



**RESIWAY**

TO A NOT WASTED FUTURE

**CODE OF  
GOOD CONDUCT  
FOR THE PREVENTION  
AND COMBATING OF  
HARASSMENT  
AT WORK**

Sanfins, 8th September 2023

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## Message from the Board

RESIWAY -SOLUÇÕES SUSTENTÁVEIS, S.A. (hereinafter designated as “Resiway”) has as its guiding principle the strict compliance of all legal requirements applicable. Among other, the promotion of a fair and equal treatment and the prevention of discretionary behaviours, namely within the context of work relations, are also among its main goals.

The law forbids any discrimination regarding gender, race, nationality, social status, religious, political or ideological beliefs also forbidding harassment in all its diverse forms.

Therefore, and in accordance with article 127 of

the Labour code, approved by Law nr. 7/2009 of February 12th, in its current version, the Board of Directors decided to adopt the present Code of Good Conduct for the Prevention and Combating of Harassment at Work

Approved by the Board of Directors on 11<sup>th</sup> September 2023.

The Board of Directors

# 1. Legal Concepts

## 1.1 HARASSMENT

It is the unwanted behaviour, namely based in discrimination, practiced during access to employment or during employment itself, with the purpose or effect of disturb or embarrass the person, affect his/her dignity or create an intimidating, hostile, degrading, humiliating or destabilising environment (see article nr. 2 of article 29th of the Labour Code), including any form of discrimination in relation with the exercise, from employees, of their maternity or paternity rights.

Within the scope of harassment, one can also consider:

- Ⓡ **Moral harassment** is the behaviour represented in offensive or humiliating attacks, verbal, physical or other, and can include physical or psychological violence, with the goal to reduce

the employee self-esteem or eventually to force the termination of his/her job contract.

- Ⓡ **Sexual harassment** is the sexual unwanted behaviour in a verbal, non-verbal or physical way, with the goal or effect of disturbing or embarrass the person, affecting his/her dignity or creating an intimidating, hostile, degrading, humiliating or destabilising environment.

## 1.2 AS AN EXAMPLE, BUT WITHOUT LIMITATION, BEHAVIOURS THAT CAN BE CONSIDERED HARASSMENT

- Ⓡ Being the target of insulting sexual comments;
- Ⓡ Being humiliated or ridiculed due to his/her physical shape;
- Ⓡ Being the target of offensive, degrading, embarrassing or humiliating comments regarding his/

# 2. Rules and Legal consequences

According to the legal framework of the prevention and combat of harassment in articulation with other applicable legislation (labour and criminal):

- Ⓡ The practice of any conduct that can be considered harassment in any of its forms is forbidden and constitutes:
  - a) Labour violation susceptible of the employee's disciplinary liability (when practised by him/her), or the employer when practised by it;
  - b) Gross administrative offense (see nr. 5 of article 29th of the Labour Code);
  - c) Crime punishable by law with a sentence of imprisonment (namely by crimes of "persecution" and/or "sexual harassment" – as stated in articles 154-A and 170th of the Penal Code);
  - d) It may also constitute a motive for fair dismissal of the labour contract from the employee when practiced by the employer or its representative and when reported to the service with competence for inspection in the labour area (see item f) of article 394th of the Labour Code);
  - e) The employer shall put a disciplinary proceeding in place whenever it has knowledge

of alleged situations of harassment at work (see point k) of the nr. 1 of article 127th of the Labour Code).

Other possible consequences:

- Ⓡ The victim has the right to compensation for property and non-property damages, by the general law terms (see nr. 4 of articles 29th and 28th of Labour Code)
- Ⓡ The employer is responsible for the repair of damages arising from professional diseases resulting from harassment and Social Security is responsible for payment and the employee is entitled inasmuch to the payments made, plus future default interest (see nr. 8 of Article 283rd of Labour Code).

her private life, habits or social origin;

- Ⓡ Being the target of abusive physical behaviours or threats of violence;
- Ⓡ Inappropriate sexual touches, advances, suggestions or unsolicited requests and not consented;
- Ⓡ Making insulting and/or offensive phone calls or sending insulting and/or offensive messages;
- Ⓡ Spread rumours or making cyberbullying;
- Ⓡ Exhibition or circulation of images or offensive materials, physically or digitally, that are known or shall be known as offensive or sexual;
- Ⓡ Among other.

