



MINERSA  
group

**PROTOCOL FOR PREVENTING AND ACTING AGAINST SEXUAL HARASSMENT,  
HARASSMENT ON THE GROUNDS OF SEX AND OTHER CONDUCT CONTRARY  
TO SEXUAL FREEDOM AND PERSONAL DIGNITY IN THE COMPANY'S  
WORKPLACE.**

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**1. COMPANY COMMITMENT REGARDING ITS MANAGEMENT IN MATTERS CONCERNING THE PREVENTION AND ERADICATION OF SEXUAL HARASSMENT, HARASSMENT ON THE GROUNDS OF SEX AND OTHER CONDUCT CONTRARY TO SEXUAL FREEDOM AND PERSONAL DIGNITY IN THE WORKPLACE.**

The Minersa Group (hereinafter, the "**Company**") hereby makes known that it has a policy of zero tolerance towards occurrences in any part of its organisation of conduct constituting sexual harassment, harassment on the grounds of sex or other conduct contrary to sexual freedom and personal dignity.

In adopting this protocol, the Company wishes to highlight its commitment to preventing and acting against such behaviour and hereby informs all personnel providing services in the organisation of application of the protocol. This includes its own employees and personnel from other companies, including persons who, although not having an employment relationship, provide services or collaborate with the organisation (e.g. trainees, persons on non-working internships and volunteers).

The Company also commits itself to informing companies to which it sends its own staff and/or whose staff provide services at the Company's facilities of the existence of the protocol and the need for strict adherence to it. Contracts signed with other companies shall include a requirement to comply with the provisions of this protocol.

In situations in which the person accused of harassment lies outside the power of the Company's management, meaning that the Company cannot apply the procedure in its entirety, it will contact the organisation in question to ask it to resolve the issue and, where applicable, sanction the individual responsible, informing it that if it fails to do so, the business relationship between the two companies may be terminated.

The protocol shall apply to situations of sexual harassment, harassment on the grounds of sex and other conduct contrary to sexual freedom and personal dignity that occur during, in connection with or as a result of work:

- a) In the workplace, including in public and private spaces when they constitute a workplace;
- b) In places and facilities where employees are paid, take breaks or eat, sanitary or toilet facilities and changing rooms;
- c) During work-related travel, trips, events and social or training activities;

- d) In the context of work-related communications, including communication via information and communication technology (i.e. cases of digital, virtual and cyber-bullying);
- e) In any accommodation provided by the employer;
- f) While commuting to and from work.

The protocol shall be applied in consistency with the European Framework Agreement on harassment and violence at work and in fulfilment of the requirements of ILO Convention No. 190 (Violence and Harassment Convention); Section 48 of Spanish Basic Law [*Ley Orgánica*] 3/2007 of 22 March 2007, for the effective equality of women and men; Section 12 of Spanish Basic Law 10/2022, of 6 September 2022, on the comprehensive assurance of sexual freedom; Royal Decree 901/2020, of 13 October 2020, regulating equality plans and the registration thereof and amending Royal Decree 713/2010, of 28 May 2010, on the registration and filing of collective employment and labour agreements and Section 14 of Act 31/1995, of 8 November 1995, on the prevention of occupational hazards.

By committing itself to the measures set out in this protocol, the Company declares its explicit intention to adopt a proactive attitude both in preventing these behaviours (by promoting awareness and providing information on behaviour not tolerated by the company) and in publicising good practice and implementing any necessary measures for handling any complaints or claims that may arise in this regard and to resolve them as appropriate in each case.

Getxo, 25 October 2023.

Sgd. Alberto Barrenechea Guimón.  
Chairman of the Board.

## **2. SCOPE OF APPLICATION AND APPROVAL.**

This protocol applies to all companies adhering to the Minersa Group's Criminal Risk Prevention and Compliance Model, as listed in Appendix 1 of this document.

This protocol was approved by the Board of Directors of Minerales y Productos Derivados, S.A. on 25 October 2023.

### **3. CHARACTERISTICS AND STAGES OF THE PROTOCOL.**

In order to meet the opening commitment of this protocol and under the terms set out above, the company is implementing a procedure for preventing and acting against sexual harassment, harassment on the grounds of sex and other conduct contrary to sexual freedom and personal dignity, in order to set up a mechanism establishing how to act comprehensively and effectively against any such conduct. The protocol combines the three types of measures established in Section 7 of the annex to Royal Decree 901/2020 of 13 October 2020:

1. Preventive measures, with a statement of principles and identification of conduct that might constitute sexual harassment, harassment on the grounds of sex and other conduct contrary to sexual freedom and personal dignity.
2. Proactive and procedural measures for acting if any such conduct does occur to channel any complaints or claims that may arise and any applicable precautionary and/or corrective measures.
3. Identification of reactive measures based on the conclusions of any investigation and, where applicable, the disciplinary action to be taken.

