



## Whistleblowing Policy

Guidelines for reporting  
misconduct and/or suspected  
wrongdoing

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## 1. INTRODUCTION

Guaranteeing its employees a safe, fair and open working environment, as well as affirming a corporate culture based on transparency and trust are two of the main objectives of TECNO-GAZ S.p.A.

## 2. PURPOSE OF THE DOCUMENT AND REPORTING

This Whistleblowing Policy ("Policy") defines the methods for sending and managing reports of potential misconduct or suspected unlawful acts (specifically indicated in paragraph 4), made by the persons indicated below ("Whistleblower"), including anonymously, and the protection measures to protect the Whistleblower and the alleged perpetrator of the violation ("Reported").

This Policy also aims to remove factors that may hinder or discourage reporting, such as doubts and uncertainties about the procedure to be followed and the Whistleblower's fears of suffering retaliation or discrimination as a result of the report, and to provide clear indications about the communication channels, the subject matter and the methods of reporting, so that everyone knows them and can check their correct application at any time.

The Policy applies in the event of reports by Whistleblowers in order to combat any form of wrongdoing or unethical conduct.



**The Whistleblower** is defined by law as the natural person who makes the report or public disclosure of information on unlawful conduct, acquired in the context of the work context.

The Whistleblower may be one of the following:

- all employees, including part-time and temporary employees;
- all temporary employees;
- persons whose employment relationship has ended at the time of making the report, when the information was obtained in the course of the employment relationship;
- persons who have applied for a job within TECNO-GAZ S.p.A., when the information was obtained as part of such application;
- self-employed;
- freelancers and consultants;
- volunteers and trainees;
- employees and collaborators of suppliers and customers of TECNO-GAZ S.p.A.;
- Shareholders;
- persons with administrative, managerial, control, supervisory or representative functions;

and, more generally, anyone who has a relationship of interest with TECNO-GAZ S.p.A.

The Whistleblower, aware of the facts being reported, is invited to make reports promptly through the methods described below.

If he/she wishes, the Whistleblower may choose to report anonymously and request anonymity for the duration of the reporting process.

The Policy is based on the applicable national and European regulatory framework, in particular on Legislative Decree no. 24 of 10 March 2023, implementing European Directive 2019/1937.

The right to report recognised by law is not an obligation, but an opportunity offered to every employee to decide in full conscience whether to report a violation of the general interest or of the rules, of which he or she is aware.

Given the importance of guaranteeing the security and confidentiality of data to the Whistleblower, TECNO-GAZ S.p.A. has decided to integrate its internal whistleblowing system with a digital whistleblowing system managed by a certified company, Whistleblowing Solutions AB, a guarantor of high security standards, in particular thanks to an end-to-end data encryption system and IT protection and security mechanisms that meet the highest standards.

For more information on the procedure for sending reports through the above-mentioned platform, please refer to Annex 1 (paragraph 13.1).

## Whistleblowing

### 3. GENERAL DEFINITIONS

- (1) **Whistleblowing** means any report, submitted to protect the integrity of the Company, of unlawful conduct or violations of company regulations or external regulations, in any case applicable to TECNO-GAZ S.p.A., based on precise and consistent factual elements, of which the Whistleblowers have become aware by reason of the functions performed. (the administrative department may become aware of wrongdoing that the production department cannot know and vice versa)
- (2) A **report** is any communication concerning conduct and/or information that may constitute a crime or in any case inappropriate, incorrect conduct or alleged violation of the Company Regulations
- (3) **Whistleblower** means any employee and/or collaborator of TECNO-GAZ S.p.A., anyone who is in business relations with the Company (customers, suppliers, business partners), as well as third parties who have made a report (as better specified in paragraph 2).
- (4) A **reported** person is defined as the person allegedly responsible for unlawful conduct or violations

### 4. SCOPE OF THE POLICY



Reports may concern conduct, acts or omissions that harm the public interest or the integrity of TECNO-GAZ S.p.A. and which consist of:

- administrative, accounting, civil or criminal offences;
- offences falling within the scope of European Union or national acts, concerning, for example, the following areas:
  - financial services, products and markets and the prevention of money laundering and terrorist financing;

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- corruption and conflict of interest;
  - Procurement;
  - Tecno-Gaz S.p.A. safety and compliance of medical products
  - transport safety;
  - public health;
  - environmental protection;
  - protection of privacy and protection of personal data and security of networks and information systems;
- acts or omissions that harm the financial interests of the European Union;
  - acts or omissions concerning the European internal market;
  - potential misconduct or alleged violation of the principles expressed in the Company Regulations
  - direct discrimination, indirect discrimination, psychological, physical or sexual harassment at work, discrimination by reaction (for details, definitions and regulatory references see Annex 13.2).

