

LUNEX Grievance Policy

Sign-off Page

Approved

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Consultation with the Staff Delegation: 6 August 2023

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PURPOSE

The company LUNEX S.A. (the “**Company**”, or “**LUNEX**”) foremost aims to prevent moral harassment (also known as mobbing or bullying), sexual harassment and/or discrimination from occurring in the first place. However, should it occur, the objective is to address this and prevent it from recurring.

The overall purpose of this policy (the “**Policy**”) is:

- to provide a mechanism for individual employees to raise a grievance of moral harassment, sexual harassment and/or discrimination arising from their employment (the “**Grievance**”). The Policy will also ensure that such grievances are dealt with promptly, fairly and in accordance with other related policies of the company so that such behaviour ceases immediately;
- to set out the framework for resolving potential employees’ concerns about their work, working conditions or relationships;
- to ensure that a fair, constructive and consistent approach is taken when dealing with employee concerns;
- to resolve matters fairly and promptly and as near to the point of origin of the Grievance as possible.

SCOPE

This Policy applies in the context of employment relationships, within and outside the Company’s premisses, but also during business trips, professional trainings, work-related communications, leaving drinks, work socials, off-sites and other circumstances, even outside normal working hours.

This Policy further applies to Grievances from employees of LUNEX and to all people who have an impact on the Company’s work environment, including employees of the Company (whether permanent, temporary, full-time or part-time), trainees, apprentices and pupils and students employed during vacations (together referred below as the “**Staff**”), but also, to the extent legally possible, to customers and suppliers of the Company.

In the event of a conflict between the provisions of the Policy and the Luxembourg law, the provisions of the Luxembourg law shall prevail.

POLICY STATEMENT

LUNEX is committed to maintaining a collegial work environment in which all individuals are treated with respect and dignity. Therefore, moral harassment (mobbing/bullying), sexual harassment and/or discrimination will not be tolerated by the Company.

LUNEX Grievance policy complies with the Luxembourgish Labour Code, as well as with any relevant rules and regulations in the field of labour, and specific regulations of LUNEX.

LUNEX ensures that Staff members are given appropriate support to settle Grievances fairly and promptly.

DEFINITIONS

1.1 Definition of moral harassment

According to Article L. 246-2 of the Labour Code, moral harassment is any conduct which, by its repetition or systematisation, undermines the dignity or psychological or physical integrity of a person.

Furthermore, according to the Agreement of 25 June 2009 on bullying and violence at work (which has been declared as generally binding through Grand-Ducal Regulation dated 15 December 2009), moral harassment occurs when a person from the company commits deliberate, repeated and guilty/inappropriate acts against a worker or a manager with the purpose or effect of:

- violating his/her rights or dignity; or
- altering his/her working conditions or compromising his/her professional future by creating an intimidating, hostile, degrading, humiliating or offensive work environment; or
- altering his/her physical or mental health.

Examples of facts potentially constitutive of moral harassment include, but are not limited to:

- making threats about job security or purposefully blocking someone's progress at work, by removing their responsibilities without good reason;
- setting unachievable tasks or targets, designed to see an individual fail;
- spreading false rumours;
- picking on a person as the butt of jokes, uncomplimentary remarks or other behaviour likely to cause offence;
- showing hostility to the person through sustained unfriendly contact or exclusion or isolation;
- maligning or ridiculing of a person directly to that person or to others;
- unfair selection of a person for difficult or unpleasant tasks;
- deliberate and continued staring at a person;
- using songs or laughter as a means of ridiculing a person;
- inappropriate bodily contact;
- aggressive behaviour.

It is important to note that, under the applicable legal definitions, to be qualified as moral harassment, the acts must be repeated (one sole act does not constitute moral harassment). It is also important not to confuse the legitimate raising of performance or conduct issues with moral harassment.

1.2 Definition of sexual harassment

According to Article L. 245-2 of the Labour Code, sexual harassment consists in any behaviour with a sexual connotation, or any other behaviour based on sex, that the perpetrator knows, or should know, will affect another person's dignity, when:

- the behavior is unwanted, untimely, improper and wounding for the recipient;
- the fact that the recipient refuses or accepts such behaviour on the part of the employer, another employee, a client or a supplier is used explicitly or implicitly as the basis for a decision affecting the recipient's rights in relation to professional training, employment, continued employment, promotion, pay, or for any other decision relating to employment; and/or
- the behaviour creates an intimidating, hostile, or humiliating environment for the recipient.

