

RESEARCH ASSOCIATION DATA PRIVACY BRASIL (“RA”) Anti-Discrimination and Anti-Harassment Policy

The RA forbids any kind of harassment or discriminatory conduct between its associates, researchers and partners in the context of its workplace including in the projects conducted by the institution even if they take place outside its establishment. Whereas the objective of RA is to promote the dissemination of knowledge by means of its researches, an ambient of respect where everyone feels safe and included in their work teams is vital.

For this reason the implementation of the present Anti-Discrimination and Anti-Harassment Policy (“Policy”) is necessary. Having in mind that just a written policy does not solve all potential problems, RA expects from its associates, researchers and partners (“Collaborator(s)”) engagement in the implementation of the following rules and collaboration in the process of bad conducts prevention. This engagement is essential to raise awareness in the new members and guarantee the maintenance of a pleasant and protected environment for everyone, whereas the anti-discrimination and the repudiation of harassment are a culture of the institution. On the other side, RA commits to publicise, implement and update the Policy with the purpose of safeguarding basic rights of its Collaborators.

The guidelines in this Policy extend to all situations in which individuals associated to RA (whether associates, researchers and partners) interact with each other in internal activities or with third party, i.e. representing the institution in collaborative works or external events.

1. Definitions

1.1. Discrimination

The discrimination can occur in various contexts, from individual to individual or from groups to individuals and can be manifested as social, ethnic, political, religious, age, sexuality, gender, against people with disabilities, and many other kinds of discrimination. RA considers discrimination any distinction, exclusion or preference that has as a result an alteration on treatment equality in the work environment that harms the Collaborator victim of the action.

RA encourages positive actions that aim to guarantee the equality between its Collaborators, even if it means treating them in an unequal way to balance the relations.

1.2. Harassment

Harassment is an abusive attitude that harasses or disturbs in a repetitive way. Harassment can be physical, verbal or nonverbal behavior that intimidates or mocks another individual. Harassment can manifest itself in various forms, by motives associated with ethnic, political, religious, social, age, physical characteristics, sexuality or gender of the victim. A single trivial conduct can be framed as harassment when repetitive and because of that is uncomfortable and stressful for the victim.

1.2.1. Psychological Harassment

Psychological Harassment is the exposition of an individual to a humiliating and embarrassing situation during the exercise of their functions and they repeat and extend itself during the work journey. It is an abusive conduct that consists of gestures, words, inadequate behaviors and attitudes that go beyond the limits commonly accepted by social convenience. The repetition of the abusive conduct goes against the personality, dignity and psychological or physical integrity of the victim.

1.2.2. Sexual Harassment

Sexual Harassment is defined as any kind of approach verbal or physical that aims to take sexual advantage from the victim using the hierarchical of the work relation. Sexual Harassment can manifest itself in the undesired physical contact as well as in jokes, puns, commentaries that have sexual connotation and that humiliate, embarrass or cause some kind of harassment to the victim. RA does not tolerate any kind of sexual harassment and extends the prohibition to actions of the same type executed by individuals that do not have a hierarchical advantage over the victim.

1.3. Workplace

Workplace consists of the head office and extends to any environment where research projects and other works of the institution take place (i.e. coworkings, study centers, home of the Collaborator when in home-office).

1.4. Anti-Discrimination and Anti-Harassment Committee (“Committee”)

The Committee is an organ of RA responsible for supervise and sanction forbidden conducts related to discrimination and harassment. The Committee is formed by members of RA, being one of them the president, position with an early mandate. The presidency can be occupied by any member who volunteer or who is elected by the vote of the member of the Committee.

2. Forbidden Conducts

RA forbids that its Collaborators practice discriminatory acts and harassment *lato sensu*, in terms of the items 1.1. and 1.2. Any conducts that can be framed in this definitions causing discomfort or even harm to other(s) Collaborator(s) will not be tolerated by the institution. RA will solve those situations based on the concrete case with the purpose of always protect the victim and guarantee its safety in the Workplace.

It is important to note that affirmative actions for the inclusion of Collaborators that imply in a different treatment in relation to the usual that aims to attend their individual necessities will not be forbidden, on the contrary, will be encouraged by the institution as a way to create a more friendly and without exclusion environment.

3. Non retribution of the victim

No victim that express a complaint will be blamed or criticized in any way. Victims will not be treated in a unfavorable way for filing a complaint neither for acting in a cooperative manner with the investigation. Any recrimination of the victim will not be tolerated and its a conduct susceptible of investigation and sanction.

4. Applicability of the Policy

This Policy is applicable to all Colaborator independent of their hierarchical level and it is their responsibility to maintain the commitment and respect to the rules of the Policy.