Only those reports that concern facts or information found directly by the Whistleblower will be taken into consideration, with the exclusion of complaints or claims of a "personal" nature.

The Whistleblower is protected if, at the time of the report, he or she had reasonable grounds to believe that the information on the reported violations was true and fell within the scope of the Policy and the law.

The Whistleblower is protected by law against retaliation, as well as all persons defined as "facilitators", i.e. those who operate in the same professional context as the Whistleblower and who have helped the Whistleblower to make the report.

The Whistleblower's colleagues and family members are also protected, especially if the latter have an employment relationship with the same entity where the Whistleblower works.

On the other hand, the Whistleblower is not protected and may also receive a disciplinary sanction, in the event that his criminal or civil liability has been ascertained for the crimes of defamation or slander related to reports made with intent or gross negligence.

## 5. WHISTLEBLOWING PROCEDURE

### *How to file a report?*

#### Internal reporting: Collection procedure

The Whistleblower may submit a report, in an identified form or anonymously, through the channel <https://tecnogaz.whistlelink.com> accessible via the web from any device.

The report will be taken care of by Giorgia Pongolini, authorized to process the management of the reports

The Whistleblowing platform is a digital system that TECNO-GAZ S.p.A. has equipped itself with not only to comply with specific regulatory requirements, but also and above all to convey the values of transparency, integrity and ethics to its employees and third parties.

The platform offers the certified guarantee of the highest standards of security and data protection: any processing of sensitive personal data will take place in full compliance with current regulations.

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For more information on the procedure for sending reports through the Whistleblowing platform, please refer to Annex 1 (paragraph 13.1).

The Whistleblower is invited to use the internal reporting channels described above.

In any case, TECNO-GAZ S.p.A. informs the Whistleblower that it may make an external report or public disclosure if the following conditions are met:

- the Whistleblower has already made an internal report and the same has not been followed up;
- the Whistleblower has reasonable grounds to believe that, if he/she were to make an internal report, it would not be effectively followed up or that the same report could lead to the risk of retaliation;
- the Whistleblower has reasonable grounds to believe that the breach may constitute an imminent or obvious danger to the public interest.

External reporting: National Anti-Corruption Authority (ANAC)

Via the following web page: <https://servizi.anticorruzione.it/segnalazioni/>

### ***What are the requirements for reporting?***

It is necessary to take care to report in a clear and complete manner all the elements useful for the reconstruction of the fact and for carrying out the checks and investigations necessary to assess its validity and objectivity and, in particular, to:

- describe the fact that is the subject of the report;
- Indicate the person(s) held responsible for the violation(s), as well as any other parties involved and/or witnesses. If not known, all the information necessary to identify the perpetrators of the potentially unlawful conduct must be provided;
- describe the time and place where the incident that is the subject of the report occurred;
- Attach all available documents to support the report.

A well-executed, substantiated and detailed report can be managed without further requests for information and involvement of the Whistleblower.

It is the responsibility of the Whistleblower, even anonymously, to make reports in good faith, i.e. on the basis of the belief that what is said is true (regardless of whether what is reported is then reflected in the ensuing investigations), and in line with the spirit of this Policy.

Reports that are opportunistic and/or made for the sole purpose of harming the Reported or persons affected by the report, will not be taken into consideration and will result in the application of disciplinary sanctions as per the applicable contract.

On the other hand, there is no sanction for those who report in good faith facts that subsequent checks prove to be unfounded.

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## 6. INVESTIGATION FOLLOWING A REPORT

The management of the reporting channel and the investigations resulting from the reports is entrusted to Giorgia Pongolini, authorized to manage the violation, who acts with professionalism, diligence and independence.

Within seven days of sending the report, the Whistleblower will receive an acknowledgement of receipt and any requests for clarification, in the event that all the data and information useful for assessing the validity of the report are not present.



The decision on the methods of the investigation following the report is taken on a case-by-case basis by the Supervisory Body, depending on the characteristics and contents of the report. Within three months from the date of confirmation of receipt of the report, the Whistleblower will receive a response to the report as well as information on any follow-up measures that may be taken following the report.

Reports that are not sufficiently supported by evidence, manifestly unfounded or relating to conduct or facts that are not relevant in relation to this Policy, will be archived by noting the reasons that led to their dismissal and notifying the Whistleblower within the aforementioned three-month period.

## 7. PROTECTION OF THE WHISTLEBLOWER, THE WHISTLEBLOWER AND THE REPORTED

### *Protection of the confidentiality of the report*

TECNO-GAZ S.p.A. ensures the confidentiality of the identity of the Whistleblower and of any other information contained in the report throughout the reporting management process.

