



Medical Devices for Anaesthesia and Resuscitation
Medical Devices for Anaesthesia and Intensive Care

Dimar S.p.A. a Socio Unico
Via G. Galilei, 6 - 41036 Medolla - Modena - ITALY
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**CODE OF CONDUCT FOR THE PREVENTION OF
DISCRIMINATION AND THE PROTECTION OF THE DIGNITY
OF WOMEN AND MEN**



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SECTION I - FOREWORD

PREAMBLE

With this Code of Conduct, Dimar S.p.A. (hereinafter, 'Dimar') intends to give evidence of its will to maintain the best conditions of wellbeing at work, ensuring a working environment inspired by principles of equality and protection of the freedom, dignity and inviolability of the person, enhancing the management of free time and the reconciliation of work and family time, in the full awareness that the achievement of personal balance has a positive impact on social and working life.

The adoption of specific rules of conduct, as set out in the Code of Conduct, makes it possible to guarantee in the workplace the right to a favourable environment and interpersonal relations, in compliance with the principles of equality, freedom and dignity of the person.

This Code of Conduct is also adopted pursuant to the "*Framework Agreement on Harassment and Violence in the Workplace*" of 26 April 2007 as well as the "*Regional Agreement on Harassment and Violence in the Workplace*" of 17 May 2018.

PURPOSE

The Code of Conduct constitutes a guarantee tool aimed at preventing and combating any form of sexual harassment, bullying and discrimination, with absolute respect for confidentiality.

In particular, by adopting this Code of Conduct, Dimar intends to:

- Protect the dignity and equality of women and men in the workplace, promoting and encouraging the adoption of decisions and behaviour inspired by the principles of fairness, respect, equal opportunities, cooperation and correctness;
- Define conduct that, beyond individual sensitivities, constitutes situations of harassment, bullying or discrimination, committing oneself to
 - o Create the preconditions for fostering, in the workplace, mutual respect for people as such, by dictating rules of conduct to be adopted both towards staff and, above all, towards customers;
 - o Condemn any discrimination based on age, racial or ethnic origin, gender, social condition, political opinion, religious belief, gender, sexual orientation, and disability, in full respect of the protection of the rights of freedom and dignity of each individual, promoting and encouraging the adoption of decisions and behaviour inspired by the principles of fairness, respect, equal opportunities, cooperation and correctness;
- Ensuring, in the event of reports of harmful conduct, the immediate use of prompt and impartial procedures aimed at discreetly and effectively settling cases of sexual harassment, bullying or discrimination and preventing their recurrence;
- Identify the actors involved and their respective roles, within the scope of the action to prevent and combat the offending conduct governed by the Code;



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- Identifying and monitoring incidents of sexual harassment, bullying, or discrimination, in order to set up appropriate management strategies to prevent and combat them;
- Promoting knowledge and enforcement of existing legislation protecting equality and equal opportunities for all workers and promoting information on regulations on sexual harassment, bullying and discrimination in the workplace.

SCOPE OF APPLICATION

This Code applies to all employees, irrespective of the type of relationship established and the professional classification.

Every worker has a duty to cooperate with Dimar in order to promote and maintain a working environment in which everyone's dignity is respected, in which correct personal relations are fostered and in which the practice of discrimination and harassment is considered naturally unacceptable.

Facility managers must take appropriate care to prevent acts and behaviour that violate people's dignity.

All persons who come into contact with Dimar's personnel - suppliers, *partners*, consultants, customers and third parties in general - are also obliged to comply with this Code.

The principles contained in this Code apply to all aspects concerning the employment relationship, such as but not limited to: the selection process, the recruitment phase, professional growth, compensation, etc.; these aspects are based on merit and performance and cannot be influenced by factors such as race, ethnicity, sexual and/or political orientation, etc.

This Code of Conduct shall be made known to new employees at the time of the establishment of the employment relationship.



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SECTION II - DEFINITIONS

DISCRIMINATION

As defined in the Code of Ethics, Dimar does not allow any form of discrimination and guarantees equal opportunities and equal dignity and impartial treatment for all persons.

Under national law, the principle of equal treatment in employment and occupation means the absence of any direct or indirect discrimination, as defined below:

- Direct discrimination where because of sex, age, racial or ethnic origin, religion, ideology or other belief, political or trade union orientation, health, disability, sexual orientation, pregnancy, maternity or paternity status, including adoption or foster care, care of disabled family members, or because of entitlement to and exercise of related rights, a person is treated less favourably than another is, has been or would be treated in a comparable situation;
- Indirect discrimination where an apparently neutral provision, criterion, practice, act, covenant or conduct may put certain workers at a particular disadvantage compared to others because of the above-mentioned causes.

All workers must be treated exclusively on the basis of their professional skills and competences, any form of discrimination being prohibited.

A difference of treatment due to characteristics that are essential for the performance of the work does not constitute discrimination, provided that the objective pursued is legitimate and the means employed to achieve it are proportionate to the aim and necessary.

