific (sexual) harassment or discrimination incident or the work of the Committee may be copied or made available to witnesses.
3. Data contained in the materials and documents of the Committee may be classified as sensitive personal data – then they are subject to appropriate protection provided for in the personal data protection legislation.

Amendments to the Procedure § 13

Any amendments to the Procedure are made by the Employer by way of an appropriate internal order. The uniform text of the Procedure with amendments will always be published.

Piaseczno, 14.09.2020

Management Board of Packhelp S.A. with its registered office in Piaseczno

....., on
(place and date)

.....
(full name of the Employee)

.....
(residential address)

.....
(job position)

Confidentiality Undertaking

I, the undersigned providing work for **Packhelp S.A. with its registered office in Piaseczno**, entered into the register of entrepreneurs of the National Court Register (KRS) kept by the District Court for the capital city of Warsaw in Warsaw, XIV Economic Division of the National Court Register under KRS no. 0000831872, NIP (Tax ID): 1231308129, REGON (Business ID: 362932312, in connection with my appointment to perform tasks related to (sexual) harassment and discrimination incidents, I undertake to maintain the confidentiality of all facts of which I may become aware in the course of my involvement in the case and in connection therewith.

This obligation does not apply to information which must be disclosed based on legal regulations, a court decision or a decision of another competent authority, subject to the immediate notification of the Management Board of **Packhelp S.A. with its registered office in Piaseczno**. Before performing the obligation to disclose a specific piece of information, I undertake to accordingly notify the Management Board of **Packhelp S.A. with its registered office in Piaseczno**, specifying the basis for the obligation to disclose information. At the same time, I undertake to exercise the utmost care to protect all data media on which any information disclosed to me in connection with or on the occasion of performance of the above-mentioned tasks is stored against loss, theft and sharing with third parties.

.....
(Employee signature)