

Protocol against harassment based on sexual orientation, gender identity, gender expression, or sexual characteristics at Gift Campaign



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1. Statement of principles

The dignity of the individual, the inviolable rights inherent to them, the free development of personality, the right to privacy, physical and moral integrity, and the principle of equality and non-discrimination based on any personal or social condition or circumstance are fundamental rights enshrined in the Spanish Constitution.

Global policy on equality and non-discrimination

At GIFT CAMPAIGN, all employees are equal. No one should be discriminated against in a recruitment process, in the workplace, regarding remuneration, transfers, promotions, career growth, development, or training. For this policy, the term discrimination includes any distinction, exclusion, or preference based on race, colour, sex, religion, political opinion, nationality, social origin, sexual orientation, or age.

For this reason, the management of GIFT CAMPAIGN (hereinafter 'the Company') endorses this protocol with the explicit and firm commitment not to tolerate any form of discriminatory practice considered harassment based on sexual orientation, gender identity, gender expression, and/or sexual characteristics within the Company. Any conduct of this nature is expressly prohibited.

To ensure a work environment that respects the aforementioned rights of all members of this organisation, the Company and the legal representation of employees commit to:

a. Principle of equal treatment

Our Company will deploy the necessary preventive and management resources in all cases, regardless of the personal or professional circumstances of the affected person. We will always provide ethical and respectful treatment, recognising the dignity that every individual deserves.

b. Principle of protection against retaliation

We commit to ensuring that no form of retaliation will be taken against anyone who reports a possible case of harassment, whether as a complainant or a witness. This is without prejudice to any consequences that may arise from knowingly filing false reports.

The activation of the harassment protocol within the organisation does not diminish the victim's right to pursue any legal actions to which they may be entitled.

c. Confidentiality

The confidentiality of the investigation procedures for harassment complaints is fully guaranteed. Knowledge of the facts will be strictly limited to the person responsible

for managing the protocol in their role as investigator, and, where applicable, to the Human Resources representative, management, and the individuals involved—only to the extent necessary to fulfil their respective responsibilities.

Any necessary preventive services may be outsourced, with the professionals involved being bound by professional secrecy. To further ensure confidentiality, each case file will be assigned a unique numerical code, which will be used throughout the entire procedure and in all related documentation.

d. Principle of prompt action

We commit to acting with diligence, and urgency, and without undue delays from the moment the harassment protocol is activated.

e. Principle of contradictory proceedings

The internal investigation and complaint management procedure will uphold the right of all parties involved to present their version of events. In good faith, all individuals will have the appropriate means to clarify the facts. Those involved in the internal complaint management procedure may be accompanied by a person of their choice—such as an advisor, family member, or legal representative—provided this does not interfere with the investigator’s work and is by the terms established in this protocol.

f. Principle of safety, health, and protection of victims

Our commitment is to ensure a safe and respectful working environment for all individuals, including those who identify as transgender, by fostering inclusive spaces that respect and value workforce diversity, regardless of gender identity or sexual orientation.

Additionally, the Company will implement appropriate measures to protect the health and well-being of affected employees.

As cases of dual harassment (e.g., against lesbian, transgender, or bisexual individuals) may arise, this protocol is closely linked to the **Protocol Against Sexual Harassment and Harassment Based on Sex**. Both protocols complement each other, and the structure of the respective committees remains the same to avoid duplication in such cases.

2. Validity and scope of application

1. This protocol will remain in force for four years. However, it may be updated, modified, and/or expanded annually based on identified needs and/or legislative changes in the matter.

2. This is an internal procedure and does not exclude or limit any legal actions that affected individuals may choose to pursue.
3. The provisions of this protocol apply to all individuals working within the Company, regardless of their legal employment relationship. Therefore, it covers not only employees but also interns, trainees, and any personnel in training, as long as they perform their activities within the Company's organisational framework.
4. The protocol also applies to employees of subcontracted companies when, within the framework of inter-company cooperation under **Article 24 of Law 31/1995, of 8 November, on Occupational Risk Prevention**, they provide services within the Company and involve Company personnel.
5. Additionally, it applies to individuals who are not part of the Company but interact with it in a work-related capacity, including clients, suppliers, and job applicants.
6. If individuals not directly employed by the Company are involved in a case, their respective companies will be informed so that they can take appropriate measures.
7. This protocol also extends its protection to individuals covered under sections **1 and 2** whose relationship with the Company has ended (under any legal form) and who invoke this procedure within **three months** from the termination of that relationship.