The behaviour may be physical, verbal or non-verbal.

The intentional element of the conduct is presumed.

Examples of facts potentially constitutive of sexual harassment include, but are not limited to:

- jokes,
- physical behaviour including unwelcome sexual advances, touching,
- threats or demands for sexual favours,
- repeated requests for dates,
- displaying pictures, photos, art or drawings of a sexual nature,
- sending emails with a sexual content.

A unique behaviour can be considered as sexual harassment if it is of sufficient gravity. Other less serious behaviours become sexual harassment only by their repetition.

1.3 Definition of discrimination

According to Article L. 241-1 of the Labour Code:

- Any discrimination based on sex, either directly or indirectly by reference, in particular, to marital or family status, is prohibited.
- Discrimination on the grounds of gender reassignment is treated in the same way as discrimination on the grounds of sex.
- Direct discrimination means a situation in which one person is treated less favourably on grounds of sex than another is, has been or would be treated in a comparable situation.
- Indirect discrimination means a situation in which an apparently neutral provision, criterion or practice would put persons of one sex at a particular disadvantage compared with persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

- Harassment means a situation in which unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- Harassment within the meaning of Article L. 241-1 et seq. of the Labour Code and sexual harassment as defined in article L. 245-2 of the Labour Code are considered to be discrimination on the grounds of sex and are therefore prohibited.
- The rejection of or submission to such behaviour by the person concerned may not be used as a basis for a decision affecting that person.
- Any conduct consisting of instructions to discriminate against persons on the grounds of sex shall be considered discrimination within the meaning of Article L. 241-1 et seq. of the Labour Code.

According to Article L. 251-1 of the Labour Code:

- Any direct or indirect discrimination based on religion or belief, disability, age, sexual orientation or actual or assumed membership or non-membership of a nationality, race or ethnic group is prohibited.
- A direct discrimination occurs where one person is treated less favourably than another is, has been or would be treated in a comparable situation, based on any of the grounds referred to in the previous paragraph.
- An indirect discrimination occurs when an apparently neutral provision, criterion or practice is liable to place persons of a particular religion or belief, disability, age or sexual orientation, or actual or assumed membership or non-membership of a particular nationality, race or ethnic group at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.
- Without prejudice to the specific provisions on sexual harassment and psychological harassment in the workplace, harassment shall be deemed to be a form of discrimination within the meaning of Article L. 251-1 (1) of the Labour Code where unwanted conduct related to any of the grounds referred to therein occurs, with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

Any behaviour consisting of an instruction to discriminate against persons on any of the grounds referred to in Article L. 251-1 (1) of the Labour Code shall be deemed to be discrimination.

TRAININGS

The Company commits to train all Staff against moral harassment, sexual harassment and discrimination to ensure that they are provided with adequate knowledge and understanding to behave appropriately in the workplace or any other place the Staff shall render their services to the Company.

Regular training will be organised, at least **once** a year, and will notably cover:

- the standards of behaviour expected in the workplace;
- what amounts to moral harassment, sexual harassment and/or discrimination in the workplace and how to recognise it;
- awareness of the impact certain behaviours can have on others;
- how moral harassment, sexual harassment and/or discrimination should be reported and how such reports are managed;
- the staff delegations' prerogatives with regard to moral harassment, sexual harassment and/or discrimination;
- measures used by the Company to prevent moral harassment, sexual harassment and/or discrimination from occurring at work and the Company's responsibility in this respect;
- how individuals can respond to moral harassment, sexual harassment and/or discrimination and how to support its victims; and
- the sanctions applicable to those who perpetrate moral harassment, sexual harassment and/or discrimination.

Specific training will be organised to train the personnel who will be receiving the formal complaints, as well as managers, to raise their awareness with regard to the harassment. Furthermore, any employee who has engaged in acts of harassment will need to undergo training (except for the cases when the act of harassment was sanctioned by dismissal).

