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## PROGRAMME

# Rules Of Procedure

## SUMMARY

Through these Rules of Procedure, ERS establishes comprehensive guidelines that uphold and maintain internal discipline. It details the specific nature and scale of potential sanctions that the organisation might impose. The document also reiterates the fundamental rights available to all employees, emphasising their rights to defence. It sets a clear framework that addresses and condemns any forms of authority abuse in labour relations, particularly those of a sexual or moral nature. Furthermore, the Rules of Procedure define protocols and best practices to ensure the health and safety of all associated personnel, serving as a cornerstone to ensure a fair, safe, and accountable workplace environment for everyone under ERS's purview.



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# Scope of the *Rules Of Procedure*

Except for the rules relating to the disciplinary procedure and the nature and scale of sanctions, these rules of procedure are binding and concern the following:

1. All ERS's staff members, including temporary workers and trainees, as well as any person who performs work or a specific mission at ERS, regardless of whether or not they have an employment contract with ERS;
2. Within ERS premises as a whole, including the workplace, kitchen, stairs, etc.

Any other general regulation brought to the attention of all ERS personnel, in particular using a memorandum, shall be considered an addition to these regulations and shall have the same force of application.

A copy of these rules shall be made available to staff.



# Health And *Safety*

## ALCOHOLIC BEVERAGES AND DRUG CONSUMPTION

1. Introducing drugs or alcoholic beverages into ERS premises is strictly forbidden.
2. It is forbidden to enter or remain in the establishment while intoxicated or under the influence of drugs.
3. The consumption of alcoholic beverages on the premises and during working hours is prohibited except in exceptional circumstances and with the agreement of the management (e.g. organisation at the initiative of ERS, agreement following a request to one of the organisation's representatives, etc.).
4. Only wine, cider, and beer may be consumed with the meal in reasonable quantities.

## SMOKING

1. Smoking and/or vaping (electronic cigarettes) are prohibited on ERS premises.
2. It is possible to go outside ERS premises to smoke while ensuring that cigarette butts are not scattered.

## PERSONAL SAFETY AND THAT OF OTHER EMPLOYEES

### **Safety and fire regulations**

1. The safety instructions, particularly those for evacuation in the event of a fire, are published on the current ERS premises. All employees and users of these spaces are invited to take note of them and be fully aware of the possible consequences of not respecting them.



2. Personnel must participate in the annual fire drills and strictly adhere to them. In the event of a fire, anyone with firefighter training may be called upon.
3. All emergency or extinguishing equipment must be kept free of access. No emergency equipment may be handled outside of a fire.

### **Monitoring employees' health**

1. To protect employees' health, periodic compulsory medical examinations, as well as information and prevention visits, pre-recovery visits, resumption visits, visits at the initiative of the occupational physician, and other medical examinations may be organised. The presence at these medical examinations is essential.

### **Conditions for restoring health and safety working conditions**

1. A staff member may be called upon, at the request of ERS, to help re-establish working conditions that protect the health and safety of staff, should they appear to be compromised.

### **ABSENCE DUE TO ILLNESS**

1. In the event of absence due to illness or accident, or an extension of the period of absence from work, it is crucial to send a medical certificate to ERS (Manager and Human Resources department) within 48 hours indicating the foreseeable duration of the absence.
2. Any accident, even a minor one, occurring during work hours, including the journey to the workplace, must be reported to ERS's HR department, as soon as possible on the day of the accident or within twenty-four (24) hours, except in cases of force majeure.
3. Sickness leaves could be monitored.



## RIGHT TO ALERT AND RIGHT OF WITHDRAWAL

1. If there are reasonable grounds for believing that a work situation presents a serious and imminent danger to the health and safety of an employee, they may withdraw from activities at ERS.



# Rules Of *Life*

## MANAGER RECOMMENDATIONS

1. In the execution of work, all staff members are required to respect the applicable processes.

## RESPECT FOR WORKING HOURS

1. Communication with managers is essential to request permission to be absent, to inform of any unforeseen absence, and to justify any delays.
2. In accordance with the Syntec collective agreement, for employees benefiting from a fixed number of days, work is organised as follows:
  - 2.1. 218 days maximum over 12 months.
  - 2.2. In addition, employees must respect the following minimum rest periods:
    - 2.2.1. 11 hours of daily rest;
    - 2.2.2. 35h weekly rest period;
    - 2.2.3. In accordance with the Syntec collective agreement, for trainees and apprentices, work is organised as follows:
      - Monday to Friday, 9 am to 12 pm and 1 pm to 5pm.

## ERS' WORKPLACE

1. Access to the ERS premises is exclusively reserved for its staff in the context of professional activity only.





## CARE AND RETURN OF MATERIAL PROVIDED

1. Staff are responsible for keeping the equipment entrusted for performing their duties in good condition, including when this equipment is used for personal purposes.
2. In the event of termination or change of an employment contract, ERS' materials and documents in possession must be returned.

## CONFIDENTIALITY

1. As ERS wishes to establish a relationship of trust with all employees and temporary personnel, no confidential information, documents, data or information about ERS must be used or disclosed.
2. ERS relies on discretion, both during and after the collaboration with ERS.

## USE OF ERS PREMISES

To this end, staff must refrain from:

1. Posting documents outside the designated areas;
2. Bringing objects and goods to be sold there;
3. Carrying out fundraisings without management authorisation, with the sole exception of collections of union dues;
4. Organising meetings during working hours and at the workplace, in accordance with the right to strike and freedom of expression;
5. Sleeping in the work premises and to remain there in the event of an evacuation order from the management.



