

# **OPERATIONAL PROCEDURE**

## **Reporting Complaints and Suspicions**

Revision	Description Revision (Information on the last 5 revisions)	Date
0	First issue	15.06.20
1	Change of company name and SA8000 integration	20.10.2020
2	Additions for the management of the ex stage1 SA8000 survey of 17.12.2020	07.01.2021

## 1. PURPOSE

The purpose of this procedure is to remove the factors that may hinder or discourage the use of the institution, such as doubts and uncertainties about the procedure to be followed and fears of retaliation or discrimination.

In this perspective, the objective pursued by this procedure is to provide the whistleblower with clear operational information about the subject, contents, recipients and methods of transmission of the reports, as well as the forms of protection offered to him in relation to:

- Internal / external complaints;
- Anomalies;
- Tips.

in compliance with the standard UNI-EN-ISO 9001, UNI EN ISO 14001, UNI ISO 45001, ISO IEC 27001, UNI EN ISO 37001: 2016, SA8000 and the relevant applicable mandatory regulations.

## 2. FIELD OF APPLICATION

This instruction applies whenever there is a need to report any discrepancies with the requirements of the aforementioned standards.

## 3. SOURCE OF LEGISLATION AND NATURE OF THE INSTITUTE

Art. 1, paragraph 51, of law 190/2012 (so-called anti-corruption law) has inserted a new article, 54 bis 1, in the context of legislative decree 165/2001, by virtue of which a measure aimed at favoring the emergence of offenses, known in Anglo-Saxon countries as whistleblowing.

*1 Art. 54 bis: "1. Apart from cases of liability by way of slander or defamation, or for the same reason pursuant to art. 2043 of the civil code, the public employee who reports to the judicial authority or the Court of Auditors, or reports illegal conduct of which he or she has become aware of the employment relationship to his superior, cannot be sanctioned, fired or subjected to a discriminatory measure, direct or indirect, having effects on the working conditions for reasons connected directly or indirectly to the complaint.*

*2. As part of the disciplinary procedure, the identity of the whistleblower cannot be revealed without his consent, provided that the dispute of the disciplinary charge is based on separate and additional investigations with respect to the report. If the dispute is based, in whole or in part, on the report, the identity can be revealed where its knowledge is absolutely essential for the defense of the accused.*

*3. The adoption of discriminatory measures is reported to the Department of Civil Service, for the relevant provisions, by the person concerned or by the most representative trade union organizations in the administration in which they were put in place.*

*4. The complaint is removed from the access provided for in articles 22 and following of the law of 7 August 1990, n. 241, and subsequent amendments".*

The term whistleblower refers to the employee who reports violations or irregularities to the bodies entitled to intervene.

Reporting (so-called whistleblowing), in this perspective, is an act of manifestation of civic sense, through which the whistleblower contributes to the emergence and prevention of risks and situations prejudicial to the organization to which he belongs and, consequently, to the collective public interest. Whistleblowing is the procedure aimed at encouraging reports and protecting the whistleblower, precisely by reason of its social function.

The main purpose of whistleblowing is to prevent or resolve a problem internally and promptly.

## 4. RESPONSIBILITY

The Compliance Function (CF) is responsible for analyzing the report and proposing any corrective and preventive actions.

The Management is responsible for endorsing the corrective and preventive actions proposed.

## 5. OPERATING METHODS AND RECIPIENTS OF THE REPORT

Any Stakeholder (actual and potential customers - business partners, suppliers, professionals, public bodies including their consultants, representatives, officials, employees, etc.) can also anonymously report any discrepancies with the requirements of the UNI EN ISO 9001, UNI standards. EN 9100, UNI EN ISO 14001, UNI ISO 45001, ISO IEC 27001, UNI EN ISO 37001, SA8000 and the relevant applicable mandatory regulations.

The report can be made using the appropriate forms, available at the company headquarters or by connecting to the company website [www.fincantierinx.it](http://www.fincantierinx.it) by downloading the appropriate form and sending it after having duly completed it:

- personally or by post (Fincantieri Nextech S.p.A - Via Trieste, 3 - 1920 Follo-SP);
- through boxes dedicated to receiving "complaints / reports / suggestions" present in the company;
- by email to the address **cf@fincantierinx.it** (in this case, respect for anonymity will be guaranteed in accordance with the provisions of the Consolidated Privacy Act).  
The Head of the Compliance Function (RCF) receives and analyzes the report, identifying the most suitable resource for managing the report and involving any specific internal functions.
- directly to the members of the SPT at the following addresses:
  - Giancarlo Cicalini (DCO): email – [giancarlo.cicalini@fincantierinx.it](mailto:giancarlo.cicalini@fincantierinx.it)
  - Laura Ricchetti (RDD): email - [laura.ricchetti@fincantierinx.it](mailto:laura.ricchetti@fincantierinx.it)
  - Enjell Gjuzi (RE): email – [enjell.gjuzi@fincantierinx.it](mailto:enjell.gjuzi@fincantierinx.it)
  - Francesco Mazzi (RLS-RLSA): email – [francesco.mazzi@fincantierinx.it](mailto:francesco.mazzi@fincantierinx.it)