GUIDING PRINCIPLES

Whenever the present Grievance procedure is being followed, it is important that issues are dealt with fairly. The following elements shall be considered, by each involved party, in doing so:

- All employees should always try to resolve problems in the workplace at the earliest possible opportunity and usually with the least possible formality.
- All efforts shall be put to address matters before they reach the stage of becoming a formal Grievance issue.
- All employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- All employees should act consistently.

ROLES & RESPONSIBILITIES

The Company's duties are to prevent moral harassment, sexual harassment and/or discrimination from occurring and to make it cease immediately upon knowledge of it. However, all members of the Staff have a responsibility too, which is to ensure that the work environment is free from any forms of moral harassment, sexual harassment and/or discrimination and of informing the Company's representatives of any facts, potentially constitutive of moral harassment, sexual harassment and/or discrimination, taking place.

Managers have a duty to ensure that moral harassment, sexual harassment and/or discrimination do not occur, particularly in the departments or areas for which they are responsible. They have a responsibility to implement this Policy and should be responsive and supportive to any Staff who makes an allegation of moral harassment, sexual harassment

and/or discrimination and provide clear advice on the procedure to be adopted and ensure that confidentiality is maintained.

The employer, LUNEX, examines Grievances in a timely, impartial and where required, confidential manner, so as to protect the dignity and privacy of each party concerned.

Where possible and in the first instance, LUNEX employees settle Grievances informally with their line manager. The matter should be raised without unreasonable delay and within 3 months of the issue occurring or as soon as it comes to light.

If it is not possible to resolve a Grievance informally, the employee should raise the matter formally in writing without unreasonable delay.

The employee will be invited to a meeting and given the opportunity to explain their complaint and how they think it should be resolved.

Line management will involve Human Resources for advice, information and support as appropriate.

All parties involved in a Grievance matter must exercise due care to maintain confidentiality.

Human Resources:

- Takes Grievances seriously taking on board why the employee feels aggrieved, unhappy or dissatisfied,
- Investigates the facts and surrounding circumstances, and showing the employees that this been done thoroughly and sensitively,
- Actively look for a solution that will satisfy the employee, where practical, without causing disproportionate difficulty for the organization or the Employee's colleagues,
- Provides feedback to the employee about what can, and cannot be done to resolve the Grievance,
- Takes necessary follow-up action.

CONFIDENTIALITY

All members involved in the Grievance procedure and those assigned for record-keeping, as well as any Staff member questioned in relation to an issue at hand, are bound by the duty of confidentiality and all times and hold in confidence, all documentation and information exchanged in the process. The need for confidentiality will be stressed to all Staff involved in the investigation process and that any breach of this confidentiality may result in disciplinary action being taken.

PROCEDURE

The Company, with the staff delegation's involvement, has set up the following procedure in order to protect the Staff against moral harassment, sexual harassment and discrimination at work.

The complaint may be introduced:

- Informally

- Formally

Informal procedure

The employee should raise the complaint in the first instance with their line manager without unreasonable delay. Many problems can be raised and settled relatively quickly during the course of everyday working relationships. Both parties should fully explore through discussion how the matter might be resolved without the need for a formal Grievance procedure. The manager should listen carefully to the employee and may need to make appropriate enquiries into the matters raised before attempting to resolve the complaint.

The line manager may find it helpful to contact Human Resources for advice and guidance at the informal stage. Human Resources may contact the employee and/or the line manager to discuss the Grievance in more detail as well as any options for resolving the concerns informally.

The line manager should summarise the outcome of their informal discussion in writing to the employee, whilst making clear that the discussion was at the informal stage.

In some cases help from a neutral person acting as a mediator can help to resolve problems, especially those involving working relationships. Where appropriate, mediation conducted by an external party should be considered.

Information on the mediation process is given further below in this document.

Formal procedure

If the alleged victim (the “**Complainant**”) is unable to resolve the complaint informally through discussion with their line manager and/or deems the acts complained of too serious to be settled informally and/or prefers not to resort to an informal complaint and/or the informal complaint has not resulted in the ceasing of the acts complained of, they should make a formal complaint in writing (the “**Complaint**”) to one of the following persons who will report it to Human Resources:

- the Staff's Line Manager; or
- the Human Resources Department, which can be reached at the following email address hr@lunex.lu; or
- the Head of Department.