#### **3.1. PREVENTIVE PROTECTION.**

- 3.1.1. Declaration of principles: Zero tolerance for conduct constituting sexual harassment, harassment on the grounds of sex and other conduct contrary to sexual freedom and personal dignity

The Company makes the following statement of principles to emphasise the form that relationships between the Company's personnel should take and describe conduct that is not tolerated in the organisation.

This protocol applies to any behaviour constituting sexual harassment, harassment on the grounds of sex —including any committed in the digital environment— and other conduct contrary to sexual freedom and personal dignity that may occur in the Company.

By implementing this procedure, the Company assumes its commitment to prevent, combat and sanction and not to tolerate any expression of such conduct within its organisation.

Within the Company, no conduct that may constitute sexual harassment and/or harassment on the grounds of sex in any of its manifestations, or any other behaviour contrary to sexual freedom and personal dignity, will be permitted or tolerated. The Company will sanction any person committing offensive conduct and/or promoting, encouraging and/or tolerating it.

All Company personnel shall be required to respect the fundamental rights of all those in the Company, and those persons who provide services therein. In particular, Company staff shall refrain from behaviour that vulnerates the dignity, privacy and principle of equality and non-discrimination, and shall promote respectful conduct at all times.

In order to eradicate harassment and remedy its effects, any employee who has been harassed or has become aware of a situation of sexual harassment or harassment on the grounds of sex may, by submitting a complaint or claim, activate this protocol as a fast internal, confidential procedure.

Once the corresponding information file has been processed, if any of the aforementioned forms of conduct are confirmed to have occurred, the Company shall sanction the corresponding parties. It further commits to using all its management and sanctioning power to guarantee a suitable working environment to support the principles of occupational health and safety, free of sexual violence and discriminatory sexist conduct.

### 3.1.2. Identification of conduct.

#### 3.1.2.1. Definition and conduct constituting sexual harassment.

In accordance with Section 7.1 of Spanish Basic Law 3/2007, of 22 March 2007, for the effective equality of women and men, and without prejudice to the provisions of the Criminal Code, for the purposes of this protocol, any form of verbal or physical behaviour of a sexual nature whose purpose or effect is to violate the dignity of a person, particularly when it creates an intimidating, degrading or offensive environment, shall be deemed to constitute sexual harassment.

All sexual harassment shall be considered discriminatory.

Making an entitlement or the expectation of an entitlement conditional on the acceptance of a situation constituting sexual harassment or harassment on the grounds of sex shall also be considered an act of discrimination on the grounds of sex.

Verbal conduct, nonverbal conduct, physical behaviour, quid pro quo sexual harassment and sexual blackmail and hostile environment sexual harassment may all constitute sexual harassment.

### 3.1.2.2. Definition and conduct constituting harassment on the grounds of sex.

Any behaviour performed on the basis of an individual's sex, with the purpose or effect of violating his or her dignity and of creating an intimidating, degrading or offensive environment shall be deemed to constitute harassment on the grounds of sex.

Any harassment on the grounds of sex shall be considered discriminatory.

In order for it to be deemed that in certain specific circumstances a situation has occurred that may be classified as harassment on the grounds of sex, a series of elements forming a common denominator must exist, in particular, the following:

- a) Harassment, deemed to be any intimidating, degrading, humiliating and offensive conduct that originates externally and is perceived as such by the person who suffers it.
- b) An objective attack on the victim's dignity, subjectively perceived by the victim as such.
- c) Multiple-offence outcome. The occurrence of an attack on the dignity of the person suffering harassment on the grounds of sex does not prevent the occurrence of a violation of other fundamental rights of the victim, such as the right not to suffer discrimination, an attack on their psychological or physical health, etc.
- d) The fact that it is not an isolated event.
- e) The reason for such behaviour must be related to the fact that the victim is a woman or to circumstances that biologically can only affect women (pregnancy, maternity, breastfeeding); or that have to do with reproductive and care functions which, due to social discrimination, are presumed to be inherent to women. In this regard, harassment on the grounds of sex can also be suffered by men when they perform functions, tasks or activities related to the role that has historically been attributed to women, for example, in the case of a male worker who suffers harassment for caring for minors or dependents.

Making an entitlement or the expectation of an entitlement conditional on the acceptance of a situation constituting harassment on the grounds of sex shall also be considered an act of discrimination on the grounds of sex.

Harassment on the grounds of sex can be committed by hierarchical superiors, or by male or female colleagues or hierarchical inferiors. It is caused by gender stereotypes and roles and usually seeks to belittle people of one sex, especially women, simply because they belong to that sex, undervaluing their abilities, technical competencies and skills.

Attacks with organisational measures, actions intended to isolate the person being harassed, activities affecting the victim's physical or psychological health, and attacks on the victim's private life and personal or professional reputation may constitute harassment based on sex.

