



# Prevention of sexual harassment at works places

<b>Scope</b>	All METRO Companies
<b>Responsibility</b>	METRO AG Ressort/Department Ms. Euenheim
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## 1 Introduction

METRO lives an open corporate culture based on partnership and offers all employees a respectful working environment in which sexual harassment has no place. The aim of this guideline is to sharpen this understanding.

### 1.1 Purpose

This guideline serves to anchor METRO's commitment to the prevention of sexual harassment at the workplace and to create a group-wide minimum standard in this area. It describes METRO's internal understanding of the prevention and avoidance of sexual harassment at the workplace as well as the handling of individual cases of sexual harassment that may nevertheless occur.

Sexual harassment is

- unwanted, sexually determined behaviour, e.g.
  - Unwanted sexual acts and requests to these,
  - sexually determined physical touches,
  - Remarks of sexual content,
  - Unwanted showing and visible attachment of pornographic representations, where the purpose or effect is to violate the dignity of the person concerned, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment.

Sexual harassment may take the form of verbal, non-verbal or physical conduct. It may also take place by telephone, in writing or electronically.

Sexual harassment occurs regardless of whether the conduct in question is expressly or implicitly rejected as undesirable.

### 1.2 Scope and target group

This guideline basically applies to all METRO locations worldwide.

The provisions of this guideline apply to all conduct related to the service or employment relationship, in particular during or on the occasion of the direct exercise of operational or business activities, on business trips, company events and celebrations arranged for operational purposes (e.g. Christmas party, summer party, anniversary party). They shall also apply if a third party shows behaviour towards employees in connection with their operational or official duties which is to be regarded as sexual harassment according to these guidelines.

### 1.3 Coverage

The directive describes a Group-wide minimum standard for the prevention of sexual harassment in the workplace. If there are stricter legal or other binding requirements governing the prevention of sexual harassment and/or the handling of individual cases of sexual harassment, these must be complied with as a matter of priority.

This document describes

- METRO's understanding of the prevention of sexual harassment at the workplace
- the procedure for individual cases of sexual harassment at the workplace.

## **2 Basic Principles**

### **2.1 Causes of sexual harassment at the workplace; Prevention**

Sexual harassment at the workplace is usually related to the exercise or demonstration of power, the exercise of competition or the undermining of another person's authority; sometimes it is simply an expression of disrespect.

These causes of sexual harassment in the workplace are effectively and sustainably prevented by a performance-enhancing, non-violent, fearless, respectful and cooperative working environment.

Such a working environment is already laid down in the METRO Guiding Principles. They describe a corporate culture that promotes authenticity and diversity in all its forms and requires managers to facilitate and exemplify teamwork based on trust, transparency and proximity to employees.

### **2.2 Proscription**

Sexual harassment in the workplace is prohibited. METRO disapproves of any form of sexual harassment at the workplace<sup>1</sup>; this is already laid down in the METRO Business Principles. METRO protects its employees against sexual harassment at the workplace and thus also promotes a non-violent, low-discrimination work and social environment.

### **2.3 Requirements on superiors**

In cases of sexual harassment, it is the express responsibility of superior managers to stand up for the rights of those affected and to promote a constructive approach to misconduct.

Managers at all levels are committed to implementing the METRO Business Principles and the METRO Guiding Principles. METRO invests considerable resources in training programmes for executives to ensure that they meet all requirements.

### **2.4 Behaviour of employees**

All employees are required to comply with the METRO Business Principles and METRO Guiding Principles and to participate in the design of the workplace in which the above-mentioned values are lived. This includes professional, respectful behaviour appropriate to the workplace. Persons affected by sexual harassment

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<sup>1</sup> In accordance with legal obligations to prevent and punish sexual harassment in the workplace.

are expressly encouraged not to accept their situation but to defend themselves. Those affected and their witnesses do not suffer any professional disadvantages as a result of addressing and pointing out misconduct.

### **3 Duties of the employer**

#### **3.1 Investigation of allegations**

The employer will investigate all allegations of sexual harassment and will examine and take appropriate measures in individual cases against persons whose conduct has been objected to.

#### **3.2 Sensitization of employees and managers**

If necessary, the employer will further sensitize employees and managers to the topic of sexual harassment, e.g. by offering appropriate information. Within this framework, the basic contents of these guidelines are communicated to employees and managers in a suitable manner.

### **4 Rights of persons affected**

#### **4.1 Encouragement of persons affected**

Persons affected are encouraged not to accept sexual harassment but to defend themselves against it and to make it clear to the person concerned, orally or in writing, that their conduct is undesirable, that it must be ended, that it is perceived as hurtful or disrespectful and that it disturbs the working environment.

#### **4.2 Right to complain**

Those affected have the right to complain any time to the competent authorities of the business or company<sup>2</sup> if they feel they have been sexually harassed by the employer, a manager, other employees or third parties in the workplace.

A complaint may not lead to the complainant being disadvantaged, even if the complaint does not lead to further measures, unless the complaint was deliberately based on untruthful facts.

#### **4.3 Legal rights**

The legal rights of the person concerned in the event of sexual harassment remain unaffected<sup>3</sup>.

### **5 Close and trustful cooperation**

Complaints pursuant to Section 4.2 shall be dealt with quickly and confidentially and in a spirit of cooperation based on mutual trust between all parties involved (in particular the parties concerned, the human resources department and the

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<sup>2</sup> These could be, for example: Complaints office according to national legal regulations (e.g. AGG); works council; HR department; superior.

<sup>3</sup> E.g. in Germany according to §§ 13 ff. General Anti-Discrimination Act.

works council). If necessary, the support of the Compliance Officer can be obtained<sup>4</sup>.

### **5.1 Obligation of confidentiality**

All participants are bound to confidentiality; however, the person concerned remains free to seek personal assistance in his or her conflict situation through any means which he or she deems appropriate.

### **5.2 Consideration of the rights and interests of the data subject**

When preparing and carrying out procedural steps, the employer shall at all times take due account of the needs and rights of the person concerned and shall seek the consent of the person concerned to the procedural steps.

### **5.3 Legitimate interests of the accused person**

The legitimate interests of the accused person shall be safeguarded throughout the whole process; in particular, any pre-trial conviction shall be avoided.

## **6 Sanctions**

Sexual harassment violates the dignity of the person being harassed and constitutes a disturbance of company peace. If a complaint is justified, appropriate remedial action will be taken. The measures to be taken always relate to the individual case and must not lead to the harassed person being disadvantaged. They should emphatically make misconduct clear, prevent repetition and make it clear that management will not accept such behaviour.

To the extent that their respective legal requirements exist in individual cases, disciplinary or (labour) legal measures against the harasser can be considered in particular:

- Personal discussions with the harasser
- Warning, caution
- warning notice
- dislocation
- Termination in due time
- Termination without notice
- criminal charge

The statutory rights of the competent co-determination body in the event of a measure being taken remain unaffected.

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<sup>4</sup> Sexual harassment constitutes a violation of the METRO business principle "We treat everyone equally" and thus a compliance incident, so that the Compliance Officer can support the processing of a complaint in accordance with the "Compliance Incident Handling Process".