
 COMSA CORPORACIÓN	Prevention of harassment and other discriminatory behaviour protocol (IR no. 5.1).	Date of approval: 30/01/2020
Sections of the Code of Ethics: 6.2; 6.3		Last review: 12/06/2023
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Prevention of harassment and other discriminatory behaviour protocol

COMSA CORPORACIÓN DE INFRAESTRUCTURAS, S.L.


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I. General matters

Art. 1 Purpose

1. The aim of this Protocol is to establish the procedural guidelines to be followed at COMSA CORPORACIÓN DE INFRAESTRUCTURAS, S.L. (hereinafter, "**COMSA CORPORACIÓN**") and the subsidiaries ¹ whose parent company is COMSA CORPORACIÓN (hereinafter, COMSA CORPORACIÓN and its subsidiaries will be referred to as the "**Organisation**" or "**Group**") to prevent, avoid and eradicate any harassment and/or discriminatory conduct within the Organisation. This Protocol will also comply with the requirements set out in equality and non-discrimination regulations (Organic Law 3/2007, of 22 March for the effective equality of women and men), as well as in Spanish workplace risks prevention matters (Workplace Risks Prevention Law 31/1995, of 8 November), as implemented by the applicable collective agreements, in virtue of which the company is required to protect its staff against harassment in three ways, which includes preventative protection, proactive protection and reactive protection.
2. In addition, as a consequence, the aim of this Protocol is to avoid or wherever possible reduce the criminal risks associated to certain rights of members of the Organisation. Specifically, amongst the criminal risks addressed by this Protocol, we could highlight criminal offences against sexual freedom (article 178 and subsequent PC) —and specifically, sexual harassment criminal offences (article 184 PC)—; criminal offences against workers rights (article 311 and subsequent PC) —and specifically, the criminal offence of workplace discrimination in article 314 PC—; and finally, hate offences (article 510 p.c.).
3. Even though only hate offences carry criminal liability in the strictest sense of legal entities (see article 510 bis PC), prevention of the remaining criminal offences is equally important from an ethical and regulatory viewpoint. With this measure, COMSA CORPORACIÓN includes these offences risks in its Compliance Model, whose commission may affect individuals fundamental rights.

¹ An updated annex of the companies within the group to which the COMSA CORPORACIÓN Compliance Model is applicable is published on the COMSA CORPORACIÓN webpage: www.comsa.com

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Art. 2 Area of application


1. In relation to the subjective scope of application, this Protocol is applicable both at the COMSA CORPORACIÓN as well as at its subsidiary companies. Furthermore, the provisions of this Protocol applies to members of the governing bodies, directors and staff of COMSA CORPORACIÓN and its Group companies, irrespective of their work or business relationship with the company (hereinafter, members of the governing bodies, directors and staff of COMSA CORPORACIÓN and its Group companies will be referred to individually and as a whole as **"members of the Organisation"**).
2. In relation to the objective scope of application, this Protocol applies to all situations included below in article 4, related to any activity that takes place in the area of work of the Group.
3. In regards the territorial scope of application of this Protocol, it must take into account that the conduct it attempts to prevent should occur within the area of the organisation and/or related to the provision of services provided by COMSA CORPORACIÓN or any of its subsidiaries. Therefore, it must take place inside any building or area in which members of the Organisation carry out their business activities.

Furthermore, the provisions of this Protocol are also applicable to members of the Organisation's conduct who, even though work outside of the companies' installations or areas of activity, are linked to the company via a work contract.


4. The Group will inform, where applicable, external companies with which they contract any type of services at their facilities of the existence of this Protocol, to the effect that, if the conduct of any member of the Organisation is not in accordance with the provisions of this Protocol, such external companies shall have the relevant information on how to proceed.

Art. 3 Guiding principles

1. As set out in the Code of Ethics, both at COMSA CORPORACIÓN as well as at all its subsidiary companies, the management of human resources and the relationships between members of the Organisation is always based on a scrupulous respect of equal treatment, dignity and individuals rights.

