



*Dispositivi Medici per Anestesia e Rianimazione*  
*Medical Devices for Anaesthesia and Intensive Care*

DIMAR S.r.l. a Socio Unico  
Via G. Galilei, 6 – 41036 Medolla – Modena – ITALY  
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**CODE OF CONDUCT FOR THE  
PREVENTION FROM DISCRIMINATION  
AND THE PROTECTION OF THE  
DIGNITY OF WOMEN AND MEN**



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## **SECTION I - INTRODUCTION**

### **PREAMBLE**

With this Code of Conduct, Dimar S.r.l. (hereinafter referred to as "Dimar") intends to give evidence of its willingness to maintain the best conditions of well-being in the workplace, ensuring a workplace based on the principles of equality and the protection of freedom, dignity and inviolability of the person, enhancing the management of leisure and the reconciliation of work and family time, in the full awareness that the achievement of personal balance is positively reflected in social and working life.

The adoption of specific rules of conduct, as set out in the Code of Conduct, makes it possible to guarantee in the workplace the right to a favourable environment and interpersonal relations, in compliance with the principles equality, freedom and dignity of the person.

This Code of Conduct is also adopted according to the "Agreement on harassment and violence in the workplace" of 26 April 2007 and the "Regional agreement on harassment and violence in the Workplace" of 17 May 2018.

### **PURPOSE**

The Code of Conduct is a guarantee instrument, aimed at preventing and contrasting any form of sexual harassment, mobbing and discrimination, with absolute respect for confidentiality.

In particular, with the adoption of this Code of Conduct, Dimar intends to:

- protect the dignity and equality of women and men in the workplace by promoting and encouraging the adoption of decisions and behaviour based on the principles of equal opportunities, respect, collaboration and fairness;
  - Define the conduct which, beyond individual sensitivity, constitutes a situation of harassment, mobbing or discrimination, committing to:
    - o Create the premises in order to favor, in the workplace, the mutual respect of the persons as such, dictating rules of behavior towards the staff and overall the customers;
    - o Condemn all discrimination based on age, racial or ethnic origin, sex, social status, political opinion, religious conviction, gender, sexual orientation and disability, with full respect for the protection of the rights of liberty and dignity of each person, promoting and encouraging the adoption of decisions and behaviour based on the principles of equal opportunities, respect, collaboration and fairness;
- In case of reports of harmful conduct, ensure the immediate activation of timely and impartial procedures, aimed at resolving, discreetly and effectively, cases of sexual harassment, bullying or discrimination and preventing recurrence;
- Identify the actors involved and their respective roles, as part of the prevention and fight against harmful conduct regulated by the Code;
  - Identify and monitor incidents of sexual harassment, bullying, or discrimination, with a view to developing appropriate prevention and law enforcement management strategies;



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- To promote awareness and enforcement of existing legislation and to protect equality and equal opportunities for all workers and to promote information on the rules on sexual harassment, mobbing and discrimination in the workplace.

## **SCOPE**

This code applies to all employees, with any kind of established relationship and professional classification.

Each worker has the duty to work with Dimar to promote and maintain a workplace where the dignity of each person is respected, the personal relations are favoured and the practice of discrimination and harassment is of course considered unacceptable.

The managers of the facilities must pay adequate attention to prevent acts and behaviours that undermine people's dignity.

All persons who come into contact with Dimar's staff - suppliers, partners, consultants, customers and third parties in general - are also required to comply with this Code, according to their particular relationships.

The principles contained in this Code shall apply to all aspects of the employment relationship, such as, but not limited to: the selection process, the recruitment phase, professional growth, compensation, etc.; these aspects are based on merit and performance and cannot be influenced by factors such as race, ethnicity, sexual and/or political orientation, etc.

This Code of Conduct should be made available to newly hired personnel when the working relationship is being established.



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## **SECTION II - DEFINITION**

### **DISCRIMINATIONS**

As defined in the Code of Ethics, Dimar does not admit any form of discrimination and guarantees equal opportunities and equal dignity and impartiality of treatment for all subjects. In accordance to national law, the principle of equal treatment in employment and occupation means the absence of any direct or indirect discrimination as defined below:

- Direct discrimination where by sex, age, racial or ethnic origin, religion, ideology or other belief, political or trade union orientation, health motivations, disability, sexual orientation, state of pregnancy, state of maternity or paternity, including adoption or foster care, care for disabled family members, or by reason of ownership and the exercise of the related rights, a person is treated less favourably than another one in a similar situation;
- Indirect discrimination where an apparently neutral provision, criterion, practice, act, pact or conduct may cause certain employees a particular disadvantage, in relation to other persons, by reason of the above causes.

All workers must be treated solely on the basis of their professional skills and competences, all forms of discrimination being prohibited.