#### 3.1.2.3. Violence in the digital environment.

When the conduct referred to in this protocol occurs using information and communication technologies, over the Internet, by telephone or over social media (without the aggressor and the victim necessarily having physical contact in person), this shall be considered digital violence or cyber-violence.

#### 3.1.2.4. Criminal conduct contrary to sexual freedom and personal dignity.

When the indications of the reported conduct may constitute a crime, the Company shall immediately take the necessary precautionary measures to protect the victim from the aggressor and shall urgently inform the public prosecutor's office.

3.2. PROCEDURE FOR ACTION.

3.2.1. Presentation of the complaint or claim, activation of the protocol and processing of the file.

- 1) The Company designates the Ethics Committee of the Minersa Group as the body responsible for processing any complaint or claim received for sexual harassment, harassment on the grounds of sex —including any such harassment committed in the digital environment— or any other conduct contrary to sexual freedom and personal dignity, investigating it and following up on it. For all pertinent effects, all persons providing services in the organisation shall be informed of this designation and it shall be clearly and concisely stated how such complaints or claims may be made to the organisation.
- 2) The complaint may be filed by the person who feels harassed or has suffered any such conduct or by anyone with knowledge of this situation.
- 3) Claims and complaints about such conduct may be submitted by email to [canaldedenuncias@minersa.com](mailto:canaldedenuncias@minersa.com). Only the body designated to process the complaints regulated in this protocol shall have access to the e-mails sent for this purpose.
- 4) Complaints or claims may also be submitted on paper in a sealed envelope addressed to the attention of the Ethics Committee of the Minersa Group. For said purposes, the mailbox where these complaints or claims may be deposited shall be located at the Company's registered office at Avenida de Algorta 16, Getxo.
- 5) Regardless of the manner in which the complaints are handled, confidentiality shall be guaranteed. Upon receipt of a complaint, the person responsible for handling the complaint shall assign a numerical code to each of the concerned parties.
- 6) The procedure for processing the complaint shall be activated within no more than two working days from receipt thereof.
- 7) The body investigating the complaint or claim shall first attempt to deal with the complaint informally. In the event that the conflict cannot be resolved in the informal procedure, a prompt and confidential investigation shall be carried out within 10 working days, in which the persons affected and any proposed witnesses shall be heard and any necessary documentation shall be requested, without prejudice to the provisions on the protection of personal data and confidential documentation. Persons who are requested to do so shall cooperate as diligently as possible.

In all cases, the impartiality of the proceedings of the investigating body shall be assured. If any of its members are related by blood or affinity to any of the persons affected by the investigation, or in the event of close friendship or manifest enmity with the persons affected by the procedure or direct or indirect interest in the specific process, said member shall abstain from acting and shall inform the Ethics Committee in order that he/she may be replaced. If, despite the existence of said causes, the member fails to abstain, any of the persons affected by the proceeding may request that he or she be removed from the proceedings.

- 8) During processing of the file, the victim of the complaint shall be heard first and then the accused party. Either of the involved parties may be assisted and accompanied by a person of their trust, whether or not they are a legal and/or union representative. Said person must keep any information to which he/she has access confidential. In compliance with the adversarial principle, the party against whom the complaint has been made shall always have a hearing.
- 9) The procedure must be as swift and efficient as possible and protect in all cases the privacy, confidentiality and dignity of the persons concerned, as well as the rights of the accused party envisaged in the adversarial principle. Throughout the entire procedure, strict confidentiality shall be maintained and all internal investigations shall be carried out tactfully, and with due respect, both towards the victim and/or complainant, who under no circumstances shall be unfavourably treated for this reason, and towards the accused party, whose guilt shall not be presumed. All persons involved in the process shall be obliged to keep confidentiality and secrecy with regard to any information to which they may have access.
- 10) During processing of the file, at the proposal of the investigating body, the Company's management shall adopt any precautionary measures necessary to ensure the immediate cessation of the situation of harassment, without such measures' entailing permanent and definitive harm to the working conditions of the persons involved. In addition to any other precautionary measures that may be taken, the Company's management shall separate the alleged harasser from the alleged victim.
- 11) On completion of the investigation, the investigating body that has processed the file shall draw up a report containing the facts, testimonies, evidence taken and/or collected, and concluding whether or not, in its opinion, there are indications of harassment, in any of its manifestations, or of any other behaviour contrary to sexual freedom and personal dignity.

If, on the basis of the evidence, there is deemed to be indications of harassment, in any of its manifestations, or evidence of any other behaviour contrary to sexual freedom and personal dignity, the investigating body shall include in the conclusions of the report proposals to the Company's Board of Directors for adopting the appropriate sanctioning measures, which may, in very serious cases, include a proposal for disciplinary dismissal of the aggressor.