The staff delegation, if any, can also be contacted by the Staff with respect to a Complaint and is aware of the Company's obligations regarding the prevention of moral harassment, sexual harassment and discrimination at the workplace. The staff delegation has a mediating role acting between the Company and the Staff. It is subject to an obligation of confidentiality. The staff delegation may bring Complaints (only with the Complainant's approval) to the Company's attention. The staff delegation can be reached at the following email address staffdelegation@lunex.lu . The staff delegation may also bring moral harassment complaints (only with the Complainant's approval) to the Labour Inspectorate (*Inspection du Travail et des Mines – “ITM”*) in accordance with the last paragraph of the part “Outcome” of this Policy.

The Company can only investigate and take action against an alleged perpetrator where the Complainant consents to their identity. It further requires the facts of the allegation being disclosed to the alleged perpetrator, except in extraordinary cases. It is important that the Complainant keeps a note of the dates of offences and any other information that may be of corroborative use in subsequent investigations.

The written Grievance, respectively the Complaint, should set out the nature of the complaint, including ideally:

- the name of the perpetrator,
- the nature of the Grievance,
- dates and times when the Grievance has occurred,
- a description of the relevant facts, which occurred and are considered as potentially constitutive of Grievance,
- names of witnesses (if any) of the incidents of Grievance,
- the action (if any) already taken to stop the Grievance,

so that the matters can be investigated as necessary.

Under normal circumstances, the Company would expect a Complaint to be made as soon as possible.

The Company shall acknowledge receipt of the Complaint. All Complaints will be investigated and dealt with promptly in a manner which is consistent with the principle of treating both parties with impartiality, fairness, and with confidentiality, with a fair process given, and with due respect for the rights of the Complainant and those of the alleged perpetrator. All Complaints will be taken seriously and assessed on their merits and facts. Where relevant, the Company, having duly assessed the matter, can decide that a Complaint is clearly unfair, without merit or not serious and does not require further follow-up or investigation, other than closure of the procedure.

Mediation conducted by an external party should be considered at both informal and formal stages.

Investigation

Any necessary investigations will be carried out before reaching a decision and these will vary from case to case.

Such investigation will be conducted in accordance with the following rules:

If considered necessary, during the course of an investigation of the Complaint, the Company will endeavour to ensure that the Complainant is not placed in a position where he/she will come into direct contact with the alleged perpetrator. This action will be taken by the Company solely to aid the investigation and should not be perceived as pre-judgement on the outcome of the investigation or a substantial modification of the employment contract of the Complainant. Such action could for instance include: reorganisation of the work to avoid, temporary relocation, exceptional leave days/temporary work exemption agreed by mutual consent, etc.

It may involve interviewing the employee and others and/or reviewing relevant documents. If the complaint is about another employee, they should also be interviewed. Employees are expected to co-operate fully and promptly.

Notes will be kept of all stages of the investigation.

If the written Grievance is insufficiently detailed or straightforward, any further investigation required may take place before holding the Grievance meeting or an interview. Alternatively, a Grievance meeting or an interview may be commenced in order to ascertain more details about the Complaint, before deciding what form of investigation is needed and the terms of reference for the investigation. In this case, the Grievance meeting or interview will be reconvened after further investigation, before a decision is reached.

The investigation by the Company will (where practicable) be conducted at all times by two persons and, where possible, one will be of the same sex as the Complainant. Investigations will always be carried out by unbiased persons who have experience and knowledge in dealing with moral, sexual harassment as well as discrimination matters. Where appropriate, an external party will be appointed to ensure a prompt and impartial investigation. The external party will investigate the facts, write a report and then submit it to the employer.

Whilst it can be difficult to determine a fixed timescale for conducting an investigation, especially in complex cases, where possible the external party will set out an indicative timescale and keep the employee advised of progress and any changes to the timeline.

Every effort will be made, when appointing external parties to carry out roles in a grievance process, to avoid a conflict of interest.

Internal Meeting

The investigators will initially interview the Complainant, who will be required to give full details of the alleged incident(s). The Complainant has the right to be accompanied during the meeting by a staff delegate, if any, or by a willing colleague of their choice.