Differences in treatment resulting from characteristics which are essential requirements for employment, shall not constitute discrimination, provided that the objective pursued is legitimate and the means used to achieve it are proportionate to the objective and necessary.

### **SEXUAL HARASSMENT**

Sexual harassment shall consist of any unwanted behaviour of sexual nature expressed in a physical, verbal or non-verbal form, with the aim or effect of violating the dignity and freedom of those who suffer it and of creating an intimidating atmosphere, hostile, degrading, humiliating or offensive.

The essential characteristic of sexual harassment consists in an unwanted act suffered by the sufferer and a claim by a perpetrator; it's up to the individual to determine what behavior can be tolerated or considered offensive; a simple attention to the person can become harassment, when it is expressed in a behavior considered by those who are the object of such attentions, clearly offensive, unwanted or unjustified.

Sexual harassment includes behaviour such as, for example:

- Explicit or implicit requests for sexual acts or attentions, not appreciated or deemed inappropriate and offensive;
- Inappropriate or unwanted physical contacts (such as pinching, moping, hugging, caressing and the like), plus provocative and disrespectful gestures or winks with a sexual background, as well as gestures alluding to sex;
- Two-way sexual communications disseminated by letters, e-mails, tickets, telephone calls, text messages, or any other means;
- Verbal appreciation of the body and comments on sexuality or sexual orientation deemed offensive;
- Display of pornographic material in the workplace, by any means and manner;



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- Implicit or explicit promises of benefits, privileges or career advancements, in exchange of sexual favours;
- Threats, blackmail and retaliation for rejecting sexual behaviour, which directly or indirectly affects the constitution, conduct or termination of employment and career progression.

Sexual harassment by persons exploiting their leading position is aggravated if associated to threats or blackmail regarding the working condition.

### **MORAL HARASSMENT OR MOBBING**

Moral harassment or mobbing is a working situation.

What constitute moral harassment or bullying are those hostile, aggressive and vexatious acts and behaviours, committed repeatedly and systematically, in constant progress, with persecutory modalities, against the employees by those who are in an above-ordered or sub-ordered position (upward or descending vertical mobbing) or by other colleagues (horizontal mobbing) and who, by creating an intimidating, humiliating, degrading and offensive climate, have the purpose and effect of violating their personal dignity and hurting their psychophysical integrity, including marginalizing them from the work environment.

Moral harassment or bullying is considered discrimination, according to art. 26 comma 1 of decree of 11 april 2006, n. 198, " Code of equal opportunities for men and women, pursuant to Article 6 of the Law of 28 November 2005, n. 246".

Moral harassment or mobbing is also considered to be perpetrated against employees on the basis of their ethnicity, religion, personal and political beliefs, disability, age and sexual orientation.

Behaviour such as:

- Verbal mistreatment and personal insults, defamation, innuendo, disclosure of confidential information and any other action of discredit of the person;
- Slander, defamation of a worker or his family;
- Psychological pressures, aggressive, hostile, humiliating or intimidating attitudes, even in veiled or indirect form;
- Exclusion or unjustified marginalization of work, training and retraining;
- Deliberate refusal of work information or incorrect or deficient information;
- Unmotivated criticism and delegitimization of the image of the, even in front of colleagues or people outside the company;
- Assignment of disqualifying tasks in relation to the professional profile, exorbitant or excessive, aimed at demotivating the worker, or to prevent the achievement of the goals assigned;
- Excessive, unjustified, vexatious control of the employee's behaviour and operation.

The reporting of sexual or moral harassment for the sole purpose of denigrating, discrediting or harming anyone, shall constitute harassment, according to this Code of Conduct and to any consequential effect.

The following may constitute moral harassment:

- Self-image damage such as intimidation, slander, insults, inappropriate reprimands, dissemination of confidential news, insinuation on psychological or physical problems of the person, which cause the



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same to be absent repeatedly, or any other action devaluing the person and the results achieved, in such a way as to make the individual a target of unfounded criticism, undermining his self-esteem and making him weak and vulnerable:

- Damage to the professional skills of the individual, such as threats of dismissal, forced resignation, unjustified transfers, wage discrimination, prejudice in the perspective of career progression, unjustified removal of tasks already entrusted, attribution of improper tasks, systematic devaluation of results, impediment of work, emptying of assigned tasks, lack or unreasonable deprivation of work tools, unreasonable removal from projects, request for extraordinary unjustified tasks by service requirements, repeated and unjustified reprimands, unjustified refusal of leave or permits, actions that create demotivation or distrust in the person, discouraging the continuation of activity;
- Attempts of marginalization and isolation, such as undesired changes in duties or work colleagues with persecutory intent, limitations on the faculty of expression or excessive control.



