

Whistleblowing Policy:

guidelines for reports of misconduct
and/or unlawful acts

INDEX

1.	INTRODUCTION	19
2.	PURPOSE OF THE DOCUMENT AND WHISTLEBLOWER	19
3.	ACRONYMS	20
4.	DEFINITIONS	20
5.	APPLICABILITY OF THE POLICY	21
6.	REPORTING PROCEDURE	22
7.	INVESTIGATION FOLLOWING REPORTS	24
8.	PROTECTION OF THE REPORT, THE WHISTLEBLOWER AND THE REPORTED PARTY	24
9.	RECORD-KEEPING AND PROTECTION OF PERSONAL DATA	25
10.	RESPONSIBILITY	26
11.	DIFFUSION	26
12.	REFERENCE DOCUMENTS	26
13.	APPENDIX	27
13.1	Appendix 1: Reports through the digital platform Whistleblowing	27
13.2	Appendix 2: Definitions and normative references discrimination, harassment and mobbing	30

1. INTRODUCTION

Guaranteeing its employees a **safe, fair and open working environment**, as well as affirming a **corporate culture** based on **transparency and trust** are two of the main objectives of Lafert S.p.A..

For this reason Lafert S.p.A. supports and encourages, in order to protect the values of conduct, integrity and ethical behaviour expressed in its Code of Ethics and Business Conduct, any person who intends to report a potential misconduct or suspected unlawful acts of the principles expressed in the Code of Ethics and Business Conduct, in the Organization, Management and Control Model pursuant to Legislative Decree no. 231/2001, in the Policy on diversity, equity and inclusion, in the policies and procedures of Lafert S.p.A. and, more generally, of any other potential violation of laws and regulations.

If there is therefore **certain information or reasonable suspect**, based on **precise and consistent facts**, that any of the above conduct has occurred or may occur, a report may be made in an **identified or anonymous form**, with absolute guarantee of security and confidentiality at all stages of the process, through one of the channels made available by Lafert S.p.A..

2. PURPOSE OF THE DOCUMENT AND WHISTLEBLOWER

This Whistleblowing¹ Policy ("*Policy*") defines the modalities for sending and managing reports² of potential misconduct or suspected unlawful acts (specifically indicated in paragraph 4), carried out by the following subjects ("*Whistleblower*"³), including anonymously, and the protection measures to protect the Whistleblower and the alleged responsible for the violation ("*Reported Party*"⁴).

This Policy also aims to **remove factors that may hinder or discourage the report**, such as the doubts and uncertainties about the procedure to be followed and the fears of the Whistleblower to suffer retaliation or discrimination as a result of the report and to **provide clear indications** about the channels of communication, the subject of the reports and the methods of making the reports, so that everyone knows them and can check at any time the correct application.

The Policy applies in the case of reports by Whistleblowers in order to **prevent any form of illegal or unethical conduct**.



The Whistleblower is defined by law as the natural person who makes the report or the public disclosure of information on illegal conduct, acquired within the working context.

The Whistleblower may be one of the following:

- all employees, including part-time and temporary employees;
- all temporary employees;
- persons whose employment relationship ended at the time of the report, when the information was obtained during the employment relationship;
- persons who have applied for a job within Lafert S.p.A., when the information has been obtained in the context of this application;
- self-employed persons;
- freelancers and consultants;
- volunteers and trainees;
- employees and collaborators of suppliers and customers of Lafert S.p.A.;
- shareholders;
- persons with administrative, managerial, control, supervisory or representative functions;

and, more generally, anyone who is in an interest relations with Lafert S.p.A..

The Whistleblower, aware of facts reported, is invited to make the reports in a timely manner through the methods described below.

If desired, the Whistleblower can choose to make the report anonymously and request anonymity for the entire duration of the investigation process of the report.

The Policy is based on the applicable national and European regulatory framework, in particular on Legislative Decree no. 24 of 10 March 2023, implementing the European Directive 2019/1937.

The right to report recognised by law is not an obligation, but a possibility offered to each employee to decide in full conscience whether to report a violation of the general interest or the rules, of which he is aware.

The Policy is part of the ethical and corporate principles expressed in the Code of Ethics and Business Conduct of Lafert S.p.A. and in the Policy on diversity, equity and inclusion and aims to preserve the interests of Lafert S.p.A. and its stakeholders, facilitating the [prevention](#) and [detection of possible irregularities or abusive practices](#).