It is the responsibility of all persons involved in the management of the report to guarantee the confidentiality of the Whistleblower, as well as any other information from which the identity of the Whistleblower can be deduced directly or indirectly, from the moment the report is taken charge, even in the event that it subsequently proves to be incorrect or unfounded.

Disclosure of the identity of the Whistleblower without his/her consent is prohibited. The disclosure of the identity of the Whistleblower and any other information is permitted only if this represents a necessary obligation in the context of investigations or judicial proceedings by national authorities, in the manner and within the limits provided for by the Code of Criminal Procedure, or in any case of disciplinary proceedings initiated against the Company in the event of a report made in bad faith.

The Whistleblower shall be informed of the necessary disclosure prior to the disclosure of his/her identity, unless this would prejudice the relevant investigations and legal proceedings.

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***Protection of the whistleblower from retaliatory and/or discriminatory acts***

Tecno-Gaz S.p.A., in order to protect the whistleblower, has equipped itself with an external reporting platform to ensure the anonymity and/or confidentiality of the report. The company entrusted with the Privacy service has requested the security and protection measures put in place from the platform.

In this sense, the management of reports is one of the high-risk activities for data subjects pursuant to art. 35 of GDPR 679/2016, an impact assessment (DPIA Data Protection Impact Assessment) has been drawn up

The company that manages the platform has been appointed as Data Processor pursuant to Article 28 of GDPR 679/2016.

The appointment was made in both Italian and English as the platform is Swedish.

With a view to maximum transparency, point 12 of the reporting and reported information and the Impact Assessment are reported.

TECNO-GAZ S.p.A. undertakes to adequately protect the Whistleblower against any form of retaliation and/or discrimination for reasons related, directly or indirectly, to the report. The Whistleblower is protected if, at the time of the report, he or she had reasonable grounds to believe that the reported violation information was true and within the scope of the Policy.

Retaliatory and/or discriminatory measures are unjustified disciplinary actions, i.e. any behaviour, act or omission, even if only attempted or threatened, that causes or may cause unfair damage to the Whistleblower. By way of example, forms of retaliation and/or discrimination include: dismissal, demotion of rank, change of duties, adoption of disciplinary measures, unjustified transfer, harassment at work and any other form of retaliation that leads to uncomfortable or intolerable working conditions for the Whistleblower.

The Whistleblower who believes that he or she has suffered a retaliatory and/or discriminatory act as a consequence of the report made may notify his or her hierarchical superior or the Human Resources Department, so that it can assess the existence of the grounds for initiating disciplinary proceedings against the perpetrator of the retaliation and/or discrimination.

If, from the checks of the reports, conducted pursuant to this document, it is found that there is unlawful conduct relating to discrimination, harassment, mobbing attributable to employees, TECNO-GAZ S.p.A. will act promptly and immediately, through protection and remedy measures for the victim and with adequate and proportionate sanctioning measures against the person responsible for the offense.

**At the bottom of the website there is the reporting information**

***Protection of the reported***

TECNO-GAZ S.p.A. uses the same forms of protection provided for the Whistleblower also for the Reported, without prejudice to any legal obligation that requires the communication of the name of the person allegedly responsible for the conduct or violation (e.g. in response to requests from the national judicial authorities).

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The report is not sufficient to initiate any disciplinary proceedings against the Reported Person.  
Following concrete feedback acquired regarding the report, TECNO-GAZ S.p.A. guarantees the Reported the right to be informed (within a reasonable period of time) about the allegations and any disciplinary proceedings against him/her, as well as the right to defense.

**At the bottom of the website there is the information indicated**

## 8. PRESERVATION OF DOCUMENTATION And PROTECTION OF PERSONAL DATA

The information of the report will be used and stored exclusively for the purposes of the investigation procedure of the report itself with the aim of ensuring the management and traceability of the reports and related activities. The information will be destroyed within a maximum of five years from the communication of the final outcome of the reporting procedure.



Any personal and sensitive data contained in the report, including those relating to the identity of the Whistleblower or other parties who may be involved, will be processed in accordance with the Privacy Policy of TECNO-GAZ S.p.A., in particular by adopting appropriate technical and organizational measures and processing the data in accordance with the regulatory framework, for the entire duration of the investigation procedure, respecting the rights of data subjects.

## 9. RESPONSIBILITY

It is the responsibility of the whistleblower to monitor and control the whistleblowing system, verifying that what is written in this Policy is respected.

The Administration Department undertakes to keep this Policy up to date.

## 10. DIFFUSION

This Policy, prepared by the Administrative Department and approved by the President of Tecno-Gaz spa Elisabetta Ferrari, must be distributed:

- to all managers and employees of TECNO-GAZ S.p.A. **via the company intranet and also by email and bulletin board**
- to all other parties in relations of interest with TECNO-GAZ S.p.A. through its publication on the website of TECNO-GAZ S.p.A. by the Marketing Communications Department.