The second step in the investigation will take the form of individual meetings with each one of the involved persons. Notably, in case of strong evidence against them, the alleged perpetrator will be invited to meet the investigators and will also have the right to be accompanied during the meeting by a staff delegate or by a willing colleague of their choice and be given details of the allegations made against them and the opportunity of replying to such allegations. During the investigation process and related meetings, information or events mentioned by the parties may require verification with other employees who could be identified as potential witnesses regarding this specific information or event. Where witnesses are identified by either party, the investigators will use their best endeavours to investigate the matter further with such witnesses. As appropriate, additional interviews will be held with each witness in the strictest confidence. In the event that witnesses are to be called, advance notice must be given.

Where an investigation makes it necessary for other Staff members to be interviewed, these will be conducted in the strictest confidence. The need for confidentiality will be

stressed to all Staff involved in the investigation process and that any breach of this confidentiality may result in disciplinary action being taken.

The interviewed employee (either the Complainant, the alleged perpetrator and any witness) will be given at least 2 working days' notice of the Grievance meeting or the interview.

The Complainant will be given an opportunity to set out their Grievance as well as ask questions and raise points about information provided by any witnesses.

The Grievance meeting or interview will normally be adjourned to allow consideration of all the evidence before reaching a decision.

Once the investigation into the Complaint has been completed, a record will be made of the investigation, as well as its outcome and any action taken.

Outcome

The Company will, where reasonably possible, ensure that after the conclusion of the investigation, the Complainant and the alleged perpetrator if they have been involved, will be informed of the findings of the investigation and the action to be taken.

A finding of moral harassment and/or sexual harassment and/or discrimination will lead the Company to take any measures to cease the situation immediately, but also to carry out – depending on the circumstances – appropriate disciplinary action/measures, which may include dismissal with or without notice period. Any disciplinary action/measure will be taken by complying with the applicable legal provisions, notably the provisions of the Luxembourg Labour Code. Options for conciliation / mediation and counselling will also be considered by the Company if it believes such action is appropriate.

In case the Company would be in breach of its obligations under this Policy and did not investigate the Complaint, the Complainant, after having followed the Formal procedure provided for by this Policy, could voice their concerns to the ITM. The ITM is responsible for monitoring and enforcing compliance with the legislation on equal treatment and non-discrimination.

External Complaint Investigation

Depending on the case, an external provider could be appointed to carry-out an in-depth investigation in order to maintain a level of independence and to remain neutral in this case.

The aim is to determine whether reprehensible behavior has been committed or not, identify the persons concerned and their role.

The employees involved need to confirm that they agree to be contacted by the external party. A confidentiality agreement will be signed before starting the interview.

The strict confidential nature of the interviews as well as the neutrality of the investigation process and external investigator will be outlined.

In order to be able to build trust and, thus, increase chances to collect relevant information on events related to the complaint, it is very important for both the investigator and the employees

to consistently communicate on the will to shed light on relevant events and that there will be no form of retaliation whatsoever.

The information or events mentioned by the parties may require verification with other employees who could be identified as potential witnesses regarding this specific information or event. The investigation process may thus require the interviewing of further people. In such an event, the investigator will liaise with LUNEX for authorization and coordination for including those people in the process

Timing

The Company recognises that timing is of the essence in the case of moral harassment, sexual harassment and/or discrimination and will therefore abide by the following rules when dealing with investigations on that topics:

- The Company will make every effort to reach a decision on whether or not a Complaint is well founded within 45 working days of receipt of the Complaint.
- Whilst it is always highly desirable to resolve all Complaints at the earliest possible opportunity, this will not always be possible if the investigation is to be both thorough and fair.

It may be deemed necessary to extend the time limit to carry out further investigation. Where such cases arise, all parties concerned will be informed and provided with the reasons for such extension.