All mechanisms of protection of this Policy can be utilized for any Colaborator that finds s/himself in discrimination or harassment situations described in items 1.1. and 1.2.

5. Victim Protection System

To guarantee the comfort of the victim, the victim can decide who to proceed with the cas. The possible paths are the Informal Orientation System and the Formal Complaints System. In case the victim opts for the informal path, his/her advisor understanding that the situation is grave, s/he can advise the victim to initiate an formal process or with the authorization of the victim forward the case to the inquiry instance.

When the Committee is triggered and between its member there is not one of the Directors, at least one of them must be informed of the opening of a formal complaint process in order to monitor the development of the case.

5.1. Informal Orientation System - (eventually this will be an exclusive function of the Committee)

The Informal Orientation System has two functionalities: (i) solve mild cases of harassment and/or discrimination by means of the dialogue with the accused party to avoid the repetition of the conduct; and (ii) give support to the victim to deal with the case and help s/he comprehend the gravity of the problem and what are the measures that can be taken (i.e. opening a formal process).

The advisor will be the either the supervisor of the victim or any member of the Committee and must help with the cases of discrimination and/or harassment. The victim can consult anyone of them, who ever s/he feel more comfortable with. The advisor shall take the necessary measures in his/her power to offensive conduct cease.

5.2. Formal Complaints System

The Formal Complaints System consists of three phases:

1. Communication to the Committee of the forbidden conduct occurrence;
2. Inquiry of the circumstances of the conduct (statement of the victim, analysis of evidence if applicable and statement of the accused party);
3. Decision of the Committee.

The first phase is the moment in which the Committee learns about the case of discrimination and/or harassment. The communication can be done by verbally directly to a member of the Committee, nevertheless it is necessary to also send an email to the following address (denuncia@dataprivacybr.org) in order to keep record of the occurrences. The communication can be done by the victim or his/her advisor with previous authorization as mentioned in item 5.1. When necessary, after learning the case by means of communication or because a member of the Committee witnessed it, the Committee must mobilize itself to cease as soon as possible the offensive conduct if those actions have not been taken by the advisor yet.

After the communication is received, the president of the Committee has one day to schedule a meeting with the victim to listen the statement and receive the evidence of the case, if possible, as well as notify the accused party of the second meeting when the Committee will hear the statement of the accused party and explain to s/he what are the possible consequences of those actions. In both meetings, all of the members of the Committee shall be called to participate and assist in the process. When impossible to obtain written evidence or is difficult to check facts, will be possible to hear witnesses statements.

Further to the accused party statement, the Committee will meet to decide which of the following sanctions are adequate:

- Warning requesting the definitive ending of the conduct;
- Downturn regarding potential promotions for which the accused party is a candidate;
- Suspension of the participation in RA events;
- Unpaid suspension, the period will be defined by the Directors;
- Dismissal with due case, to be approved by the Directors.

The implementation of the more severe sanctions does not depend on the previous application of milder sanctions, except in cases determined by labor law.

The decision shall be declared in written, signed by the presidente of the Committee, and will be declared verbally to the accused party in reserved room being present only the accused party, members of the Committee and at least one of the Directors. The measures to comply with the decision of the Committee shall be taken immediately.

The decisions will be registered and all the process is confidential and concerns only the party and the members of the Committee. The advisor if not a member of the Committee has to maintain confidentiality of the process.

6. Complaints and Committee's decisions records

Annually, shall be done a official record of the complaint and the respective decisions on the case. There will be two versions of the record: (i) the first version will be detailed with all the informations of the occurrence, including name of the victim, name of the accused, kind of infraction, date of the preceding and sanction applied, also the access to this version is exclusive to the Committee; and (ii) the second version is generic pointing only how many occurrence happened that year and the type of infraction without any specific information that identifies the involved. The version of item (ii) will remain in the Committee's archive and can be accessed by any Collaborator on formal request (by email) to the Committee.

In case there are no occurrences, the record will have a sole version stating that there were no infraction to the Policy.

7. Update and dissemination of the Policy

The Policy shall be revised and update annually or in inferior period in case of urgency. A new policy must be sended to all Collaborators by e-mail with indications of the chances made in the Policy everytime it is altered.

The Policy shall be sended to the email of the Collaborators in the moment when s/he enters the work team. There must be a brief summary of the Policy in the body of this same email to help the Collaborator understand the culture and principles of RA.

Furthermore, the Policy must be disseminated regularly and periodically as defined by the Committee. It is not necessary that the Policy is circulated in its entirety, it could be sent as reminder pills of the values of RA and of the possibilities of conflict resolution and victim protection. The circulation can be done by email, in this case, a copy of the whole Policy could be annexed. When the communication is done using flyers or memos, for exemplo, pointing where the Collaborator can find the whole Policy in RA website is enough.