Given the importance of ensuring the security and confidentiality of the data, Lafert S.p.A. has decided to integrate its internal reporting system with a **digital whistleblowing system** managed by a certified company, Whistleblowing Solutions AB, which guarantees high security standards, in particular through an end-to-end data encryption system and cyber security mechanisms that meet the highest standards.

For more information on the procedure for sending reports via the abovementioned platform, see Annex 1 (paragraph 13.1).

3. ACRONYMS

ANAC: National Anti-Corruption Authority

Legislative Decree no. 231/2001: Italian Legislative Decree 8 June 2001, n. 231

S.B.: Supervisory Board

CEO: Chief Executive Officer

FD: Financial Director

4. DEFINITIONS

- (1) *Whistleblowing* means any report, presented to protect the integrity of the Company, of unlawful conduct or violation of the Code of Ethics and Business Conduct, the Model of Organization, Management and Control pursuant to Legislative Decree No. 231/2001, of the Policy on diversity, equity and inclusion, the policies and procedures of Lafert S.p.A., or of the external regulations, however applicable to Lafert S.p.A., based on precise and consistent facts, of which the Whistleblowers have become aware by reason of the functions performed.
- (2) *Report* means any communication concerning conduct and/or information that may supplement the details of a crime or otherwise inappropriate, incorrect or alleged violation of the principles expressed in the Code of Ethics and Conduct, in the Organization, Management and Control Model pursuant to Legislative Decree No. 231/2001 (where applicable), in the Policy on diversity, equity and inclusion, in the policies and procedures of Lafert S.p.A., in laws and regulations applicable to Lafert S.p.A..
- (3) *Whistleblower* means any employee and/or collaborator of Lafert S.p.A., anyone who is in business relations with the Company (customers, suppliers, business partners), as well as third parties who have made a report (as specified in paragraph 2).
- (4) *Reported Party* means the alleged responsible for unlawful conduct or violations mentioned inside of the Report.

- (5) *Report with gross negligence* means Report sent with negligence, carelessness or malpractice and in absence of veracity or sufficient evidence in order that the reported conduct could be reasonably considered occurred.
- (6) *Report in bad faith* means a Report sent with the knowledge of the lack of veracity or foundation in order to cause unjust damage to the Reported Party.
- (7) *Internal Report* means the Report sent through the internal channels of Lafert S.p.A.
- (8) *External Report* means the Report sent to ANAC through the channel provided by the Authority.
- (9) *Public Disclosure* means publishing information which are not of public domain through press or electronic means or other means of distribution suitable for reaching a large number of people.

5. APPLICABILITY OF THE POLICY



The reports may concern behaviours, acts or omissions that affect the public interest or the integrity of Lafert S.p.A. and that consist in:

- **administrative, accounting, civil or criminal offences;**
- **offences falling within the scope of European Union or national acts** concerning, for example, the following areas:
 - financial services, products and markets and the prevention of money laundering and terrorist financing;
 - corruption and conflict of interest;
 - public procurement;
 - product safety and conformity;
 - transport safety;
 - public health;
 - environmental protection;
 - protection of privacy and protection of personal data and security of networks and information systems;
- **acts or omissions affecting the financial interests of the European Union;**
- **acts or omissions relating to the European internal market;**
- **potential misconduct or alleged violation of the principles expressed in the Code of Ethics and Business Conduct, in the Organization, Management and Control Model pursuant to Legislative Decree no. 231/2001, in the Policy on diversity, equity and inclusion, in the policies and procedures of Lafert s.p.A;**
- **direct discrimination, indirect discrimination, psychological, physical or sexual harassment at work, discrimination by reaction** (for details, definitions and normative references see Annex 2, paragraph 13.2).

Only those reports that concern facts or information found directly by the Whistleblower will be taken into consideration, with the exclusion of complaints or "personal" claims.

The Whistleblower is protected if, at the time of the report, he had reasonable reason to believe that the information on the reported violations was true and fell within the scope of the Policy and the law.

The Whistleblower is protected by law against retaliation. The protection measures against retaliation are also applicable to:

- a. "facilitators", which are subjects operating in the same professional context of the Whistleblower and which helped the Whistleblower to make the report;
- b. people operating in the same professional context of the Whistleblower which are linked by a stable emotional bond or family relationship within the fourth grade;

- c. Whistleblower's colleagues operating in the same professional context of the Whistleblower and they have with the Whistleblower a current and usual relation;
- d. the Whistleblower's entities or entities for which the Whistleblower.