GUIDANCE ON THE PROCEDURE AT A GRIEVANCE MEETING/ INTERVIEW

- Introductions – all

The manager hearing the Grievance will:

- state roles of those present
- remind those present that electronic recording of the meeting is not permitted
- check those present have the same documents
- check employee has read the Grievance procedure
- state whether an investigator will be asked to present investigation findings
- confirm whether witnesses will be called
- read or summarise the grievance

The employee (or companion if the employee so wishes) may:

- explain their grievance in their own words if they wish
- refer to evidence, including witnesses and their statements
- ask questions of those present (including questions about the evidence gathered) and sum up. The employee or their companion may choose to sum up at the end of the meeting

The companion:

- may not respond to questions on behalf of the employee or prevent the employee from answering

One of the persons in charge of the conduct of the investigations may:
ask questions

- summarise their understanding of what is being presented
- summarise their understanding of the resolution that the employee is seeking
- check if the employee has anything to add

Next steps

One of the persons in charge of the conduct of the investigations will:

- advise of next steps including proposed timescales
- advise that confidentiality must continue to be maintained
- advise whether the meeting will be reconvened to deliver the decision in person
- advise that in all cases the decision will be provided in writing as soon as possible following the meeting
- adjourn to consider and reach a decision

PROCESSING OF PERSONAL DATA

Any processing of personal data under this Policy and in the context of the investigation described under point 7.2, shall be carried out in accordance with the provisions of the EU Regulation n°2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (“GDPR”) and any applicable national data protection laws (including but not limited to the Luxembourg law of 1 August 2018 organising the National Commission for data protection and the general system on data protection, as applicable and subject to any future amendments) and any data protection provisions of the privacy notice of the Employer attached hereto as Annex I (the “Privacy Notice”).

SUPPORT MEASURES

In order to support the victims of moral harassment and/or sexual harassment and/or discrimination the following measures may, amongst others, be put in place by the Company depending on the circumstances:

- psychological support to the Complainant whose moral harassment and/or sexual harassment and/or discrimination has been established or to the alleged perpetrator who has been cleared at the end of the investigation or was a victim of false accusations;
- meetings on a regular basis between the **Line Manager or HR** and the Complainant, whether or not a Staff’s Complaint is well-founded to ensure that there are no further issues that need to be addressed and until such time as the **Line Manager or HR** feels that there is no longer an issue;
- stress management trainings;
- counselling and/or mediator services;

- support for a smooth return to work;

DOCUMENTATION

All relevant documentation including written statements from Complainants, perpetrators, witnesses, meeting minutes and any other relevant, supporting documentation will be kept by the Company for the maximum amount of time provided under applicable laws and regulations and may be used in the context of disciplinary actions, if any.

SANCTIONS AND RETALIATIONS

No employee shall be sanctioned, dismissed, or discriminated against for having been exposed to or refused to be exposed to harassment, or for having witnessed or reported it.

On the contrary, any employee who has engaged in acts of harassment is liable to disciplinary action.

If the Complaint is proven to be well-founded, disciplinary actions, may be taken in accordance with the level of severity and may include the following, depending on the circumstances:

- Promotional opportunities being negatively impacted;
- Exclusion from performance related bonuses / salary increases;
- Formal warning (*avertissement*);
- Demotion;
- Dismissal (with or without notice).

The Company also reserves the right to impose such other penalty as it feels appropriate in the circumstances.

Any measures to be taken to stop the moral harassment and/or sexual harassment and/or discrimination will not be to the detriment of the Complainant.

LEGAL ACTIONS

The Company reserves the right to refer allegations of unlawful conduct to appropriate law enforcement agencies and/or public authorities (including the public prosecutor). The filing of criminal Complaints or conduct of a criminal investigation shall in no way affect the Company's right to investigate and punish allegations of harassment and vice versa.

PROCESS REVIEW

This Policy will be reviewed on an ongoing basis and any amendments will be notified to the Staff.

The Company commits to maintain and ensure continuous improvement of this Policy, including but not limited to assessment of the effectiveness of the preventive measures and review of applicable procedures to prevent and fight against moral harassment, sexual harassment and discrimination. Such internal audit will be conducted on a regular basis and at least after each Complaint, for which the facts have been qualified as being constitutive of moral and/or sexual harassment and/or discrimination.