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**Data Protection Modules**

the documents formally referred to in the text of the Policy are attached at the bottom of this document

- Reporting information
- Reported information
- Impact Assessment on the whistleblowing platform to protect the confidentiality of the reported person

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## 11. ATTACHMENTS

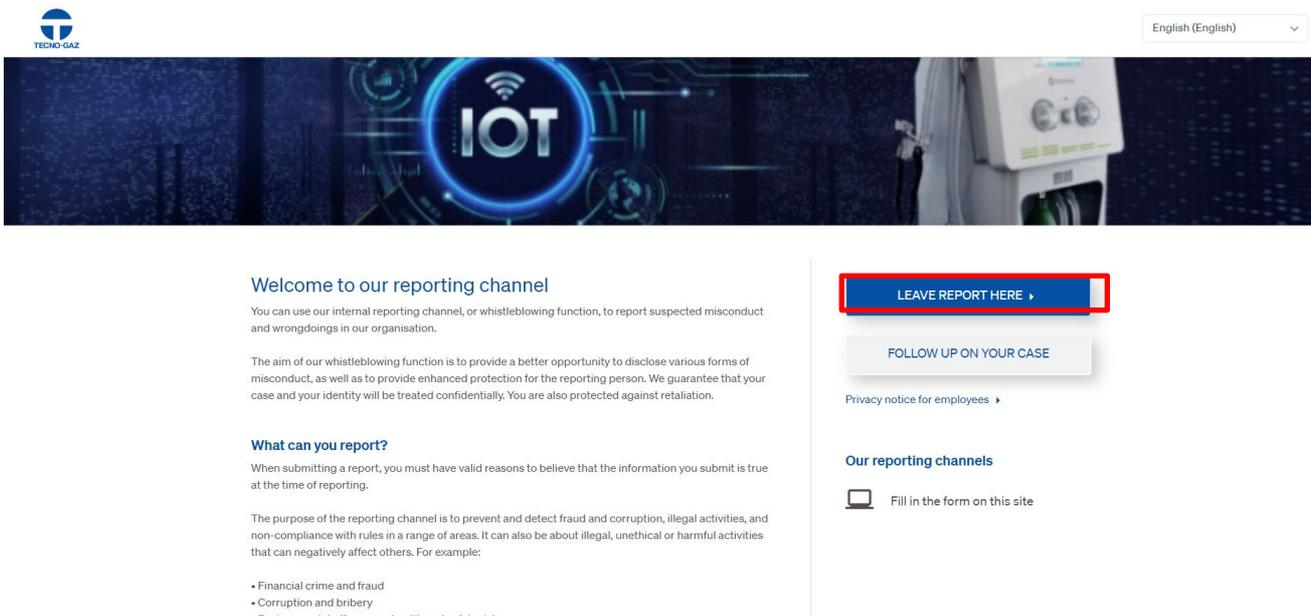
### 11.1 Annex 1 : Reporting through the Whistleblowing digital platform

It is possible to access the Whistleblowing digital platform through the link below:

<https://tecnogaz.whistlelink.com>

#### How to transmit the report:

1. After accessing the platform, the Whistleblower will be redirected to the introductory page, where he/she will be able to view the information that the report must have, the methods for managing the report, the other reporting channels available to the Whistleblower and the privacy policy. In addition, there are two boxes: "Submit your report here" and "follow up on your case". By clicking on the first one, you will have access to the page where you will have to enter as much information as possible about the report.



2. The Whistleblower will be guided in filling out a form consisting of open and/or closed questions that will allow him/her to provide the elements characterizing the report (facts, temporal context, people involved, etc.).

In this section, you will be able to upload attachments, video and audio files to support your report

