

**PROTOCOL
IN THE EVENT
OF HARASSMENT
GAMESA**

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INTRODUCTION

GAMESA has approved the present "Protocol for the prevention of harassment" (hereafter "Protocol") with the commitment of preventing sexual harassment, sex-related harassment and/or psychological harassment, as this type of conduct represents a threat to the dignity of persons, damages the workplace atmosphere and has negative effects on the health, moral, confidence and self-esteem of individuals.

With this in view, the present Protocol defines conducts to be avoided as well as specific measures aimed at prevention. It also explains how to process charges or claims that may be presented by individuals who have been victims of the said type of conduct. Consequently, an efficient and agile investigation procedure has been established that will be implemented when the said type of conduct is reported. The said procedure will guarantee confidentiality and protect the identity of the individuals affected and of all those taking part in the process.

1. Principles

GAMESA is a company that specialises in technology aimed at energy sustainability - mainly wind energy. It is the leading company in Spain and is among the major wind turbine manufacturers worldwide. In order to guarantee the protection of the fundamental rights of individuals, and as part of its strict commitment to compliance with applicable regulations, the company understands the need to prevent any type of workplace harassment and the appearance of any type of conduct that may be considered harassment in any occupational or professional field.

GAMESA totally forbids any type of sexual harassment, sex-related harassment and psychological harassment. This behaviour is considered unacceptable in our organisation. Consequently, **GAMESA** is committed to guaranteeing a respectful work environment for those that have a direct relationship in the work environment, with the Gamesa Group, where the right to equality of treatment, non-discrimination, dignity, privacy and integrity, among other fundamental principles, are respected at all times. **GAMESA** will also adopt any relevant corrective and disciplinary measures, as well as measures aimed at protecting the individuals affected, if any case of harassment should arise.

2. SCOPE

The Protocol will be applicable to all people who work for **GAMESA** in Europe. For the rest of the geographic divisions it continues to be a reference framework with submission to the local national ruling of each country.

The sphere considered, for any mode of harassment, will be the work centre; consequently, if cases of harassment should occur outside the workplace, proof must be provided that **the situation is directly work-related** (for example, during business events or trips).

3. CONTENTS

3.1 CONCEPTS

3.1.1 SEXUAL HARASSMENT

Sexual Harassment is any conduct of a sexual nature, whether verbal or physical, with the purpose of infringing or that **infringes on the dignity of a person**, particularly when it generates an **intimidating, derogatory or offensive environment**.

Sexual harassment is distinguished from freely accepted and reciprocal advances to the extent that sexual harassment is unwanted by the person object of the said advances.

As an example, and without excluding or limiting other aspects, the types of conduct described below could be considered sexual harassment.

3.1.1.1 CONDUCT UNDERSTOOD AS SEXUAL HARASSMENT

Verbal conduct

Unwelcome sexual insinuations, propositions or pressure to enter into sexual intercourse, insistence to take part in social activities outside the workplace once an individual has clearly stated that the said insistence is inappropriate and unwarranted; offensive flirting; insinuating, indirect or obscene comments; unwanted telephone calls; jokes or comments on a person's sexual appearance.

Non verbal

Exhibition of sexually suggestive or pornographic photographs, of objects or texts, indecent looks, whistles or gestures; offensive letters or e-mail messages with sexual contents.

Physical

Deliberate and unwanted physical contact, unwanted hugs or kisses, excessive and unnecessary physical nearness.

3.1.1.2 TYPES OF SEXUAL HARASSMENT

Two types of sexual harassment can be distinguished based on whether the above indicated behaviour implies an element of coercion or not.

"Quid pro quo" harassment

This consists in forcing the victim to choose between accepting sexual advances or losing/seeing reduced certain work benefits or conditions that affect that person's access to professional training, employment, promotion, salary or any other decision connected with these issues. As this behaviour implies abuse of authority, the individual involved will have the power, whether directly or indirectly, to provide or refuse certain work benefits or situations.

Environmental harassment

The subject involved in the harassment creates a work environment that is intimidating, hostile, derogatory, humiliating or offensive for the victim, due to unwelcome attitudes and behaviour of a sexual nature. This may involve any **GAMESA** employee, regardless of their position or status, or third persons with access to the Branch.

