



COMPLIANCE PROGRAM

Anti-Harassment and Discrimination Policy

Approved at the Board of Directors' meeting on December 06, 2021

INDEX

1.	INTRODUCTION	2
2.	DEFINITIONS AND EXAMPLES	2
3.	RESPONSABILITIES	5
4.	UNDERSTANDING THE RISKS	7
5.	HOW INCLUSION AND DIVERSITY MATTERS.....	7
6.	INCIDENTS RESOLUTION MECHANISM	7
7.	CONFIDENTIALITY AND NON-RETALIATION	9
8.	ANNEX 1	10

1. INTRODUCTION

- 1.1 Mota-Engil Group is committed to fostering a workplace free of harassment, discrimination and intimidation, where all employees can work together with openness, trust and respect for differences.
- 1.2 Employees are expected to conduct themselves in accordance with the high ethical standards of honesty and integrity articulated in Mota-Engil Group's Core Values, Code of Ethics and Business Conduct as well as other applicable principles and rules.
- 1.3 Employees are expected to treat each other with courtesy and respect. They should at all times avoid behaviour at the workplace that may create an atmosphere of hostility, discrimination or intimidation.
- 1.4 This applies to all interactions, whether with supervisors, peers or subordinates; and in all work situations, independent of whether they occur directly at the workplace or in the context of work-related activities, e.g. at company events or on training courses.
- 1.5 It is a violation of this policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that treatment is, in whole or in part, discriminatory on grounds including the person's sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other affiliation, membership of a national minority, interests, place of birth, disability, age or sexual orientation.
- 1.6 Mota-Engil Group prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.
- 1.7 For purposes of this policy, harassment is any form of unwanted conduct that occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.
- 1.8 Employees should be aware that all forms of harassment and discrimination may constitute misconduct, providing a basis for disciplinary action, up to and including termination of employment.

2. DEFINITIONS AND EXAMPLES

- 2.1 The multicultural composition of Mota-Engil Group and socioeconomic differences where we are present add a special challenge in understanding what constitutes discrimination and harassment, because behaviour that might be regarded as acceptable in one culture may give offense in another. We must always conduct ourselves in accordance with the highest standards regardless of what might be seen as culturally acceptable wherever we are present.
- 2.2 In our interactions with others, it is important for all employees to act with tolerance, sensitivity and respect for cultural differences.

Discrimination

2.3 Discrimination refers to any form of unequal treatment by words or actions in relation to the grounds listed under 1.5, regardless of whether it imposes extra burdens or denies benefits. It may involve direct actions, or it may involve rules, practices or procedures that appear neutral, but have the effect of discriminating against certain employees or groups.

2.4 Discrimination can occur:

- (a) Directly, when a person or group is treated less favourably than another person or group in a similar situation because of a personal characteristic; or
- (b) Indirectly when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a personal characteristic.

2.5 Behaviours that might constitute discrimination include, but are not limited to:

- (a) An employee is humiliated because of their race;
- (b) An employee is refused promotion because they are 'too old';
- (c) Dismissal is decided based on people who have had a worker's compensation claim rather than on merit;
- (d) Racially motivated jokes and humour;
- (e) Not allowing workers time off to attend religious or cultural ceremonies;
- (f) Failing to provide adequate restroom facilities for female employees;
- (g) Systematically excluding minority group employees from promotion opportunities;
- (h) Denying women tasks or regular work hours comparable to those of their male counterparts.

Harassment

2.6 Harassment is unwelcome verbal or non-verbal behaviour that unreasonably interferes with work or creates an intimidating, hostile or offensive work environment.

2.7 Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, colour, religion, age sex, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital or other protected status, including using epithets, slurs and negative stereotyping.

2.8 Non-verbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, colour, religion, age, gender, sexual orientation, pregnancy, appearance, disability, gender identity or expression, marital or other protected status.

2.9 Behaviours that might constitute harassment include, but are not limited to:

- (a) Public or private tirades by a supervisor or colleague;
- (b) Severe or repeated insults related to a person's personal or professional competence;
- (c) Threatening or insulting comments, whether oral or written, including those made through all types of electronic media;
- (d) Deliberate desecration of religious and/or national symbols;
- (e) Racial epithets, slurs, and malicious, negative stereotyping expressed toward an individual or a group directly or indirectly (e.g., circulated via e-mail, written on walls);
- (f) Malicious and false complaints of misconduct against other employees.

