



office@next-gen.ro
www.next-gen.ro

HELLENIC TELECOMMUNICATIONS ORGANIZATION S.A.

S.C. TELEKOM ROMANIA COMMUNICATIONS S.A.

S.C. NEXTGEN COMMUNICATIONS S.R.L.

OTE Group

**Policy on Avoiding Sexual Harassment within
OTE Group**

COMPLIANCE OFFICER OF NEXTGEN COMMUNICATIONS S.R.L.

Table of Contents

Preamble.....	3
Article 1 - Scope	4
Article 2 - Legal Framework in Romania	4
Article 3 - Persons with specific obligations	6
Article 4 - Whistleblowing Channels	6
Article 5 - Prohibition of reprisals	6
Article 6 - Knowledge of the Policy	6
Article 7 - Legal consequences.....	6
Article 8 - Entry into force	7

Preamble

The OTE Group expects that its entire personnel, either within or outside the working place, adhere to the rules of proper behavior, legal and moral. This requirement is mentioned by the Internal Regulation and fulfills the expectations of OTE Group regarding both “respect and integrity” and the creation of “the best conditions to perform and grow”. The conduct requirements, which are set out in this Policy (as well as in the Internal Regulation), render any kind of discrimination or harassment, intolerable. The legislation in force from Romania provides an workplace environment in which are observed the principle on non-discrimination based on sex criteria, the principle of equal treatment between women and men, the principle of equal treatment towards all employees and employers and transposes the European Directives which protect the employee of an improper behavior based on sex criteria. The prohibition of sexual harassment, especially within the working place, is also included at the above mentioned legislation in force.

Sexual harassment may take place in the working environment and originate both from men and women, may be practiced on the detriment of both men and women and is equally unacceptable, regardless of the gender of the person who commits the sexual harassment offence or the person who is sexually harassed. In most cases, a significant imbalance of power/ authority exists between the perpetrators and the victims as well as exploitation, usually, of the hierarchical dependence relations.

Sexual harassment is not a minor offense. Victims usually feel insecurity and deprivation of their dignity. Victims usually underestimate the incident or opt not to reveal the sexual harassment because of their fear of defamation or loss of their job.

Our target is the avoidance of similar incidents within the working environment, in cooperation with all the employees aiming to create a climate of mutual appreciation and respect among colleagues.

Nevertheless, in case misconduct or violation of the rules takes place, we will do our best in order to investigate the case to the end and take all the necessary measures in the context of the applicable laws, contracts and regulations.

Target of this Policy is the awareness of managers and employees in relation with this issue, the prevention of sexual harassment acts and the enhancement of confidence of employees regarding the support they shall have by their superiors in such cases.

The following provisions contribute more effectively to the achievement of the afore mentioned goals, making all employees better aware of the legal framework and the relevant practices.

Article 1 - Scope¹

This Policy is adopted by a decision of the competent corporate bodies, in order to be applied to all OTE Group employees. The word "employees", "personnel", "human resources" refers to all people who work at the OTE Group.: Board members, managing directors, executives, employees, consultants, partners or other persons, who offer their services at the OTE Group under any form of contract (e.g. management agreement, individual labour agreement, services agreement).

In particular, any company from Romania which is part of the Group shall be hereinafter called the "**Company**".

Article 2 - Legal Framework in Romania

In Romania, the legal framework of sexual harassment is stipulated in the following regulations:¹

- Ordinance no. 137/2000 preventing and sanctioning all forms of discrimination, hereinafter called "**Ordinance no 137/2000**";
- Law no. 202/2002 regarding equality of opportunity and treatment between women and men, hereinafter called "**Law no 202/2002**";
- Labor Code, hereinafter called "**Labor Code**";
- Criminal Code, hereinafter called "**Criminal Code**";

The general framework of harassment was set up by the **Ordinance no 137/2000**.

The offence of "*harassment*" is any behavior on grounds of race, nationality, ethnicity, language, religion, social class, beliefs, gender, sexual orientation, membership in a disadvantaged category, age, disability, refugee status or asylum seeker, any other criteria leading to establishment of an intimidating, hostile, degrading or offensive environment.

The Law no 202/2002 defines both the terms of harassment and sexual harassment, as follows:

- "*harassment*" the situation where there is an unwanted conduct related to the sex of the person, with the purpose or effect of affect the dignity of a person and creating an intimidating, hostile, degrading, humiliating or offensive environment.
- "*sexual harassment*" means a situation where there is an unwanted conduct of a sexual nature expressed physically, verbally or nonverbally, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

The both terms of harassment and sexual harassment are strictly connected with the workplace of the victim or his work activity, due the fact that is defined the term of

¹ This Policy has been drafted in accordance with the applicable legal framework in Romania (see Preamble & Article 2).



