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|                                   |                                     | Approved by MZE S.A.     |
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| <b>Anti-Mobbing and Anti-Discrimination Procedure</b> |  |              |                   |

### 1. Purpose of the Procedure

The purpose of the Procedure is to establish principles for counteracting mobbing and discrimination at the MOSTOSTAL ZABRZE Group and to support activities that foster building positive relations between Employees. The Procedure is intended to oblige the Employer to make efforts to ensure that the work environment is free of mobbing and discrimination.

### 2. Scope of application

This Procedure applies to all employees and associates of MOSTOSTAL ZABRZE Group companies, irrespective of the form of employment or cooperation, the type of work performed or the position held.

### 3. Terminology and abbreviations

|   |  |
|---|--|
| Employer, Company                                   | A company belonging to the MOSTOSTAL ZABRZE Group (GMZ).   |
| Employee  | Any person employed by the Company under an employment contract, cooperating with the Company under a civil-law agreement or appointed to hold a specific position.  |
| Superior  | A person authorised to directly supervise or manage the Employee's performance of duties, in accordance with the Company's organisational chart or pursuant to other internal regulations or agreement.  |
| Mobbing (workplace bullying / workplace harassment) | Actions or behaviours concerning an Employee or directed against an Employee, involving persistent and prolonged harassment or intimidation of the Employee, causing them to underestimate their professional suitability, causing or aimed at humiliating or ridiculing the Employee, isolating them or eliminating them from the team of co-workers (definition according to Art. 94 <sup>3</sup> §2 of the Labour Code).  |
| Discrimination                                      | <p>1) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;</p> <p>2) any other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.</p> <p>Any distinction, exclusion or preference in respect of a particular job based on</p> |

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|          | <p>on the inherent requirements thereof shall not be deemed to be discrimination;</p> <p>The terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.<br/>(definition according to Art. 1 of Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation adopted in Geneva on 25 June 1958. by the General Conference of the International Labour Organisation).</p> |
| Comittee | Internal Anti-Mobbing and Anti-Discrimination Committee operating within the MOSTOSTAL ZABRZE Group.  |
| ZH       | Director of the Personnel Management Office of the MOSTOSTAL ZABRZE Group   |
| KO/ DB   | Head of Organisational Unit / Office Director.  |

#### **4. Responsibility**

The process owner is the Director of the Personnel Management Office of MOSTOSTAL ZABRZE Group (ZH).

ZH shall be responsible for:

- the overall functioning of the Anti-Mobbing and Anti-Discrimination Procedure.
- taking measures permitted or required by law to prevent mobbing and discrimination.

The Comittee shall be responsible for:

- conducting fair investigation proceedings regulated by this Procedure.

The KO/ DB shall be responsible for:

- familiarising subordinate Employees with this Procedure.

#### **5. Description of the Procedure**

##### **5.1. Counteracting Mobbing. Counteracting Discrimination.**

5.1.1. The Employer shall take measures permitted or required by applicable law to prevent Mobbing or Discrimination.

The Employer shall counteract Mobbing or Discrimination in particular by:

- I. familiarising the Employee with this Procedure in the manner customary for the Employer;
- II. taking preventive measures, including through training of Employees, aimed at counteracting Mobbing or Discrimination,

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in particular promoting attitudes and behaviours in interpersonal relations, including in the Superior-Employee relationship, which are in accordance with the principles of community life and the applicable law;

- III. intervening in the event of a complaint regarding the occurrence of Mobbing or Discrimination;
- IV. providing assistance to those affected by Mobbing or Discrimination.

5.1.2. Employees shall be required to:

- I. comply with the prohibition of Mobbing and Discrimination;
- II. be familiar with the Procedure and acknowledge this fact in a written declaration (Appendix No. 1), kept in each Employee's personal file;
- III. participate in the investigation proceedings referred to in section 5.2 below and to provide explanations when requested to do so by the Committee.

5.1.3. Each Employee shall have the right and duty to prevent the use of Mobbing or Discrimination by another Employee and, if they have information that may indicate such use, they shall have the right to lodge a complaint the Employer.

5.1.4. Each Employee shall have the right to draw the Employer's attention to the need to take measures to stop Mobbing or Discrimination and to eliminate its effects if such behaviour is found to occur.

