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NON-DISCRIMINATION PROCEDURE IN CRIST S.A. CAPITAL GROUP

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Valid from 31.08.2018			

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PREAMBLE

The main and priority goal of introducing hereby procedure is to support activities aimed at building positive relations between people cooperating with each other on the premises of CRIST S.A. shipyard.

Taking into account the good working atmosphere, which conducts to the development of mutual relations based on cooperation, respect and acting in accordance with the accepted ethical principles, a non-discrimination procedure is created.

The subject of the procedure is to create a tool to prevent, react and eliminate undesirable behaviors consisting of violation of the principles of equal treatment at CRIST shipyard. The purpose of the procedure is to create appropriate mechanisms to eliminate undesirable behaviors fulfilling criteria of unequal treatment of both employees and cooperating persons.

All employees and cooperating persons are obliged to familiarize themselves with the principles described in hereby procedure and to follow them.

Section I

§1

General provisions

In the performance of the obligation under Article 11² and 11³ of the act of June 26, 1974, the Labor Code (Journals of Law of 1998 no. 21, pos. 94 as amended) in order to develop the principles of social coexistence in the workplace, including counteracting discrimination and unequal treatment in employment, this anti-discrimination procedure (hereinafter referred to as: ‘Procedure’) is introduced in the CRIST Capital Group (hereinafter referred to as: ‘CRIST’) and all employees / co-workers and other persons present on the premises of CRIST S.A. shipyard are obliged to read its content and strictly follow it.

§2

The scope of obligation

The procedure is provided for the purposes of CRIST Capital Group and covers employees, associates, clients and subcontractors.

§3

Definitions and abbreviations

Whenever the procedure refers to:

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Discrimination - a situation in which a person is treated less favorably than other people in a comparable situation would be treated due to sex, race, ethnic origin, nationality, religion, belief, disability, age or sexual orientation, and also due to employment for a fixed or indefinite period of time or full-time or part-time work.

The principle of equal treatment - employees / co-workers should be treated equally in terms of establishing and terminating the employment contract, terms of employment, promotion and access to training in order to improve professional qualifications, in particular regardless of sex, age, disability, race, religion, nationality, political beliefs, affiliation to trade union, ethnic origin, belief, sexual orientation, as well as regardless of employment for a fixed or indefinite period of time.

Direct discrimination - takes place when an employee is or could be treated less favorably than other employees in terms of establishing and terminating the employment contract, terms of employment, promotion and access to training in order to improve professional qualifications, in particular regardless of sex, age, disability, race, religion, nationality, political beliefs, affiliation to trade union, ethnic origin, belief, sexual orientation, as well as regardless of employment for a fixed or indefinite period of time or full-time or part-time work.

Indirect discrimination - a situation in which for a person, as a result of an apparently neutral decision, criteria or action taken, there are or could occur unfavorable disproportions or a particularly unfavorable situation in terms of establishing and terminating the employment contract, terms of employment, promotion and access to training in order to improve professional qualifications for all or a significant number of employees belonging to the group distinguished due to one or more reasons specified in the preceding definition, unless that the decision, criteria or action is objectively justified in the light of the legitimate aim to be achieved, and that the means of achieving that aim are appropriate and necessary.

Other people - persons who are not employees or co-workers, e.g. contractors, clients, former employees or associates whose behaviors fulfil criteria for discrimination against employees / co-workers of CRIST group or submitted a Report of violation of the principles of equal treatment / discrimination.

Labor Code – act of June 26, 1974 (consolidated text of December 23, 1997, Journals of Law of 1998, no. 21, pos. 94 as amended).

Anti-discrimination Committee - a collegial body, operating at the Employer, whose task is to assess the reported cases of discrimination, counteract the occurrence of factors favoring discrimination, as well as indicate ways to prevent them in the future.

Harassment - is a sign of discrimination, the purpose or effect of which is to violate the dignity of an employee and to create an intimidating, hostile, degrading, humiliating or offensive atmosphere against him.

Sexual harassment – is a sign of discrimination, and it is any unwanted behavior of a sexual nature or relating to the sex of an employee/co-worker, with the purpose or effect of violating the dignity of the employee and creating an intimidating, hostile, degrading, humiliating or offensive environment for him; this behavior may consist of physical, verbal or non-verbal elements (sexual harassment).