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2. The principle of equal treatment implies the prohibition of all types of discrimination, direct or indirect, including the order to discriminate for certain reasons (race, sex, sexual orientation or identity, for gender-based reasons, religion, opinion or any other personal or social condition or circumstance). Special attention is paid to discriminatory conduct related to maternity, the undertaking of family obligations and civil status.
3. The Group ensures compliance, under the terms included in current regulations, of the application of the principle of equal treatment and opportunities, both in selection processes, work conditions (including remuneration) and dismissal, in professional training and promotion, as well as in the affiliation and participation in trade unions.
4. The Group also prohibits any type of adverse treatment or negative effects upon a member of the Organisation as a consequence of them submitting a complaint, claim, report, demand or appeal of any type.
5. Members of the Organisation should be treated respectfully, professionally and impartially, as well as generating an agreeable, gratifying and safe working atmosphere, which encourages people to give their best. Relations between the members of the Organisation with its suppliers, contractors and partner companies, will be based on professional respect and mutual collaboration.
6. Members of the Organisation wholeheartedly reject the abuse of authority and any type of physical, psychological or moral bullying, as well as any other conduct that may generate an intimidating, offensive or hostile work environment.
7. The Group commits to implementing an active policy of equality training and information amongst its members. Furthermore, it commits to implementing as many awareness actions as necessary in equality and non-discrimination matters due to birth, race, sex, sexual orientation and identity, gender, religion, opinion or any other personal or social circumstance.
8. Within the framework of its communications activities, the Group will fully abstain from issuing messages that directly or indirectly qualify as hate messages. Specifically, and for the purposes of this Protocol, hate messages will be understood as anything that propagates, insights, promotes or justifies racial hatred, xenophobia, anti-Semitism or other forms of hate based on intolerance (due to ideologies, religion or beliefs, family status, sex, sexual orientation or identity, gender, illness or disability).

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Art. 4 Definitions

4.1. Harassment


1. Harassment is understood as any action, incident or undesirable behaviour that has its origin in racial, ethnic, or religious convictions, opinion, disability, birth, age, sex, sexual identity or orientation or any personal or social condition or circumstance of an individual whose behaviour goes against the dignity of the harassed person, and creates an intimidating, humiliating or offensive atmosphere.
2. The following are included as general types of harassment:
 - a. Descending vertical harassment (bossing): harassment by a hierarchical superior over their subordinate.
 - b. Ascending vertical harassment: harassment by a member of staff or group of employed individuals over their hierarchical superior.
 - c. Horizontal harassment: harassment by a member of staff or group of employed individuals over their colleague(s)

4.1.1 Workplace harassment or moral harassment in the workplace

1. Labour-related or moral harassment in the workplace is understood as any situation or conduct which, because of the degrading work conditions or due to hostility or intimidation in the workplace environment, has as its aim an attack on or putting into danger the member of staff's integrity. This class of harassment occurs within the framework of a work relationship, or as a consequence of a labour related relationship, and may involve an affront to a person's dignity, as well as a risk for their health.
2. The ways through which labour-related harassment may manifest itself are many. Amongst others, we could make reference to acts of belittling, discrimination, harassment, intimidation, threats, slander or effectively removing somebody from their job. In relation to the final term regarding harassment, it is to endanger or undermine the member of staff's integrity.
3. The following could constitute psychological harassment:

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- Limiting possibilities of communication, preventing the victims from expressing themselves.
 - Making verbal or written threats to the victim.
 - Exercising pressure to separate the victim from their colleagues.
 - Offensively judging the victim's work, questioning their actions and decisions.
 - Reducing the victims' social relations, forbidding colleagues to work with them.
 - Inciting the victim to make errors, providing erroneous information or keeping the victim consciously ill informed.
 - Denigrating the victim's work, without providing them with guidelines on how to work properly.
 - Attacking the victim's personal beliefs.
 - Mocking the victim's physical and/or intellectual status.
 - Isolating the victim in their workplace.
 - Attempting to intimidate the victim with threats.
 - Undermining the victim's work in front of third parties.
 - Causing the victims to have feelings of culpability.
 - Effectively removing the victim from their job.
4. Without affecting the above, in order for them to be understood as constituting labour - related harassment, it must be systematic and reiterated conduct, which in some way is planned or has malicious intent. As an example, having an occasional conflict, specific conduct related to a stressful situation or occasional state of ill humour, the demands related to functions and responsibilities of the role, or any type of conduct related to business competitiveness or existing workload would not be considered as labour related harassment.
5. The examples of labour-related harassment may also constitute a criminal offence. Therefore, and in addition to cases of sexual harassment, a criminal sanction may be linked to the commission of an offence against moral integrity in accordance with article 173.1 PC. In relation to this, it requires that the active subject, when in a situation of superiority, against another person repeatedly carries out hostile or humiliating acts, which are considered as a serious case of harassment for the victim. Furthermore, harassment may also include the commission of a labour related discriminatory offence in accordance with article 314 PC.


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4.1.2 Sexual harassment and other conduct against sexual freedom

- Without affecting criminal law, sexual harassment is understood as any verbal or physical behaviour, of a sexual nature or related to the sex of a person, whose aim is or that which causes an affront to the person's dignity, specifically when creating an intimidating, degrading or offensive environment (see The Effective Equality of Men and Women Organic Law 3/2007, of 3 March).
- Sexual harassment is considered as discriminatory conduct.
- Sexual harassment may also constitute a criminal offence, which is conduct that as well as affecting dignity, also affects an individual's sexual freedom. Specifically, sexual harassment is considered in the cases in which favours of a sexual nature are requested for a person or a third party, within the area of a work, teaching or provision of services related relationship, that is ongoing or habitual, and through which it the victim suffers behaviour considered as seriously intimidating, hostile or humiliating.
- Sexual harassment which, in accordance with the previous paragraph constitutes an offence, will be aggravated in the following cases:
 - When the harasser has taken advantage of their hierarchical or functional superiority in the workplace:
 - When the harasser has committed the offence with the express or clear indication of causing the victim harm in relation to their legitimate work expectations.
 - When the victim is especially vulnerable, due to their age, illness or status.
- In addition to sexual harassment, the sexual freedom of staff may be affected in the case of violent conduct or sexual abuse, which also constitutes an offence. Firstly, violent conduct or sexual assault consist of an affront to another person's sexual freedom, using violence or intimidation. Sexual abuse consists in carrying out acts that affect another person's sexual freedom, without violence or intimidation, but without consent. All these cases of sexual assault as cases of sexual abuse will be punished with the full weight of the law in accordance with articles 179, 181 and 182 of the Penal Code.

4.1.3 Sex related harassment

- Sex related harassment refers to any behaviour in function of a person's sex, with the aim of or for the purpose of an offence against their dignity and creating an intimidating, intimidating or offensive environment.

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2. Sex related harassment may also constitute a criminal offence. In relation to this, not only article 173.1 PC may be applicable against moral integrity, but also the offence of serious discrimination in the workplace in accordance with article 314 PC.

4.2 Discriminatory conduct

1. In general terms, discrimination is understood as any distinction, exclusion, restriction or preference that has as its aim, or result the avoiding or undermining of the acknowledgement or right to, under conditions of equality, the human rights and fundamental liberties of all individuals.
2. Specifically, discrimination is considered as any behaviour that directly or indirectly involves an act of serious discrimination against another person because of their ideology, religion or beliefs, their belonging to an ethnic group, race or nation, their sex, sexual identity or orientation, due to gender-based reasons², because of their family status, illness or disability, for having legal or trade union representation, due to the parental relationship with other members of staff at the company, or due to the use of any official languages within each State.
3. Direct discrimination is understood as any situation that a person finds themselves in, has been in or in a way in which they may have been treated due to reasons mentioned in article 2, in a less favourable way than in another comparable situation.
4. Indirect discrimination is understood as any situation in which a disposition, criteria or apparently neutral action actually places a person at a specific disadvantage in respect of others.