The Whistleblower is not protected and may also receive a disciplinary sanction, in the event that his/her criminal or civil liability for defamation or slander related to reports made with intent or gross negligence has been established.

6. REPORTING PROCEDURE

How to present a report?

Internal reporting: Collection procedure

The Whistleblower can send a report, in an identified or anonymous form, through the following channels, all managed by the S.B. of Lafert S.p.A..

The S.B. is an autonomous and independent body from Lafert S.p.A. and is in charge of receiving and managing the reports referred to in the Policy, as well as monitoring compliance with the Organisational, Management and Control Model pursuant to Legislative Decree 231/2001.



The reports can be made through the **digital platform Whistleblowing** accessible via web from any device, through the link given here <https://lafert.whistlelink.com/>.

The Whistleblowing platform is a digital system that Lafert S.p.A. has equipped not only to comply with specific regulatory requirements, but also and above all to transmit to its employees and third parties the values of **transparency**, **integrity** and **ethics** expressed in the Code of Ethics and Business Conduct.

The platform offers the certified guarantee of the **highest standards of security and data protection** and for this reason it is considered the preferential channel to send the reports: any processing of sensitive personal data will take place in full compliance with current regulations.

For more information on the procedure for sending reports via the Whistleblowing platform, please refer to Annex 1 (paragraph 13.1).

Or:



By **e-mail** for the exclusive use of the Supervisory Body:
organismo.vigilanza@shi-g.com

External Report

In any case, Lafert S.p.A. informs the Whistleblower that it may make an **external report** if the following conditions are met:

- The internal whistleblowing channel is not active or, if is active, is not compliant to the Legislative Decree 24/2023;
- the Whistleblower has already issued an internal report and it has not been followed up;
- the Whistleblower has good reason to believe that, if he made an internal report, it would not be effectively followed up or that the same report could determine the risk of retaliation;
- the Whistleblower has reasonable grounds to believe that the infringement may constitute an imminent or manifest danger to the public interest.

You can send the External Report to ANAC via the following web page:
<https://servizi.anticorruzione.it/segnalazioni/#!/#%2F>.

Public Disclosure

Moreover the Whistleblower can benefit from the protection measures provided also in the case of Public Disclosure, as long as in the moment of public disclosure there are one of the following conditions:

- the Internal or External Report sent by the Whistleblower with the conditions and the ways provided had not have any feedback about the measures adopted within the time expected;
- the Whistleblower has reasonable grounds to believe that the violation may constitute an imminent or manifest danger to the public interest;
- the Whistleblower has reasonable grounds to believe that the External Report may implicate the risk of retaliation or the Report wouldn't considered due to the specific circumstances of the concrete case (for example destroy of evidence, conflict of interest related to the body responsible for the management of the Report).

As regards reporting on gender **discrimination, violence and harassment at work**, in the event that it is not taken over on time, the Whistleblower may have recourse to the Equality Counselor of his/her territory.

As part of the functions of promoting and monitoring the implementation of equal opportunities policies by all subjects, public and private, operating in the labour market, the Counselors of Equality provincial and regional have the right to take any useful initiative within the scope of the competences of the State and are entitled to act before the Court acting as Judge of Labour on the proxy of the person who has interest, or to intervene in the judgments brought by workers who complain that they have suffered gender discrimination (art. 36 D.lgs. 198/2006).

Province of Venice: consigliera.parita@cittametropolitana.ve.it

Province of Ravenna: consigliera.parita.ra@mail.provincia.ra.it

Province of Bologna: consparita@regione.emilia-romagna.it

What requirements should the report have?

Care must be taken to include in a **clear and complete** manner all the **elements useful for the reconstruction of the fact and for the carrying out of the checks and inspections necessary** to assess its **validity and objectivity** and, in particular, to:

- describe the event reported;
- indicate the person/people held/s responsible of the violation/s, as well as any other parties involved and/or witnesses. If not known, all necessary information must be provided to identify the Reported Party of the potentially unlawful conduct;
- describe the time and place of occurrence of the report;
- attach all documents available to support the report.

A well-made, specific and detailed report can be managed without further requests for information and involvement of the Whistleblower.

It is the responsibility of the Whistleblower, even anonymous, to make reports in good faith, or on the basis of the conviction that what is said is true (regardless of the fact that what is reported is then matched in the insights that follow) and in line with the spirit of this Policy.