SEXUAL HARASSMENT

Sexual harassment consists of any unwanted behaviour with sexual connotations expressed in physical, verbal or non-verbal form, with the purpose or effect of violating the dignity and freedom of the person subjected to it and of creating an intimidating, hostile, degrading, humiliating or offensive climate.

The essential characteristic of sexual harassment consists in an unwanted act on the part of the sufferer and a demand on the part of the perpetrator: it is up to the individual to determine which behaviour he or she can tolerate and which is to be considered offensive; simple attention to a person can become harassment when it takes the form of behaviour that is considered, by the person receiving such attention, to be manifestly offensive, or unwanted or unjustified.

Sexual harassment includes conduct such as, by way of example:

- Explicit or implied requests for sexual performance or attention that are unwelcome or deemed improper and offensive;
- Inappropriate or unwanted physical contact (such as pinching, rubbing, hugging, caressing and the like), as well as provocative and disreputable gestures or winks of a sexual nature, and gestures alluding to sexual intercourse;



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- Two-way communications of a sexual nature disseminated by means of letters, e-mail, cards, telephone calls, text messages, or any other means;
- Verbal comments about the body and comments on sexuality or sexual orientation deemed offensive;
- Display in the workplace, by whatever means and in whatever manner, of pornographic material;
- Implicit or explicit promises of benefits, privileges or career advancement in exchange for sexual services;
- Threats, blackmail and retaliation suffered for rejecting sexually motivated conduct, directly or indirectly affecting the establishment, performance or termination of employment and career progression.

Sexual harassment by persons exploiting their position of power is aggravated if it is accompanied by threats or blackmail concerning employment status.

MORAL HARASSMENT OR MOBBING

Moral harassment or *bullying* is an employment situation.

Moral harassment or *mobbing* constitutes hostile, aggressive and vexatious acts and conduct, repeatedly and systematically carried out, in constant progress, in a persecutory manner, against the worker by those who are in a position of supervision or subordination (vertical upward or downward *mobbing*), or by other colleagues (horizontal *mobbing*) and which, by creating an intimidating, humiliating, degrading and offensive climate, have the purpose and effect of violating the worker's personal dignity and damaging his/her psychological and physical integrity, including by marginalising him/her from the work environment,

Moral harassment or mobbing is regarded as discrimination within the meaning of Article 26(1) of Legislative Decree No. 198 of 11 April 2006 on the 'Code of equal opportunities between men and women, pursuant to Article 6 of Law No. 246 of 28 November 2005'.

Moral harassment or bullying is also considered as harassment perpetrated against employees because of their ethnicity, religion, personal and political convictions, disability, age or sexual orientation.

Moral harassment includes behaviour such as:

- Verbal abuse and personal insults, defamation, insinuations, disclosure of confidential information and any other action to discredit the person;
- Slander, defamation of a worker or worker's family;
- Psychological pressure, aggressive, hostile, humiliating or intimidating attitudes, even in veiled or indirect form;
- Unjustified exclusion or marginalisation from work, training, retraining and refresher courses;
- Deliberate withholding of work-related information or incorrect or deficient information;
- Unjustified criticism and delegitimation of the employee's image, even in front of colleagues or persons outside the company;



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- Assignment of tasks that are de-qualifying in relation to the professional profile possessed, or exorbitant or excessive, aimed at demotivating the employee or preventing him or her from achieving the assigned objectives;
- Excessive, unjustified, vexatious control of the employee's behaviour and operations.

The reporting of sexual or moral harassment carried out for the sole purpose of denigrating, discrediting or harming someone constitutes harassment within the meaning of this Code of Conduct and for all consequential purposes.

They may constitute moral harassment:

- Damage to self-image: such as offences, intimidation, slander, insults, inappropriate reproaches, dissemination of confidential information, insinuations about the person's psychological or physical problems, causing him/her to repeatedly absent him/herself, or any other action devaluing the person and his/her achievements such as to make the person the target of unfounded criticism, undermining his/her self-esteem and making him/her weak and vulnerable;
- Damage to the individual's professionalism, such as threats of dismissal, forced resignation, unmotivated transfers, salary discrimination, prejudice in the perspective of career progression, unjustified removal of already entrusted tasks, attribution of improper tasks, systematic devaluation of results, obstruction of work, depletion of assigned tasks, unjustified lack or deprivation of work tools, unjustified exclusion from projects, requests for overtime work not justified by service needs, repeated and unjustified reprimands, unjustified refusal of holidays or leave, actions that create demotivation or mistrust in the person, discouraging the continuation of his/her activity;
- Attempts at marginalisation and isolation, such as unwanted change of duties or work colleagues with persecutory intent, restriction of the faculty of expression or excessive control.