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Person reporting the adverse event – an employee reporting an adverse event on behalf of himself or a group.

Person violating the principles of non-discrimination – an employee/co-worker or other person, who with their behavior violates the rules included in hereby procedure.

Person of trust – an employee/co-worker with the authority and trust of other people, who performs his function under social responsibility. Elected by employees through written elections. Its task is to provide help and support to people affected by adverse events resulting from acts of discrimination.

Employer – a company included in CRIST S.A. Capital Group.

Employee – a person hired on the basis of employment contract by one of the companies included in CRIST S.A. Capital Group.

Witness - a person who was a witness of an undesirable event constituting discrimination.

Co-woker - a natural person cooperating in companies included in a capital group on the basis of contracts: civil law contracts, provision of services.

Adverse event - behavior committed by employees or other persons violating, intentionally or unintentionally, the principles of non-discrimination and equal treatment, expressed in:

- violating verbally or physically personal dignity, in particular through verbal aggression, intimidation, humiliation, ridiculing, name-calling, humiliation, use of physical violence,
- striving to eliminate/isolate a person/group from a group of employees,
- accusations, slander of undesirable behavior in the workplace.

Any other undesirable behavior not listed above but causing a mental / physical health disorder, destruction, disrupting or preventing the performance of duties / assigned tasks, if it has any signs of discrimination, will be considered undesirable behavior.

Notification of an adverse event - reporting a person who is a person of trust in writing or verbally about an event which has occurred / may arise and that may fulfil criteria for discriminatory behavior, including a victim or a witness.

Section II

§1

Discrimination

Discrimination is a direct or indirect breach of the principle of equal treatment with regard to:

1. establishing and terminating the employment contract / cooperation relationship,
2. employment / cooperation conditions,

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3. promotion and access to training in order to improve professional qualifications,
4. action consisting of encouraging another person to violate the principle of equal treatment in employment or ordering him to violate this principle,
5. violating the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive atmosphere against him (harassment), this behavior may consist of physical, verbal or non-verbal elements,

in particular regardless of sex, age, disability, race, religion, nationality, political beliefs, affiliation to trade union, ethnic origin, belief, sexual orientation, as well as regardless of employment for a fixed or indefinite period of time or full-time or part-time work.

§2

Obligations and rights of CRIST Capital Group employees

1. CRIST is obliged to counteract discrimination and unequal treatment in the capital group.
2. CRIST is obliged to:
 - 1) is obliged to familiarize employees with the provisions of the Labor Code on discrimination and unequal treatment,
 - 2) influence the development of the principles of social coexistence in the organizational culture,
 - 3) react promptly to all forms of discrimination and unequal treatment.
3. CRIST recognizes discrimination against employees / co-workers and unequal treatment - as highly reprehensible, condemnation worthy event, all expressions of which will not be tolerated in CRIST Capital Group.
4. CRIST takes preventive actions to combat discrimination, harassment or sexual harassment, in particular involving:
 - 1) the mandatory training of all employees in the field of discrimination, harassment and sexual harassment and how to prevent those events,
 - 2) conducting systematic, i.e. held at least once a year, lectures or trainings in this field for employees / co-workers,
 - 3) introduction of an e-mail address in CRIST Group to which you can submit questions related to the issues of discrimination, harassment or sexual harassment; the questions will be answered by person of trust,
 - 4) preparation of information materials on discrimination, harassment and sexual harassment and distributing them among employees/co-workers.
5. Preventing actions may also be initiated by employees.
6. Employees / co-workers are required to:
 - a. observe the prohibition of applying discrimination in CRIST Group,

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- b. confirm in a written declaration that they read the anti-discrimination procedure,
 - c. prevent the occurrence of undesirable behavior,
 - d. report the adverse event which occurred or they noticed,
 - e. intervene and provide assistance to those affected by violations, according to their level of knowledge and competence,
 - f. provide information to the Committee in the course of the ongoing explanatory proceedings.
7. Declaration, referred to in paragraph 4 (b), that the employee's familiarized himself with the provisions shall be submitted to the personal files.
 8. Employees / co-workers are obliged to prevent the use of discrimination by other persons, and if they have information that may prove its use, submit a written or verbal notification.
 9. Each employee / co-worker has the right to:
 - 1) demand from the employer to take action to stop discrimination and eliminate its effects,
 - 2) to seek legal protection under applicable law, regardless of the provisions of hereby procedure, including also sending the case to court.
 10. Heads of department, persons managing and supervising the work of groups or individuals are obliged to promote high ethical standards and to resolve conflicts and disputes that arise.
 11. Superiors are responsible for recognizing undesirable behaviors and for reacting quickly enough to eliminate them.
 12. Unjustified accusation of discrimination is strictly prohibited and constitutes a violation of basic employee obligations.

