



# **RULES FOR COMBATTING SEXUAL HARASSMENT**

Regulation concerning sensitive areas relating to Legislative Decree No. 231/01  
Risk area: Crimes relating to health and safety at work  
Protocols: Management of risks relating to health and safety at work

Owner:  
Diversity & Inclusion

Recipients:  
Intesa Sanpaolo Group

Path:  
ARCO – Foreign Network – Headquarter Governance Documents – Rules – Resources  
Management – Human Resources

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## 1 INTRODUCTION

These Rules express the Group's strong commitment to preventing and combatting any form of sexual harassment to ensure full respect for each person and the maximum protection of each person's dignity. These are inspired by the Principles on Human Rights, the values expressed in the Code of Ethics, the Group's Internal Code of Conduct, and the Diversity & Inclusion Principles.

Sexual harassment, as well as potentially constituting an offence in Italy and in other countries where the Group operates and being subject to specific conventions of the International Labour Organization<sup>1</sup>, represents a particularly reprehensible behaviour that offends and harms a person's dignity. This behaviour may compromise the serenity of the victim, injuring their psychological and physical health, their professional motivation, and their trust in the company, especially when the latter has not put the suitable protections or measures in place to combat the phenomenon. As well as having repercussions for the victim, sexual harassment may strongly impact the working environment, the performance of teams, and, in general, the Bank's reputation.

Intesa Sanpaolo does not tolerate any kind of harassment. As far as regards sexual harassment, Intesa Sanpaolo has tasked itself with combatting every situation that may fall within the behaviours described in these Rules, including in cases where those engaging in the behaviour and/or the victims do not recognise the seriousness of the fact.

Sexual harassment, committed or attempted, constitutes a breach of these Rules as well as of the Principles on Human Rights, the Code of Ethics, the Group's Internal Code of Conduct, and the Diversity & Inclusion Principles. As a result, in cases where sexual harassment is identified, Intesa Sanpaolo adopts the following measures stipulated by legal and contractual regulations.

The aims of these Rules are:

- to contribute to spreading a culture of maximum respect for the person, liberty, and individual dignity;
- to confirm and strengthen the commitment of the Bank to preventing sexual harassment, including through specific training initiatives;

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<sup>1</sup> ILO convention No. 190 of 12 June 2019 and ILO Recommendation No. 206 on eliminating violence and harassment in the world of work

- to create the conditions so that all cases of sexual harassment are reported, ensuring an effective process for managing reports that ensures maximum rigour and protection of the confidentiality of the people involved.

## 2 APPLICATION SCOPE

This document is adopted by Intesa Sanpaolo, also in its Parent Company role, and applies to the recipients indicated below (“Recipients”):

- all the staff employed by the Intesa Sanpaolo Group in performing their activities with internal and external partners;
- non-employee personnel (financial agents/consultants or collaborators) in performing their activities with internal and external partners;
- workers on staff leasing agreements
- recipients of apprentice/internship initiatives
- Group suppliers in any activity involving contact with the Group

These rules also apply during social events, work trips, training and occasions that occur outside of the usual work places but that concern activities related to the professional context, as well as outside of this working context in cases where the sexual harasser and the victim both belong to the Recipient categories.

It should, in any case, be remembered that Intesa Sanpaolo will adopt the relevant initiatives, in line with what is set forth in the Group’s Internal Code of Conduct, including where episodes of sexual harassment are verified as having been committed by the Recipients outside of the broad working context that constitutes these Rules’ application field.

All the Group’s Banks and Companies are obliged to adopt the provisions set forth in these Rules, adapting them to their reference context, subject to the agreement of the parent company’s Diversity & Inclusion unit, submitting them to the ordinary approval process and ensuring the updating thereof. Foreign Banks and Companies will have to adapt the rules, including in relation to their own units and departments corresponding to those identified in these Rules, as well as to the specific nature of the local legislation.

Concerning the foreign Branches of Intesa Sanpaolo, any adaptation to local regulatory needs is the responsibility of the legal department and staff of the HUB Branch, with the involvement of the parent

company's Diversity & Inclusion unit, which assesses the need, verifies its consistency, and validates the adaptation of the document.

If these Rules are more restrictive than what is set forth in local laws, Intesa Sanpaolo requires, in any case, compliance therewith irrespective of the fact that the behaviour engaged in is or is not forbidden by these laws.