If, on the basis of the evidence, there is deemed to be no indication of sexual harassment, harassment on the grounds of sex or other conduct contrary to sexual freedom and personal dignity, the investigating body shall state in the report that from the evidence expressly taken it is not possible to appreciate the occurrence of said conduct and shall propose that a decision be made to close the proceedings.

In cases where, despite there being no harassment in any of its manifestations, nor any action contrary to sexual freedom and personal dignity, some inappropriate action or behaviour is detected that is liable to sanction, the investigating body shall propose to the Company's Board of Directors the adoption of any measures deemed appropriate.

- 12) None of the said proceedings shall prevent the persons involved from requesting any judicial, administrative or other type of proceedings they deem appropriate.
- 13) If the investigating body finds indications of criminal conduct in the complaint filed, it shall convey said information to the Company's management and propose the immediate adoption of the corresponding precautionary measures to separate the victim from the alleged harasser and the urgent sending of all information to the Public Prosecutor's Office. In addition to any other precautionary measures that may be adopted, the alleged harasser shall in all cases be separated from the victim. In no case shall the victim be made to change his or her position, schedule or location within the company.

### 3.2.2. Resolution of the harassment proceedings.

Upon receiving the report from the investigating body, the Company's management shall take any decisions it deems appropriate within 3 working days. The Company's management shall be the only body empowered to rule on the matter. The victim, the accused party and the investigating body shall be notified in writing of the decision adopted.

Likewise, the decision finally adopted in the proceedings shall also be made known to the legal representative of the employees (if any) and to the person responsible for occupational risk prevention. In order to guarantee confidentiality, said notification shall contain no personal data, and the numerical codes assigned in the proceedings to each of the parties involved shall be used.

Having examined the report of conclusions and proposals drawn up by the investigating body, the Company's management will proceed to:

- a) File away the proceedings.
- b) Apply the appropriate sanctions covered by the applicable collective bargaining agreement and by law, together with any additional measures it deems appropriate. By way of example, the following are some of the decisions that the company may make in this regard: The Company's management may: (i) adopt the necessary preventive measures to avoid repetition of the aggressor's behaviour or conduct; (ii) reinforce training and awareness actions and (iii) carry out actions to protect the victim's health and safety.

### 3.2.3. Follow-up.

Upon closing of the proceedings and if sanctions and/or accessory measures have been adopted, the Ethics Committee, as the body in charge of processing and investigating the complaint or claim, shall follow up on the resolutions adopted, i.e., on their compliance and/or the result of the measures adopted. A report shall be issued on the result of this follow-up action, which shall include, if applicable, a proposal for additional measures to be adopted in the event that the events causing the procedure continue to occur, and analysing whether any proposed preventive and sanctioning measures have been implemented.

This report shall be sent to the Company's management for them to adopt the necessary measures and to the legal representatives of the employees, if any, and to the person responsible for occupational risk prevention, with the precautions set out in the procedure regarding the confidentiality of the personal data of the parties concerned.

#### 4. DURATION, ENFORCEABILITY AND ENTRY INTO FORCE.

This protocol is mandatory and shall be come into force from the moment it is notified to the Company's staff via publication on the website [www.minersa.com](http://www.minersa.com).

However, in the following cases, the protocol must be reviewed and adapted.

- At any time during the period of validity of the protocol if necessary to reorient the achievement of its aims of preventing and proceeding against sexual harassment, harassment on the grounds of sex or any other behaviour contrary to sexual freedom and personal dignity.
- If the protocol is shown by an action of the Labour and Social Security Inspectorate to be insufficient or non-compliant with legal and regulatory requirements.
- In the event of merger, takeover, transfer or modification of the legal status of the company and in the event of any incident that substantially modifies the company's workforce, its working methods or its organisation.
- If the Company is found by a court ruling not to have prevented or eradicated behaviour contrary to sexual freedom and/or personal dignity or it is determined that the protocol does not meet legal or regulatory requirements.
- When necessary for duly justified circumstances.

This procedure does not preclude the victim's right to file a complaint, at any time, before the Labour and Social Security Inspectorate or before the civil, labour or criminal jurisdiction.



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## APPENDIX 1

### LIST OF COMPANIES ADHERING TO THE CRIMINAL RISK PREVENTION AND COMPLIANCE MANUAL

ANHYDRITEC, S.L.U.

SEPIOL, S.A.U.

S.A.U. SULQUISA

IBÉRICA DE SALES, S.A.

DERIVADOS DEL FLÚOR, S.A.U.

MPD FLUORSPAR, S.L.U.

FLUORITAS ASTURIANAS, S.L.U.

MERCADOS MUNDIALES IMPORT EXPORT, S.A.U.

SALINERA DE CARDONA, S.L.

MINERALES Y PRODUCTOS DERIVADOS, S.A.