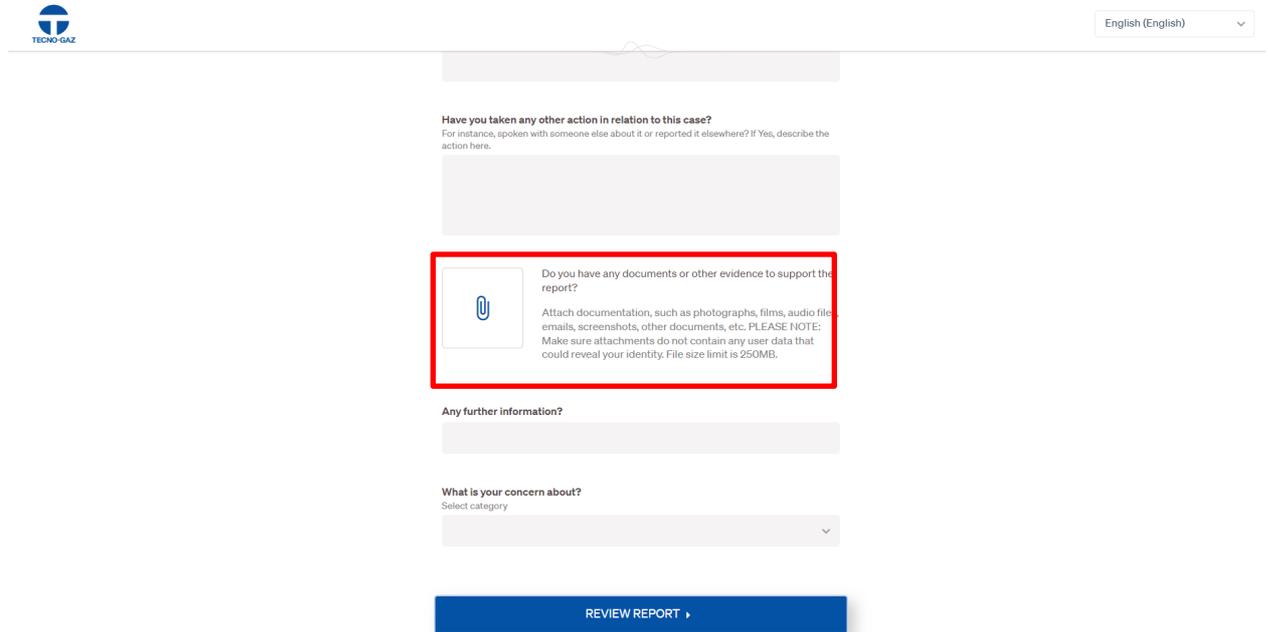
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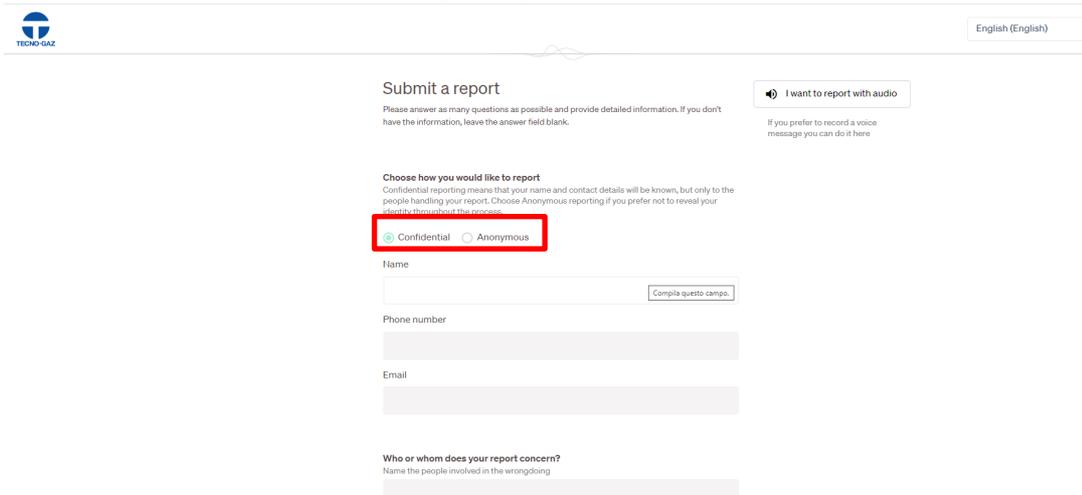
in the section "*Do you have documents or other evidence to support your report?*".



The screenshot shows a web form with a header containing the TECNO-GAZ logo and a language dropdown set to 'English (English)'. Below the header is a question: 'Have you taken any other action in relation to this case?' with a text input field. The next question is 'Do you have any documents or other evidence to support the report?' which is highlighted with a red box. This question includes a paperclip icon and a note: 'Attach documentation, such as photographs, films, audio file, emails, screenshots, other documents, etc. PLEASE NOTE: Make sure attachments do not contain any user data that could reveal your identity. File size limit is 250MB.' Below this is another question: 'Any further information?' with a text input field. The final question is 'What is your concern about?' with a dropdown menu. At the bottom of the form is a blue button labeled 'REVIEW REPORT >'. The TECNO-GAZ logo is also present in the top left corner of the form area.

Alternatively, you can send a report in audio format (the maximum duration is 10 minutes) by clicking on the box "I want to send a report in audio format". However, it will not be possible to guarantee anonymity since the voice may be recognized.

3. The Whistleblower must choose whether to make a confidential report or remain anonymous: in the first case, he/she must indicate his/her name and surname and an alternative method of contact (which can be his/her telephone number or e-mail). In any case, the Whistleblower may provide his/her personal details at a later date through the platform.