Sexual Harassment

2.10 Sexual harassment is a specific form of harassment that deserves particular attention due to its serious effects on individuals and the Group.

2.11 Sexual harassment is as any unwelcome sexual advance, request for sexual favour or other verbal, non-verbal, or physical conduct of a sexual nature which alters or is made a condition of employment, or creates an intimidating, hostile, or offensive environment.

2.12 Verbal sexual harassment includes innuendoes, suggestive comments, jokes of sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favour (this includes repeated, unwelcome requests for dates); and verbal abuse of “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

2.13 Non-verbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.

2.14 Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and is not limited to forced sexual intercourse and assault.

2.15 Behaviours that might constitute sexual harassment include, but are not limited to:

- (a) A direct or implicit request for, or offer to, provide sexual favours in exchange for favourable career treatment;
- (b) The repetition of suggestive comments or innuendoes;
- (c) The exhibition of materials of a sexually-oriented nature (e.g., displaying pornographic web sites or screen savers);
- (e) The use of crude or obscene language or gestures, or the telling of risqué or obscene jokes;
- (f) Repeated and/or exaggerated compliments about a colleague's personal appearance;
- (g) Invitations to social activities if they persist after the recipient has made clear that they are not welcome;
- (h) Deliberate and unsolicited physical contact, or unwelcome close physical proximity.

Discrimination and Harassment Counsellor (DHC)

2.16 The DHC function should be performed by the Human Resources responsible within a Group company.

2.17 When a project site is far removed physically and/or organizationally from the Group company's central offices the project site SHEQ responsible will act as DHC deputy for the employees working on that site.

2.18 When two or more Group companies share the same facilities, they can have a common and single DHC.

3. RESPONSABILITIES

3.1 This policy applies to all of us, including:

- (a) Employees; and
- (b) All companies, subsidiaries, branches, delegations and representative offices of Mota-Engil Group.

3.2 The Group expects all its business partners to respect the principle of equality between women and men and not to tolerate discriminatory behaviour or harassment.

3.3 The prevention, stopping and reporting of any discriminatory behaviour or harassment is the responsibility of everyone, including each and every employee and all those who work for us or under our control.

3.4 Employees must ensure that they have read, understand, and comply with this policy, and should raise any concerns they may have with the Group company or the project DHC, the Group company Human Resources Department or the Mota-Engil Compliance Helpline.

3.5 The **corporate bodies of each Group company** are responsible for ensuring that everyone under their control is made aware and understands this Policy and that the employees receive regular and appropriate training on it.

3.6 The **Discrimination and Harassment Counsellor (DHC)** will be responsible for:

- (a) Providing the avenues of assistance which enable an employee experiencing discrimination and/or harassment to communicate with the person who is offending him/her in an open, honest and non-threatening manner;
- (b) Working closely with an employee experiencing discrimination and/or harassment and their managers to seek active resolution;
- (c) Proposing remediation actions focused on stopping the behaviour, preventing a recurrence through active supervision, and protecting the affected parties;
- (d) Supporting managers and HR officers in addressing situations of inappropriate behaviour;
- (e) Bridging the gap for employees seeking support for escalating the claim from the informal to the formal complaint process;
- (f) Informing an employee experiencing discrimination and/or harassment about available psychological and healthcare support;
- (g) Serving as a central point of contact with Corporate Human Resources to review allegations of discrimination and harassment and assist the investigation team when needed.

3.7 The **Group company/project site SHEQ manager** will be responsible for:

- (a) Promoting a safe and healthy workplace, both psychologically and physically, for all employees;
- (b) Developing guidance on how best to support employees affected by discrimination and/or harassment;
- (c) Providing the victims of discrimination and/or harassment with support related to their physical and mental health and psychosocial well-being.

3.8 **Corporate Human Resources Department** will be responsible for:

- (a) Supporting the Group company DHCs and provide them with special training to enable them to assist victims of discrimination and harassment;
 - (b) Ensuring a consistent approach for all allegations of discrimination and harassment and make it easier for DHC to support the individual;
 - (c) Provide the victims of discrimination and harassment with mentoring, advice and support on career/professional concerns;
- and will integrate the **Harassment and Discrimination Committee** as a member.