Reports sent with gross negligence or in bad faith, so opportunistic reports and/or made for the only purpose of damaging the Whistleblower or subjects otherwise affected by the report, will not be taken into account and will determine the application of disciplinary sanctions as per applicable contract.

On the other hand, no sanctions are provided against those who report in good faith facts that subsequent checks prove to be unfounded.

7. INVESTIGATION FOLLOWING REPORTS

The management of the reporting channel and the investigations resulting from the reports is entrusted to the S.B., which acts with professionalism, diligence and independence.

Within seven days of sending of the report, the Whistleblower will receive an **acknowledgement of receipt** and any requests for clarification, in case all the data and information useful to evaluate the validity of the report are not present.



The decision on the modalities of the investigation following the report is made on a case by case basis by the S.B., depending on the characteristics and contents of the report. During the investigation the S.B. could appoint an external consultant. In any case the S.B. has to guarantee the privacy of the data mentioned in the Report, such as the identity of all subjects involved and mentioned in the Report. **Within three months** from the date of confirmation of receipt of the report, the Whistleblower will receive **feedback** on the report as well as information on any follow-up measures that may be taken following its report.

Reports not sufficiently supported by evidence, manifestly unfounded or relating to conduct or facts that are not relevant in relation to this Policy, will be archived, noting the reasons that led to their archiving and notifying the Whistleblower within the above-mentioned three-month term.

8. PROTECTION OF THE REPORT, THE WHISTLEBLOWER AND THE REPORTED PARTY

Protection of the confidentiality of the report

Lafert S.p.A. ensures the **confidentiality** of the identity of the Whistleblower and of any other information contained in the report for the entire duration of the reporting management process.

It is the duty of all persons involved in the management of the report to guarantee the confidentiality of the Whistleblower, as well as of any other information from which the identity of the Whistleblower can be directly or indirectly deduced, from the moment the report is taken over, even in cases where it is subsequently incorrect or unfounded. Moreover the protection measures will be applied to all subjects involved and/or mentioned in the Report.

The disclosure of the Whistleblower's identity is prohibited without his/her express consent. Disclosure of the identity of the Whistleblower and any other information is only permitted where this is a necessary obligation in the context of investigations or judicial proceedings by national authorities, in the manner and limits provided by the Code of Criminal Procedure, or in any case of disciplinary proceedings initiated to the Company in the event of a report made in bad faith.

The Whistleblower shall be informed of the necessary disclosure prior to the disclosure of its identity, unless this affects the relevant investigations and judicial proceedings.

Protection of the Whistleblower against retaliatory and/or discriminatory acts

Lafert S.p.A. undertakes to adequately **protect** the Whistleblower against any form of **retaliation** and/or **discrimination** on grounds related, directly or indirectly, to the report. The Whistleblower is protected if, at the time of the report, he had reason to believe that the information relating to the reported violations was true and fell within the scope of the Policy.

Retaliatory and/or discriminatory measures are understood as unjustified disciplinary actions, or any act or omission even only attempted or threatened that causes or could cause the Whistleblower an unjust damage. For example, they constitute forms of retaliation and/or discrimination: dismissal, downgrading, change of function, disciplinary measures, unjustified transfer, harassment at work and any other form of retaliation that leads to uncomfortable or intolerable working conditions for the Signalman.

The Whistleblower who believes that he has suffered an act of retaliation and/or discrimination as a result of the report made may inform his/her hierarchical superior or the Human Resources Department, to assess whether there are grounds for initiating disciplinary proceedings against the perpetrator of retaliation and/or discrimination. The Whistleblower, and the other subjects mentioned in chapter 5, may communicate to ANAC the retaliations which they believe affected to them. ANAC will carry out the appropriate investigation activities.

If, from the verification of the reports, conducted pursuant to this document, there is an illegal behaviour related to **discrimination, harassment, mobbing** attributable to employees, Lafert S.p.A. will act promptly and immediately, by measures to protect and remedy the victim and by appropriate and proportionate sanctions against the person responsible for the offence.

Protection of the Reported Party

Lafert S.p.A. uses the same forms of protection provided for the Whistleblower also for the Reported Party, without prejudice to any legal obligation that requires to communicate the name of the alleged responsible for the conduct or violation (e.g. in response to requests from the national judicial authority).

The alert is not enough to initiate disciplinary proceedings against the Reported Party.

