



Disciplinary System

Effective: 13 October 2024

1. Introduction

The fundamental purpose of the Criminal Risk Prevention Program (hereinafter PRP Program or program) of OPENERS & CLOSERS SL is to promote and establish a culture of respect and compliance with the law among all individuals within the organization as well as all those with whom it interacts.

For this reason, the PRP Program implemented in the organization includes policies, procedures, and surveillance and control measures to prevent any action contrary to the regulations in force and applicable to the organization and to ensure the legality of the actions carried out by the professional members and executives of the organization.

Thus, in this context, the present Disciplinary System constitutes one of the imperative measures that the organization must have as part of the effective implementation of its PRP Program.

The purpose of this Disciplinary System is to penalize violations of the regulations, procedures, and internal policies implemented through the PRP Program. In this way, it aims to contribute to preventing transgressions of the regulations applicable to OPENERS & CLOSERS SL as well as the established internal policies and procedures, acting as a mechanism of exemplarity, correction, and resolution.

This Disciplinary System does not replace the disciplinary system established within the organization nor the applicable Collective Agreement, the Workers' Statute, or specific applicable regulations but complements them to promote the prevention of conduct contrary to the law within the entity by its professional members.

2. Disciplinary Authority

The organization's legitimacy to establish the Criminal Risk Prevention Program, its mandatory measures, procedures, and policies, as well as this Disciplinary System, is derived from the Workers' Statute.

This statute, in the first section of Article 1, defines employment "...within the scope of organization and direction of another person, natural or legal, referred to as the employer."

Furthermore, Article 5(c) outlines the basic duty of employees to "comply with the employer's orders and instructions in the regular exercise of their managerial powers."

Additionally, Article 20.1 states that employees are obligated to "perform the agreed work under the direction of the employer or the person delegated by them."

Moreover, Article 20.2 stipulates: "...the worker owes the employer diligence and collaboration in the work as required by legal provisions, collective agreements, and the orders or instructions adopted by the employer in the regular exercise of their managerial powers."

Article 54 further declares: "Contractual breaches include insubordination or disobedience in the workplace, breaches of contractual good faith, and abuse of trust in the performance of work."

Finally, Article 58 of the Workers' Statute states: "Employees may be penalized by company management for workplace breaches, in accordance with the classification of offenses and penalties established in the applicable legal provisions or collective agreement."

Accordingly, under the cited regulations, the governing body or management of the organization may consider actions by the organization's professional members as punishable workplace breaches if they occur in the performance of their duties and are contrary to applicable legal provisions, the Collective Agreement, or any internal policy or regulation related to the PRP Program.

3. Scope

The Disciplinary System of the organization applies to all employees of OPENERS & CLOSERS SL, i.e., those who have a labor relationship with the organization.

It does not apply to individuals who have a commercial or civil relationship with the entity, such as administrators or partners.

However, for individuals and organizations outside the scope of this Disciplinary System, the organization ensures they acknowledge and formally accept the principles of conduct outlined in the PRP Program, including possible actions in case of noncompliance.

4. Duties/Actions

The following describes the basic characteristics of conduct that may trigger the application of this Disciplinary System:

- Failure to follow the PRP Program.
- Failure to adhere to the measures, policies, and procedures of the PRP Program.
- Failure to uphold principles of ethics, integrity, legality, and transparency.

- Noncompliance with the Code of Conduct.
- Failure to report violations or potential violations of the PRP Program and/or the law through the Ethics Channel.
- Retaliation or sanctioning of individuals who report issues through the Ethics Channel.
- Submitting a knowingly false or deliberately misleading report through the Ethics Channel.
- Lack of cooperation in investigating matters reported through the Ethics Channel.
- Conduct that impedes or hinders the prevention of PRP Program violations.
- Criminal conduct related to the organization's professional activities.
- Data protection violations related to the organization's professional activities.

Moreover, no individual associated with OPENERS & CLOSERS SL may engage in conduct contrary to the PRP Program or that contravenes applicable laws, citing ignorance or orders from a third party, colleague, or superior as justification.

It should also be noted that the same actions by an employee or volunteer may constitute an administrative offense, a crime, or a labor infraction, but not necessarily all simultaneously.

5. Sanctions

Sanctions for the aforementioned conduct will be classified by the organization as minor, serious, or very serious, taking into account the specific circumstances and details of each case. Sanctions, ranging from a warning to disciplinary dismissal, will depend on factors such as the severity of the conduct, recurrence, repeated violations, or the damages caused to the organization.

The determination of the infraction and sanctions will be carried out in accordance with the applicable Collective Agreement and, failing that, under the provisions of the Workers' Statute and other applicable legislation.

Sanctions will be imposed without prejudice to administrative or criminal actions and penalties that may also apply.

6. Imposition of the Sanction

The governing body or management of the organization is responsible for imposing sanctions.

The procedure for imposing disciplinary sanctions, including the initiation and development of the disciplinary process, as well as the imposition and communication of the sanction, will follow the internal agreements with workers' representatives, the applicable Collective Agreement, the Workers' Statute, and other applicable legislation.

In all disciplinary proceedings, the following will be included:

- The organization's decision to initiate proceedings.
- Notification to the employee of the initiation of proceedings, formally communicated through a "statement of charges," detailing the organization's account of the actions or conduct leading to the initiation and their attribution to the employee, as well as the timeframe for presenting arguments and proposing evidence.

Once the statement of charges is received, the employee may submit a "statement of defense" within the given timeframe, detailing their arguments in response to the charges and proposing any evidence to substantiate or support their claims.

Additionally, all actions carried out under this Disciplinary System will respect the fundamental rights of organization members and ensure fair and impartial treatment for those suspected of violating the guidelines and rules to which they are subject.

The process will conclude after evaluating all aspects of the case, resulting in:

- The organization's decision to impose a sanction.
- Archival or a decision not to sanction.

7. Prescription

The prescription of offenses will follow the provisions in the applicable Collective Agreement and any other relevant legislation in force.

8. Communication

This Disciplinary System will be disseminated to all individuals within the organization to whom it applies.

9. Entry into Force and Updates

This protocol will come into force and be binding for all its recipients from the moment of approval by the governing body of the PRP Program. It will remain in effect until it is updated, revised, or repealed.