3.1.2 SEX-RELATED HARASSMENT

Any conduct, based on a person's sex or sexual orientation, with the purpose of infringing or that infringes on the dignity of the person and generates an intimidating, derogatory or offensive environment

3.1.2.1 CONDUCT UNDERSTOOD AS SEX-RELATED HARASSMENT

Below is an example of behaviours or **conducts that, if conducted in relation to a person's sex or sexual orientation and with the intention of infringing against a person's dignity**, could be considered sex-related harassment:

- ✓ Ignoring or excluding a person.
- ✓ Unfair or biased assessment of a person's work.
- ✓ Assigning tasks or work below a person's professional capacity or skills.
- ✓ Explicit or implicit behaviour aimed at making decisions on a person's access to professional training and employment, to the continuity of employment, salaries or any other decision on these issues.
- ✓ Unfavourable treatment due to pregnancy or maternity situations.

3.1.3 PSYCHOLOGICAL HARASSMENT (MOBBING)

Mobbing, "moral harassment at the workplace" or "psychological harassment at the workplace" are terms used to describe a situation where **the behaviour of a person or group of people includes extreme, abusive and unfair psychological violence, in a systematic and recurring manner, over a prolonged period of time, against another person at the workplace and that may infringe on that person's dignity.**

It must be stated that certain hostile actions may take place occasionally in the workplace, although, to be considered psychological harassment they must be, as stated above, **systematic, habitual, over long periods of time and targeting one specific individual.**

Therefore, **psychological harassment must not be confused with situations of work-related pressure or conflict. The latter refers to situations where there are disagreements, given that differences of opinion, discussions or eventual conflicts may arise in the workplace. Psychological harassment, on the other hand, consists in a malicious, systematic and sustained attack against a specific person.**

3.1.3.1 CONDUCT UNDERSTOOD AS PSYCHOLOGICAL HARASSMENT

Below is an example of specific behaviours that, if they comply with the definition indicated in the previous point, may be considered psychological harassment at the workplace:

Harassment based on organisational measures:

- ✓ Forcing a person to perform tasks that go against their conscience.
- ✓ Offensively judge a person's performance, concealing that person's efforts and skills.
- ✓ Questioning and disavowing a person's decisions.
- ✓ Not assigning any tasks, or assigning pointless or degrading tasks.
- ✓ Refusing or concealing the means to perform a task, or providing incorrect data.
- ✓ Assigning tasks that are clearly above the skills or qualifications of the person, or that require qualifications far below those held by the person.
- ✓ Giving contradictory or impossible orders.
- ✓ Manipulating work tools (for example, deleting computer files).
- ✓ Stealing belongings, documents, tools...
- ✓ Threatening or putting pressure on the people who support the person being harassed.
- ✓ Manipulating, concealing, returning a person's correspondence, calls, messages.
- ✓ Refusing or complicating access to permits, courses, activities...

Harassment based on reducing communication possibilities:

- ✓ Changing people to a different place to separate them from colleagues (isolation).
- ✓ Ignoring the presence of a person.
- ✓ Not speaking to a person.
- ✓ Restricting colleagues from speaking to a person.
- ✓ Not allowing a person to express his/her views.
- ✓ Avoiding all visual contact.
- ✓ Eliminating or restricting available means of communication (telephone, e-mail...).

Activities that affect the physical or psychological health of the victim:

- ✓ Threats or physical aggression.
- ✓ Verbal or written threats.
- ✓ Shouting at or insulting a person.
- ✓ Threatening telephone calls.
- ✓ Provoking a person, forcing a person to react emotionally.
- ✓ Intentionally generating expenses to affect the person.
- ✓ Damaging a person's workplace or belongings.
- ✓ Requiring a person to perform jobs that are dangerous or damaging for a person's health.

Criticising a person's private life or an individual's personal or professional reputation.

- ✓ Manipulating an individual's personal or professional reputation through spreading rumours, degrading remarks or ridiculing an individual.
- ✓ Making it understood that a person has psychological problems, trying to make them go for a psychological examination or diagnosis.
- ✓ Making fun of gestures, voice, physical appearance, disabilities, giving people nicknames...
- ✓ Criticising a person's nationality, political or religious attitudes and beliefs, private life...

3.2 PREVENTIVE MEASURES

With a view to preventing and avoiding behaviours that may be considered as harassment at the workplace, **GAMESA** will disseminate this Protocol through:

- ✓ GAMESA's Intranet
- ✓ E-mails to all members of the organisation.
- ✓ Any other means through which the said objective can be achieved.