3. Applicable regulations

At the **European Union** level, a legal framework has been established to protect workers from discrimination based on sexual orientation. Two directives, which are binding for all Member States, have been adopted:

- **Directive 2000/78/CE** (Framework Directive for Equal Treatment in Employment), which includes sexual orientation as a protected category against discrimination.
- **Directive 2006/54/CE** (on the implementation of the principle of equal opportunities and equal treatment of men and women in employment), which prohibits discrimination in the workplace.

At the **national level**, Article 48.1 of **Organic Law 3/2007** on Effective Equality, in connection with **Article 12 of Law 10/2022**, establishes that organisations are obligated to promote working conditions that prevent behaviours and crimes against sexual freedom and moral integrity in the workplace. Additionally, **Law 4/2023** sets out a series of obligations and rights to guarantee the inclusion and non-discrimination of transgender individuals in the workplace.

Furthermore, with the transposition of **EU Directive 2019/1937**, which states that ‘persons working for a public or private organisation or interacting with it in the context of their work activities are often the first to become aware of threats or harm’, **Law 2/2023 on Whistleblower Protection** was published on **1 December**. This law protects whistleblowers (including third parties acting as witnesses or, in some cases, the victims themselves) and establishes a **formal reporting procedure** that companies with more than **50 employees** or those engaged in certain activities must implement. This includes the reporting of actions that violate workers’ rights, explicitly covering cases of **harassment** under **Article 2(3)**, which ensures protection for employees reporting breaches of labour law concerning **workplace health and safety**.

4. Objectives

The aims of establishing this protocol are:

1. To facilitate **inclusion, protection, support, and guidance** for all employees providing services within the Company.
2. To implement measures for the **early detection and prevention** of harassment and/or discrimination based on **sexual diversity**, with particular attention to **gender identity and expression**.
3. To establish **intervention guidelines** for the proper support and care of **LGBTQ+ employees**.
4. To define **procedures for addressing** harassment in its various forms.
5. **Coordinate actions and interventions** with relevant **public resources** (such as healthcare and social services) and **private organisations** working with the LGBTQ+ community.

5. Definitions

Definitions of Terms Used in Law 4/2023 for the Real and Effective Equality of Trans People and the Guarantee of the Rights of LGTBIQ+ People:

- **Gender Identity:** The internal and personal identification of each individual as male, female, both, neither, or any other category within the gender spectrum.
- **Gender Expression:** How an individual expresses their gender through their appearance, behaviour, and/or communication, such as clothing, hairstyle, voice, tone, and/or body language.

- **Non-Binary People:** Individuals who do not exclusively identify as male or female.
- **Intersex Person:** A person born with reproductive or genital anatomy that does not appear to fit typical definitions of male and female.
- **Trans Person:** Any individual who identifies with a gender different from the one assigned at birth or expresses their gender identity in a way different from the gender they were assigned at birth. The term 'trans' encompasses multiple forms of gender identity expression or subcategories as transsexuals, transgender individuals, cross-dressers, etc.
- **Sexual Identity:** A person's sexual orientation, meaning their emotional and/or sexual attraction to people of the same gender, the opposite gender, both, or neither.
- **Transition:** The process by which a transgender person changes their appearance, behaviour, and/or gender expression to align with their gender identity.
- **Discrimination:** The exclusion, restriction, limitation, reduction, or denial of rights and/or the unfavourable treatment of individuals compared to others, due to their gender identity, sexual orientation, or gender expression.
- **Human Rights:** The inherent rights of all human beings, regardless of race, gender, sexual orientation, religion, or any other personal characteristic. This includes the right to life, liberty, security, equality, non-discrimination, and access to essential services and resources.

Harassment is understood as:

Any behaviour based on a person's sexual orientation, gender identity, and/or gender expression that has the purpose or causes the effect of attacking their dignity, physical or mental integrity, or creating an intimidating, hostile, degrading, humiliating, offensive, or bothersome environment will be considered harassment due to sexual orientation, gender identity, or gender expression. This situation will be considered discriminatory behaviour.

- **Direct Discrimination:** A situation in which a person is, has been, or may be treated, due to their **sexual orientation, gender identity, and/or gender expression**, in a less favourable way than another in a similar situation.
- **Indirect Discrimination:** A situation where a provision, criterion, interpretation, or practice that appears neutral could result in a particular disadvantage for **lesbian, gay, bisexual, transgender, or intersex** individuals in comparison to those who are not.

- **Order to Discriminate:** Any instruction that involves discrimination, whether direct or indirect, based on **sexual orientation, gender identity, and/or gender expression**.
- **Discriminatory Retaliation:** Adverse treatment or a negative effect that occurs against an individual as a consequence of submitting a complaint, claim, report, lawsuit, or appeal of any kind aimed at preventing, reducing, or reporting discrimination or harassment to which they have been or are being subjected.