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## **SECTION III- IMPLEMENTING RULES**

### **RESPONSABILITY**

At the workplace, all personnel of all levels must follow the following behaviours:

- Respect the rights, dignity and value of other people;
- Respect the principles contained in this Code;
- Fully support the implementation of equal opportunities and non-discrimination;
- Protecting the health and safety of ourselves and others;
- Treat the others as oneself;
- Create and maintain a working environment as harmonious as possible and not intimidating, hostile, degrading, humiliating or offensive;
- Strive to develop a safe working environment, inspired by the principles of fairness, freedom and dignity in interpersonal relationships and where women and men mutually respect the inviolability of the person;
- Show impartiality to people, so as to ensure that everyone is treated fairly and equally;
- Promote the adoption of diversified, timely and impartial measures aimed at preventing and combating the phenomenon of bullying or other phenomena, aimed at altering the psycho-physical integrity of the worker;
- Support any person who claims of being discriminated or harassed show sensitivity towards the situation, encouraging to report the event to the person in charge;
- Inform the person in charge of any harassment and discrimination you become aware of;
- Keep the information received as confidential as possible.
- Cooperate with the departments responsible for promoting and implementing all preventive and repressive measures against mobbing and other forms of discrimination or harassment;

In respect of these principles, it is therefore prohibited to:

- Create forms of harassment in any form (intimidation, bullying, abuse, insults, marginalization, exclusion, stalking and any form or discriminatory attitude);
- Inducing, pressuring or persuading others to discriminate or harass, or even to assume an act of discrimination or harassment;
- Persecute a worker who has complained of an act of discrimination or harassment or has taken legal action or given testimony or information in a case of discrimination or harassment;
- Take part in and/or encourage rumors of alleged or actual harassment or discrimination.



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### **DISCIPLINARY RESPONSIBILITY**

Harassment (sexual or moral) violates laws and norms on equal treatment between men and women. Therefore any direct or indirect discrimination, based on ethnic affiliation, religious confession, personal political opinions, age, sex, disability, undermine the constitutional principles of equality, freedom and dignity.

It is illegal to commit discriminatory acts and harassment at the workplace.

It is also illegal to commit acts of retaliation against those who report discrimination and/or harassment or are willing to bear witness.

The omission by those who see or are aware of cases of harassment and do not report them, is chargeable anyway.

Penalties will be imposed in proportion to the act and with the purpose to protect of the victim, regardless of the position of the person concerned.

Disciplinary proceeding, relating to the facts and circumstances provided for in this Code, shall be conducted in accordance with the relevant CCNL.

### **PROCEDURE FOR DEALING WITH DISCRIMINATION AND HARASSMENT**

Dimar workers can report to the Board possible violations, behaviours, practices that do not comply with the provisions of this Code and the Code of Ethics.

Those, who have witnessed discriminatory and/or behaviour deemed to be harassing, must immediately report it to the Board.

In case of conduct which is considered to be punishable by law, Dimar urges any person who considers himself a victim of such conduct, to contact the relevant authorities without delay.

Making recourse to any other form of judicial protection or other protection structures is of course possible.

Once received the complaint, the competent structure has the obligation to activate all the initiatives deemed suitable for the resolution of the problem creating discomfort to persons and interferes with the course of the working activity, with the aim of safeguarding in first instance the dignity of the workers involved in the matter, seeking the most appropriate solutions to interrupt and overcome the situation of distress and restore a serene atmosphere.

Should the report - whether in electronic or verbal form – highlights aspects of particular gravity, Dimar will initiate the disciplinary procedure in compliance to the law and contract, through the relevant Authority.

The records of the procedure and the provision and the archiving of the practice will occur with the due care.

Any form of direct or indirect retaliation against those who report a case of harassment and/or mobbing, including third parties or witnesses, can also be assessed from a disciplinary point of view.

On the contrary, if the complaint is found to be unsubstantiated, Dimar may undertake initiatives for



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the rehabilitation of the accused person. The author of the unfounded complaint will also have to answer from a disciplinary point of view.

#### **CONFIDENTIALITY**

It is mandatory that all persons involved, for any reason, at any stage of the procedure, operate with confidentiality and discretion, keeping secret the facts and news they are aware of, in compliance with the provisions of Legislative Decree 196/2003 and Reg. Eu. n. 679/2017 (GDPR).

Obviously, if necessary, the obligation to bear witness in front of the competent civil and/or criminal courts persists.

In particular, those who receive the harassment report, those who manage the disciplinary process, those directly concerned by the fact, those who bear witness and all those involved, must respect the privacy of the persons involved and more generally the confidentiality of the event occurred.

#### **TRAINING AND INFORMATION**

Dimar undertakes to propagate this Code as widely as possible, displaying it at the company location, in the website and intranet network.

Newly hired personnel will be duly informed.

The company also undertakes to do training courses to workers at all levels and awareness initiatives focusing on themes of protection of freedom and dignity of the person, in order to prevent the occurrence of behaviours of discrimination, harassment and to establish a safe and fair workplace.