Following concrete evidence obtained regarding the report, Lafert S.p.A. guarantees the Reported Party the right to be informed (within a reasonable period of time) about the accusations and any disciplinary procedures against him, as well as the right to defence. At his/her request the Reported Party may be heard by the S.B., also by paper process through the acquisition of written observations and documents.

9. RECORD-KEEPING AND PROTECTION OF PERSONAL DATA

The information in the report will be used and stored exclusively for the purposes of the report investigation procedure, with the aim of ensuring the management and traceability of reports and related activities. The **information** will be **destroyed within a maximum of five years** from the communication of the final outcome of the reporting procedure.



Any personal data contained in the report, including those relating to the identity of the Whistleblower or any other parties involved, will be processed in accordance with the Privacy Policy of Lafert S.p.A. (*G-01-007 Guideline on data protection (privacy)*) and in compliance to the GDPR (Regulation UE 2016/679) and the Legislative Decree 196/2003 (Privacy Code), in particular by taking appropriate technical and organisational measures and processing the data in accordance with the regulatory framework, for the entire duration of the investigation procedure, in accordance with the rights of the persons concerned.

10. RESPONSIBILITY

It is the responsibility of the S.B. to monitor the reporting system, verifying that what is written in this Policy is respected.

The Finance & Corporate Services Department (FCS) undertakes to keep this Policy updated. For every reviews of the Policy, the same will be approved by the Board of Directors.

11. DIFFUSION

This Policy, prepared by the Finance & Corporate Services Department (FCS), is approved by the Board of Directors and must be distributed:

- to all executives, managers and employees of Lafert S.p.A. through the HUNEXT portal by the Human Resources Department;
- to all members of the Board of Directors and all members of the Board of the Statutory Board;
- to all other parties in relations of interest with Lafert S.p.A. through its publication on the website of Lafert S.p.A. by the Marketing Communications Department.

12. REFERENCE DOCUMENTS

Documents formally mentioned in the text of the Policy are shown below:

- G-01-001 Code of Ethics and Business Conduct of Lafert Group
- X-01-001 Organization, Management and Control Model 231
- G-01-007 Guideline on data protection (privacy)
- P-07-002 Policy on diversity, equity and inclusion

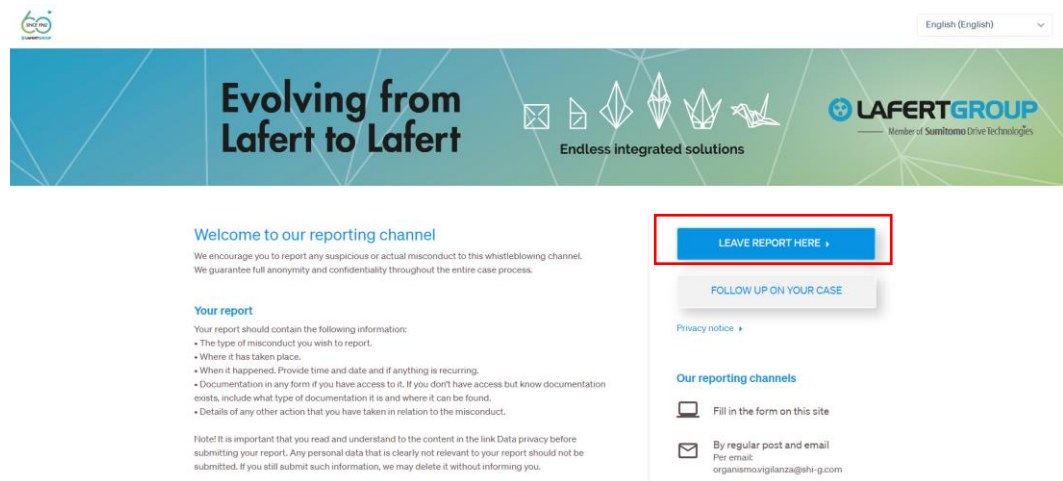
13. APPENDIX

13.1 Appendix 1: Reports through the digital platform Whistleblowing

You can access the digital platform Whistleblowing through the link provided here <https://lafert.whistlelink.com/>.

Method of transmission of the report:

1. After accessing the platform, the Whistleblower will be redirected to the introduction page, where he can see the information that the report must have, the methods of managing the report, the other reporting channels available to the Whistleblower and the privacy policy. There are also two boxes: **"Leave report here"** and "follow up on your case". By clicking on the first one you will have access to the page where you must enter as much information as possible about the report.