## 1.3 BEHAVIOURS THAT ARE NOT CONSIDERED HARASSMENT - WITHOUT PREJUDICE OF OTHER

- Ⓡ One-off work conflicts (namely the ones origi-

nated by a disagreement or misunderstanding):

- Ⓡ Legitimate decisions arising from work organization, as long as according to labour contract, following the applicable law and/or Collective work regulations;
- Ⓡ The legitimate exercise of hierarchical or disciplinary power;
- Ⓡ Normal pressure arising from the exercise of any professional position;
- Ⓡ The romantic approach between coworkers or involving hierarchical superiors, freely reciprocal or not unwanted or rejected;
- Ⓡ Occasional compliments, within the limits of respect, cordiality and urbanity;
- Ⓡ Among other.

# 3. Prevention and Combating of Harassment at Work

## 3.1 ON THE PART OF THE EMPLOYER

- a) Aims to create a work environment that promotes the respect for people's dignity and for difference, the employees' loyalty and honesty and ways for interpersonal relations based on standards of urbanity, healthy coexistence and mutual respect, including outside the workplace and through remote means;
- b) Promote the risk evaluation in all its units, in order to identify possible psychosocial risks related to harassment practices;
- c) Provide information and training to its employees, including management and employees, namely through the disclosure of the present Code of Good Conduct for the Prevention and Combating of harassment at work;
- d) Respect other rules it is obliged to, namely installing disciplinary procedure whenever it becomes aware of alleged situations of work harassment and/or adopt justifiable preventive measures, when applicable.

In the scope of continuous improvement, the Employer reserves the right to be able to adopt and implement necessary corrective measures due to cases that may be identified in the future, reviewing, if needed, the present Code of Good Conduct for the Prevention and Combating of harassment at work in force.

## 3.2 ON THE PART OF THE EMPLOYEES

- Ⓡ The regulations included in the Code of Good Conduct for the Prevention and Combating of harassment at work shall be accepted, understood, and put into practice by all RESIWAY employees, wherever they perform their duties and regardless of their hierarchical position, job function, responsibility or type of contract.
- Ⓡ in order to promote the combat and prevention of harassment, all employees in the performance of their duties at the service of the employer, in work breaks within its facilities, even if outside the establishment (work location) shall adopt a normal behaviour, measured according to the coexisting, respect, urbanity and citizen-

ship standards demandable to a “common/medium person” in their relation with members of the employer or its representatives, work colleagues, service providers, suppliers of goods and services, customers and/or any other third party.

- Ⓡ It is strictly forbidden the access, exposure, disclosure or any other form of dissemination, including sending materials or messages of contents with pornographic nature or sexual character, explicit or not, in the work or directed to and/or concerning colleagues, suppliers, customers, etc., by any mean.
- Ⓡ In terms of harassment, the following are general duties of the employees, without prejudice of other:
  - a) To know, comply and enforce compliance with the law (Labour, Penal, Civil and Administrative Offence, including Collective Regulation, when applicable) and the present Code of Conduct;

## 4. Protection of the Whistleblower and witnesses

- Ⓡ The harassment whistleblower and witnesses indicated by him/her cannot be disciplinarily sanctioned, unless if they act with malice, based on declarations or facts on the case-file, judicial or administrative offence, initiated by harassment until the final decision, without prejudice of the contradictory principle.
- Ⓡ It is presumed abusive the dismissal or disciplinary sanction applied to the employee allegedly to punish an infraction, when it is until one year after the report, or other form of exercise of rights related to equality, non-discrimination and harassment, by an employee.