If the interested party does not feel adequately represented and protected by the figures provided for by the Social Responsibility and / or Anti-Corruption Management System, he has the right to contact directly:

- To the certification team SI CERT SAGL
  - Italy office: SS 18, n° 117 Loc. Ponte Barizzo – 84047 Capaccio-Paestum (SA) – Italia
  - Telefono: 800.98.38.73
  - email: [reclamisa8000@sicert.net](mailto:reclamisa8000@sicert.net)
- To SAAS - Social Accountability Accreditation Services
  - Indirizzo: 9 East 37th Street, 10th Floor - New York, NY 10016 - USA
  - Telefono: +1 – (212) -391-2106
  - Email: [saas@saasaccreditation.org](mailto:saas@saasaccreditation.org)

For anonymous reports, the Organization has set up a dedicated link on the company portal **https:// anonymous report /**

The company management guarantees that no retaliation or measures of any kind will be carried out for the persons who make the reports.

With the endorsement of the Management, it will then propose any corrective and preventive actions according to the procedures provided for in the Non-Conformity Management procedure - Corrective / Preventive Actions - Internal Complaints Accident Analysis.

FINCANTIERI NEXTECH S.P.A. makes a specific model available to its employees and collaborators for any reason, the use of which makes it easier and more responsive to the requirements of this procedure.

The model can be found on the company website where the methods of compilation and submission are also published.

Report that they were received by managers of FINCANTIERI S.P.A. must be promptly forwarded to the compliance function, by the recipient and in compliance with the guarantees of confidentiality.

If the whistleblower holds the status of a public official, the sending of the report does not exempt him from the obligation to report to the competent judicial authority the criminally relevant facts and the hypotheses of tax damage.

The report can be submitted in the following ways:

- by sending it to the e-mail address **cf@fincantierinxt.it** In this case, the identity of the reporting party will be known only by the compliance function which will guarantee its confidentiality, except in cases where it is not enforceable by law;
- by postal service or short manual; in this case, in order to take advantage of the guarantee of confidentiality, the report must be placed in a sealed envelope that bears the words "For the attention of the compliance function FINCANTIERI NEXTECH S.P.A. - reserved staff".

### **5.1 Subject of the report**

There is no exhaustive list of crimes or irregularities that may be the subject of whistleblowing. Reports concerning behaviors, risks, crimes or irregularities, consummated or attempted, to the detriment of the public interest and / or the organization and / or its employees are considered relevant.

In particular, the report may concern actions or omissions, committed or attempted:

- criminally relevant;
- implemented in violation of the Codes of Conduct or other internal provisions that can be sanctioned by disciplinary measures;
- likely to cause financial damage to the organization they belong to or to the public interest
- likely to damage the image of FINCANTIERI NEXTECH S.p.A.;
- likely to cause damage to the health or safety of employees, users and citizens or to cause damage to the environment;
- prejudice to users or employees or other subjects who carry out their business at FINCANTIERI NEXTECH S.P.A.

The report may also have as its object the following aspects:

- child labor
- forced and compulsory labor
- Health & Safety

- Freedom of association and right to collective bargaining
- Discrimination
- Disciplinary procedures
- Working hours
- Salary
- Management Systems

Whistleblowing does not concern complaints of a personal nature of the whistleblower or claims / requests that fall within the discipline of the employment relationship or relations with hierarchical superiors or colleagues, for which reference must be made to the discipline and procedures pertaining to the Personal Service.

## 5.2 Content of reports

The whistleblower must provide all the useful elements to allow the compliance function (another function to which the communication is addressed) to proceed with the necessary and appropriate checks and verifications to verify the validity of the facts being reported.

To this end, the report should preferably contain the following elements:

- details of the person making the report, indicating the position or function performed within the company;
- a clear and complete description of the facts to be reported;
- if known, the circumstances of time and place in which they were committed;
- if known, the personal details or other elements (such as the qualification and the service in which the activity is carried out) that allow for the identification of the person / s who have / have carried out the reported facts;
- the indication of any other subjects who may report on the facts subject to reporting;
- the indication of any documents that can confirm the validity of such facts;
- any other information that can provide useful feedback on the existence of the reported facts.