2. The Whistleblower will be guided in the **compilation of a form** composed of open and/or closed questions that will allow him to provide the elements characterizing the report (facts, time context, people involved, etc.).

In this section you can upload attachments, video and audio files to support the report in the section **"Do you have documents or other evidence to support the report?"**.

Alternatively, you can send a report in audio format (the maximum duration is 10 minutes) by clicking on the box "I want to report with audio". However, it will not be possible to guarantee anonymity since the voice could be recognized.

- After answering the questions, the Whistleblower may choose whether to **identify himself** or **remain anonymous**: in the first case he must select the field "Confidential" and later fill in the below fields indicating his/her name and surname and an alternative method of contact (which can be his/her phone number and/or his/her e-mail). In any case, the Whistleblower may provide his/her information at a later time through the platform. If the Whistleblower would like to remain anonymous must select the field "Anonymous".



Any further information?

Do you want to provide your identification data?
If you want to provide your identification data, select "Confidential" and fill in the fields below. Vice versa select "Anonymous".

Confidential Anonymous

Name and Surname

Telephone number

E-mail



To protect your anonymity, pay particular attention to the details in any documents that you attach to the report.

- Once the report is sent, the platform will release to the Whistleblower the **case number** and the **verification code** to confirm the forwarding of the same. The latter, known only by the Whistleblower, for reasons of confidentiality, cannot be recovered in any way in case of loss.



Your report is now submitted

Case number	XXXXXXX
Verification code	XXXXXXX

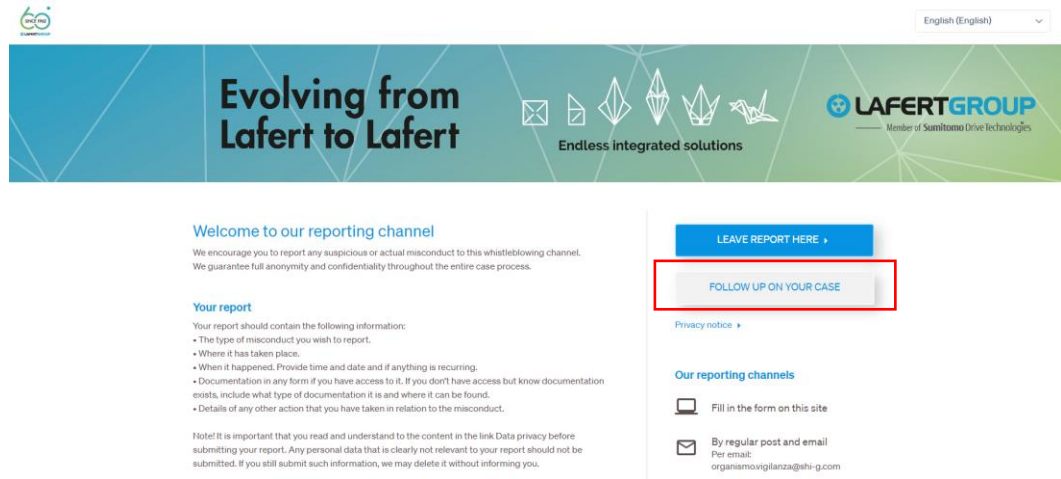
If you want to follow your case
save the case and verification code!

Thank you for your submission
Please keep a note of your case number and verification code.
This verification code, known only to you, for reasons of privacy, cannot be recovered in any way in the event of loss.
It is important that you save these details so you can log in to see the follow-up of your case and receive feedback. You can also log in to provide additional information.

LEAVE REPORT HERE >

FOLLOW UP ON YOUR CASE

5. This code will allow the Whistleblower to access, at any time, the **"follow up on your case"** section through which it will be possible to complete the report with additional attachments (it will not be possible to make any changes to the report sent initially) and dialogue securely and encrypted through the platform in case of any questions. The platform allows, in fact, to establish a virtual interview (chat) between the Whistleblower and the person in charge of the management of the report, ensuring, at the will of the Whistleblower, anonymity. It will be the responsibility of the Whistleblower to access periodically the platform to verify the evolution of the report sent.



As previously reported, the S.B. will confirm receipt of the same within 7 days and will provide feedback within 90 days from the date of receipt (whether the alert is justified or unfounded following appropriate assessments).