5.1.5. An Employee who has suffered Mobbing or Discrimination shall have the right to seek legal protection under applicable law, notwithstanding the provisions of this Procedure, including instituting legal proceedings.

## **5.2. Process of handling reports of Mobbing or Discrimination**

5.2.1. Any Employee who considers that they have been a victim of any form of Mobbing or Discrimination or who has witnessed such an incident may lodge a complaint with the Employer.

The complaint shall be lodged:

verbally, directly to ZH;

by e-mail to the following address: [zh@mz.pl](mailto:zh@mz.pl);

in writing, i.e. a letter addressed to ZH in an envelope marked "To ZH personally", whereby the letter may be submitted directly to ZH or sent by post to the following address: 44-100 Gliwice, ul. Stanisława Dubois 16.

A model complaint is attached as Annex 2. The model complaint is not a binding document and it is provided for reference only.

The complaint shall include at least the following data and information that will allow to set up a Committee and initiate the proceedings referred to in section 5.3.:

- 5.2.1 .1. a presentation of the specific incidents or behaviour that the Employee has identified as Mobbing or Discrimination;

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- 5.2.1.2. evidence to support the facts reported, including the names of witnesses to the incident or behaviour described;
- 5.2.1.3. identification of any person who, in the complainant's opinion, has engaged in Mobbing or Discrimination;
- 5.2.1.4. the date and handwritten signature of the complainant.

ZH shall acknowledge receipt of the complaint.

Reporting a complaint anonymously is permissible provided that the complaint contains the data and information described above.

If the complaint is lodged verbally, ZH shall immediately make a record of the report, which shall then be signed by the Employee lodging the complaint and ZH.

In the absence of ZH or when the complaint concerns ZH, the person entitled to receive the complaint is the Internal Auditor of MOSTOSTAL ZABRZE S.A. ([audyt\\_wewnetrzny@mz.pl](mailto:audyt_wewnetrzny@mz.pl)). If a complaint is received by the Internal Auditor of MOSTOSTAL ZABRZE S.A., they shall exercise the powers and duties of ZH in accordance with this Procedure.

5.2.2. In the event of a complaint concerning a member of the Company's Management Board:

- 5.2.2.1. if the complaint concerns a member of the Management Board of MOSTOSTAL ZABRZE S.A - ZH shall forward the complaint to the member of the Supervisory Board of MOSTOSTAL ZABRZE S.A. designated to receive reports of violations of law in accordance with the separate "Procedure for anonymously reporting violations of law and ethical standards and procedures" in force at MOSTOSTAL ZABRZE S.A., and the Supervisory Board of MOSTOSTAL ZABRZE S.A.

shall appoint from among its members a person to act as the "Company Representative" on the Committee referred to in sec. 5.3.;

- 5.2.2.2. if the complaint concerns a member of the Management Board of a Company of the MOSTOSTAL ZABRZE Capital Group other than MOSTOSTAL ZABRZE S.A. or ZH directly - the Company Representative on the Committee referred to in sec.

5.3. below shall be the person designated by the Management Board of MOSTOSTAL ZABRZE S.A.

### **5.3. Investigating complaints of Mobbing / Discrimination**

Immediately upon receipt of a complaint, ZH shall set up a Committee to objectively investigate the complaint, to clarify whether the complaint has merit.

The Committee shall be composed of at least three members:

- 1) the Head of Employment of the Company concerned by the complaint,
- 2) the Internal Auditor,
- 3) the Company Representative, subject to the provisions of sec. 5.2.2.1 and 5.2.2.2.

The Committee shall deliberate in full. A person concerned by the complaint which is the subject of investigation as part of the Committee's work may not be a member of the Committee. The work of the Committee shall be chaired by the Company Representative.

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The members of the Committee shall be impartial in their assessments and shall act with respect for the rights of all participants in the proceedings to be heard and to express their views on any matter that is the subject of the proceedings.

The Committee shall commence the investigation proceedings within 7 days from the day the complaint is received by ZH. The proceedings shall be completed within 30 days of its receipt. In justified cases, the proceedings may be extended for a further specified period by decision of the Company's Management Board, in particular if the Committee is unable to hear the complainant or the person identified as a perpetrator of Mobbing or Discrimination or the witnesses in the investigation due to their excused inability to appear before the Committee.