The screenshot shows the 'Submit a report' form. At the top left is the TECNO-GAZ logo. At the top right is a language dropdown set to 'English (English)'. The main heading is 'Submit a report' with a subtext: 'Please answer as many questions as possible and provide detailed information. If you don't have the information, leave the answer field blank.' To the right of this heading is a button with a microphone icon and the text 'I want to report with audio'. Below this is a note: 'If you prefer to record a voice message you can do it here.' The next section is 'Choose how you would like to report' with a subtext: 'Confidential reporting means that your name and contact details will be known, but only to the people handling your report. Choose Anonymous reporting if you prefer not to reveal your identity throughout the process.' Below this are two radio buttons: 'Confidential' (which is selected and highlighted with a red box) and 'Anonymous'. The form then has input fields for 'Name', 'Phone number', and 'Email'. Below these is a question: 'Who or whom does your report concern?' with a subtext: 'Name the people involved in the wrongdoing' and a text input field. The TECNO-GAZ logo is also present in the top left corner of the form area.

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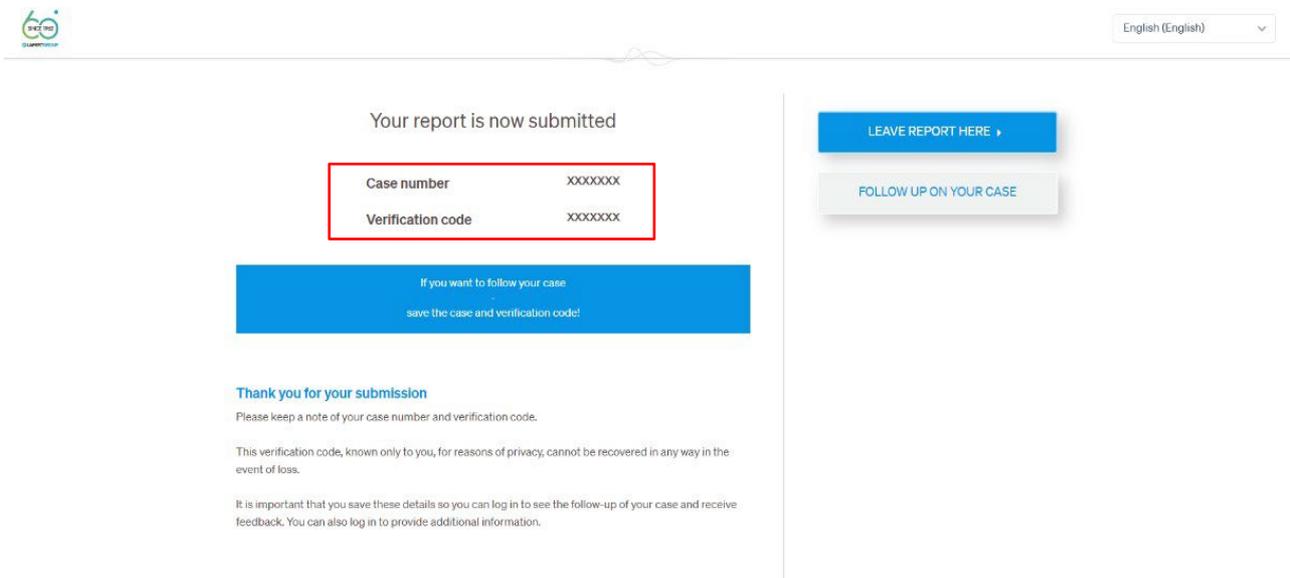
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 To protect your anonymity, pay particular attention to the details in any documents you attach to the report.

- Once the report has been submitted, the platform will issue the Whistleblower with the case identification code and the verification code to confirm that the report has been submitted. The latter, known only to the Whistleblower, for reasons of confidentiality, cannot be recovered in any way in case of loss.



- This code will allow the Whistleblower to access, at any time, the "follow your case" section through which it will be possible to complete the report with additional attachments (it will not be possible to make any changes to the report initially sent) and communicate in a secure and encrypted way through the platform in case of any questions. In fact, the platform allows a virtual conversation (chat) to be established between the Whistleblower and the person in charge of managing the report, ensuring, at the will of the Whistleblower, anonymity. It will be the responsibility of the Whistleblower to periodically access the platform to verify the evolution of the report sent.

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English (English) ▾



**Welcome to our reporting channel**

You can use our internal reporting channel, or whistleblowing function, to report suspected misconduct and wrongdoings in our organisation.

The aim of our whistleblowing function is to provide a better opportunity to disclose various forms of misconduct, as well as to provide enhanced protection for the reporting person. We guarantee that your case and your identity will be treated confidentially. You are also protected against retaliation.