13.2 Appendix 2: Definitions and normative references discrimination, harassment and mobbing

Normative references

Legal code:	Title:
Framework agreement on harassment and violence in the workplace	April 26 th , 2007
Civil code, Art. 2087	Protection of working conditions
ILO Convention of June 21 st , 2019 No. 190	International Labor Organization Convention of June 21 st , 2019 No. 190 On eliminating violence and harassment in the workplace.
Constitution of the Italian Republic	Fundamental Principles, Art.2 e Art. 3
Legislative Decree March 10 th , 2023 No. 24	Legislative Decree March 10 th , 2023 No. 24, concerning the protection of individuals who report breaches of EU law and laying down rules concerning the protection of individuals who report breaches of EU law and violations of national regulatory provisions
Legislative Decree 80/2015	Legislative Decree of June 15 th , 2015 No.80 - Measures for the conciliation of care, life and work needs (includes paid leave for women victims of violence)
Legislative Decree 81/2008	Legislative Decree 81/2008 - Consolidated Law on Health and Safety at Work
Legislative Decree 198/2006	Legislative Decree 198/2006 - Code of equal opportunities
Directive 97/80/EC	Burden of proof in cases of discrimination based on gender
Directive 2002/73/EC	Directive 2002/73/EC of the European Parliament and Council of September 23 rd , 2002 amending Directive 76/207/EEC of the Council on the implementation of the principle of equal treatment for men and women as regards access to employment, training and professional promotion and working conditions
EU Directive 2019/1937	EU Directive 2019/1937 of the European Parliament and Council of October 23 rd , 2019
Law 162/2021	Law 162/2021: news on equal opportunities at work
Law January 15 th , 2021 No. 4	Ratification and implementation of ILO Convention No.190
Law 38/2009	Conversion law of April 23 rd , 2009 No. 38 laying down urgent measures concerning public safety and for the fight against gender-based violence, as well as in terms of persecution.
Law 119/2013	Conversion law of October 15 th , 2013 No. 119 laying down urgent rules concerning security and for the fight against gender-based violence
Law 127/22	Law August 4 th , 2022, No. 127
Law 179/17	Law November 30 th , 2017, No. 179
Law 205/2017	Law of December 27 th , 2017, No. 205 – amendment of article 26 of the equal opportunities code pursuant to Legislative Decree 198/2006
EEC Recommendation 92/131	Protection of the dignity of men and women at work
ILO Recommendation No.206	Eliminating violence and harassment in the world of work
UNI ISO 30415:2021	UNI ISO 30415:2021: Human Resources Management - Diversity and Inclusion
UNI PdR 125:2022	Reference Practice UNI PDR 125:2022: Gender equality policies in organizations.

Terms and definitions

- **Direct discrimination:** occurs when a worker (or a group) is treated less favourably than another who is in a similar situation, because of a distinctive element of the person, such as gender, nationality, ethnicity, social/economic status, family status, state of health, physical appearance, language, age, disability, sexual, political, union and religious orientation, type of contract, as well as character and personal convictions. In particular, gender discrimination is the use of sexist criteria in interpersonal relationships in work.
- **Indirect (or structural) discrimination:** means a situation in which a provision of law, practice, criterion, act, pact or seemingly neutral behaviour places or could place the worker (or group) in a situation of particular disadvantage, by reason of gender, nationality, ethnicity, social/economic status, family status, health status, physical appearance, language, age, disability, sexual, political, union and religious orientation, the type of contract, as well as the character and personal convictions. Indirect discrimination, therefore, formally presents a neutral aspect but which in fact, on the contrary, ends up disadvantaging certain categories of people, for example: female workers mainly in relation to the hypothetical or actual maternity or also workers/fathers in relation to the parental role; part-time female workers are more judged in comparison to part-time male workers, as a result of a selective procedure of economic progression, when, due to the application of one of the criteria established in the internal announcement of selection, the score depends on the hours of work performed.
- **Harassment at work:** any unwanted behaviour, carried out for reasons also related to gender and having the purpose or effect of violating the dignity of a worker and creating an intimidating, hostile, degrading, humiliating or offensive climate. An aggravating circumstance is the fact that the harassment is accompanied by implicit or explicit threats or blackmail by hierarchical superiors or persons who may in any case affect the establishment, performance and termination of the employment relationship (see definition "discrimination as reaction").