Section III

Proceeding path in the event of a situation of discrimination

1. In the event of an adverse event, the employee has the right to choose an informal or formal proceeding path.
2. Informal proceeding path includes the following options:
 - 2.1. attempts to explain the event on your own,
 - 2.2. attempts to explain the event with the person violating the procedure with the participation of: the superior, supervisory person or a person of trust,
 - 2.3. submit the undesirable event description to the e-mail address of the anti-discrimination committee or to the ethics box.
3. Formal proceeding path is as follows:

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- 3.1. reporting the event on the form to a person of trust, and preparation of notification of an undesirable event with the help of person of trust or independently or
- 3.2. reporting the event directly to the Anti-discrimination Committee.
4. The notification should be submitted on a form (enclosure no. 1) and depending on the option chosen by the reporting person:
 - submitted via e-mail to the address: etyka@crist.com.pl
 - thrown into the ethics box,
 - submitted in person / verbally to the protocol to a person of trust.
5. Notifications of adverse events not submitted on the form should include:
 - 5.1. name, surname, position held, place of employment of person reporting, and
 - 5.2. name, surname, position held, place of employment of person who violated the principles of anti-discrimination,
 - 5.3. description of the event occurred together with its date,
 - 5.4. signature of person reporting and contact data (phone number, e-mail address).
6. Anonymous notification forms will not be a subject of consideration.

Section IV

§1

Persons of trust

1. Two persons of trust are appointed in CRIST Capital Group.
2. Person of trust mandates for two years.
3. The election is carried out by employees presenting candidates for person of trust to the Election Commission.
4. Candidates for a person of trust may be submitted to the Election Commission within 30 days.
5. The elections are secret and direct.
6. You can only vote in person.
7. The employer orders the elections within 30 days of their announcement.
8. The commission will draw up a list of candidates after the commission's opening of applications, which will be available on the notice board.
9. The Election Commission issues ballots with the names and surnames of the candidates.

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10. The Commission informs employees about the method of voting with information on the notice board.
11. The Commission informs the Employer of the election results in writing.
12. The Election Commission consists of 3 employees:
 - employee selected by the Employer,
 - employee of personnel department,
 - employee representing the employees.
13. A person of trust may resign from the function at any time.
14. The scope of duties of person of trust includes:
 - receiving notifications of adverse events and their initial investigation, and proposing a possible solution to the problem,
 - supporting employees in solving conflict situations,
 - participation in Anti-discrimination Committee,
 - preparation of reports from notifications.
15. A person of trust is obliged to keep all information obtained confidential.

§2

Anti-discrimination Committee

1. Proceedings on reporting discrimination are conducted by Anti-discrimination Committee, whose task is to consider the notification form in accordance with the principles of impartiality and confidentiality.
2. CRIST appoints Anti-discrimination Committee each time within 14 days from the date of submission of the notification.
3. The Committee is composed of:
 - 1) Head of Organizational and Administration Department,
 - 2) person of trust,
 - 3) employee appointed by the reporting person.
4. The Committee meets as a full body.
5. The Committee appoints a chairman from its members, who directs the Committee's work.
6. Members of the Committee do not participate in a discriminatory proceedings that concerns them or concerns people from the department they supervise.