The proceedings shall consist of hearing at least:

- 1) the explanation of the complainant if the complaint was signed in such a way that the complainant can be identified;
- 2) the Employee affected by the incident assessed as Mobbing or Discrimination (if they are not the complainant),
- 3) the Employee who was identified in the complaint as a perpetrator of Mobbing or Discrimination or identified as such in the course of the proceedings.
- 4) witnesses, including those identified by the Committee.

The Committee shall have the right to examine and evaluate all personal and material evidence collected during the proceedings. Participants in the proceedings and witnesses shall be summoned by the Chair of the Committee by any means confirming that the person summoned has received the Committee's summons, including by official email. The Committee shall decide unanimously. In the event of a disagreement between members of the Committee on the assessment of the merits of a complaint, any member of the Committee shall have the right to attach a dissenting opinion to the decision of the Committee, stating the reasons for their position.

Minutes of each Committee meeting shall be taken and signed by all Committee members. The minutes shall include:

- 1) the decision taken by the Committee on the Employee's complaint and the recommendation to the Employer or the dissenting opinions of the members of the Committee with their reasons;
- 2) in the event that the Committee unanimously decides that the complaint has merit, an indication of whether and which allegations proved to be justified, as well as the Committee's recommendations to the Employer for further actions against the person who, in the Committee's opinion, was a perpetrator of Mobbing or Discrimination (or multiple such persons).

The following shall be attached to the minutes: the Employee's complaint/record of receipt of the Employee's complaint, minutes of witness statements and other documents and information media relating to the case under consideration and presented or collected by the Committee.

The Chair of the Committee shall forward the minutes of the proceedings to the Company's Management Board and a copy of the minutes to ZH. In the case referred to in sec. 5.2.2.1 above, the minutes shall be forwarded to the Supervisory Board of MOSTOSTAL ZABRZE S.A., and in the case referred to in sec. 5.2.2.2 above, the minutes shall be forwarded to the Management Board of MOSTOSTAL ZABRZE **S.A.**

Model minutes are attached as Appendix No. 3 to the Procedure.

The investigation proceedings shall not be carried out or the proceedings initiated shall be terminated if the complaint is withdrawn.

In the event that:

- 1) the employment relationship of any of the parties to the proceedings has ceased,
- 2) judicial proceedings have been or are being conducted in respect of the same act or on the same factual basis;

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the Committee may conduct the proceedings on the basis of the documents in its possession with a recommendation to the Employer.

#### **5.4. Procedure after investigating the complaint**

If the complaint is found to have merit, the Employer's Management Board shall:

- 1) inform the following persons of the manner in which the complaint has been investigated and of the Employer's decision regarding the complaint: the Employee lodging the complaint if the complaint has been signed in such a way that the complainant can be identified, the Employee affected by the incident constituting Mobbing or Discrimination (if they are not the complainant), and the Employee who has been identified as the perpetrator of Mobbing or Discrimination;
- 2) take legal and organisational measures to eliminate and prevent the irregularities identified.

In case of a complaint concerning a member of the Management Board of MOSTOSTAL ZABRZE S.A., the measures described in sec. 1 above shall be taken by the Supervisory Board of MOSTOSTAL ZABRZE S.A. as the body authorised to act against a member of the Management Board in accordance with the provisions of the Commercial Companies Code and the Articles of Association of MOSTOSTAL ZABRZE S.A.

In the case of a complaint concerning a member of the Management Board of a Company of the MOSTOSTAL ZABRZE Capital Group other than MOSTOSTAL ZABRZE S.A., the measures described in sec. 1 above shall be taken - at the request of the Management Board of MOSTOSTAL ZABRZE S.A. - by the body authorised to act against a member of the Management Board in accordance with the provisions of the Commercial Companies Code and the Company's Articles of Association.

In the case of a complaint concerning ZH, the measures described in sec. 1 above shall be taken by the Management Board of MOSTOSTAL ZABRZE **S.A.**

#### **5.5. Documentation**

All persons permitted to work on investigating a complaint are bound by the obligation of confidentiality. Before starting the work, they should sign a declaration to the effect that they undertake to keep confidential all the data, facts and circumstances of the complaint under investigation. A model declaration is attached as Appendix No. 4.

Members of the Committee may not copy or in any way make available or distribute documents relating to the complaint under investigation.

This proviso shall not apply to the persons concerned or to the authorised bodies.