In order to identify potential moral harassment, sexual harassment and discrimination at the workplace and improve processes to fight against it, the Company will:

- held regular consultation with the staff delegation if any, or, if none, with the Staff;
- seek feedback when Staff members leave the business, for example holding exit interviews;
- monitor incident reports, patterns of absenteeism, sick leave, Staff turnover and records of grievances to establish regular patterns or sudden unexplained changes.

The Company reserves the right at all times to alter, change or modify this Policy after consultation of the staff delegation, if any or, if none, of the Staff.

RELATED LEGISLATION & DOCUMENTS

Luxembourg Labour Code

Luxembourg Civil code

Luxembourg Criminal Code

Convention du 25 juin 2009 relative au harcèlement et a la violence au travail

ANNEX 1 - MORAL HARASSMENT PRIVACY NOTICE

All capitalized terms used in this Annex but not defined herein should have the same meaning as ascribed to them in the Policy.

This privacy notice (the “**Privacy Notice**”) aims to give all people who have an impact on the Company’s work environment, including Staff and, to the extent legally possible, customers and suppliers of the Company (the “**Data Subjects**”) information about how their personal data may be processed by the Company in connection with the policy on harassment and discrimination at the workplace of the Company.

In this respect, the Company acting as controller, collects, stores and processes by electronic or other means the personal data supplied by the Data Subjects, in accordance with the provisions of the EU Regulation n°2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the “**GDPR**”) and any applicable national data protection laws (including but not limited to the Luxembourg law of 1st August 2018 organizing the National Commission for data protection and the general system on data protection, as may be amended or replaced) (collectively the “**Data Protection Laws**”) and the provisions of the Privacy Notice.

Preamble

1. **What personal data does the Company collect and for what purposes?**
2. **With whom will personal data be shared?**
3. **Where personal data may be transferred?**
4. **How long will personal data be retained?**
5. **Data Subjects’ rights**
6. **IT Policy**
7. **Changes to this Privacy Notice**

1. WHAT PERSONAL DATA DOES THE COMPANY COLLECT AND FOR WHAT PURPOSES?

In the context of the Policy, the Company may process the below personal data for the following purposes:

- i. Purpose n°1: handling and investigation of Complaints under the Policy

<u>CATEGORIES OF PERSONAL DATA</u>	<u>LAWFUL BASES FOR PROCESSING</u>
<p>The Company can process the following categories of personal data about the alleged perpetrator, Complainant or any other person:</p> <ul style="list-style-type: none"> • Identification data: name, age, gender, profession or title, address • Contact data: email address, telephone number • Information concerning disciplinary and grievance matters • Other information contained in the Complaint: declarations made by the Complainant, alleged perpetrator, the witnesses • Sensitive data: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs; trade-union membership; health-related data; data concerning a person's sex life or sexual orientation may be included in the Complaint or be referred to by the Complainant, the alleged perpetrator(s) or witnesses • Personal data on criminal convictions and offences 	<p>The Company relies on the following lawful bases for processing personal data:</p> <ul style="list-style-type: none"> • Compliance with a legal obligation to which the Company is subject pursuant to articles 245-4, 246-3 and 251-1 of the Labour Code (GDPR, Article 6.1.c). • Processing is necessary for reasons of carrying out the obligations and exercising specific rights of the Company or of the Data Subject in the field of employment, pursuant to articles 245-4, 246-3 and 251-1 of the Labour Code (GDPR, Article 9.2.b).

- ii. Purpose n°2: ensuring the Company's risk management and establishing, exercising, or defending legal claims

<u>CATEGORIES OF PERSONAL DATA</u>	<u>LAWFUL BASES FOR PROCESSING</u>
<p>The Company can process the following categories of personal data about the alleged perpetrator, Complainant or any other person:</p> <ul style="list-style-type: none"> • Identification data: name, age, gender, profession or title, address • Contact data: email address, telephone number • Information concerning disciplinary and grievance matters • Other information contained in the Complaint: declarations made by the Complainant, alleged perpetrator, the witnesses • Sensitive data: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs; trade-union membership; health-related data; data concerning a person's sex life or sexual orientation may be included in the Complaint or be referred to by the Complainant, the alleged perpetrator(s) or witnesses • Personal data on criminal convictions and offences 	<p>The Company relies on the following lawful bases for processing personal data:</p> <ul style="list-style-type: none"> • The legitimate interests pursued by the Company (GDPR, Article 6.1.f). • Processing is necessary for the establishment, exercise, or defence of legal claims or whenever courts are acting in their judicial capacity (GDPR, Article 9.2.f).