GAMESA will encourage specific training of all members of its organisation on sexual harassment, sex-related harassment and psychological harassment. Moreover, **GAMESA** will provide appropriate training for any members of its organisation who hold any type of responsibility in the procedures implemented for reporting the above-mentioned types of harassment.

*Furthermore, **GAMESA** is committed to promoting respect and consideration among all its collaborators by sponsoring specific conferences and talks on these issues, preparing documents and performing any other action considered necessary to fulfil the purpose of this Protocol.*

3.3 PROTOCOL

3.3.1 INCIDENT REPORTING PROCEDURE

Any case detected must be reported in writing by the person affected or by a third party who is aware of any case of sexual harassment, sex-related harassment and/or psychological harassment. The said person must identify him/herself.

The written report/charge sheet will be sent by e-mail, or by any other means that provide proof of delivery, to any of the people who form part of the "Harassment Prevention Committee", which will study and investigate the case.

An investigation will always take place regardless of the data provided in the report, although it must be stressed that **the investigation will take less time and will be more efficient if as much information and details as possible are included in the report.** Consequently, we recommend that the report should include the following information, at least:

- ✓ The people involved.
- ✓ Types of conduct.
- ✓ Dates and places where the said behaviour took place.
- ✓ Possible witnesses.
- ✓ Identification of the potential harassment victim.

3.3.2 CONFIDENTIALITY AND PROTECTION

The intention is that the procedure should be as speedy and efficient as possible and that the privacy, confidentiality and dignity of the people affected should be protected at all times. Furthermore, the victim will be provided sufficient protection in relation to his/her health and safety, taking into account any possible physical and psychological consequences that may derive from the situation; providing special attention to the work-related circumstances of the alleged victim of harassment.

A strict level of confidentiality will be maintained throughout the entire procedure, and all internal investigations will be performed with tact and due respect to both the person reporting the case, the victim – who may not receive any unfavourable treatment due to the case - and to the person reported, whose guilt will not be presumed. **All people involved in the process will be under a commitment to confidentiality and will be identified in the dossier.**

3.3.3 FUNCTIONS OF THE HARASSMENT PREVENTION COMMITTEE

This committee will consist of members of the following Functions: Management Committee and Human Capital Management, General Secretariat and Administration – Labor department.

The Committee will study and assess each case, it will have the right of access to all the information and documents required to solve a claim and its agreements will be adopted by a majority vote of its members. It will function in accordance with its internal regulations, which will be approved by the Committee at its first meeting.

The competence/responsibilities of this Committee are:

- ✓ Receive all reports, complaints, claims, suggestions or consultations in relation to harassment situations.

- ✓ Investigate alleged cases of sexual harassment, sex-related harassment and/or psychological harassment; perform any tests of a documentary nature or interviews required, guarantee a strict level of confidentiality in relation to the issue and the people involved and provide equal treatment to all parties.
- ✓ Prepare a detailed report that will include relevant proposals concerning measures to be adopted.
- ✓ Submit the said report within a maximum period of 10 work days from the moment the original claim is made to ----- (I have doubts Germán that, here, the Committee itself will have the power to impose penalties, as the people I have in mind are in charge of all the penalties imposed in the company.... We'll talk about this...?) GAMESA so that the measures considered relevant may be implemented with a view to solving the problem and establishing any possible disciplinary actions. A copy of the said report will also be sent to the parties involved.
- ✓ Follow-up each report made, attaching any actions implemented as an annex to each report.

The members of the Committee will receive specific training on how to deal with cases of harassment at the workplace.

If members of the Committee were involved in a harassment procedure or affected by any type of family or emotional relationship, friendship or stated enmity, of immediate hierarchic superiority or subordination or by any other direct type of relationship with the alleged victim or the person reported that may compromise their objectivity and impartiality in the process, they will not take part in the procedure. If they were the party reported or the alleged victim, they may not take part in any other procedure until their case has been solved.

3.3.4 INVESTIGATION

The Committee will deal with each case individually and will guarantee that the people affected are heard and supported at all times, as they may be going through a delicate situation, even isolation.

With this in mind, the Committee may conduct interviews or use other investigation techniques in relation to any of the parties involved, witnesses or third parties who may provide useful information.