**NOTE:** Without prejudice of the above stated, making false declarations or accusations is susceptible to be punished by law.

- b) To act, whenever possible, in a way to avoid the happening or repetition of behaviours that can be considered harassment, that they witness or become aware of;
  - c) To report, in written form, harassment practices to Resiway or its legal representative, whenever possible, to the Board of Directors;
  - d) To participate in training sessions about prevention and combat to harassment at work;
- Ⓡ É ainda direito/faculdade do trabalhador: denunciar e reportar perante a entidade empregadora e seus representantes (incluindo superiores hierárquicos) e/ou perante as entidades previstas no ponto 5 infra, situações de assédio que sejam do seu conhecimento.

## 5. Procedure

In case of an eventual harassment situation, which is not tolerated, the procedure to put in place internally is based on the following principles:

- Ⓡ The immediate report of the situations one becomes aware of, susceptible to indicate or integrate the practice of harassment at work;
- Ⓡ The interest of all parties in acting with the necessary discretion to protect each one's dignity and privacy;
- Ⓡ The non-disclosure of any information to other parties not involved in the incident;
- Ⓡ The complaints shall be promptly investigated and treated;
- Ⓡ All parties involved shall be heard in an impartial manner and benefit from equal treatment;
- Ⓡ The complaints must be sustained with detailed information;
- Ⓡ In case the occurrence of harassment is proven, adequate measures will be taken, which can include the opening of disciplinary procedure and application of the respective disciplinary sanctions;
- Ⓡ The authors of false accusations may be subject to disciplinary processes.

## 6. Support, Complaints and Internal Participations

### 6.1 SUPPORT IN THE PREVENTION AND COMBAT TO HARASSMENT SITUATIONS

#### Commission for Equality in Work and Employment (Comissão para a Igualdade no Trabalho e no Emprego - CITE)

Rua Américo Durão, n.º 12-A, 1.º e 2.º  
1900-064 Lisboa  
Phone: 215 954 000  
E-mail: geral@cite.pt  
Green Line: 800 204 684

### 6.2 PRESENTATION OF COMPLAINTS

#### Authority for the Work Conditions (Autoridade para as Condições do Trabalho - ACT) www.act.gov.pt

### 6.3 INTERNAL PARTICIPATIONS

Directed to Resiway's Ethics Committee, constituted by Telmo Adrego (Chairman of the Board of Di-

rectors and CEO), José Mário Leite (Member of the Board of Directors and CFO) and Catarina Soares (Head of People & Culture). The committee may be reached by the following channels:

- a) Via e-mail to [etica@resiway.com](mailto:etica@resiway.com). If the issue involves, directly or indirectly, one of the members of the Ethics Committee, the Chairman of the General Meeting, José Nunes Oliveira, shall be contacted by the following e-mail: [j.nunesoliveira@spsca-advogados.com](mailto:j.nunesoliveira@spsca-advogados.com);
- b) By sealed letter to Resiway's address, Att. Ethics Committee;
- c) In person, delivery of written notice by hand, to any of the members of the referred Committee.

For the above described, Resiway's address is Rua Carva Penedo, 126, 4520-526 Sanfins, Santa Maria da Feira.

## 7. Of the Violation of the Code of Good Conduct

The violation of the Code of Good Conduct for the Prevention and Combat to Harassment at Work has the disciplinary and administrative offence consequences stated in Labour Code and, if it is the case, in other Penal and Civil Legislation applicable.

## 8. Approval and Changes to the Present Code

- Ⓡ Created on: October 1st 2017
- Ⓡ 1st change: September 23rd 2019
- Ⓡ 2nd change: September 8th 2023



## **Resiway – Soluções Sustentáveis, SA**

Rua Carva-Penedo, 126  
4520-526 Sanfins  
Sª Mª da Feira – PORTUGAL  
T. +351 256 038 145