

P C Non-Discrimination and Anti-Harassment Policy

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I. SCOPE OF APPLICATION

Oerlikon is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including Harassment. Therefore, Oerlikon expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and Harassment.

II. PURPOSE

Work environment without Discrimination or Harassment

No one shall be discriminated against on grounds of race, color, national origin, religion, sex, age, physical disability, mental disability, medical condition, ancestry, alienage or citizenship status, marital status, creed, genetic information, height or weight, sexual orientation, gender, gender identity, gender expression, transgender status or any other characteristic protected by law. Oerlikon prohibits and will not tolerate any such Discrimination or Harassment.

Everyone at Oerlikon has the duty to promote non-Discrimination and not tolerate Harassment and Sexual Harassment. This cross-sectional task lives from the active support of all employees of Oerlikon. Global Human Resources is responsible for implementing this directive.

Essential elements of this Policy are:

1. Recruiting, hiring, training and promoting in all job classifications without regard to race, color, national origin, religion, sex, age, disability, alienage or citizenship status, marital status, creed, genetic information, height or weight, sexual orientation, gender identity or gender expression or any other characteristic protected by law.
2. that each employee has the opportunity to contribute his/her best according to his/her abilities and qualifications.
3. redress of Discrimination and Harassment, the removal of barriers and prejudices, also with regard to career opportunities
4. Ensuring that all personnel actions and practices are administered in a fair, equal and consistent manner.
5. Harassment, Sexual Harassment of any kind and behaviour will not be tolerated and will be prosecuted according to the legal regulations.

III. DEFINITIONS

Discrimination: is the unequal, disadvantageous and excluding treatment of groups and individuals (e.g. on the basis of their sex or ethnic origin or skin colour) without any objectively justified reason. Discrimination can result directly/directly in that a person in a comparable situation is treated less favourably than another person. This can range from degrading remarks to exclusion when looking for work to physical attacks. However, Discrimination can also be indirect/indirect if apparently neutral rules or decision-making criteria disadvantage a group of people. Furthermore, Discrimination can also manifest itself in the form of Harassment.

Harassment: is behaviour which violates or seeks to violate the dignity of a person, which is unwanted, inappropriate or offensive to the person concerned and thereby creates or seeks to create an intimidating, hostile, degrading, offensive or humiliating environment for that person. Possible harassing behaviours include race, colour, national origin, religion, sex, age, physical or mental disability, health condition, ancestry, alien or citizen status, marital status, creed, genetic information, height or weight, sexual orientation, gender identity or expression or other legally protected characteristics of the person or their relatives, friends or acquaintances.

Sexual Harassment: unwanted, sexually explicit conduct, including unwanted sexual acts and requests for sexual acts, sexually explicit physical contact, remarks of a sexual nature and the unwanted showing or visible display of pornographic images, which has the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

IV. WHAT IS COVERED UNDER THIS POLICY?

1. Harassment

Harassment which has the purpose or effect

- (a) create an intimidating, hostile or offensive work environment
- (b) has the purpose or effect of unduly interfering with the performance of a person's work; or
- (c) otherwise adversely affects the employment opportunities of any person

is prohibited.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail or digital messaging).

2. Sexual Harassment

Sexual Harassment that has the purpose or effect

- (a) either explicitly or implicitly, a condition of employment of a person
- (b) is used as a basis for employment decisions by submission or rejection of such conduct, or
- (c) unreasonably interferes with a person's job performance or creates an intimidating, hostile or offensive work environment

is prohibited.

Sexual Harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or activity or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail or digital messaging); and other physical, verbal or visual conduct of a sexual nature. Sex-based Harassment – that is, Harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males) – may also constitute Discrimination if it is severe or pervasive and directed at employees because of their sex.

V. WHO WILL BE PROTECTED BY THIS POLICY

This policy is designed to treat all applicants and employees equally and to protect them by promoting the principles of non-Discrimination as well as the elimination of Harassment and Sexual Harassment in the workplace.

Discrimination, Harassment and retaliation, whether by colleagues, a supervisor or manager, or anyone not directly related to Oerlikon (e.g. an external supplier, consultant or customer), is prohibited.

Discriminatory, harassing or sexually harassing conduct is prohibited not only in the workplace, but also in any work-related environment outside the workplace, such as business trips, meetings, conferences, meetings or business social events.

Any employee who engages in such conduct in any way, personally and/or through the use of e-mail, digital messages, voicemail, telephone, audio or video equipment and/or computer or paper documents, will also be subject to disciplinary action, up to and including termination and other legal measures (see also Section VI.).

VI. SUPPORT AND PROTECTION OF WHISTLEBLOWERS

Persons who report Discrimination or Harassment or who participate in an investigation of such reports will be fully protected from reprisals, such as suspension, downgrading or intimidation. Their supporters, such as colleagues and family members, will also be protected. Persons who fail to provide adequate protection and/or take part in retaliatory measures must also expect disciplinary measures, including dismissal and other legal measures.

VII. COMPLIANCE PROCEDURE

1. Reporting an Incident of Harassment, Discrimination or Retaliation

All incidents of Discrimination, Harassment, Sexual Harassment or retaliation should be reported, regardless of the identity or position of the perpetrator.

2. Discrimination

Individuals who believe they have experienced conduct that is contrary to this Policy or who have concerns about such matters should report their complaints to their immediate supervisor, their department head, any senior manager of the business unit, their local Human Resources representative or the Oerlikon Compliance Hotline (SpeakUp). Persons affected or reporting are not obliged to first submit their notification to their immediate superior before bringing the matter to the attention of one of the other representatives named above and appointed by Oerlikon.

Anyone who receive a complaint of a violation of this policy must promptly report the complaint to their local Human Resources representative, Oerlikon Human Resources Department or to the Group Compliance Officer.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of Discrimination and Harassment.

Therefore, while no fixed reporting period has been established, Oerlikon strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

Oerlikon will make every effort to stop alleged Harassment before it becomes severe or pervasive but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who feel discriminated against or harassed by behaviour conduct from promptly advising the offender that the behavior is unwelcome and requesting that it be discontinued.

3. The Investigation

Any reported allegations of Harassment, Discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. Each complainant will receive a written response following the completion of the investigation which will state whether corrective action was taken. Oerlikon will confirm this to the whistleblower within a period of seven (7) days after receipt of the notification. The whistleblower will receive a response within a reasonable time frame of a maximum of three months. If this timeframe is not possible due to the complexity of the incident, the whistleblower will receive a corresponding response after a maximum of three months, including a detailed description of Oerlikon's efforts to date to clarify the facts of the case.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action and applicable law.

VIII. SANCTIONS AND DISCIPLINARY MEASURES

Misconduct constituting Discrimination, Harassment or retaliation will be dealt with promptly and appropriately.

There are various measures and sanctions that Oerlikon can take in response to Discrimination, Harassment and Sexual Harassment. These means are subject to various conditions. The application of measures often depends on the severity and verifiability of the incident and local legal regulations. In individual cases, Oerlikon will take appropriate, necessary and reasonable measures to ensure that affected persons are protected from inappropriate behavior in accordance with this policy in the future. Possible measures are, for example, prevention, warning, admonition, implementation, transfer or termination

IX. ADDITIONAL INFORMATION ABOUT THIS POLICY

Individuals who have questions or concerns about these policies should talk with their local Human Resources representative or a member of the Oerlikon Human Resources Department.

Finally, this policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of Harassment.

X. GOVERNANCE

This policy was approved by executive leadership and the Oerlikon Board of Directors.

June 2020