"discrimination" as being the discrimination based on gender discrimination means direct and indirect discrimination, harassment and sexual harassment of a person by another person at work or elsewhere in which it operates;

As per the provisions of Law no 202/2002, it is forbidden any type of discrimination on the sex criteria.

In accordance with the **Labor Code** it is stipulated the principle of equal treatment towards all employees and employers. The *definition of discrimination* consists in: on the grounds of the principle mentioned above, any direct or indirect discrimination against an employee based on criteria of: gender, sexual orientation, genetic characteristics, age, nationality, race, color, religion, political opinion, social origin, disability, family status or responsibilities, trade union membership or activity is prohibited. From the above provisions, we can conclude that the term of discrimination may occur in two forms: direct or indirect discrimination.

The term of "*direct discrimination*" is defined by the Labor Code as being acts or facts of exclusion, distinction, restriction or preference based on one or more of the criteria mentioned above (at the definition of discrimination) which have the purpose or effect of granting, restriction or elimination of recognition, use or exercise rights under labor legislation. The term of "*indirect discrimination*" is defined by the Labor Code by the acts and facts apparently based on criteria other than those referred in the definition of the discrimination, but having any direct effects.

Moreover, for equal work or equal value is forbidden any discrimination based on gender based on all aspects and conditions of remuneration.

"*The criminal offense of sexual harassment*" is set up in the **Criminal Code** harassment of persons by **threat or coercion** in order to obtain sexual satisfaction by a person who abuses of his authority or influence given to this position at workplace is punished with imprisonment from 3 months up to 2 years or with fine. In this type, the sexual harassment is obtained by using the means of threat and coercion and the offender is the person which abuses of his authority or influence given to this position at workplace.

In parallel with the above mentioned liabilities, the Company may apply the disciplinary liability in accordance with the terms stipulated within the Internal Regulations.

Every employee should consider his/ her behavior, particularly the language which he/she uses, his/her way of dressing and also his/her personal working place, in order to determine whether his/her presence and behavior are the appropriate ones and whether they exclude the necessary respect towards the others, while every employee should also respect his/her colleagues' personal working place.

Article 3 - Persons with specific obligations

This Policy applies in particular to the hierarchically superiors due to the duty of care they have undertaken and to their role as models as well as to third parties such as e.g. external consultants or trainers or other partners of the Company, who because of their capacity come into contact or collaborate with the company's personnel. Notwithstanding, this policy is applicable to all employees which abuse of his authority or influence given to this position at workplace, and/or which try to obtain sexual satisfaction by the infringement of the terms and conditions stipulated herein.

Article 4 - Whistleblowing Channels

Except from the bodies or authorities (e.g. National Council for Combating Discrimination, National Agency for Equality of the Opportunities and Treatment of Men and Women Area, National and Regional Commissions in Equality of the Opportunities and Treatment of Men and Women Area etc.), employees may report incidents of sexual harassment at their company's Compliance Office through the "Tell me! - Whistleblowing" procedure, using the appropriate communication channels, which are available at the companies' internet and intranet sites. All information is treated as strictly confidential; complaints are investigated and examined by the competent persons, who are bound by the provisions for the protection of personal data and professional confidentiality.

Article 5 - Prohibition of reprisals

Employees who are victims of sexual harassment should not suffer any consequences as a result of their complaint. The same applies to the persons who provide support to the employee or testify as witnesses.

Article 6 - Knowledge of the Policy

All employees should be aware of this policy and comply with it. The companies of the Group should take the appropriate measures to inform their employees on this policy.

Article 7 - Legal consequences

Sexual harassment of employees in the workplace is not a minor offense and the applicable legislation provides penal, civil, administrative and disciplinary liability of the offenders.

The Company understand to punish any infringement of this policy with no discrimination because our goal is to prevent such improper conduct and to encourage a safe and normal workplace environment for all his employees.



The offence described by the Law no 202/2002 is punished with fines between 3 000 Ron and up to 100.000 Ron.

The offense stipulated by Ordinance no. 137/2000 is punished with fines between 1 000 Ron and up to 30 000 Ron if perpetrated against an individual or with fines between 2 000 Ron and up to 100 000 Ron, if perpetrated against a group of persons or a community.

If are fulfilled the conditions of sexual harassment as a crime, the Criminal Code provides penalties with imprisonment from 3 months up to 1 year or with fine.

In regards to the disciplinary liability, sexual harassment of employees in the workplace is also a violation of obligations derived from the employment contract and the Internal Regulation, with all the disciplinary consequences arising from them.

Article 8 - Entry into force

This Policy will be in force by resolution of the Board of Directors of OTE S.A. and of the relevant corporate body of every OTE Group company.