



Protection of personal integrity at Swisscom

Overview of key points

Violation of personal integrity have an adverse effect on the well-being and potentially damage the health of those affected as well as have a negative impact on the cooperation and collaboration within the company. For this reason, they are not tolerated at our company. This applies in particular to mobbing, sexual harassment and discrimination.

Support for those affected – your points of contact

▪ Confidential counselling at Care Gate

If a person would like to first talk in confidence with someone about their experience, they can contact the internal counselling service Care Gate at any time.



○ Formal complaint to HR Advisory

Possible directly, or after confidential consultation at Care Gate.



N.B.: If you inform managers, HR Advisory or other HR officers about a problematic situation, they cannot guarantee you confidential handling of any information, as their duty of care requires them to get to the bottom of the matter and ensure that it is resolved.

Effect

- Care Gate is bound by confidentiality, so they can provide support with discrete clarification and resolution of the problem. Care Gate also provides information about formal complaints and external counselling services.
- Care Gate does not take any actions without the consent of the person involved.
- A formal complaint triggers an official investigation of the facts by Swisscom in the event of suspected violation of personal integrity. This is carried out internally or externally.
- As part of the process, the persons involved will be interviewed and thus informed about the complaint.
- As a general rule, a formal complaint can not longer be withdrawn.



Detailed information in the directive.

Directive governing the protection of personal integrity in the workplace

Responsible	GHR-ER
Approval	Lisa Lamanna Merkt, Head of Employment Relations
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1. Principles for the protection of the personal integrity of employees

1.1. Aim and purpose of the directive

The Swisscom Group Executive Board would like everyone within the company to feel respected and valued.

The purpose of this directive is to protect Swisscom employees from any form of violation to personal integrity, for example, discrimination, sexual harassment, bullying and violence in the workplace.

The directive describes:

- problematic and unacceptable behaviour
- the responsibility of employers, line managers and employees with regard to the protection of personal integrity
- action to be taken if problems occur
- the legal bases for the protection of personal integrity

1.2. Scope of directive

The directive applies to all employees of Swisscom Ltd, Swisscom (Switzerland) Ltd, Swisscom Broadcast Ltd, Swisscom Services Ltd, Swisscom Trust Services Ltd, Worklink Ltd and also cablex Ltd (hereinafter referred to as "Swisscom"). Apprentices and external staff are also considered to be employees.

2. Problematic and unacceptable behaviour

Breaches of personal integrity have an adverse effect on well-being and damage the health of those affected as well as cooperation within the company. For this reason, they are not tolerated at our company. This includes in particular:

- bullying, harassment, psychological violence (terms are often used synonymously for social exclusion and harassment)
- sexual harassment
- discrimination

Swisscom makes every possible effort to protect employees from physical and verbal violence from outside the company (customers, suppliers, business partners, etc.).

2.1. Definitions

2.1.1. Bullying / harassment / psychological violence

Bullying (also called harassment or psychological violence) is defined by the Federal Court as systematic, hostile behaviour carried out over an extended period of time, whereby a person is isolated, excluded or even removed from their workplace.

According to the case law of the Federal Court, isolated hostile actions or behaviour do not constitute bullying because the required element of systematic behaviour is not present.

For this reason, there is also no incidence of bullying if a work conflict has broken out or the working atmosphere is difficult, if an employee is compelled to comply with duties outlined in his employment contract, or if a line manager does not fully perform all his duties towards employees.

The bullying behaviour that mainly occurs within an organisation can include both verbal and physical attacks, and can also take a more subtle form, such as social exclusion, but the intention is always to exclude, humiliate or threaten the harassed person, or to undermine their dignity.

Bullying actions can be and are not limited to

- opportunities to participate or receive information: not letting someone talk, interrupting, shouting, withholding information;
- social relationships: generally avoiding contact, ignoring, excluding, isolating;
- social appearance: ridiculing, spreading rumours, teasing, insults, derogatory remarks;
- the quality of professional situation or living conditions: assigning vexatious and demeaning work, unwarranted criticism, removal from important tasks;
- health: threat of physical violence, assaults.