3.9 The **Corporate Internal Audit** will be responsible for:

- (a) Forwarding to the **Harassment and Discrimination Committee** any complaint coming through the whistleblowing reporting channels, which falls into the discrimination and harassment incident category;
- (b) Ensuring that the process of the complaints forwarded to the **Harassment and Discrimination Committee**, comply with applicable laws and regulations and with the Whistleblowing and Compliance Procedure, namely with regards to confidentiality, rights of the whistleblower and those of the reported parties.

3.10 The **Corporate Compliance Department** will be responsible for implementing and monitoring this policy use and effectiveness;
and will integrate the **Harassment and Discrimination Committee** as a member.

3.11 The **Corporate Legal Department** will integrate the **Harassment and Discrimination Committee** as a member.

3.12 The **Group Chief Corporate Officer** will integrate and chief the **Harassment and Discrimination Committee**.

3.13 The **Harassment and Discrimination Committee** will be responsible for:

- (a) Addressing any reported inappropriate behaviours of discrimination or harassment coming through the formal complaint channels;
- (b) Conduct the formal investigation process of incidents;
- (c) Engaging an independent third party to carry out an investigation if necessary;
- (d) Recommend remediation and/or disciplinary actions, depending on the gravity and extent of the discrimination or harassment incident;
- (e) Safeguarding confidentiality and fair treatment of the parties.

3.14 The **Group Executive Committee** will be responsible for:

- (a) Ensuring that this policy complies with legal and ethical obligations, and that all those under the control of the Group comply with it;
- (b) Approving any remediation and/or disciplinary actions recommended by the **Harassment and Discrimination Committee**, raised from investigations conducted on discrimination and harassment complaints.

4. UNDERSTANDING THE RISKS

- 4.1 The construction industry has been in the past notorious for tolerating and dismissing discrimination and harassment and denying that it even occurred in many cases. The small percentage of women in the field were taught to deal with the intimidation and harassment or change professions.
- 4.2 The lack of women working in the industry leads to a male-dominated culture which can allow a hostile environment for women and particularly sexual harassment that is more prevalent in male-dominated industries. In June 2021 only 13% of Mota-Engil Group workforce were women.
- 4.3 In construction projects work is frequently performed in environments that isolate workers, enabling potential harassers to have easy access to their targets where there are no witnesses.
- 4.4 Furthermore, corporate offices far removed physically and/or organizationally from front-line employees or first-line supervisors, may leave managers unaware of how to address harassment issues and make them reluctant to call headquarters for direction.
- 4.5 Employees with high value, either actual or perceived, may think themselves as exempt from workplace rules or immune from consequences of their misconduct.
- 4.6 Workplaces with significant gender, race and ethnicity power disparities may contribute to supervisors or managers feeling emboldened to mistreat low-ranking employees. Moreover, low-ranking employees may be less likely to have access to or fully understand complaint channels (language or education/training insufficiencies) or fear retaliation.

5. HOW INCLUSION AND DIVERSITY MATTERS

- 5.1 Perceived discrimination has effects on both the employee and the workplace environment. These include a poor work culture when the employee loses focus and exhibits counterproductive work behaviours such as not completing tasks on time, leaving work early, and arriving late.
- 5.2 Promoting diversity in the workplace, in gender, race and ethnicity, while ensuring a culture of inclusion makes employees feel valued and fosters belonging. This consequently reduces absenteeism rates, lowers employee turnover and boosts productivity either individually or as teams.
- 5.3 Employees with diverse backgrounds bring to bear their own perspectives, ideas and experiences, helping to create organizations that are resilient and effective, and which outperform organizations that do not invest in diversity.

6. INCIDENTS RESOLUTION MECHANISM (IRM)

- 6.1 An employee who feels that he or she is being subjected to discrimination and/or harassment should first, where possible, make his or her disapproval clearly known to the individual(s) concerned and ask that the behaviour stops.
- 6.2 If the circumstances make that too intimidating or difficult, Mota-Engil Group, through its integrated Incidents Resolution Mechanism (IRM), provides informal and formal means for employees to have their concerns and allegations addressed.