**What can you report?**

When submitting a report, you must have valid reasons to believe that the information you submit is true at the time of reporting.

The purpose of the reporting channel is to prevent and detect fraud and corruption, illegal activities, and non-compliance with rules in a range of areas. It can also be about illegal, unethical or harmful activities that can negatively affect others. For example:

- Financial crime and fraud
- Corruption and bribery
- Environmental offences or health and safety risks

LEAVE REPORT HERE ▾

**FOLLOW UP ON YOUR CASE**

Privacy notice for employees ▸

**Our reporting channels**

📄 Fill in the form on this site

As previously reported, the Supervisory Body will confirm receipt of the same within 7 days and will provide feedback within 90 days from the date of receipt (whether the report is found to be founded or unfounded following appropriate evaluations)

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11.2 Annex 2: Regulatory references

Code:	Title:
Framework Agreement on Harassment and Violence in the workplace Civil Code art.2087	26/04/2007 Protection of working conditions
ILO Convention No . 190 of 21/06/2019	Convention Organization international of work of 21/06/2019 n. 190 On the elimination of violence and harassment in the workplace work.
Constitution of the Republic Italian	Fundamental Principles, Art.2 and Art. 3
Legislative Decree no. 24 of 10 March 2023	Legislative Decree No. 24 of 10 March 2023 on the protection of persons who report violations of EU law and laying down provisions concerning the protection of persons who report violations of national regulatory provisions
Legislative Decree 80/2015	Legislative Decree of 15 June 2015 n. 80 - Measures to reconcile the needs of care, life and work (includes paid leave for women who are victims of violence)
<b>D.Lgs. Decree 81/2008</b>	<b>Legislative Decree 81/2008 - Consolidated Law on Health and Safety at Work</b>
D.Lgs. 198/2006	Legislative Decree 198/2006 - Code of Equal Opportunities
Directive 97/80/EC	Burden of proof in cases of discrimination based on sex
Directive 2002/73/EC	Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, training and promotion of professional skills and working conditions
Directive (EU) 2019/1937	Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019
Law 162/2021	Law 162/2021: the news on equal opportunities at work
Law no. 4 of 15 January 2021	Ratification and implementation of ILO Convention No. 190
Law 38/2009	Conversion Law No 38 of 23 April 2009 on urgent measures in public safety and combating sexual violence, as well as stalking
Law 119/2013	Conversion Law no. 119 of 15 October 2013 laying down provisions urgent efforts to combat gender-based violence
Law 127/22	Law no. 127 of 4 August 2022
Law 179/17	Law no. 179 of 30 November 2017
Law 205/2017	Law no. 205 of 27 December 2017 – amendment of Article 26 of the Code of Equal Opportunities pursuant to Legislative Decree 198/2006
EEC Recommendation 92/131	Protection of the dignity of women and men at work
ILO Recommendation No. 206	Elimination of violence and harassment in the world of work
UNI ISO 30415:2021	UNI ISO 30415:2021: Human Resource Management - Diversity and inclusion
UNI PdR 125:2022	UNI PDR 125:2022 Reference Practice: Gender equality policies in organizations

## Terms and Definitions

- **Direct discrimination:** occurs when a worker (or a group) is treated less favourably than another who is in a similar situation, because of a distinctive element of the person, such as gender, nationality, ethnicity, social/economic status, family status, state of health, physical appearance, language, age, disability, sexual, political, trade union and religious orientation, type of contract, as well as character and personal beliefs. In particular, gender discrimination is the use of sexist criteria in interpersonal relationships at work.
- **Indirect (or structural) discrimination:** means a situation in which an apparently neutral provision, practice, criterion, act, agreement or behaviour places or is likely to place the worker (or a group) at a particular disadvantage, by reason of their gender, nationality, ethnicity, social/economic status, family status, state of health, physical appearance, language, age, disability, sexual, political, trade union and religious orientation, type of contract, as well as character and personal beliefs. Indirect discrimination, therefore, formally presents a neutral aspect but which, in fact, on the contrary, ends up disadvantaging certain categories of people, for example: female workers in relation to the hypothetical or real maternity event or even workers/fathers with respect to the parental role; part-time workers who are more affected than part-time workers, as a result of a selective procedure of economic progression, when, as a result of the application of one of the criteria established in the internal call, the score is parameterized to the hours of work performed.
- **Harassment at work:** undesirable behaviour, carried out for reasons also related to sex and having the purpose or effect of violating the dignity of a worker and creating an intimidating, hostile, degrading, humiliating or offensive climate. It is an aggravating circumstance if the harassment is accompanied by implicit or explicit threats or blackmail by hierarchical superiors or persons who may in any case influence the establishment, performance and termination of the employment relationship (see definition "discrimination as a reaction").