The information included in the materials and documents of the Committee may contain personal data. It shall be subject to personal data protection provisions.

The minutes of ongoing proceedings as well as all documentation after the conclusion of the proceedings shall be kept by ZH, in accordance with confidentiality requirements.

#### **6. List of appendices**

- Appendix No. 1 - Declaration for the Procedure
- Appendix No. 2 - Model Complaint
- Appendix No. 3 - Minutes of the Proceedings
- Appendix No. 4 - Confidentiality Declaration





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....., on.....

Surname and forename of the Employee.....

Position.....

Department / Team / Office .....

### **Declaration**

I declare and confirm with my handwritten signature that I have familiarised myself with the legal provisions on:

**"Equal treatment in employment", "Counteracting mobbing".**

(signature of the Employee)

In accordance with the obligation under Art. 94<sup>1</sup> of the Labour Code, the Employees employed at **(NAME OF COMPANY)** are provided with the text of the provisions on equal treatment in employment in the form of an extract from the Labour Code:

### **INFORMATION ON PROVISIONS CONCERNING "EQUAL TREATMENT IN EMPLOYMENT"**

**Art. 18<sup>30</sup>.** § 1. Employees shall be treated equally as regards the establishment and termination of their employment relationship, terms and conditions of employment, promotion and access to training for the development of their professional qualifications, and in particular without regard to their sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination or sexual orientation, as well as whether they are employed for a definite or indefinite term or on a full-time or part-time basis.

§ 2. Equal treatment in employment means the prohibition of any discrimination, direct or indirect, on the grounds referred to in § 1.

§ 3. Direct discrimination shall be taken to occur where one Employee is treated less favourably than another is, has been or would be treated in a comparable situation, on one or more grounds referred to in § 1.

§ 4. Indirect discrimination shall be deemed to occur where, as a result of an apparently neutral provision, criterion or action, there are disparities in terms of engagement to the detriment of all or a significant number of Employees belonging to a particular group of Employees on one or more of the grounds set out in § 1, if those disparities cannot be justified by other objective reasons.

§ 5. Discrimination within the meaning of § 2 shall include:

- 1) any action that encourages another person to violate the principle of equal treatment in employment,
- 2) conduct with the purpose or effect of violating the dignity or humiliating or offending an Employee (harassment).

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§ 6. Discrimination on the grounds of sex also includes any form of unwanted conduct of a sexual nature, or in relation to the sex of an Employee with the purpose or effect of violating the dignity of an Employee, in particular when creating an intimidating, hostile, degrading, humiliating or offensive atmosphere; this conduct may include physical, verbal or non-verbal elements (sexual harassment).

**Art. 18<sup>3b</sup>.** § 1. Subject to the provisions of § 2 to 4, failure to apply the principle of equal treatment in employment by the Employer includes different treatment of an Employee on one or more grounds referred to in Art. 183a §

1, resulting in particular in the following:

- a refusal to establish or termination of an employment relationship,
- unfavourable conditions of remuneration for work or other conditions of employment, or restrictions on access to promotions or other work-related benefits,
- limited access to training for the development of professional qualifications - unless a difference of treatment is justified by a legitimate aim demonstrated by the Employer.

§ 2. The principle of equal treatment in employment is not violated by actions consisting in:

- a decision not to employ a person on one or more grounds referred to in Art. 183a § 1, if it is justified by the nature of the work, the conditions of its performance or the professional requirements placed upon Employees,
- the termination of the terms of engagement of an Employee with regard to working time, if this is justified by reasons not attributable to the Employees,
- application of measures resulting in different treatment of an Employee with an aim to protect their parenthood, age or due to disability,
- the determination of terms and conditions of employment and dismissal, rules on remuneration and promotion and access to training with a view to improving professional qualifications - taking into account the criterion of seniority.

§ 3. Measures introduced for a specified period of time and aimed at the creation of equal opportunities for all or a large number of Employees that receive different treatment on one or more grounds referred to in Article 183a § 1 by reducing the existing inequalities to the advantage of those Employees, to the extent defined therein, are not contrary to the principle of equal treatment in employment.

§ 4. The different treatment of Employees on grounds of religion or belief shall not constitute a breach of the principle of equal treatment in employment if, by reason of the nature and characteristics of the activities carried out within churches and other religious associations and organisations whose purpose is directly related to the Employee's religion or belief, the Employee's religion or belief constitutes a genuine, legitimate and justified occupational requirement.