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SECTION III - METHODS OF IMPLEMENTATION

RESPONSIBILITY

In the workplace, all personnel of all levels must follow the following behaviour:

- Respect the rights, dignity and worth of others;
- Respect the principles contained in this Code;
- Provide full adherence to the implementation of equal opportunities and non-discrimination;
- Protect your own and other people's health and safety;
- Treating others as oneself;
- Create and maintain a working environment that is as harmonious as possible and not intimidating, hostile, degrading, humiliating or offensive;
- Strive to develop a safe working environment, inspired by the principles of fairness, freedom and dignity in interpersonal relations and in which women and men mutually respect the inviolability of the person;
- Show impartiality towards people to ensure that everyone is treated fairly and equally;
- Promote the adoption of diversified, timely and impartial measures aimed at preventing and combating mobbing or other phenomena, however named, aimed at altering the psycho-physical integrity of the worker;
- Support anyone who claims to have been discriminated against or harassed and be sensitive to the perception of the situation, directing them to report the case to the appropriate company department;
- Inform the relevant company function of any harassment and discrimination you become aware of;
- Maintain strict confidentiality of the information received.
- Collaborate with the competent offices to promote and implement all preventive and repressive measures against mobbing and other phenomena related to discrimination or harassment;

In application of these principles, it is therefore prohibited to:

- Harassment in any form (intimidation, bullying, abuse, insults, marginalisation, exclusion, *stalking* and any form or attitude of discrimination);
- Inducing, pressurising or persuading others to discriminate or harass, or even to assume an act of discrimination or harassment;
- Persecuting an employee who has complained about an act of discrimination or harassment or has taken legal action or provided testimony or information in a discrimination or harassment case;
- Taking part in and/or encouraging rumours of alleged or actual harassment or discrimination.

DISCIPLINARY RESPONSIBILITY

Harassment (sexual or moral) violates the laws and regulations on equal treatment of men and women.

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Therefore, any discrimination, direct or indirect, based on ethnicity, religious denomination, personal, political or trade union opinions, age, gender, disability violates the constitutional principles of equality, freedom and dignity of the person.

It is a disciplinary offence to engage in discriminatory acts and harassment in the workplace.

It is also a disciplinary offence to retaliate against a person who reports discrimination and/or harassment or intends to give or testifies.

Equally reprehensible and punishable is the omissive attitude of those who see or are aware of cases of harassment and fail to report them.

Sanctions will be imposed in proportion to the seriousness of the act and according to the protection of the victim, regardless of the position held by the person involved.

Disciplinary proceedings, relating to facts and circumstances provided for in this Code, are conducted in accordance with the provisions of the relevant CCNL.

PROCEDURE FOR DEALING WITH DISCRIMINATION AND HARASSMENT CASES

Dimar's workers can send reports of possible violations, behaviour, practices that do not comply with the provisions of this Code and the Code of Ethics using the *whistleblowing* platform accessible from the company website.

Furthermore, workers who feel they are being harassed or discriminated against are urged to inform the management without delay, and to report the incident to the competent company department.

Those who have witnessed discriminatory and/or harassing behaviour must immediately report it to the same channels.

In the case of conduct that is considered to be of criminal relevance, Dimar urges any person who considers himself a victim of such conduct to contact the competent authorities without delay.

This is of course without prejudice, in any case, to any other form of judicial protection or the right to apply to other protective structures.

Once the report has been received, the competent structure has the obligation to activate all the initiatives deemed appropriate to resolve the problem that creates discomfort to people and interferes with the performance of work activities, with the aim of safeguarding the primary interest of the dignity of the workers involved in the affair, thus seeking the most appropriate solutions to interrupt and overcome the situation of discomfort and restore a serene working environment.

If the report - whether in electronic or verbal form - reveals elements of seriousness, Dimar shall initiate disciplinary proceedings in accordance with legal and contractual regulations, through the Structure appointed for this purpose.

Records of the process and the measure and the filing of the case will be made with the caution that the sensitivity of the reports imposes.

Any form of direct or indirect retaliation against whistleblowers, including third parties or witnesses, who report a case of discrimination of harassment and/or bullying is also liable to disciplinary action. Management must promptly inform the Supervisory Board of the facts.



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If, on the contrary, the report proves to be unfounded, Dimar may take steps to rehabilitate the person accused. The person making the unfounded report shall also be liable to disciplinary action.

CONFIDENTIALITY

It is mandatory that all persons involved, in any capacity whatsoever, in every stage of the procedure operate with confidentiality and discretion, keeping the facts and news they become aware of secret in compliance with the provisions of Legislative Decree 196/2003 and EU Reg. no. 679/2017 (GDPR).

Obviously, if necessary, the obligation to testify in the competent civil and/or criminal courts and to make statements to Dimar's Supervisory Board remains.

In particular, those who receive the report of harassment, those who handle the disciplinary process, those directly concerned by the incident, those who give evidence and all those involved must adopt an attitude of respect for the privacy of the persons involved and more generally of confidentiality of the incident.

TRAINING AND INFORMATION

Dimar undertakes to disseminate this Code as widely as possible, by displaying it in the workplace, sharing it on the company *intranet* and publishing it on the company website.

Newly recruited employees will be specifically informed of the Code at the time of establishment.

The company also undertakes to implement training courses aimed at workers at all levels of the organisation and initiatives to raise awareness on the protection of personal freedom and dignity in order to prevent the occurrence of behaviour that can be construed as discrimination and harassment and to develop a safe working environment inspired by the principles of fairness in interpersonal relations.