

INTERNAL ANTI-MOBING POLICY

SAGA POLAND SP. Z O.O.

GENERAL PROVISIONS

§ 1

Definitions and abbreviations

The notions and abbreviations used herein mean:

1. **Mobbing** - within the meaning of article 94 (3) of the Polish Labour Code, it means actions or behaviour towards or against the employee involving persistent and long-lasting harassment or intimidation of the employee resulting in their lowered vocational fitness self-assessment, causing or aiming at humiliation or ridicule of the employee, their isolation or elimination from the team;
2. **Employer** - SAGA POLAND sp. z o.o. with its registered office in Teresin;
3. **Employee** - a person who has an employment relationship with the Employer;
4. **Anti-mobbing Committee** or **Committee** - a collective body set up by the Employer for following-up employees mobbing complaints;
5. **Place of work** - place where the Employee performs their work, pursuant to article 22 of the Polish Labour Code;
6. **LC** - act of 26 June 1974, the Labour Code (i.e., Journal of Laws of 2014 item 1502),
7. **IAP**- the Internal Anti-mobbing Policy;
8. **HR Department** - a department for HR services, separated in the Employer's structure or in the structure of an external entity providing HR services for the Employer.

§ 2

The IAP Purpose

1. The IAP aims at the Employees' protection against mobbing at the work place or in connection with their work.
2. The IAP applies to all Employees regardless the type of work performed and the position held.
3. The IAP specifies in particular:
 - a. the procedure in a mobbing situation and rights and duties of the Employees in such a situation;
 - b. prevention measures taken by the Employer aiming at counteracting mobbing cases.

COUNTERACTING MOBING

§ 3

The Employee's duties

1. Each Employee is obliged to read the IAP and to submit a relevant written declaration, signed and dated, at the HR Department.
2. The declaration on reading the IAP is included to the Employee's personal records. A draft of the declaration constitutes the Appendix no. 1 hereto.
3. The Employee are obliged to respect dignity and personal rights of all participants of the work process.

4. The Employees are obliged to apply the principles of community life to their relations and they are also obliged to kindness and courtesy guaranteeing order, well-being and mental health.
5. Each Employee's obligation is to take every effort to prevent mobbing.
6. The Employee cannot undertake activities having the appearance of mobbing nor create situations encouraging mobbing.
7. Encouraging or using mobbing constitutes a violation of basic employee's duties and may be the basis for the Employer imposing sanctions provided for in the LC provisions, in particular reprimands or employment contract termination.

§ 4

The Employer's duties

1. The priority of the IAP introduction is to support actions conducive to building positive relations between the Employees and the Employer.
2. The Employer takes all the measures provided for by the law so that the work environment is free from mobbing and other forms of psychological harassment.
3. Any acts and behaviour being a case of mobbing will not be tolerated by the Employer.
4. The Employer is obliged to take measures specified in the IAP in each case of a complaint lodged by the Employee.
5. The Employer takes measures specified in the IAP also in each mobbing case of which they are informed by another source than the Employee's complaint.

§ 5

The Employee's powers

1. Each Employee who is a victim of mobbing has the right to demand measures to be taken by the Employer aiming at preventing and as a result - elimination of mobbing and, in particular, the Employee is authorised to lodge a complaint to the Employer.
2. The Employee exercising the right specified in paragraph 1 of this section will in no way exclude the Employee's right to seek legal remedies upon the generally applicable law. Also, resorting to such legal remedies in no way depends on prior application of the provisions of this IAP.
3. The complaint specified in the paragraph 1 should be drawn up in writing, dated and signed by the Employee.
4. In the complaint, the Employee should describe which of the supervisors' or colleagues' actions are the cases of mobbing, indicate full name of a person or people who, in the Employee's opinion, are committing mobbing, give justification and, where possible - adduce evidence that the presented actions and behaviours actually have occurred.
5. The Complaint should be lodged at the HR Department or to a person who, on behalf of the Employer, performs tasks required by the LC, or the Management Board Member of the Employer.

§ 6

Anti-mobbing Committee

1. The Anti-mobbing Committee is set up by the Employer *ad hoc* in line with the procedure specified in this paragraph.
2. The Employer having received a complaint drawn up by the Employee, will immediately, however not later than within 5 working days of receiving the complaint, set up the Anti-mobbing Committee.
3. The Committee commences the proceedings not later than within 10 of receiving the complaint.