**Art. 18<sup>3c</sup>.** § 1. Employees have the right to equal remuneration for equal work or work of equal value.

§ 2. The remuneration referred to in § 1 includes all components of remuneration for work, irrespective of their name or nature, as well as other work-related monetary or non-monetary benefits granted to Employees.

§ 3. Work of equal value is work that requires similar professional qualifications from Employees, as confirmed by certificates defined in separate regulations, or similar practice and professional experience, as well as similar responsibility and effort.

**Art. 18<sup>3a</sup>.** Any person in respect of whom the principle of equal treatment in employment is violated by the Employer has the right to compensation equal at least to the amount of the statutory minimum wage, as defined in separate regulations.

**Art. 183e.** The exercise by an Employee of their rights under the principle of equal treatment in employment may not constitute a ground justifying the termination of the employment relationship by the Employer or its termination without notice.

**Art. 29<sup>2</sup>.** § 1. Conclusion of a contract of employment for part-time work must not result in conditions of work and pay being established which are less favourable for the Employee compared with other Employees who perform the same or similar work based on full-time employment, subject to the provision that remuneration and other work-related benefits must be in proportion to the Employee's working time.

§ 2. As far as possible, the Employer should consider requests by Employees to change the length of their working time defined in their respective contracts of employment.

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**Art. 94.** The Employer is obliged in particular to:

(...)

2b) prevent discrimination in employment, especially on the grounds of a person's sex, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, denomination, sexual orientation, as well as employment for definite or indefinite term or on full-time or part-time basis

**Art. 9i.** § 1. The Employer shall prevent mobbing.

§ 2. Mobbing shall mean actions or behaviours concerning an Employee or directed against an Employee, involving persistent and prolonged harassment or intimidation of the Employee, causing them to underestimate their professional suitability, causing or aimed at humiliating or ridiculing the Employee, isolating them or eliminating them from the team of co-workers.

§ 3. An Employee whose health has deteriorated as a result of mobbing may claim a sum of money from the Employer as financial compensation for the damage suffered.

§ 4. An Employee who has terminated their contract of employment as a result of mobbing may claim damages from the Employer at least equal to the amount of the minimum statutory wage, as defined in separate regulations.

§ 5. The Employee's statement of will on the termination of a contract of employment must be made in writing, giving the grounds for termination referred to in § 2 that justify the termination thereof.



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**MOBBING/DISCRIMINATION COMPLAINT**

1. Data of the person lodging the complaint (the complainant):

1) Full name:

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2) Position

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3) Organisational unit

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4) Company name

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2. Name of the person who is a victim of mobbing/discrimination:

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3. The name and position of the person who is a perpetrator of the mobbing/discriminatory actions or behaviour:

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4. The business relationship between the persons mentioned in point 2 and 3 (superior-subordinate, equivalent positions, no professional relationship)

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5. A description of the circumstances and behaviour that indicate the use of mobbing/discrimination:

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6. The duration and place of the above-mentioned behaviours:

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7. A description of the actions taken to date by the complainant to eliminate undesirable behaviour:

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8. Consequences of the undesirable behaviour:

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9. The complainant provides the following evidence in support of the facts:  
**(e.g. documents, witnesses):**

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10. The complainant provided additional information and comments:

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*signature of the complainant*





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....., on .....

**Minutes of the proceedings concerning a mobbing/discrimination complaint**

Concerning a complaint by an employee (full name)

employed at (Name  
of Company) .....  
as (position).....  
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.....  
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Composition of the Committee investigating the complaint:

1. Chair –  
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2. Member –  
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3. Member –  
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In the course of its proceedings, the Committee took the following actions:

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As a result of its work, the Committee established the following facts:

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Recommendation of further action by the Employer:

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Signatures of Committee members:

- 1 .....
- 2 .....
- 3 .....

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Gliwice, on.....

.....

full name

.....

position

**Confidentiality Declaration**

I hereby undertake to keep confidential all data, facts and circumstances obtained in the course of the work of the Anti-Mobbing / Anti-Discrimination Committee to the extent and on the terms set out in the Procedure set up in connection with the complaint of *{full name}* on (date).

(signature of the Employee)

