

# LUNEX Equality and Diversity Policy

A policy setting out the rights and obligations applicable to all LUNEX employees.

***Sign-off Page******Approved***

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## **Purpose**

To comply with the provisions of the Luxembourgish Labour Code with regards to an equal and fair treatment of all members of staff and all students working or studying at LUNEX.

## **Scope**

The rights and obligations set out in this policy apply equally to all LUNEX employees, whether part time or full time or on a fixed-term contract, and also to associated persons employed under a contract of service. This policy covers the equal treatment as defined in the Luxembourgish Labour Code.

## **Inclusion Statement**

LUNEX is committed to support all individuals independent of different cultures, perspectives, beliefs and experiences.

## **LUNEX Commitment**

Every employee is entitled to a working environment that promotes dignity, equality and respect for all. LUNEX does not tolerate any acts of unlawful or unfair discrimination (including harassment) committed against an employee, contractor, job applicant or visitor because of a protected characteristic:

- sex;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race (including ethnic origin, colour, nationality and national origin);
- disability;
- sexual orientation;
- religion and or belief;
- age.

Discrimination on the basis of work pattern (part-time working, fixed term contract, flexible working) which is unjustifiable will also not be tolerated.

All employees will be encouraged to develop their skills and fulfil their potential and to take advantage of training, development and progression opportunities at LUNEX. Selection for employment, promotion, training, or any other benefit are based on aptitude and ability.

## **Policy Statement**

LUNEX Equality and Diversity 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 values diversity and promotes equal opportunities for everyone. LUNEX promotes respectful behaviour and it encourages good relations within and between groups. While promoting shared values, LUNEX aims to meet the different needs of different groups. It promotes an inclusive and harmonious place of work and study where people respect each other. LUNEX operates a zero tolerance towards harassment, bullying and violence. It prevents unlawful discrimination and victimization, meets the legal obligations, and it takes all events related to this seriously whereby dealing with respective situations where anyone has broken this policy.

No form of intimidation, bullying or harassment will be tolerated. If members of staff or students believe that they may have suffered discrimination because of any of the above protected characteristics, they should consider the appropriateness and feasibility of attempted informal resolution by discussion in the first instance with the line manager or Head of Department. Alternatively, members of staff can raise the matter through Harassment Policy or Grievance Policy using the Human Resource Department.

Allegations regarding potential breaches of this policy will be treated in confidence and investigated in accordance with the appropriate procedure. LUNEX will ensure that individuals who make such allegations in good faith will not be victimised or treated less favourably by LUNEX as a result. However, false allegations of a breach of this policy which are found to have been made in bad faith will be dealt with under the LUNEX Discipline Policy.

## **Roles & Responsibilities**

LUNEX employees and refrain from any action of discrimination or harassment at work.

The Board of Directors raise employees' awareness of equal treatment, discrimination and harassment at work through various internal means of communication and trainings.

Complaints are examined in a timely, impartial, and where required, confidential manner so as to protect the dignity and privacy of each party concerned.

## **Definitions**

### **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.

### **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

### **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.

### **Related Legislation & Documents**

Luxembourgish Labour Code

LUNEX Grievance Policy

LUNEX Whistleblower Protection Policy

### **Monitoring of the policy**

Monitoring of this policy is conducted throughout the year as part of LUNEX Quality Assurance cycle.

### **Review of this policy**

The policy is reviewed on an annual basis at Quality Assurance level to ensure it remains effective and fit for purpose.