Focus on differentiation between "psychological harassment (or mobbing)" and "sexual harassment" (derived from Directive 2002/73/EC):

- **"Emotional or psychological harassment" (or "Mobbing"):** an intentional and repeated situation in which undesirable behaviour linked to a distinctive element of a person occurs, with the aim or effect of violating his/her dignity and creating an intimidating, hostile, degrading or offensive climate. A psychological harassment occurs when one or more workers continuously hold an incorrect behaviour towards another colleague, and for this reason humiliated, offended, threatened. Psychological harassment is equivalent to Mobbing, meaning "accidents" or "unwanted behaviour" in which a colleague is abused, threatened or assaulted in work-related circumstances, including commuting to and from work and smart working, with explicit or implicit consequences on health, safety and well-being. These "incidents" or "unwanted behaviour" occur when there is the purpose or such behaviours or incidents has the effect of violating the dignity of the worker and creating an intimidating, hostile, degrading, humiliating or offensive climate.
I am faced with psychological harassment when a colleague or a group of colleagues continuously misconduct towards another worker, a group of colleagues, a superior or a subordinate identified as a victim, humiliated, offended, threatened. Some examples: shouting, using offensive or sarcastic language, offending, continually criticizing the worker, excluding the worker from social events or coffee breaks, hiding important information, assigning the worker too many tasks, too difficult, degrading or too easy. Harassment must never be tolerated.

- **"Physical Harassment"**: occurs when someone uses a part of their body or an object to limit a person's actions and/or to generate physical harm.
- **"Sexual harassment"**: is a type of harassment that can be psychological, physical or both. It occurs in the case of unwanted sexual behaviour, expressed in physical, verbal, non-verbal or electronic format, having the purpose or effect of violating the dignity of a person, in particular, creating an intimidating atmosphere, hostile, degrading humiliating or offensive.

Where does the compliment end and sexual harassment begin? Firstly, it should be highlighted that, while some gestures or proposals are considered clearly unacceptable, certain behaviours are sometimes not considered unambiguously inappropriate. What for some can be considered a compliment or a joke, for others can be offensive; this occurs especially in workplaces where there are significant cultural, social or origin differences or with high turnover, which leads to a lack of knowledge on a personal level. However, every person in the workplace should feel free to say that they find behaviour offensive or inappropriate and expect others to respect it. Behaviour that unintentionally offends someone can be quickly corrected without causing damage. The goal is to create a work culture in which everyone feels heard and respected. Sexual harassment, on the other hand, violates the dignity of the person, creating an intimidating, hostile, degrading or humiliating environment in the workplace.

I am faced with sexual harassment when it occurs: annoying and unwanted physical contacts, unwanted appreciations, verbal or nonverbal, inappropriate comments with references to the person's sexuality, writings and verbal expressions on the alleged inferiority of the person as belonging to a particular gender or denigrates because of the diversity of expression of sexuality, gestures, proposals or "jokes" on a sexual basis, intrusive questions about personal relationships, sending of inappropriate images or e-mails, a physical approach of a sexual nature, or the request for a physical relationship when the other shows no interest, intimidation, threats and blackmail suffered for rejecting behaviour aimed at sexual intercourse.

- **"Discrimination as Reaction" (or "Retaliation")**: are considered "discrimination as reaction" those unfavourable treatment by the employer which constitutes a reaction to a complaint or action aimed at achieving compliance with the principle of fair treatment aside from the factors of diversity. Discrimination shall also be considered as a reaction to the less favourable treatment suffered by a worker (or a group) for opposing to discriminatory behaviour in the form of harassment, including sexual harassment (or vice versa, by the fact of being subdued).

Notes:

1. Discrimination does not apply where a requirement is considered essential to carry out the work (e.g. manual work impracticable for people with certain types of disability) as long as the requirement is legitimate and the employer removes all obstacles to equal opportunities.
2. Following the amendment of art. 25 paragraph 2-bis of the "Code of Equal Opportunities" (Law 162/2021), is identified as "discrimination" not only in every treatment, but also in every change in the organization of conditions and working time that is motivated by the state of pregnancy, of maternity or paternity and the exercise of the relevant rights but also simply of sex, age or personal or family care needs and which places or can place the worker in at least one of the following conditions:
 - position of disadvantage in relation to all other workers;
 - limitation of opportunities for participation in life or business choices;
 - restriction of access to career progression and advancement mechanisms.

Example: discrimination is that applied to a worker who is absent from work because of an illness caused by the state of pregnancy (EC Court of Justice June 30th, 1998) or to undergo artificial insemination (Cassation 6575\2016), punishing her with the layoff.