For example, an example of indirect discrimination would be an event in which access to a certain position or role within the company would depend on the knowledge of a language or a specific qualification which, in reality, their knowledge or provision of would not be required to carry out the role in question, but their requirements would only serve the purpose of hindering access to said role by certain groups of individuals.

² By gender, it means the roles, behaviours or socially constructed activities and attributes that a specific society considers appropriate for men and women, and which may constitute a reason for discriminatory actions that differ from those related to sex.


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5. Discrimination by association is understood as a discriminatory situation based on the relationship or contact with one or more individuals which are discriminated against for reasons of race, sex, religion, opinion or any other personal or social conditional circumstance.
6. Seriously discriminatory conduct may also constitute a criminal offence. In relation to this, as well as possible criminal liability in relation to the aforementioned criminal offences, a hate offence may also be applicable in accordance with article 510 PC.

II. Competent bodies


Art. 5 Leadership of the governing body and upper management

1. The COMSA CORPORACIÓN Board of Directors, as the governing body, and the workers' legal representatives have the firm wish to articulate actions that prevent and, where applicable, sanction all conduct that is an affront to the dignity, intimacy, equality, non-discrimination and moral and sexual freedom of all members of the Organisation. To this extent, the COMSA CORPORACIÓN Board of Directors, as the maximum management authority of the company, should lead the adoption and implementation of the measures included in this Protocol and, where applicable, the taking of decisions in relation to possible breaches that may arise.
2. The COMSA CORPORACIÓN Upper Management should also commit to the provisions of this Protocol, and lead in its business areas the sharing, awareness, training and compliance of the provisions of this Protocol.
3. The COMSA CORPORACIÓN Board of Directors delegates the supervision of compliance and implementation of the provisions of this Protocol to the Harassment Commission.
4. In any case, all members of the Organisation are liable for ensuring compliance of the principles included in this document. Specifically, those individuals who have staff or work teams working for them will be required to ensure the prevention of behaviour as detailed in this document and to use the bodies and processes included in this Protocol as soon as they are detected.

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Art. 6 Harassment Commission

1. The COMSA CORPORACIÓN Harassment Commission will ensure application of this Protocol, providing those involved with its functions, the sufficient authority and means to fulfil their roles. Furthermore, it will ensure that all those involved in the Commission's activities uphold the required awareness and confidentiality in relation to information they manage.
2. The Harassment Commission is an internal collegiate body made up by a member of the corporate legal department, a member of the HR Department and a member of the Workplace Risks Prevention department. The Harassment Commission functionally answers to the corporate HR Department and reports to the COMSA CORPORACIÓN Board. Without affecting the above, in the case of the corresponding applicable Collective Agreement deciding that the Harassment Commission is to have just two (2) members, one of the Commission's members would abstain from acting in relation to the cases that affect members of the Organisation of which the corresponding Agreement is applicable to.
3. The Harassment Commission will also be in contact with the Ethics Commission, with the latter being the main body in ethical and regulatory compliance matters. In this regard, in the presence of any incident involving harassment and/or discrimination that has significance from a legal-criminal or administrative point of view in accordance with the *Protocol for Ethics Channel management, internal investigations and corporate reactions* (IR no. 4.1.1), its management will correspond exclusively to the Ethics Commission, in accordance with the provisions of Article 10 of this Protocol.
4. In addition to occasional meetings that take place in relation to a possible harassment and/or discrimination incident, the Harassment Commission will meet annually. Should they request, a member of the company's staff legal representative may attend these meetings. In all cases, whoever attends these meetings as the staff representation, will be subject to the same obligations as the Harassment Commission members. Special relevancy must be paid to the confidentiality in respect of information, of which when applicable, both the members as well as those attending the Commission have access to. Breaching the duty of confidentiality may constitute a criminal offence.

