



### 1.0 Statement

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ABB is committed to providing a work environment free discrimination based on race, colour, pregnancy, sex, sexual orientation, age, marital status, ethnic or national origin, social conditions and disability.

ABB is also providing a work environment free from any form of harassments including sexual and psychological harassment.

### 2.0 Scope

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All ABB employees are covered by this policy.

### 3.0 Authority

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Any exception to this policy must be approved by the BAU Manager and the Vice President, Human Resources.

Any modification to this policy must be approved by the country Manager and Vice-President, Human Resources.

### 4.0 Description

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#### 4.1 Definition

Sexual harassment is sexual behaviour of a vexatious or unsolicited sexual nature that has an adverse effect on the work environment or that has injurious consequences on the employment of victims of harassment. The alleged behaviour must be of a repetitive nature or, if it is an isolated incident, leads to ongoing effects over time for the victim.

Sexual harassment can take on various forms such as verbal manifestations (words, advances, propositions or requests for favours, or remarks that could unfavourably affect the psychological and emotional work environment), physical manifestations (lewd looks, touching, embraces, light touching, pinching and various unsolicited actions, even including assault) or psychological manifestations (insinuations, invitations consisting of innuendos or explicit requests, inappropriate attention and signs of affection recognized as such, or express or implied threats of reprisal).

Psychological harassment is vexatious behaviour that is manifested in repeated behaviours, words, actions or gestures that are hostile or unwanted. This vexatious behaviour negatively affects the dignity, psychological or physical integrity of the targeted employee and results in a negative work environment. One single incident of serious behaviour can also constitute psychological harassment to the victim if this behaviour is detrimental and results in continuous adverse effects for the employee.

Abuse of authority can constitute psychological harassment. Power of authority is defined as inappropriate use of power or authority inherent to the position held, to endanger an employee's job, undermine the performance of that job or threaten the economic livelihood of the employee. Power of authority includes such acts or misuses of power as intimidation, threats, blackmail, or coercion.

## **4.2 Rights and responsibilities**

### **4.2.1 Managers**

Managers are responsible for putting an end to any discrimination or harassment they are aware of, whether there is a complaint or not.

### **4.2.2 Alleged victims**

Employees have the right:

- a) to file a complaint and to obtain a review of their complaint through the formal complaint process established in accordance with this policy, without fear of embarrassment or reprisals;
- b) to be represented and accompanied by a person of their choice during interviews related to their complaints;
- c) to ensure their written complaint, or written comments be excluded from their personal files and;
- d) to be kept informed throughout the process, subject to applicable legislation.

## **4.3 Formal complaint process**

If informal attempts at resolving the problem are not appropriate or prove ineffective, a formal complaint and investigation may be required.

### **4.3.1 Complaint**

Everyone has the right to complain about a situation believed to be discriminatory or harassing and there will be no reprisals for doing so. Complaints must be presented to a Human Resources Manager in writing. The complaint can, however, be verbal at the beginning.

If at all possible, the complaint should be filed by the victim of the alleged harassment or discrimination. However, complaints can also be made by a group of people who may have been subjected to the same offensive treatment, by co-workers who witnessed the incidents, or by a third party complaining on behalf of the victim(s).

### **4.3.2 Investigation Committee**

The investigation is the responsibility of the Human Resources Business Partner who received the complaint. The Human Resources Business Partner, when appropriate, may decide to appoint a committee of two persons: an internal lawyer, an external lawyer specializing in Labour Law, a Human Resources Business Partner and the HR Business Partner who received the complaint.

### **4.3.3 Settlement**

The HR Business Partner must inform the VP HR of the investigation progress and the recommendations. There should be a clear description of what constitutes a settlement, e.g.,

both parties have agreed and accepted the terms of settlement. The recommendations are subject to the HR Vice-President's approval.

#### **4.3.4 Deadline**

The investigator or Inquiry Committee, as the case may be, will determine the time period within which the complaint must be processed.

#### **4.3.5 Inquiry procedure**

After having heard the complaint, the investigator or Inquiry Committee shall immediately notify the person named that a complaint has been filed against them.

The investigator or Inquiry Committee shall meet with the complainant and the respondent, as well as with any potential witnesses, to gather the required evidence.

The complainant and the respondent shall be notified of their rights and may, if they wish, be accompanied by a representative of their choice.

#### **4.3.6 Confidentiality**

Persons involved in the complaint process are obligated to guarantee the confidentiality of the complaint.

#### **4.3.7 Facts and recommendations**

At the completion of the inquiry, a verbal description of what the final report will contain shall be provided to the complainant and to the respondent.

The verbal description of the final report shall include the proposed disciplinary measure, if applicable, as well as a description of the type of record that will be used to file the complaint and the evidence gathered, as well as the location it is to be kept.

The complainant and the respondent will have the opportunity to submit their comments in writing before the final report is submitted, if they so desire.

After the expiry of the time period granted to the complainant and the respondent to submit their written comments, the investigator or Inquiry Committee will submit its final report and shall immediately notify the complainant and the respondent in writing of the decision rendered and the grounds for the decision.

### **4.4 Procedures**

During the investigation of a complaint, these steps must be followed by the person designated to accomplish this function:

- a) immediately inform the person against whom a complaint has been lodged that a complaint has been filed;
- b) inform all parties involved of their rights and responsibilities;
- c) interview the parties concerned and witnesses;
- d) collect and analyze the evidence;
- a) prepare a report, and
- b) without undue delay, inform the parties, in writing of the decision rendered, and the reasons justifying it.

## 4.5 **Guidelines**

This policy does not restrict the authority of those charged with managerial responsibilities in areas such as counselling, performance appraisal, staff relations, and the implementation of disciplinary actions, up to a discharge from employment. However, if they fail to take corrective measures with regards to any discrimination or harassment they are aware of, it may result in disciplinary sanctions being imposed upon themselves as well as the offender.

Employees who believe they are being subjected to discrimination or harassment are encouraged to informally discuss the perceived harassment situation with their local Human Resources Manager, or the Vice President of Human Resources, or the person designated to provide information and advice in these situations; and if they so request to be accompanied with their union representative, if applicable.

Employees must participate in the process, if a complaint is lodged against them, and must cooperate during the investigation.

In addition to the right to lodge a complaint under the policy of discrimination and harassment in the workplace, employees also have the right to lodge a complaint as per applicable legislation.

Employees discriminated or harassed by a customer and/or a supplier shall make that organization aware it is the intent of ABB that personnel shall not be subject to any type of harassment during the course of conducting business.

## 5.0 **Revision and approval**

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<b>5.1</b>	<b><u>Revision date</u></b>	<b><u>Description of change</u></b>
	– March 1996	New
	– August 2011	Changes to the format of the policy and added authority.

## 5.2 **Approved by**