2.1.2. Sexual harassment

Sexual harassment in the workplace concerns any behaviour with a sexual reference that is unwanted by one party and which is a breach of a person's dignity.

This includes, in particular:

- sexual innuendos or derogatory remarks about the appearance of employees
- sexist remarks and jokes about sexual features, sexual behaviour and the sexual orientation of individual persons
- showing and distributing pornographic material
- unwanted invitations with a sexual intention
- unwanted physical contact
- following employees within or outside of the company
- advancement attempts that are accompanied by promises of benefits or threats of disadvantages
- sexual assaults, coercion or rape

2.1.3. Discrimination

Discrimination refers to any remark or action that is intended to disadvantage, treat unfairly, or devalue a person, for no objective reason, based on their origin; race; gender; age; language; social status; way of life; religious, ideological, or political beliefs; sexual orientation; or due to a physical, mental or psychological disability.

2.1.4. Violence

“External” violence usually includes physical violence¹ as well as verbal insults, threats which are expressed or exerted to persons at work by external persons (e.g. customers), whereby the health, safety or well-being of the employee is put at risk. The violence may also be of a racist or sexual nature.

Aggressive or violent actions can take the following forms:

- rude behaviour – a lack of respect for others,
- physical or verbal violence – intention to injure a person,
- assaults, attacks by third parties – intention to harm a person.

3. Responsibility

3.1. Employer

As an employer, Swisscom is obliged by law to protect personal integrity (Labour Law: Article 6; Swiss Code of Obligations: Article 328).

Swisscom advocates the protection of the personal integrity of its employees and thus will not tolerate any form of bullying, harassment, discrimination or violence, either by internal or external employees or by customers, suppliers and business partners.

Swisscom advocates open communication and fair interaction between one another. The goal is a corporate culture in which differences are handled in a constructive manner.

Swisscom shall make management and employees aware and inform them of any behaviour that violates a person’s character.

Swisscom shall ensure that every employee who feels that their personal rights are being violated can receive support.

Anyone who bullies, harasses, discriminates or acts in a violent manner will receive sanctions in accordance with section 4.2.5. This also applies to persons who knowingly falsely accuse another person of such misconduct.

Swisscom shall ensure that employees who in good faith accuse others of such misconduct do not suffer any negative consequences for their employment relationship. Employees who act as witnesses and testify truthfully shall be protected by Swisscom in the same way from negative consequences for their employment relationship. The exemption from work duties of complainants or witnesses during an investigation or their transfer to another reasonable job in the same company after the conclusion of an investigation shall not be considered a negative consequence for their employment relationship, provided that Swisscom considers this to be necessary in the exercise of its duty of care and in order to maintain a positive working atmosphere.

¹ See also [safety rule 066 – Violence at work \(german\)](#).

3.2. Line manager

Line managers are responsible for ensuring that the working environment is free of harassment and discrimination. They strictly oppose any forms of behaviour that are damaging to a person's self-worth or personal rights and intervene if someone is excluded or made the target of offensive or derogatory remarks. They shall direct their employees to the Code of Conduct valid for Swisscom and intervene at an early stage if this should be violated.

3.3. Employees

Swisscom employees help to create a working environment that is free of harassment and discrimination, behave in a considerate manner and respect the dignity and integrity of one another. The strengths and weaknesses of all employees are taken seriously.

If persons are repeatedly harassed or excluded from events and the information flow, it is expected that they

- set clear boundaries for the person demonstrating this behaviour and inform them that their behaviour is not tolerated,
- contact a person they trust to discuss the matter,
- make a complaint to their own line manager or that of the person who is harassing or bullying them.

4. Procedure if problems occur

4.1. Informal, confidential procedure

4.1.1. Confidential internal counselling and advice service (Care Gate)

If a person would like to first talk in confidence with someone about their experience, they can use the confidential internal counselling and advice service (Care Gate) at any time. The employees of the Care Gate have a duty of confidentiality.

