

# LUXTRUST

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## **LuxTrust Internal policy on moral harassment**

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## 1. Context

The purpose of this procedure is to inform the employees of LuxTrust S.A. and all its subsidiaries, hereinafter referred to as « LuxTrust » and any external stakeholder of the means available to them if they are victims or witnesses of moral harassment by a LuxTrust employee.

LuxTrust prohibits all forms of harassment and wishes to prevent acts of harassment at work. In this context, LuxTrust intends to implement preventive measures aimed at protecting employees against moral harassment at work. These measures cover:

- The definition of the means available to victims of moral harassment, in particular the reception, assistance and support required for victims, the measures taken to deal with them and their return to work and the manner of addressing the staff delegation ;
- Prompt and impartial investigation of acts of moral harassment in labor relations ;
- Raising the awareness of employees and managers on the definition of moral harassment, its management methods within the company and sanctions against perpetrators of moral harassment ;
- Informing the staff delegation or, failing that, of all staff, of the obligations incumbent on the employer in the prevention of acts of moral harassment during labor relations ;
- Informing and training employees.

LuxTrust wishes to make its employees and managers aware of the definition of harassment, its management methods as well as the sanctions incurred by the perpetrator or perpetrators of harassment.

## 2. Legal framework

This procedure is based on the Convention of June 25, 2009 on harassment and violence at work, which was declared mandatory by the Grand-Ducal regulation of December 15, 2009 and on the law of March 29, 2023 which entered into force on April 9, 2023 amending the labor Code with a view to introduce a system relating to the protection against moral harassment on the occasion of employment relations.

## 3. Definition and scope

In accordance with the Convention of June 25, 2009 of harassment and violence at work, moral harassment occurs when a person employed by the company commits wrongdoing towards a worker or a manager, repeated and deliberate which have as object or effect:

- Either to impair his/her rights or dignity ;
- Or to alter his/her working conditions or to compromise his/her professional future by creating an environment that is intimidating hostile, degrading, humiliating or offensive ;
- Or to alter his/her physical or mental health.

Moreover, according to the law of March 29, 2023, constitutes moral harassment during employment relations, any conduct that, by its repetition or systematization, undermines the dignity or mental or physical integrity of a person.

Professional travel, professional training, communications related to or due to work by any means and even outside normal working time are an integral part of the performance of work and therefore falls into the scope of this procedure.

Are also covered by this procedure, all LuxTrust employees, regardless of their rank and position held, as well as interns, apprentices, pupils or students as well as external consultants bound to LuxTrust by a contract of provision of services and which are brought to perform their activity for LuxTrust.

Behaviours constituting moral harassment may include, but are not limited to :

- repeated insults, mockery or derogatory remarks ;
- threats or intimidation ;
- constant criticism or unjustified reprimands ;
- excessive pressures or demands ;
- abuse of authority ;
- a psychological belittlement ;
- racist jokes;
- isolating or excluding from certain activities or information the person concerned.

#### **4. LuxTrust obligations**

When a behavior of moral harassment on the occasion of labor relations is brought to the attention of LuxTrust, the company must take measures to immediately stop the reported acts of harassment and must carry out an internal evaluation on the effectiveness of the preventive measures and the possible implementation of new preventive measures to be taken in particular in relation to the organization of the company, the revision of the procedures applied in the event of moral harassment and the information of employees.

For these purposes, LuxTrust informs and consults the staff delegation about the procedure in place in case of moral harassment and informs its employees about the existence of this policy.

#### **5. Preventive measures**

As part of the prevention policy, LuxTrust wishes to inform and raise awareness among its employees about moral harassment at work. Also, LuxTrust intends to regularly offer training on communication, conflict management or moral harassment.

LuxTrust also intervenes by offering support, conflict management and mediation actions for employees. This is not an investigation procedure but an attempt to resolve, as far as possible, the situation of the employee whom he/she considers problematic before it deteriorates. In this context, the employee or external consultant can directly address the following contacts:

- His line manager,
- The staff delegation,
- The occupational physician,
- The HRBP or his/her back-up,
- The group of designated workers,
- The safety officer.

The requested persons undertake to guarantee the confidentiality of the information obtained. They can act as a mediator or inform the employee or external consultant about the procedure to follow if he/she considers himself/herself a victim of moral harassment.

Each new joiner at LuxTrust will also be informed of the procedures in place.

## 6. Actions measures

If a LuxTrust employee or an external consultant feels that they are victim of moral harassment by a LuxTrust employee or if a LuxTrust employee or an external consultant feels that they have witnessed acts of a moral harassment by a LuxTrust employee, he/she can turn to 4 competent interlocutors:

- The HRBP or his/her back-up,
- The group of designated workers (post on communication panels),
- The safety officer,
- The staff delegation

The alleged victim / witness may contact the appropriate interlocutor of their choice for information and support so that the procedure described below may be initiated.

Confidentiality is guaranteed during all phases of the investigation. The protection of all witnesses is also guaranteed.

### Investigation procedure:

#### 1. Preparation

An employee who considers himself/herself a victim or witness of acts constituting moral harassment completes a complaint using the report sheet in the appendix by providing detailed and documented information. This form will then be sent by e-mail to the following address: [harcelement@luxtrust.lu](mailto:harcelement@luxtrust.lu).