4. The Committee will include three members:
 - a. an HR Department Representative,
 - b. a person who, on behalf of the Employer, performs tasks required by the LC pursuant to article 3(1) thereof, or the Management Board Member of the Employer, or the Board's representative and
 - c. an Employees' representative or a person appointed by the Employee who has lodged the complaint.
5. The Committee members elect chair from among themselves.
6. A member of the Anti-mobbing Committee may be only a person against whom there is not and has never been a pending proceedings due to mobbing accusations.
7. The Committee member must not be a person who is accused of committing mobbing based on the lodged complaint or who has lodged the complaint themselves.
8. A person appointed to the Anti-mobbing Committee is obliged to submit a written declaration that against them there is not and has never been a pending proceedings due to mobbing accusations. A draft of the declaration constitutes the appendix no. 2 hereto.
9. In case there is a suspicion that the Employer's Management Board Member has committed mobbing, the appointment of the Anti-mobbing Committee members will take place upon the decision of the Employer's attorney appointed by the Shareholders' Meeting of the Employer.
10. The Anti-mobbing Committee Members are entitled to a paid discharge because of their duties within the works of the Anti-mobbing Committee Member.
11. The Employer provides the Anti-mobbing Committee with means necessary for performance of its duties (supplies and a room).
12. The Anti-mobbing Committee's task is to establish facts and to assess whether there has been a case of mobbing or not, to determine the wronged party and the person responsible, also the manner of resolving the conflict.
13. The Anti-mobbing Committee should hear all the parties and provide them with unrestricted freedom of expression.
14. After hearing the wronged Employee's explanations and the alleged violator(s) and after evidentiary proceedings, the Committee decides by a majority vote whether the complaint is well-founded.
15. Each of the Anti-mobbing Committee Member is obliged to maintain objectivity and impartiality at assessing particular cases.
16. Independence of judgement of the Committee Members is provided by the requirement of attaching the records of divergences.
17. A written minutes on the Committee meeting are prepared and signed by all the Committee members. A draft of the minutes constitutes the appendix no. 3 hereto.
18. The Committee's decision along with justification is attached to the minutes specified in point 17; the decision, within 14 days of commencement of the proceedings, is given to the complaining Employee and to the Employee(s) accused of mobbing, what should be confirmed by their signature.
19. In case the Anti-mobbing Committee determines that the mobbing case has not taken place, the Committee informs the Employer and presents them (or any person authorised by them) with a request to punish the person who committed mobbing. The punishment specified in the preceding sentence may in particular include reprimand or termination of employment towards the persons who committed mobbing.
20. The Employer may, where possible, transfer the wronged Employee at their request or with their consent to other work position.

21. The victim of mobbing should be advised by the Anti-mobbing Committee on the available legal remedies, in particular on the possibility of instituting legal proceedings.
22. The proceedings before the Committee are of confidential nature and the facts there established may not be publicly disclosed. This does not apply to the situation where the facts mentioned in the preceding sentence are the subject of judicial proceedings or other proceedings carried out upon the law.
23. The Anti-mobbing Committee members are obliged to submit a written confidentiality declaration. A draft of the declaration constitutes the Appendix no. 4 hereto.

§ 7

1. In each case of mobbing detected, the Employer will take preventive measures for avoiding similar situations in the work environment, in particular by informative actions.
2. If need be, the Employer is authorised to conduct an internal training for the Employees in terms of mobbing and counteracting any form of it.

FINAL PROVISIONS

§ 8

1. Each time at hiring new Employees, the HR Department will present them the IAP and will collect a relevant declaration in line with §3 (1) and (2) hereof.
2. Amendments to the IAP may be introduced pursuant the procedure of their adoption.
3. The Internal anti-mobbing policy enters into force after two weeks of the day of its publication for the Employees in a manner customary at the Employer.

Appendices:

1. The Employee's declaration on having read and accepted the IAP.
2. The Anti-mobbing Committee Member's Declaration
3. The Minutes of the Anti-mobbing Committee meeting
4. The Anti-mobbing Committee Member confidentiality declaration

.....

Full name

.....

Position

EMPLOYEE'S DECLARATION

Draft

I hereby declare that I have read and understood the Internal Anti-mobbing Policy at SAGA POLAND sp. z o.o. with its registered office in Teresin and I undertake to observe its provisions.

.....

Date

.....

Employee's signature

THE ANTI-MOBGING COMMITTEE MEMBER'S DECARATION

Draft

.....,

(full name of the Employee)

performing the tasks of the Anti-mobbing Committee member, I declare that there are not and have never been any judicial or extrajudicial proceedings against me in terms of committing mobbing.

.....

Date

.....

Employee's signature

MINUTES
of the Anti-mobbing Committee meeting

Draft

Drawn up on in

The minutes drafted by:

Full name

Position

Place of employment.....

Present committee members:

.....
.....
.....

(full names, positions and place of employment)

Regarding the case upon the complaint:

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.....

Measures taken by the committee:

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.....

The committee's decision:

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.....

It has been ordered to call witnesses/the person accused of mobbing practices/the complaining person:

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.....

Other orders of the Committee:

.....
.....

Setting out the main grounds for the Committee's final settlement (the Settlement along with the justification constitutes the appendix hereto):

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.....

.....

(Committee members' signatures)

* delete as not appropriate

Appendices to the minutes:

- 1. the Anti-mobbing Committee's settlement:

**THE ANTI-MOBGING COMMITTEE MEMBER'S
CONFIDNETIALITY DECLARATION**

Draft

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

Acting as a member of the Anti-mobbing Committee I undertake to keep all information obtained due to the performed tasks in secrecy, both this concerning the Employee and the Employer, in particular the legally protected information within the meaning of the acts:

- a) as of 29 August 1997, on protection of personal data (Journal of Laws no. 133, item 883, as amended),
- b) as of 16 April 1993, Unfair Competition Act (Journal of laws no. 153, item 1503, as amended),

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Date

Employee's signature