According to the active subject, **three types of harassment** can be distinguished:

- **Downward Harassment:** This occurs when the perpetrator has a hierarchical authority over the victim (from superior to subordinate).
- **Upward Harassment:** This occurs when the perpetrator is hierarchically subordinate to the victim (from subordinate to superior).
- **Horizontal Harassment:** This occurs when both the perpetrator and the victim have no hierarchical relationship (from colleague to colleague).

6. Preventive measures

To prevent harassment or situations that could potentially constitute harassment, the following measures will be established:

- a. **Dissemination and communication of the protocol to all employees.** This protocol will also be provided to new hires in the company.
- b. Include the prevention, action, and eradication of harassment based on sexual orientation, gender identity, and/or gender expression in the company's training program.
- c. **Employee representation must participate, support, and promote awareness agreements** for the prevention of harassment based on sexual orientation, gender identity, and/or gender expression.
- d. **Promote a respectful and correct environment in the workplace,** instilling in all employees the values of equal treatment, respect, dignity, and the free development of personality.
- e. **Facilitate the integration of new employees,** avoiding situations of isolation by following up on the employee not only during the initial onboarding process but also after it. The company should take into account the personal or cultural circumstances of the newly hired employee to contribute to their integration.

- f. **Prohibit insinuations or statements that are contrary to the aforementioned principles**, both in language, communications, and attitudes. Among other measures, any image, poster, advertisement, etc., that contains an LGBTIphobic view or incites LGBTIphobia should be removed.
- g. **When unacceptable behaviour is detected in a specific group or team**, the company's management will immediately contact the person responsible for that group/team to inform them about the situation, the obligations that must be respected, and the consequences of non-compliance, and proceed with implementing the agreed protocol.
- h. **Ensure privacy in all public spaces** (bathrooms, showers, changing rooms, etc.).

7. Filing a Complaint or Report of Harassment

The following are considered authorized to file a complaint or report, as regulated in this protocol:

- a. Anyone who considers themselves a victim of harassment based on sexual orientation, gender identity, gender expression, or sexual characteristics.
- b. Anyone who knows the commission of harassment based on sexual orientation, gender identity, gender expression, or sexual characteristics. In this case, the body receiving the complaint must request the express and written consent of the allegedly offended person to proceed with the process.
- c. Trade unions with representation in the Company, provided they have obtained the express and written consent of the offended person to file the complaint.
- d. Anyone who receives any instruction that implies discrimination based on sexual orientation, gender identity, and/or gender expression.

The Company will assist the parties involved in complaints or reports related to harassment based on sexual orientation, gender identity, and/or gender expression.

The complaint or report must be submitted in writing through the email fatima.najera@giftcampaign.com, which has been designated by the Company for this purpose.

The Company will immediately provide the victim, if necessary, with psychological support through internal resources or external entities.

8. Action procedure

8.1. Guiding principles and procedural guarantees

- a. **Respect and Protection of Individuals:** Appropriate discretion must be exercised to protect the privacy and dignity of the affected individuals. Actions or proceedings must be carried out with the utmost caution and respect for all parties involved, ensuring that no one is treated unfairly for this reason. Individuals involved who request it may be assisted by a representative or advisor at all times throughout the process.
- b. **Confidentiality:** Those involved in the process are obligated to maintain strict confidentiality and not disclose or share information regarding the content of the complaints presented or under investigation. The Harassment Attention Committee for reasons of sexual orientation, gender identity, and/or gender expression must explicitly inform all involved parties of their duty of confidentiality.
- c. **Diligence and Efficiency:** The investigation and resolution of the reported conduct must be carried out without undue delay so that the procedure can be completed as quickly as possible while respecting appropriate guarantees.
- d. **Contradiction:** The procedure guarantees a fair hearing and just treatment for all affected parties. All involved parties must, in good faith, seek the truth and clarification of the reported rights.
- e. **Restoration of Victims:** If the harassment has resulted in a detriment to the victim's working conditions, the Company must restore the victim to their previous conditions, if the victim requests it.
- f. **Protection of Victim's Health:** The Company's management must adopt, either on its initiative or at the request of the Harassment Attention Committee for sexual orientation, gender identity, and/or gender expression, or any of its members or the victim, measures to guarantee the right to health protection for the affected workers. Examples of such protective measures may include psychological support, protection for the victim, or other necessary assistance to facilitate their full recovery. Any such measures adopted must have the victim's consent and be communicated to the Harassment Attention Committee for sexual orientation, gender identity, and/or gender expression for inclusion in the case file.
- g. **Prohibition of Retaliation:** Retaliation against individuals who file a complaint, act as witnesses, or assist or participate in an investigation into harassment is expressly prohibited.