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7. The Committee shall commence the proceedings immediately, but not later than within 14 days of submitting the notification.
8. If the hearing of the employee who submitted the notification or the person who is accused of discrimination is impossible due to absence from work, the running of the 14-day period does not start, and the started one is suspended until the day of returning to work of the above-mentioned persons.
9. After the suspended proceedings are resumed, the term referred to in point 8, begins to run from the beginning.
10. A Committee meeting is convened by the chairman or a committee member indicated by him.
11. The Committee hears explanations of the person submitting the notification, as well as the person suspected of discriminating. The Committee may hear a witness or witnesses indicated by the parties to the proceedings.
12. The Committee is obliged to:
 - act immediately,
 - confidentiality,
 - impartiality,
 - independency,
 - focus on comprehensive explanation of the facts and preparation of recommendations, including the proposed solutions.
13. After hearing the explanations, the Committee assesses whether the notification is justified and makes a decision by a simple majority of votes.
14. The working time of the Committee is included in the working time of employees who are in the Committee.
15. The Committee prepares a protocol of the meeting to be signed by all members.
16. The Committee communicates the decision to the Employer with justification and recommendations.
17. The Committee's decision is communicated to the person who submitted the notification and to the person accused of discrimination.
18. The Employer, after reviewing the notification, takes steps to minimize irregularities and prevent their recurrence.
19. Administrative services are provided by the personnel department, which keeps protocols of Committee meetings and documentation related to the conducted proceedings for a period of 3 years.

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Section V

§1

Confidentiality

1. All persons admitted to work related to discrimination, harassment and sexual harassment are obliged to maintain confidentiality with regard to all facts known in the course of the work and in connection with them and before commencement of the work, they should sign a declaration whose content is the obligation to maintain confidentiality (enclosure no. 3).
2. With the exception of persons interested who, upon their request, is issued with copies of the requested documents, or a trusted person, may not copy for the purpose of sharing, or in any way make available or distribute any documents relating to a given event.
3. Data included in materials and documents may contain personal data and are subject to the protection provided for by personal data protection.

Section VI

§1

Final provisions

1. Hereby procedure enters into force 14 days after its announcement on the notice board.
2. Any changes to hereby procedure must be made in writing, otherwise are invalid.

Enclosures:

1. Notification of adverse event
2. Declaration that the employee familiarized himself with the procedure
3. Declaration of the Committee member on confidentiality
4. Declaration of a third party on confidentiality

.....
Signature of CRIST Group representative

Enclosure no. 1
Notification of adverse event

The Employer’s annotation about a date of receipt of notification form:

.....
.....
(signature of the Employer)

Gdynia,

Notification form for adverse event

1. Data of the reporting person
 - 1) Name and surname:
 - 2) Position held:
2. Data of persons who suffered discrimination
 - 1) Name and surname:
 - 2) Position held:
3. Name and surname, position held by the person who discriminated or behaved in a way that fulfils criteria for discrimination:

.....

.....
4. Work relationship between persons mentioned in point 2 and 3, i.e. supervisor, subordinate, equal position, no work relationship:

.....

.....
5. Description of circumstances and behaviors, which indicate discrimination:

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6. Duration and place of aforementioned behaviors:

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7. Description of actions already taken by the reporting person in order to eliminate undesirable behaviors:

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8. Effects of undesirable behaviors:

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.....
9. The person reporting notification presented the following evidence proving facts, i.e. documents, witnesses:

- 1)
- 2)
- 3)

10. The reporting person submitted additional information and remarks:
.....
.....
.....

.....
Signature of person reporting the notification

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Enclosure no. 2

Declaration that the employee familiarized himself with the procedure

DECLARATION

I, the undersigned (name and surname),
(department), hereby declare
that I read and familiarized myself with the content of Anti-discrimination Procedure.

Gdynia,

.....
Signature

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Enclosure no. 3

Declaration of the Committee member on confidentiality

DECLARATION OF THE COMMITTEE MEMBER ON CONFIDENTIALITY

I, the undersigned (name and surname),
employed by, on position,
hereby declare that as a member of the Anti-discrimination Committee due to the proceedings caused
by the notification of, and reported by,
commit myself – both during my participation in the work of the Committee, and after its completion –
to keep confidential and not to disclose to the third party of any information gained during proceedings
or in the course of consideration of the notification. Obligation of confidentiality does not apply in
relation to authorities (courts) examining the case arising from the complaint of the above mentioned
person.

Gdynia,

.....
Signature of the Committee member

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Enclosure no. 4

Declaration of the third party on confidentiality

DECLARATION OF THE THIRD PARTY ON CONFIDENTIALITY

I, the undersigned (name and surname),
employed by, on position,
hereby commit myself to – both during my hearing, and after consideration of the notification by the
Committee – keep confidential and not to disclose to the third party of any information gained during
proceedings or in the course of consideration of the notification. Obligation of confidentiality does not
apply in relation to authorities (courts) examining the case arising from the complaint of the above
mentioned person.

Gdynia,

.....
Signature of the third party