The main objective of an interview is to discover the situation of the affected parties and, among other issues:

- ✓ Whether there is or has been a case of workplace harassment, its features, reasons, the phase it is in....
- ✓ Who is considered to be embarking on the said harassment behaviour and the hierarchic relationship that exists.
- ✓ The situations in which the harassment takes place. Whether it takes place in the presence of other colleagues and, if so, how they reacted.
- ✓ If the case has been reported to a superior; how (verbally or in writing) and what response was given.

- ✓ To what extent the situation has affected the health of the person, including whether any specialist assistance has been required or whether the person has been on sick leave in recent months and for what reasons.
- ✓ Whether other colleagues have or have had similar problems with a view to obtaining additional information from them.

The interviews will be conducted in accordance with the following rules:

- ✓ If the Committee should decide to interview the harassed person and the person reported together; the said interview may only take place if both parties provide their express consent.
- ✓ Either of the parties will be granted an interview on request.
- ✓ All parties involved have the right to obtain assistance from representatives or advisors.

3.3.5 PREPARING REPORTS

With a view to preparing the most comprehensive report possible on the investigation process, the Committee will collect all the evidence they consider appropriate, including:

- ✓ Statements by the parties affected, those involved, witnesses...
- ✓ Written statements (corporate e-mail can be used.).
- ✓ Reports from specialists treating the affected party (in this case, the express and written authorisation of the person must be obtained).
- ✓ Any other evidence that provides useful information for the procedure.

The report will include the following information, at least:

- ✓ Background to the case (summary of statements presented by the parties involved).
- ✓ Summary of actions performed by the Committee and evidence obtained.
- ✓ Summary of main facts.
- ✓ Conclusions and measures proposed.

3.3.6 HEALTH PROTECTION FOR GAMESA STAFF

GAMESA will adopt all the corrective measures that seem relevant in relation to situations of harassment to protect the health of company members. Some of the said measures may include:

- ✓ Psychological assistance for the alleged victim.
- ✓ Support for alleged victims to restore them to their work place or to a different position.

- ✓ Guarantee that, within the company, no reprisals will be taken against the people who present a claim, act as witnesses, co-operate or take part in investigations on sexual harassment, sex-related harassment or psychological harassment.

3.4 MISCELLANEOUS STIPULATIONS

3.4.1 PROTECTION OF VICTIMS

If the existence of a case of harassment, in any of its manifestations, is established and the penalty imposed to the aggressor does not imply dismissal from GAMESA, all necessary measures will be taken so that the aggressor and the victim do not co-exist in the same work environment, whenever possible. Concerning these measures - which may not imply any improvement or reduction of their contractual conditions – the victim will be entitled to preferential treatment.

3.4.2 FALSE REPORTS

If it should be discovered that no case of harassment, in any of its manifestations, has existed in relation to a claim and if it is considered that the claim has been presented in bad faith; the relevant disciplinary measures will be taken.

3.4.3 REPRISALS

If reprisals should take place against or discriminate the person who has presented the claim, the victim or other people involved in the procedure, whether any case of harassment (in any of its manifestations) has been established or not, the relevant disciplinary measures will be adopted.

3.5. DATA PROTECTION

The unauthorised dissemination of data of any nature in relation to the procedures will be considered a breach of contract and will be subject to disciplinary penalties.

4. CONCLUSIONS

In conclusion, and with a view to stressing the main points included in the Protocol, we have summarised the principles that should govern these issues at all times:

1. **GAMESA** will not tolerate any type of workplace harassment.
2. All **GAMESA** employees are required to co-operate in guaranteeing a workplace environment that is respectful with the dignity of individuals. All employees in charge of other people are specifically required to ensure that no type of workplace harassment takes place in their sphere within the company.

3. In the event of any claim, due tact will be used to preserve the dignity and privacy of the parties involved.
4. All reports and claims will be presented in writing; they may not be anonymous and they will be speedily and reliably investigated and studied without delay.
5. All the people affected will be heard and supported at all times.
6. All the parties involved will be treated impartially and the reported party will not be presumed guilty.
7. Claims will be supported reliably and in detail.
8. False accusations and reprisals will not be tolerated and may lead to disciplinary actions.
9. The health and safety of the people will be protected at all times, adopting any measures considered appropriate in each case.