The Company can collect personal data from the following sources:

- The Complainant/alleged perpetrator;
- Legal advisor to the Company[/Arendt & Medernach S.A.];
- Service company involved in the investigation[/Arendt Regulatory & Consulting S.A];
- All people who have an impact on the Company's work environment;
- Employees of the Company (whether permanent, temporary, full-time or part-time);
- Trainees, apprentices and pupils and students employed during school holidays;
- Customers and suppliers of the Company;
- The Company's files and, if necessary, the alleged perpetrator's or other persons' inbox.

The Data Subjects may, at their discretion, refuse to communicate the personal data to the Company. In this event however the Company may not be able to properly handle and investigate the Complaint.

2. WITH WHOM WILL PERSONAL DATA BE SHARED?

The Company can share the above personal data to the following entities ("**Recipients**"):

- The Complainant/alleged perpetrator (as the case may be)
- Legal advisor to the Company
- Service company involved in the investigation
- External Advisors/Investigators
- The police
- Public authorities: the public prosecutor, the Luxembourg Labour Inspectorate (*Inspection du Travail et des Mines*), the Luxembourg Centre for Equal Treatment

The Recipients may, under their own responsibility, disclose the personal data to their agents and/or delegates ("**Sub-Recipients**"), which shall process the personal data for the sole purposes of assisting the Recipients in providing their services to the Company and/or assisting the Recipients in fulfilling their own legal obligations.

The Recipients and Sub-Recipients may, as the case may be, process the personal data as data processors (when processing the personal data on behalf and upon instructions of the Company and/or the Recipients), or as distinct data controllers (when processing the personal data for their own purposes, namely fulfilling their own legal obligations).

3. WHERE PERSONAL DATA MAY BE TRANSFERRED?

Personal data processed in the context of the Policy will not be transferred outside the European Economic Area.

4. HOW LONG WILL PERSONAL DATA BE RETAINED?

The GDPR requires that personal data shall be kept in a form which permits identification of Data Subjects for no longer than is necessary for the purposes for which the personal data are processed.

The Company will retain personal data for the duration of the investigation and as long as not all possible legal actions in relation to or based on the Complaint are time-barred.

In some circumstances the personal data may be anonymised so that it can no longer be associated with the Data Subjects, in which case it is no longer personal data and can be kept for an unlimited period of time. Once the Company no longer requires the personal data for the purposes for which it was collected, it will securely destroy the personal data in accordance with applicable laws and regulations and its internal policy in that respect.

5. DATA SUBJECTS' RIGHTS

In accordance with the conditions and limitations laid down by the Data Protection Laws, the Data Subjects acknowledge their right to:

- access their personal data;
- correct their personal data where it is inaccurate or incomplete;
- object to the processing of their personal data;
- restrict the use of their personal data;
- have their personal data erased;
- ask for personal data portability.

The Data Subjects also have the right to withdraw their consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

The Data Subjects may exercise their above rights by writing to the Company at the following address: **dpo@lunex.lu**, Luxembourg.

The Data Subjects also acknowledge the existence of their right to lodge a complaint with the *Commission Nationale pour la Protection des Données* (the "CNPD") at the following address: 15, Boulevard du Jazz, L-4370 Belvaux, Grand Duchy of Luxembourg; or with any competent data protection supervisory authority of their EU Member State of residence.

6. IT POLICY

The Company may also, in exceptional circumstances and to the extent required to carry out an investigation as required by the law of 29 March 2023 on moral harassment, and for its legitimate interests as listed above, access the professional e-mail box and, where applicable, the instant messaging system made available to the employees for the purposes of their work. Such review will always be conducted in strict compliance with applicable privacy laws and regulations.

For employees of the Company, reference is made to the Company's IT resources policy.

7. CHANGES TO THIS PRIVACY NOTICE

The Company reserves the right to update this Privacy Notice at any time and will make an updated copy available directly to the Data Subject. The Data Subjects will be notified when any substantial updates are made to the Privacy Notice.