- h. **Legal Guarantees:** Once the procedure established in this protocol is completed and harassment is confirmed, the Company must provide legal assistance to the victim in cases where the harasser initiates legal action against them or other individuals from the workforce who have been involved in the process.

8.2. Involved parties

The parties in this procedure are:

- **The complainant**, who, upon becoming aware of the facts, submits the complaint.
- **The victim**, who may or may not be the same person as the complainant, and is the individual who has suffered or is suffering from the harassment.
- **The Harassment Attention Committee** for reasons of sexual orientation, gender identity, gender expression, or sexual characteristics, which is the body established to address and investigate the complaint, as well as propose the adoption of appropriate measures.
- **Investigators**, the person or persons designated by the Harassment Attention Committee to carry out the investigation. The investigation team will always include one person from the Company and one person from the social side.
- **Witnesses** are individuals who have witnessed or have been involved with the reported facts.
- **The alleged harasser** is the person or persons who are accused of their actions, words or conduct about the victim.
- **The Company's management** is responsible for implementing the measures mentioned.

8.3. Investigative committee: harassment response committee

The structure of the committee is the same as that of the Instructing Committee of the LGTBIQ+ Harassment Protocol. It will be composed of internal or external individuals from the company with the necessary experience and training to carry out the investigation.

8.4. Initiation of the process

The affected person may file the complaint through the ETHICAL CHANNEL provided by the company, or contact the Human Resources Department or the designated person(s) for such purposes, who will direct the person to complete the ethical channel form. The form must include, at a minimum:

- The complaint may be anonymous or include the identity of the complainant.
- Identification of the alleged harasser(s) and the position they occupy.
- Identification of the victim(s), if different from the complainant.
- A chronological and detailed description of the events.
- Identification of potential witnesses.
- A copy of any supporting documentation and any other relevant information.
- Acceptance of the complainant as proof of agreement.

The complaint will be forwarded to the person responsible within the company, who will register it, analyze it, and provide support to the person being harassed, implementing precautionary measures aimed at minimizing the impact of the situation until it is resolved.

The parties involved in accessing and processing the complaint will ensure confidentiality (they will sign a confidentiality agreement for this purpose) regarding all individuals involved (victim, witnesses, alleged harasser, and others).

Complaints that do not include a description of facts that could constitute a situation of harassment based on sexual orientation, gender identity, or expression will not be considered under this procedure.

8.5.Resolution methods

8.5.1.Informal procedure

It will be carried out when, based on the facts reported, a simple and quick resolution of the situation seems feasible. This approach is based on the idea that, at times, simply informing the alleged aggressor of the offensive and intimidating consequences their behaviour may have caused is enough to resolve the situation.

Some of the possible actions to be carried out by the investigating persons include:

- a. Interviews with the complainant/victim.
- b. Interviews with the accused person.
- c. Assessing and identifying the type and severity of the harassment.
- d. Assessing the risk and possible precautionary measures.
- e. Written communication to the complainant/victim and the accused person about what has happened and how the issue was resolved.
- f. Informing the parties of how the case will be followed up.

In general, the informal process should conclude within a maximum of 10 working days from the submission of the complaint (unless an extension is justified, in which

case an estimated resolution date will be provided). During and after the process, regardless of its outcome, all involved parties are required to maintain strict confidentiality and discretion, as this involves the privacy and dignity of individuals.

Once the consistency of the complaint is assessed, the procedure will conclude with the proposal of appropriate actions, which may include the need to initiate a formal process depending on the severity of the investigated facts or if the parties do not mutually agree on a solution.

If a formal procedure is initiated afterwards, the time frame for its resolution will be counted from the start of the informal process.

Regardless of the subsequent process, the victim may, at any stage, initiate appropriate actions before the relevant judicial or administrative bodies or take any other actions they deem necessary.

8.5.2. Formal procedure

It will be initiated when:

- The result of the informal protocol has been unsatisfactory or inappropriate due to the severity of the facts.
- When the victim requests it.
- When the investigating person of the informal procedure considers it necessary.

The formal procedure involves the following steps:

- a. Presentation of the complaint to the responsible person in the company.
- b. Communication from the investigating persons to the involved parties (victim and alleged harasser).
- c. Precautionary measures (if applicable).
- d. Investigation phase.
- e. Resolution of the case / Harassment report.
- f. Disciplinary actions.
- g. Follow-up by the responsible person in the company.