### 3 SEXUAL HARASSMENT

The expression "**sexual harassment**" identifies undesired conduct with sexual connotations, expressed in a physical, verbal or non-verbal manner, for the purpose or effect - in themselves or in their repetition - of violating the dignity of a worker and creating an intimidating, hostile, degrading, humiliating or offensive climate.<sup>2</sup>

More specifically, the behaviour being considered in this document is characterised as being:

- **unwanted**, i.e. not requested by the victim or, in any case, not shared by the victim;
- **sexual in nature**, i.e. regarding the sphere of the person's free sexual autonomy. Sexual autonomy is the right to control one's own person and body, without any unpermitted intrusions being admitted to the person's intimate sphere;
- **expressed in a physical, verbal, or non-verbal way**;
- **with the aim or effect of breaching the dignity of the person**;
- such as **to be able to create an intimidating, hostile, degrading, humiliating, or offensive environment**.

Sexual harassment may consist in, by way of non-limiting example, the following behaviours that represent, therefore, a breach of these Rules:

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<sup>2</sup> Definition art. 26, para. 2, Equal Opportunities Code (Legislative Decree No. 198 of 11 April 2006).

The offence of **harassment** governed by art. 660 of the Italian Criminal Code is punished with imprisonment or a fine, and stipulates that: "*Whoever, in a public place or place open to the public, or using the telephone, in order to annoy or for another reprehensible motive, engages in the harassment or disturbance of someone is punished with imprisonment of up to six months or with a fine of up to 516 Euro*".

There is no specific criminal law for sexual harassment; this is included in the more generic offence of "Harassment and disturbance of people" indicated above (art. 660 of the Italian criminal code)

It is important to note that the expressions "sexual harassment" and "sexual assault", sometimes confused, are different behaviours, according to type and seriousness. For this reason, the criminal code stipulates differentiated rules.

The offence of **sexual assault** involves imprisonment for **whoever, using violence, threats, or abuse of authority, forces someone to perform or subject themselves to sexual acts**. (art. 609 bis of the Italian criminal code)

Case law has, on several occasions, reiterated the main difference between sexual assault and sexual harassment: the first results in physical behaviour, the second, instead, in comments, gestures, or statements that interfere with the victim's sexual sphere (insistent courting or compliments, sexual allusions, or use of vulgar language).

Given the above, **these Rules, when they define sexual harassment, also refer to behaviours that may be categorised as sexual assault**.

- unwanted sexual offers, requests for sexual favours or other verbal or physical conduct of a sexual nature; sexual harassment that is carried out by abusing one's hierarchical position, promising advantages (e.g., career progression or economic benefits), or threatening disadvantages (e.g., missed promotion) are considered particularly serious
- adoption of offensive language containing sexual allusions;
- adoption of explicit sexual gestures;
- sending content that is sexual/pornographic (e.g., images, videos, or photographs);
- exposure to sexual/pornographic content (e.g., calendars, posters, images, magazines, or photographs) in work places and during work;
- adoption of behaviours aimed at obtaining unwanted physical contact;
- comments on the physical look of people with sexual references.

## **4 COMMITMENT OF INTESA SANPAOLO GROUP**

In order to ensure a working environment that is inspired by the principles of protecting the dignity and inviolability of the person, Intesa Sanpaolo undertakes to:

- implement all the actions necessary to prevent sexual harassment, encouraging the spread of a culture aimed at maximum respect of the person;
- adopt training initiatives, including mandatory ones, to promote knowledge and awareness on the issue of sexual harassment, on its seriousness, and the consequences thereof, so that this behaviour is not hidden and/or in any way minimised and in order to prevent hostile, degrading, humiliating, and offensive behaviour and language;
- adopt a structured management process for reporting sexual harassment;
- provide timely and impartial assistance and support to victims of sexual harassment, ensuring maximum confidentiality;
- disseminate the content of these Rules via communication initiatives, both in the launch phase and through additional, periodic actions for raising the awareness across the whole Group.

Everyone is called upon to contribute, in their daily response, to the Group's commitment.

Managers, in particular, must be careful to intercept, in their own organisational units and in the performance of their functions, situations that fail to respect the Rules. Every manager will need, in addition, to act with awareness of their role as Role Model, i.e. a figure who represents and interprets the company's distinctive management style in relation to all collaborators/colleagues and of the external community (customers, suppliers, and other stakeholders).

## 5 REPORT PROCESS

In order to bring to light and manage each case of harassment, with the maximum rigour, a structured report management process is envisaged that governs:

- parties involved in the process;
- report management process steps and times;
- ways in which protection and confidentiality of the persons involved are guaranteed.

Intesa Sanpaolo will apply these Rules in dealing with a behaviour that has been reported, irrespective of times and outcomes of any legal procedure concerning the same behaviour.

Self-serving recourse to reports that are knowingly unfounded is contrary to the purposes of these Rules.

### 5.1 Parties involved

#### 5.1.1 Reporting parties

All Recipients may make reports.

#### 5.1.2 ESG & Sustainability of the Central Financial Market Coverage Department

The ESG & Sustainability unit is responsible for the email inbox: **codice.etico@intesasanpaolo.com**. This inbox is used to receive reports and to send emails regarding the assumption of a report and the communication of a report's closure to the reporter.