**Anonymous reports, i.e. without elements that allow their author to be identified, provided that they are delivered using the methods provided for in this procedure, will be taken into consideration if they are presented adequately detailed and made in great detail, i.e. they are such as to bring out facts and situations relating them to specific contexts (e.g. indications of names or particular qualifications, mention of specific offices, particular proceedings or events, etc.).**

## 5.3 Verification of the validity of the report

The management and verification of the validity of the circumstances represented in the report are entrusted to the compliance function for the prevention of corruption, which provides it in compliance with the principles of impartiality and confidentiality, carrying out any activity deemed appropriate, including the personal hearing of the whistleblower and any other subjects who can report on the facts reported.

To this end, the CF may avail itself of the support and collaboration of the competent functions and structures of the company and, if necessary, of supervisory team, such as O.d.V.

If, at the outcome of the verification, the report is found to be well founded, the compliance function for the prevention of corruption, in relation to the nature of the violation, will:

- to submit a complaint to the competent judicial authority;

- to communicate the outcome of the assessment to the Personnel Manager for any appropriate measures, as well as to the Head of the structure to which the perpetrator of the ascertained violation belongs so that the disciplinary action is carried out;
- to communicate the outcome of the assessment to the company management and the competent structures so that they can take any further measures and / or actions that in the specific case are necessary to protect FINCANTIERI NEXTECH S.P.A.

The outcome of the assessment is communicated to the reporting party and to the entire company staff via email and posting on the bulletin board.

In the event of an anonymous report, the company will communicate through publication on the company website:

- number of reports received
- incidence of detailed reports deemed manageable
- percentage of reports handled with corrective actions aimed at eliminating the causes

### **5.3.1. Forms of whistleblower protection**

#### **A) Confidentiality obligations on the whistleblower's identity and withdrawal from the right of access to the report**

With the exception of cases in which liability for slander and defamation is configurable pursuant to the provisions of the criminal code or art. 2043 of the Civil Code and cases in which anonymity is not enforceable by law, (eg criminal, tax or administrative investigations, inspections of supervisory bodies) the identity of the whistleblower is protected in every context following the report.

Therefore, subject to the exceptions mentioned above, the identity of the whistleblower cannot be disclosed without his express consent and all those who receive or are involved in the management of the report are required to protect the confidentiality of this information.

Violation of the confidentiality obligation is a source of disciplinary responsibility, without prejudice to further forms of liability provided for by the law.

With regard, in particular, to the scope of the disciplinary procedure, the identity of the whistleblower can be revealed to the disciplinary authority and the accused only in cases where:

- there is the express consent of the reporting party;
- the contestation of the disciplinary charge based, in whole or in part, on the reporting and knowledge of the identity of the whistleblower absolutely essential for the defense of the accused person, provided that this circumstance is deduced and proven by the latter during the hearing or by submitting defensive briefs.

The whistleblower report is also removed from the right of access provided for by art. 22 and following of the law 241/1990 and subsequent amendments

The document cannot, therefore, be subject to viewing or extraction of a copy by applicants, falling within the scope of the exclusion hypotheses referred to in art. 24, paragraph 1, lett. a), of the l. n. 241/90 and subsequent amendments.

#### **B) Prohibition of discrimination against whistleblowers**

No form of retaliation or discriminatory measures, direct or indirect, having effects on the working conditions for reasons directly or indirectly connected to the complaint is not permitted or tolerated towards the employee who makes a report pursuant to this procedure.

Discriminatory measures include unjustified disciplinary actions, harassment in the workplace and any other form of retaliation that results in intolerable working conditions.

The protection is limited to cases in which the reporting and the reported are both employees of the Institute.

Employees who believe they have been discriminated against for making a report of wrongdoing:

- must give detailed notice of the discrimination to the compliance function of the prevention of corruption which, having assessed the existence of the elements, indicates the hypothesis of discrimination:
  - to the Head of the structure to which the employee who perpetrated the alleged discrimination belongs. The Head of the structure promptly assesses the opportunity / need to adopt acts or measures to restore the situation and / or to remedy the negative effects of the discrimination administratively and the existence of the grounds to initiate the disciplinary procedure against the employee responsible for the discrimination;
  - to the person in charge of personnel management, who, for the procedures within his competence, assesses the existence of the details to initiate the disciplinary procedure against the employee who made the discrimination;
  - to the management, which assesses the existence of the grounds for bringing the action for compensation for damage to the image of the company in court;

### **5.3.2. Responsibility of the whistleblower**

This procedure is without prejudice to the criminal and disciplinary liability of the whistleblower in the event of a libelous or defamatory report pursuant to the criminal code and art. 2043 of the civil code. Any forms of abuse of this policy, such as manifestly opportunistic reports and / or made for the sole purpose of damaging the accused or other subjects, and any other hypothesis of improper use are also a source of responsibility, in disciplinary and other competent offices. or intentional exploitation of the company subject to this procedure.