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Art. 7 Functions of the Harassment Commission


1. The COMSA CORPORACIÓN Harassment Commission is involved with supervising compliance with and implementation of the measures established in this Protocol, as well as promoting a workplace climate that wholeheartedly rejects any type of harassment or discrimination.
2. For the purposes of complying with their role, the Harassment Commission, along with management and the support of the staff's legal representation, commit to sharing the contents of this Protocol. To this end, the measures considered as appropriate will be established, such as the sharing of information, internal notifications and corresponding training.
3. During the annual Harassment Commission meetings, the annual plan of action related to the sharing of information, internal notifications and training in harassment and/or discrimination prevention will be established and approved.

III. System of prevention and response to harassment and discrimination

Art. 8 General aspects

The prevention and response system in the event of harassment or discrimination considers two different phases:

- (i) **Prevention and provision phase: action taken by the Harassment Commission.** This phase corresponds to the establishment of measures aimed at preventing harassment and discriminatory conduct. The first phase also includes the definition of the body that will undertake functions related to the Protocol, and who will collaborate with the workplace risks prevention teams, the mechanisms that ensure access to it, the sharing of information, internal notifications and training related to the identification of workplace harassment that affects the Organisation, along with existing and future related controls.
- (ii) **Response phase: action taken by the Ethics Commission.** This phase is related to the process of investigating, instructing, following up and responding to alleged situations of workplace harassment with the aim of eradicating conduct that goes against the principles and rights of the employee.


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Art. 9 Prevention or provision phase

1. The Harassment Commission will promote actions related to prevention, information, training, detection and awareness regarding harassment and discrimination. This conduct will take place within the COMSA CORPORACIÓN Equality Plan and, in its promotion, both the management, workers' legal representation as well as the remaining COMSA CORPORACIÓN departments will take part.
2. For this purpose, a communication plan will be implemented, with the aim of the provisions of this Protocol, or where applicable, it's implementing policies that are to known by all members of the Organisation.
3. In addition, the Harassment Commission will also be charged with sharing regular informative and awareness campaigns, as well as the organisation of specific training.

Art. 10 Response phase

1. The Ethics Commission is the body responsible for COMSA CORPORACIÓN acting in accordance with this document in the event of suspicions or reports of possible harassment within the Organisation.
2. The Ethics Commission is the final recipient of reports sent by members of the Organisation in respect of alleged harassment or discriminatory conduct.
3. The reports or observations made by members of the Organisation regarding harassment or other discriminatory conduct may be submitted through the Ethics Channel.
4. In the event that an employee, superior, any of the members of the Harassment Commission or any Legal Representative of the Workers receives a report, the recipient must keep it confidential and immediately forward it to the Ethics Channel.
5. In all cases, any observation or report relating to possible harassment or discrimination, should be managed by the Harassment Commission under the terms included in this document. In relation to this, if for example the COMSA CORPORACIÓN Ethics Commission was to receive a report linked to possible events that constitutes harassment or discrimination, it would pass this information on to be handled by the Harassment Commission.

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IV. Management of harassment and discrimination reports

Art. 11 Harassment report management procedure

The procedure for investigating any report of harassment or discrimination shall be as stipulated in the *Protocol for Ethics Channel management, internal investigations and corporate reactions* (IR no. 4.1.1).

V. Breaches and disciplinary regime

Art. 12 Communication of doubts, breaches and improvements

At all levels of COMSA CORPORACIÓN there is an obligation to report any risk situations that may occur inside or outside the Organisation that could cause damage or harm to any natural or legal person. In particular, situations of breach of the law, the Code of Ethics or the internal regulations that develop it must be reported.


COMSA CORPORACIÓN has an Ethics Channel, managed by the Ethics Commission, to which communications can be sent to warn of the existence of a situation of risk or breach, as well as any doubts or proposals for improvement related to the Compliance Model.