#### 5.1.3 Report management process guarantor

The role of Guarantor of the report management process (hereinafter the "Process Guarantor") is entrusted to the Diversity & Inclusion unit in the person of the Manager or their Delegate. The Process Guarantor has the task of ensuring that the whole process is carried out according to the times and methods established in these Rules. The Process Guarantor also records the reports received, the management methods, and the outcome of the investigation.

#### 5.1.4 Departments involved in the Report Management Process

The Departments involved in the report management process ("Departments involved in the Process") are represented by a person for each of the following units, in the figure of the Manager or their Delegates:

1. Staff Management unit responsible for the victim and the presumed perpetrator of the sexual harassment
2. Diversity & Inclusion
3. Central Legal Affairs Department - Group General Counsel
4. Chief Audit Officer
5. Company Protection Department - Work and Environment Safety

Persons designated must belong to both genders and receive specific training for the task assigned to them.

The Departments involved in the Process become active when convened by the Process Guarantor.

### **5.1.5 Labour Regulation and Litigations of the Labour Affairs and Policies Head Office Department**

Based on the outcome of the report process and only if the requirements are met, the Legal and Work Disputes Department launches any disciplinary procedures in relation to staff involved according to what is set forth in the company regulations.

## **5.2 Report management process**

### **5.2.1 Report**

The victim or witness of an act of sexual harassment may report the episode via email addressed to the inbox [codice.etico@intesasanpaolo.com](mailto:codice.etico@intesasanpaolo.com). The episode, the events, and the persons involved should be described as clearly as possible.

The report is received by the ESG & Sustainability unit.

The victim or witness may, at any time, make use of the external psychological and legal assistance service described in the following section 6, using the dedicated toll-free number.

### **5.2.2 Receipt, assumption of report, first assessment**

On receiving a report, the ESG & Sustainability unit sends a communication that the report has been assumed to the reporter before the end of the working day following receipt. Within the communication of assumption, the reporter is informed that they will be contacted by one of the

departments involved in the report management process. At the same time, ESG & Sustainability forwards the report to the Process Guarantor.

The Process Guarantor convenes the staff management unit responsible for the victim and the presumed perpetrator of the sexual harassment, in order to perform a first assessment and evaluate whether the requirements have been met to launch the investigation.

If the report is not valid or concerns other reporting channels, the Process Guarantor will task ESG & Sustainability with communicating the closure of the file to the reporter, with any indications regarding its possible forwarding to other channels.

If the report is considered to be valid, the Process Guarantor convenes the Departments involved in the Process proceeding with what is outlined in paragraph 5.2.3: *Analysis and investigation into episode reported*. The involvement of these departments will occur while keeping the report anonymous: the personal data will only be communicated to the necessary departments for launching/performing these activities, in compliance with the principle of minimisation.

Any Department in a conflict of interest will not be involved, either in the first assessment or in the subsequent analysis phase.

### **5.2.3 Analysis and investigation of the episode reported**

The activities are coordinated by the Chief Audit Officer unit and performed, based on the individual episode reported, with the involvement of the departments referred to in paragraph 5.1.4 and any other units needed for the purpose. In any case, the Departments involved in the Process will need to operate in continuous alignment in all steps in the process.

### **5.2.4 Closure of analyses**

The Chief Audit Officer unit informs the Departments involved in the Process regarding the outcome of the analysis. The following situations may arise:

- An act of sexual harassment is established
  - ⇒ the Departments involved in the Process will quickly assess any interventions in order to avoid any repeat of the sexual harassment. Labour Regulation and Litigations will launch the consequent disciplinary procedure
- no act of sexual harassment is established, but behaviours contrary to the Code of Ethics, to the Diversity & Inclusion Principles, to the Principles on Human Rights, or to the Group's Internal Code of Conduct are, in any case, verified
  - ⇒ the relevant internal regulations will apply;

- no act of sexual harassment is established
  - ⇒ the file will be closed with the appropriate communications referred to in the following paragraph 3.2.5 *Closure of report and communication to persons involved*  
It will be the task of the relevant Staff Departments to appropriately investigate the situations that led to the report.

In all cases, the victim may also be provided with specific psychological support options via the Company Protection Department.

It is understood that, in order to protect the victim, the Departments involved in the Process reserve the right to implement staff management measures for their protection, including before the investigation is closed, in relation to the seriousness of the situation.

The Process Guarantor, at the end of the investigation, contacts the victim to inform them of the outcome of the verification itself and fills in a special report.

#### **5.2.5 Closure of report**

The Process Guarantor informs the ESG & Sustainability unit regarding the closure of the file. The ESG & Sustainability unit, through the [codice.etico@intesasanpaolo.com](mailto:codice.etico@intesasanpaolo.com) mail box formally notifies the reporter of the report's closure.