### Focus on differentiation between "psychological harassment (or mobbing)" and "sexual harassment" (derived from Directive 2002/73/EC):

- **"Emotional or psychological harassment" (or "Mobbing"):** an intentional and repeated situation in which undesirable behaviour occurs in connection with a distinctive element of a person, the purpose or effect of violating their dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment. Psychological harassment occurs when one or more workers continuously behave inappropriately towards another colleague, and for this reason humiliated, offended, threatened. Psychological harassment is equivalent to mobbing, i.e. "accidents" or "undesirable behaviour" in which a colleague is abused, threatened or assaulted in work-related circumstances, including commuting to and from work and working from home, with explicit or implicit consequences on health, safety and well-being. These "accidents" or "undesirable behaviour" are considered as such when they have the purpose or effect of violating the dignity of the worker and creating an intimidating, hostile, degrading, humiliating or offensive climate.  
  
They are faced with psychological harassment when a colleague or a group of colleagues continuously behave incorrectly towards another worker, a group of colleagues, a superior or a subordinate identified as a victim, humiliated, offended, threatened. Some examples: yelling, using offensive or sarcastic language, offending, constantly criticizing the worker, excluding the employee from social events or coffee breaks, hiding important information, assigning the employee too many tasks, too difficult, degrading or too easy. Harassment should never be tolerated.

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- **"Physical Harassment"**: occurs when someone uses a part of their body or an object to restrict a person's actions and/or to cause physical harm.
- **"Sexual harassment"**: This is a type of harassment that can be psychological, physical, or both. It occurs in the case of unwanted conduct with a sexual connotation, expressed in physical, verbal, non-verbal or computer form, having the purpose or effect of violating the dignity of a person, in particular, by creating an intimidating, hostile, degrading, humiliating or offensive climate.

Where does the compliment end and the sexual harassment begin? Firstly, it is necessary to point out that, while some gestures or proposals are clearly considered unacceptable, certain behaviours are sometimes not considered unequivocally inappropriate. What may be considered a compliment or a joke for some, may be offensive to others; This is especially the case in workplaces where there are significant cultural, social or background differences, or with high turnover, which leads to a lack of personal knowledge. However, every person in the workplace should feel free to say that they find the behavior offensive or inappropriate and expect others to respect it. Behavior that offends someone unintentionally can be quickly corrected without causing harm. The goal is to create a work culture where everyone feels heard and respected. Sexual harassment, on the other hand, violates the dignity of the person by creating an intimidating, hostile, degrading or humiliating environment in the workplace.

They are confronted with sexual harassment when there are: annoying and unwanted physical contact, unwanted verbal or non-verbal appreciation, inappropriate comments with references to the person's sexuality, written and verbal expressions about the presumed inferiority of the person as belonging to a certain sex or denigrating due to the diversity of expression of sexuality, sexual gestures, proposals or "jokes", intrusive questions about personal relationships, sending inappropriate images or e-mails, a physical approach of a sexual nature, or the request for physical intercourse when the other person does not show any interest, intimidation, threats and blackmail suffered for rejecting behaviors aimed at sexual intercourse.

- **"Discrimination as a reaction" (or "in retaliation")**: "Discrimination as a reaction" is considered to be unfavourable treatment by the employer that constitutes a reaction to a complaint or an action aimed at obtaining compliance with the principle of equal treatment regardless of the factors of diversity. Less favourable treatment suffered by a worker (or a group) for opposing discriminatory behaviour in the form of harassment, including sexual harassment (or vice versa, for submitting to it) is also considered to be discrimination as reactions.

**Notes:**

1. Discrimination is not applicable where a requirement is considered essential to the performance of the work (e.g. manual work that is impractical for people with certain types of disabilities), provided that the requirement is legitimate and the employer removes all obstacles that limit equal opportunities.
  
2. Following the amendment of art. 25 paragraph 2-bis of the "Code of Equal Opportunities" (Law 162/2021), is identified as "discrimination" not only in any treatment, but also in any change in the organization of working conditions and times that is motivated by the state of pregnancy, maternity or paternity and by the exercise of the related rights but also simply by sex, age or personal or family care needs and which places or may place the worker in at least one of the following conditions:
  - at a disadvantage compared to other workers in general;
  - limitation of opportunities to participate in the life or choices of the company;
  - restriction of access to advancement and progression mechanisms in the career. Example: discrimination is applied to a worker who is absent from work as a result of an illness caused by pregnancy (Court of Justice). EC 30 June 1998) or to undergo the practice of artificial insemination (Cass. 6575\2016), sanctioning it with dismissal.