Informal Complaints Mechanism

- 6.3 The Informal Complaints Mechanism is intended to provide a means for solving problems at the outset, through avenues which enable an employee experiencing discrimination and/or harassment to communicate with the person who is offending him/her in an open, honest and non-threatening manner. It is hoped that through discussion or mediation, parties will be able to resolve the majority of incidents and problematic behaviour will be less likely to occur or reoccur.
- 6.4 If the employee is uncomfortable about approaching the harasser, he/she should seek the guidance of a third party, such as the line manager, a human resources staff or the DHC.
- 6.5 In cases where the discrimination and/or harassment behaviour is not egregious or chronic, an attempt may be made to resolve the matter informally. If both parties agree, the DHC can provide an opportunity for the aggrieved party to express his or her feelings and to ask for specific remedies.
- 6.6 The DHC will:
- (a) Give an opportunity to the alleged offender or harasser to respond to the complaint;
 - (b) Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant;
 - (c) Ensure that a confidential record is kept of what happens;
 - (d) Follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped.

Formal Complaints Mechanism

- 6.7 If the matter is not suitable for mediation, if one or both parties refuse mediation, or if the informal complaint mechanism has not led to a satisfactory outcome for the complainant, the formal complaint mechanism should be used to resolve the matter.
- 6.8 The complainant can file a formal complaint through the Group Ethics Reporting Channels¹.
- 6.9 When asked for, the DHC or DHC deputy can support the complainants on filling a claim with the Group Ethics Reporting Channels.
- 6.10 The Group Internal Audit function that initially receives the complaint will refer the case to the Harassment and Discrimination Committee which in turn conduct a fair, prompt, confidential and thorough investigation as outlined in this policy and in the Group Whistleblowing and Compliance Procedure.
- 6.11 Investigations will be pursued as a Discrimination and/or harassment complaint only when it appears that:
- (a) the complaint relates to discrimination and/or harassment as defined in this policy; and
 - (b) the complaint appears to have substance and to have been made in good faith.

¹ etica@mota-engil.com
<http://www.mota-engil.com/provedoria/>
Internal Audit – Rua do Lego Lameiro, n.º 38, 4300 – 454 Porto

- 6.12 The complainants will be informed if the incident does not constitute discrimination or harassment, and therefore will not be investigated under Group Whistleblowing and Compliance Procedure. In such cases, they will be advised of the different avenues that can be taken to resolve any disagreement.
- 6.13 If the incident does constitute discrimination or harassment, then on carrying out the investigation the **Harassment and Discrimination Committee** will directly or indirectly, by means of Group own internal resources or an independent third party:
- (a) Interview the complainant and the alleged offender or harasser separately;
 - (b) Interview other relevant third parties separately;
 - (c) Make an assessment as to whether the reported incident(s) constituted discrimination and/or harassment took place;
 - (d) Produce an investigation report detailing the investigations, findings and any remediation and/or disciplinary actions recommended;
 - (e) Forward the investigation report to the Group Executive Committee for approval;
 - (f) Follow up to ensure that the approved recommendations are implemented, that any disciplinary actions are enforced, and that the behaviour has stopped;
 - (g) If it cannot determine that an incident constituting discrimination and/or harassment took place, the Harassment and Discrimination Committee may still issue recommendations to ensure proper functioning of the workplace;
 - (h) Keep a record of all actions taken;
 - (i) Ensure that all records concerning the matter are kept confidential.

7. CONFIDENTIALITY AND NON-RETALIATION

- 7.1 Employees who in good faith bring a complaint of discrimination or harassment should not be subjected to retaliation. A breach of trust or an act of retaliation against any employee who has reported a concern or supported the investigation process, will also be treated as an infraction of this policy and the Group's Code of Ethics and Business Conduct.
- 7.2 Retaliation is any attempt to discriminate against an employee or deleteriously affect the terms and conditions of its employment or work environment which is motivated by the employee having made a complaint of discrimination or harassment.
- 7.3 Adverse actions taken against a complainant that appear to stem from the registering of a complaint or from using the Group's Incidents Resolution Mechanism will be thoroughly investigated.
- 7.4 An employee shall not knowingly raise a false or frivolous discrimination or harassment claim. Those who knowingly, or without good faith, make false reports may be subject to disciplinary action.
- 7.5 All managers, employees, and other persons who are aware of a discrimination or harassment complaint, or are involved in its resolution, must recognize the seriousness of the situation and respect the sensitivity and confidentiality that must be accorded to the matter. They must refrain from discussing the complaint amongst themselves or with anyone who does not "need to know" in the context of the investigation or reporting requirements.
- 7.6 Every effort should be made to preserve the dignity and self-respect of the parties to the complaint.

ANNEX 1 – INCIDENTS RESOLUTION MECHANISM (IRM) FLOWCHART