Within 2 weeks of receipt of the report, the HRBP offers an interview to the employee who wrote the report sheet. The meeting can take place in person at LuxTrust or via videoconference. The alleged victim / witness may be accompanied if/she he wishes by the staff delegation.

In the case of the absence of the alleged victim or witness, LuxTrust will not be liable if the deadline for holding this first meeting is not respected.

#### 2. Audition

The purpose of the audition is to establish a precise description of the facts and gather the various elements of the file.

Also, during the first normal meeting, the alleged victim / witness reports detailed information and concrete facts: dates, places, emails, witnesses... The HRBP collects testimony and possible evidence in an impartial and confidential manner.

After hearing the complainant, a meeting will be arranged with any witnesses the complainant may have called. In the event that the report sheet is completed by a witness, the HRBP will first hear him/her and then, in a second time, will summon the alleged victim.

Later, the alleged perpetrator of the moral harassment will be heard in his/her explanations as well as the testimonies possibly cited by the alleged harasser.

The report sheet will serve as the basis for note-taking for all meetings. It will serve as a formal testimony and must be signed by the HRBP and the person heard.

The persons interviewed may in any case be accompanied by a member of the staff delegation.

If the HRBP deems it necessary, the various parties may be called for further separate hearings. The HRBP may also hear from other staff or request additional information and or documents.

Following the information received, the HRBP, in collaboration with the CPO, Chief People Officer, evaluates the measures to be taken to protect the alleged victim and to stop any act of harassment. In agreement with the alleged victim, these measures are implemented. They are formalized in written by the HRBP.

### 3. Written report of HRBP

During the auditions, the HRBP prepares a written report with the elements of the investigation, issues recommendations and submits them to LuxTrust's CPO and LuxTrust's Management, specifying that ;

- The file is not to be considered as a situation of moral harassment but a labor dispute that requires further review or mediation ;
- Appropriate measures that may lead to disciplinary action or even sanctions up to and including dismissal must be taken with regard to the perpetrator of the moral harassment when such harassment is proven ;
- Appropriate measures that may lead to disciplinary action or sanctions up to dismissal must be taken against the complainant if the complaint is malicious.

### 4. Decision of LuxTrust Management

Based on the findings of the investigation conducted by the HRBP, LuxTrust decides on the actions to be implemented and possible sanctions to be taken in the case of:

- Proven facts :
  - Amicable settlement if the gravity of the facts allows it ;
  - Opening of a disciplinary procedure against the perpetrator of the harassment according to the gravity of the facts :
    - Warning
    - Dismissal with notice period
    - Dismissal for serious misconduct
    - Other appropriate sanction
- Fake testimony :
  - Initiation of a disciplinary proceedings against a person who has voluntarily acted with malicious intent :
    - Warning
    - Dismissal with notice period
    - Dismissal for serious misconduct
    - Other appropriate sanction



LuxTrust further guarantees that the victim will not be subject to reprisals following the disclosure or resistance to an act of harassment or that no employee or manager will be subject to reprisals for having testified to acts of proven harassment at work.

In any event, the case will be treated impartially and with the discretion necessary to protect the dignity and privacy of each party.

Finally, measures to stop harassment may not be taken to the detriment of the complainant or victim.

#### 5. Adaptation and assessment

The HRBP undertakes to verify with the parties, within 3 to 6 months of the decision taken by LuxTrust's management, whether the measures have been applied and whether the situation has been resolved.

A subsequent report will be drawn up by the HRBP and sent to the management of LuxTrust.

LuxTrust, after consulting the staff delegation, will evaluate the effectiveness of preventive measures as well as the implementation of its internal policy in the event of moral harassment. The internal policy on moral harassment is re-evaluated at each event and at least every 24 months. It shall be amended if necessary and presented for information and consultation to the staff delegation.

#### 6. Retention of records

The file will be kept by the human resources department for 10 years.

### **7. Details of the new mission of the staff delegation**

The staff delegation is responsible for ensuring the protection of staff against moral harassment. It has the possibility to propose preventive actions to the employer and must provide assistance and advice to the employee who is the subject of moral harassment. It is obliged to respect confidentiality.

Employees who are victims / witnesses of psychological harassment have the possibility to contact the staff delegation either directly or by e-mail or by telephone or by post to report a fact of harassment.

### **8. Clarification of the ITM's role**

Any person concerned may contact the ITM at any time for information. If moral harassment at work persists after the implementation of the measures or if the employer fails to take adequate measures, the employee concerned or the staff delegation, after agreement of the employee concerned, refers the matter to the ITM.

Annex 1

**Report Sheet**

**REPORT SHEET REGARDING A PERCEIVED SITUATION OF MORAL HARASSMENT**

Nature of the alleged facts (precise explanations, detailed, concrete of what was said or done, with specific dates, places):

Chronology of various events:

Possible witnesses of the act:

Please indicate what led you to affirm that you suffered of moral harassment:

What are your expectations (for example: restore a peaceful climate, stop these actions against you, get an apology, etc.)?

Do you intend to take or have you taken other steps? Please precise which ones.

Signed at \_\_\_\_\_, the  
(Name and signature of author)