#### **5.2.6 Report management process duration**

The overall duration of the process, from the receipt of the report to its closure, which takes place with the communication of the report's closure to the reporter (referred to in paragraph 5.2.5 *Closure of report*), is no more than 60 days, except in the case of an exceptional extension due to the particular complexity of the affair.

#### **5.2.7 Communication to the person reported**

In relation to the perpetrator of the sexual harassment reported and established, the measures considered to be suitable to comply with the relevant legal and contractual provisions will be launched by Labour Regulation and Litigations, giving, thus, formal communication to the subject involved.

If the sexual harassment reported is established as having been committed by non-employee financial agents/consultants or collaborators or suppliers, workers on staff leasing agreements, or recipients of apprentice/internship initiatives, the outcome of the investigation and the consequences

will be communicated according to the methods set forth in the existing contractual relationship between the perpetrator of the harassment and Intesa Sanpaolo or the Group Bank/Company, which may also entail the termination of this relationship.

## **6 EXTERNAL PSYCHOLOGICAL ASSISTANCE AND LEGAL INFORMATION SERVICE**

The psychological assistance and legal information service (“Service”), offered by specially hired external professionals, is available.

The Service has the aim of providing victims of sexual harassment with psychological and legal assistance that ensure anonymity and total impartiality.

In order to access the service, you need to call a special toll-free number. The telephone number, the hours, and any other contact methods are published on the People - People Services - People Support internet portal.

The service is offered by a team of professionals (psychologists/psychotherapists) specialised in remote psychological support. If requested by the caller, it is also possible to contact the team of lawyers to request a legal overview of the events.

As proof of the maximum care afforded to the wellbeing of its own employees, Intesa Sanpaolo offers the psychological assistance and legal information service, including in cases where the harassment occurred outside of the work environment (for example, in the private sphere).

## **7 CONFIDENTIALITY AND PROTECTION OF PARTIES INVOLVED**

Intesa Sanpaolo implements all the safeguards to ensure the confidentiality of the report’s content, of the reporter’s personal data, of the witnesses, and of the presumed perpetrator of the sexual harassment.

The information and any other personal data acquired in application of these Rules are processed in compliance with Regulation (EU) 2016/679 regarding the protection of personal data (GDPR), the Personal Data Protection Code (Legislative Decree No. 196 of 30 June 2003 and subsequent amendments), and subsequent measures issued on the subject (“Privacy Regulations”).

In particular, pursuant to and in accordance with arts. 5 and 25 of the Regulation (EU) 2016/679, personal data processed for the purposes of these Rules must be:

- suitable, pertinent, pseudonymous where possible and limited to those strictly and objectively necessary to verify the foundation of the report and for the management thereof;

- processed lawfully, fairly, and in a transparent manner, calibrating the protection of confidentiality accorded the reporter with that of the person reported in order to protect both from the risks that, practically, these parties are exposed to, having particular regard for this aspect when sending the report to third parties.

The parties who receive, examine, and assess the reports, the Process Guarantor, and any other party involved in the process are obliged to ensure the confidentiality of the information received, including regarding the identity of the reporter who, in any case, must be suitably protected from retaliatory, discriminative, or, in any case, unfair conduct as a result of the report.

Pursuant to the Personal Data Protection Code, the rights of the data subjects (including the reported parties) referred to in arts. 15 to 22 of the Regulation (EU) 2016/679 may not be exercised, among others, upon request to the data controller if the exercise of these rights may lead to an actual and concrete injury to the confidentiality of the reporter's identity. In any case, the reported party, the presumed perpetrator of the behaviour, is not precluded from the chance to exercise their rights as set forth by the articles mentioned of the Regulation (EU) 2016/679, in particular the right to object: art. 21 of the GDPR.

The identity of the reporter may be communicated to legal authorities if these authorities request this in the context of criminal investigations or procedures launched in relation to the facts that constitute the subject of the report.

A special statement regarding the protection of personal data processed in applying these Rules is made available to every data subject (see chapter 9).

## **8 REPORTING**

The Process Guarantor is required to draft, each year, an account of the reports received and the related measures adopted.

The Group's Foreign Banks and companies send a periodic, annual report containing, on an anonymous, aggregated basis, the reports received in the reference period and the related outcomes to the parent company's Diversity & Inclusion unit.

## **9 NOTICE PURSUANT TO AND IN ACCORDANCE WITH ARTICLES 13 AND 14 OF REGULATION (EU) 2016/679 OF THE EUROPEAN PARLAMENT AND OF THE COUNCIL**

By clicking below the [Notice pursuant to and in accordance with articles 13 and 14 of Regulation \(EU\) 2016/679 of the European Palament and of the Council](#), is available.