Specifically, queries and reports can be channelled through the following means:

- By sending an email to the following address:
comisiondeetica@comsa.com;
- Through the web form, which **guarantees the anonymity** of the whistleblower, by accessing the following link:
<https://www.comsa.com/en/sustainability/ethics-and-compliance/>

The Ethics Channel is not an emergency service: if you find yourself in this situation, or if you require immediate assistance, you should contact your local emergency service or call 112.

COMSA CORPORACIÓN guarantees the confidential treatment of all communications received through the Ethics Channel, as well as the absence of retaliation of any kind against good faith whistleblowers.

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Further information on the management of the Ethics Channel and the communications received can be found in the *Protocol for Ethics Channel management, internal investigations and corporate reactions* (NI No. 4.1.1).

Art. 13 Disciplinary regime

In accordance with the COMSA CORPORACIÓN Code of Ethics, with the *Protocol of rights and duties of the Organisation's members in respect of the Compliance Model* (IR no. 4.2), as well as with this Protocol, all members of the Organization, irrespective of their hierarchical level and geographical or functional location, are required to comply with the principles and procedures established in these regulations, as well as with the obligation to report any contravention of them.

A breach of the law, the Code of Ethics or the internal regulations that develop it will constitute an infringement, the grading and sanctioning of which will be carried out in accordance with the provisions of the legislation in force and the internal regulations.


In this regard, any harassment or discrimination will be considered, as a minimum, a contract breach and a breach of the Group's Compliance Model. Via this measure a disciplinary sanction will be forthcoming.

The sanctioning measures adopted must be respectful of the applicable labor regulations, without losing forcefulness or proportionality with the seriousness of the facts from which they arise.

The sanctioning procedure shall be initiated on the basis of a communication or as a result of an investigation of the alleged infringement by the Ethics Commission.

Sanctioning measures will not only be applied to the individuals whose conduct has caused the infringement, but also to any other individual who has not followed the applicable regulations for the prevention, detection or correction of the risk, a circumstance that is considered in itself an infringement of COMSA CORPORACIÓN's values and ethical principles.

In the event that the infringement is confirmed, COMSA CORPORACIÓN will impose applicable internal or contractual measures and, if necessary, the legal actions it considers appropriate against the infringing parties.

 Prevention of harassment and other discriminatory behaviour protocol (IR no. 5.1).	Date of approval: 30/01/2020
Sections of the Code of Ethics: 6.2; 6.3	Last review: 12/06/2023
Related protocols: Protocol of rights and duties of the Organisation's members; Compliance Function Bodies Protocol; Protocol for Ethics Channel management, internal investigations and corporate reactions.	Version: 3
Related policies: Equality Policy, DPIE (Data Protection Impact Evaluation)-Harassment Procedure Management; Whistleblowing Management System Policy (Ethics Channel).	
Main recipients: COMSA CORPORACIÓN and Group companies' governing bodies; the COMSA CORPORACIÓN Ethics Commission; Group companies' compliance bodies, Human Resources Management, Harassment Commission.	Supervisor: Harassment Commission; Ethics Commission.

Art. 14 Monitoring and internal control

In the event of the harassment or discrimination being proven, a series of monitoring and control guidelines will be established in order to ensure that the reported offence is not repeated within the Group.

Psychological support will also be made available to the victim, when considered necessary or if requested.

VI. Communication, updating and validity of the protocol

Art. 15 Notification Protocol

This Protocol will be available to all members of the Organisation at the COMSA CORPORACIÓN Corporate Portal. Furthermore, this Protocol will be subject to the communication, training and awareness in order for it to be understood and put into practice.

Art. 16 Updates and reviews.

This Protocol will be reviewed and updated when necessary, in order to adapt it to any changes that arise in the business model, or in the context in which the Group operates, ensuring at all times its effective implementation.

Art. 17 Validity

This Protocol will enter into force once approved by the COMSA CORPORACIÓN governing body and will be applicable under the terms established and until it's update, review or derogation is approved.