Important information: In such cases, managers and HR managers cannot guarantee confidential handling of information as their duty of care means that, if they become aware of a problematic situation, they must ensure a thorough analysis and investigation is carried out and ensure that it is resolved.

The duty of confidentiality practised by the confidential internal counselling and advice service (Care Gate) means that they can support a person seeking advice through discrete clarification and resolution of the problem. Any actions carried out by the person of trust are only in consultation and with the agreement of the other person.

The tasks of the internal confidential internal counselling and advice service (Care Gate) specifically include:

- listening to the problem
- offering help in formulating an overview of what has happened

- providing information about possible courses of action and their consequences
- explaining the legal situation or provide information about a relevant source of legal information
- providing support during the selected course of action
- providing information about external coaching, counselling services and medical support services.

The confidential internal counselling and advice service (Care Gate) acts to support the person seeking advice and does not carry out any investigation itself.

4.1.2. External trust centre

Confidential advice can also be obtained from the following external agencies:

- victim support
- emergency phone lines
- specialist information services: e.g. for bullying, for equality

4.2. Formal procedure

The formal procedure clarifies the facts and aims to end the behaviour or situation that has led to the violations of personal integrity.

4.2.1. Formal point of contact and complaints office

To initiate a formal procedure, a complaint can be submitted to **HR Advisory**. On submission of the complaint, the person agrees that an investigation of the facts will be initiated, which can be conducted internally or externally.

It is not mandatory to contact and utilise the confidential internal counselling and advice service (Care Gate) beforehand. A formal complaint can be made directly to HR Advisory at any time.

4.2.2. Tasks of formal point of contact and complaints office (HR Advisory)

The point of contact and complaints office (HR Advisory) is obliged to serve all employees equally. It looks into any reported problems as quickly as possible and, in doing so, adopts a neutral, impartial position.

Tasks of the formal point of contact and complaints office (HR Advisory) specifically include:

- immediate clarification and resolution of problems if there is an obvious case of an infringement of personal rights (example: displaying a sexist poster).
- carrying out an investigation for the purpose of resolving the notification. This includes:
 - consultation with the person(s) making the complaint
 - consultation with the accused person(s)
 - involvement of internal expert departments, for example, Corporate Legal Services
 - finding and questioning any (as independent as possible) witnesses
 - compilation of an investigation report

- implementation of actions
- holding mediation and conciliation meetings to find a common resolution or to reappraise the event
- providing information to the affected person(s) about additional sources of support and coping with their experiences

If required, an independent, external investigating body can be commissioned by the formal point of contact and complaints office (HR Advisory) to carry out the investigation. External specialists can also be included for support in working through a case after completion of the investigation.

4.2.3. Documentation

Minutes are kept for the investigation, mediation and conciliation meetings. The minutes and any other documents from the meeting are provided to the conflicting parties to be signed.

After completion of the investigation, the minutes stored in the personnel file for the complainant and accused employees and kept for 5 years.

4.2.4. Conclusion

During the mediation and conciliation meetings, possible solutions and suitable actions may be agreed, e.g. supervision, coaching, written apology, greater preventative measures in the company, or organisational actions.

4.2.5. Possible sanctions

Sanctions may be applied to employees who harass or discriminate against others, and also to employees who knowingly falsely accuse another of such misconduct.

Possible sanctions are:

- reprimand
- transfer
- precautionary note in personnel file
- change in function
- threat of dismissal in the case of reoccurrence
- regular or immediate dismissal

There may also be civil and criminal claims lodged by the person who has faced harassment.

4.2.6. Communication

If required, and in agreement with the person who faced discrimination or who was unjustly confronted with accusations, the company management may communicate the outcome of the process to the workplace. In doing so, they shall safeguard the personal privacy rights and other interests of the participants that are worth protecting as best they can.

5. Final provision

This directive shall enter into force on 1 January 2022.

It will be published on the intranet.