1) Initial Phase

Once the responsible person in the company receives the communication, they will acknowledge receipt to the informant and proceed with the evaluation, making the following decision:

- **Admission of the communication:** If the facts or behaviours are considered constitutive of harassment based on sexual orientation, gender identity, gender expression, or sexual characteristics in the informal process.
- **Rejection of the communication:** If no behaviour or fact constituting harassment based on sexual orientation, gender identity, or gender expression is identified.

If the communication is admitted, the responsible person or committee will inform the complainant of their decision and will open the corresponding internal investigation procedure. Additionally, within a maximum of 10 days, the person responsible will send a communication to the accused person to allow them to present their defence.

The company, at the proposal of the responsible person, must decide whether to activate precautionary measures, which could be aimed at:

- Limiting or preventing contact between the complainant and the alleged harasser.
- Limiting contacts during the investigation.

2) Investigation Phase

The investigation procedure must be conducted with secrecy and confidentiality.

The investigator(s) must maintain neutrality regarding the facts being investigated at all times.

The evidence for the investigation may be obtained through:

- Physical inspection.
- Electronic, audiovisual, and paper formats.
- Interviews with the accused or persons potentially responsible for irregularities or illicit behaviours.
- Interviews with company management, employees, or external individuals.
- Statements from the complainant, witnesses, and the area manager of the accused person.
- Request for reports from company departments.
- Request for documentation from third parties, whether individuals or legal entities.
- Access to corporate emails, in accordance with the provisions of the organization's Code of Conduct.
- Expert reports.

3) Report Phase

Once the investigation is completed, a report will be prepared that should include:

- A summary of the events that occurred and the situation being investigated.
- An explanation of the investigation process and the means through which the facts or situation were inferred.
- A conclusion is consistent with the purpose of the investigation.
- An evaluation of the preventive system and, if applicable, recommendations for improvement.

The results of the investigation will be communicated to the company's management so that appropriate measures can be taken.

4) Sanctions

The final phase of the procedure will involve implementing the measures, taking into account the proposals made by the investigation through its conclusion report and what is established in the applicable collective agreement of the Company.

Additionally, the Company's management will assess the appropriateness of any complementary measure not initially proposed by the investigation, considering the potential criminal liability and the concepts of 'in vigilando' and 'in eligendo', in order to improve the work situation, prevention, and health. The Company may choose not to adopt some of the measures proposed by the Unit.

The Company's management will communicate the resolution of the case and the measures it has decided to implement to the investigating personnel, the complainant, and the respondent within a maximum period of 5 working days from the receipt of the report.

All documentation generated as a result of the measures implemented will be filed in the case file, which will be kept for 5 years. If the existence of harassment is confirmed and the penalty imposed on the harasser does not lead to their departure from the Company, appropriate measures will be taken to ensure that, as far as possible, the harasser and the victim do not work in the same environment.

In these measures, the harassed person will receive preferential treatment, and the measures cannot result in a deterioration of their contractual conditions.

5) Follow-up Phase

Once the agreed measures have been implemented, the person responsible in the Company will carry out a follow-up on the case's evolution at the frequency established in previous meetings, keeping all generated documentation in the case file.

If reprisals or work-related harm to the victim have been confirmed as a consequence of the harassment, the victim has the right to be reinstated to the conditions they were in before the harassment.

This follow-up will be carried out one month, three months, six months, one year, and two years after the implementation of the measures, and may be extended at the discretion of the responsible parties in the company.

8.5.3.Complementary measures

If the existence of harassment is confirmed, the Harassment Care Committee for reasons of sexual orientation, gender identity, and/or gender expression may propose the adoption of the following additional measures:

- Psychological and social support for the harassed person and their family.
- Modification of those work conditions, with the prior consent of the harassed person, that is deemed beneficial for their recovery.
- Adoption of protective surveillance measures for the harassed person.
- Reaffirmation of the ethical and moral standards of the Company.

9. Confidentiality and protection of affected persons

This protocol will be developed to protect the privacy, confidentiality, and dignity of the affected individuals at all times.

Additionally, sufficient protection for the victim will be ensured regarding their safety and health, taking into account the possible physical and psychological consequences that may arise from the situation, with particular attention to the working conditions in which the victim is placed.

Throughout the entire procedure, strict confidentiality will be maintained, and all internal investigations will be carried out with sensitivity and due respect for the complainant, the victim, and the accused, whose guilt will not be presumed.

All individuals involved in the process will be bound by confidentiality and will be identified in the case file.

The company signs this protocol on February 20, 2025.