# Rights and *Duties*

## PENALTIES FOR NON-COMPLIANCE WITH THE RULES OF PROCEDURE

### Sanctions

1. These rules of procedure must be conscientiously observed. Otherwise, depending on its seriousness, any violation that may be observed may be subject to one or other of the disciplinary sanctions detailed below.
2. The sanction will be taken according to the factual circumstances surrounding the possible violation without necessarily following the order of this ranking:
  - 2.1. **Reprimand:** a written reprimand for misconduct;
  - 2.2. **Warning:** a written observation intended to draw the employee's attention to the misconduct;
  - 2.3. **Disciplinary layoff:** temporary suspension of the employment contract without pay for a period of between 1 and 6 days;
  - 2.4. **Demotion:** assignment to a different function or position with loss of responsibility and pay;
  - 2.5. **Dismissal for simple misconduct:** termination of the employment contract;
  - 2.6. **Dismissal for serious misconduct:** termination of the employment contract without compensation for notice and dismissal allowance;
  - 2.7. **Dismissal for gross misconduct:** termination of the employment contract without compensation for notice and redundancy pay.

### Guarantee of a disciplinary procedure and rights of defence

1. Any sanction, "except if the projected sanction is a warning or a sanction of the same nature which does not affect, whether immediately or not, the



presence in the company, the function, the career or the remuneration of the employee", will be surrounded by the procedural guarantees provided by Articles L. 1332-1 to L. 1332-3 and R. 1332-1 to R. 1332-4 of the Labour Code.

2. Any sanction that ERS may have to take will, in any case, be motivated and notified by hand-delivered or registered letter.

## PSYCHOLOGICAL AND SEXUAL HARASSMENT AND ALL FORMS OF DISCRIMINATION

### Prohibition of sexual harassment

1. **Article L. 1153-1 of the Labour Code:** No employee shall be subjected to acts:
  - 1.1. Either sexual harassment, consisting of repeated comments or behaviour with a sexual or sexist connotation which either violates their dignity because of their degrading or humiliating nature or creates an intimidating, hostile or offensive situation for them;
  - 1.2. Sexual harassment is also considered as:
    - 1.2.1. Where the same employee is subjected to such comments or behaviour by several persons, in a concerted manner or at the instigation of one of them, although each of these persons has not acted repeatedly;
    - 1.2.2. When the same employee is subjected to such comments or behaviour, successively, by several persons who, even in the absence of concertation, know that these comments or behaviour characterise a repetition;
    - 1.2.3. Be considered as sexual harassment, consisting of any form of severe pressure, even if not repeated, exercised with the real or apparent aim of obtaining an act of a sexual nature, whether this is sought for the benefit of the perpetrator or a third party.
2. **Article L. 1153-2 Labour Code:** No person who has suffered or refused to suffer sexual harassment as defined in Article L.1153-1, including, in the case mentioned in 1° of the same Article L.1153-1, if the comments or behaviour



have not been repeated, or who has, in good faith, testified to acts of sexual harassment or recounted such acts, may be subject to the measures mentioned in Article L.1121-2.

- 2.1. The persons mentioned in the first paragraph of this article shall benefit from the protections provided for in I and III of Article 10-1 and in Articles 12 to 13-1 of Act n°2016-1691 of 9 December 21016 on transparency, the fight against corruption and the modernisation of economic life.
3. **Article L. 1153-4 Labour Code:** Any provision or act contrary to the provisions of Articles L. 1153-1 to L. 1153-3 is null and void.
4. **Article L. 1153-5 Labour Code:** The employer shall take all necessary measures to prevent, put an end to and punish acts of sexual harassment. In the workplace and the premises or at the door of the premises where recruitment takes place, the persons mentioned in Article L. 1153-2 shall be informed by any means of the text of Article 222-33 of the Criminal Code.
5. **Article L. 1153-5-1 Labour Code:** In any company employing at least two hundred and fifty employees, a referent is appointed to guide, inform and support employees in the fight against sexual harassment and sexist behaviour.
6. **Article L. 1153-6 Labour Code:** Any employee who has engaged in sexual harassment is liable to disciplinary action.

## Prohibition of moral harassment

1. **Article L. 1152-1 of the Labour Code:** No employee shall be subjected to repeated acts of moral harassment which have the purpose or effect of degrading his or her working conditions in a manner likely to infringe his or her rights and dignity, to alter his or her physical or mental health or to compromise his or her professional future.
2. **Article L.1152-2 Labour Code:** No person who has suffered or refused to suffer repeated acts of psychological harassment or who has, in good faith, reported or testified to such acts may be subject to the measures mentioned in Article L.1121-2.



- 2.1. The persons mentioned in the first paragraph of this article shall benefit from the protections provided for in I and III of Article 10-1 and in Articles 12 to 13-1 of Act n°2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life.
3. **Article L.1152-3 of the Labour Code:** Any breach of the employment contract that disregards the provisions of Articles L. 1152-1 and L. 1152-2, any provision or any act to the contrary is null and void.
4. **Article L.1152-4 Labour Code:** The employer shall take all necessary measures to prevent moral harassment.
  - 4.1. The persons mentioned in Article L. 1152-2 shall be informed by any means of the text of Article 222-33-2 of the Criminal Code.
5. **Article L. 1152-5 Labour Code:** Any employee engaged in moral harassment is liable to disciplinary action.
6. **Article L. 1152-6 Labour Code:** A mediation procedure may be implemented by any person in the company who considers himself or herself to be a victim of psychological harassment or by the accused person.
  - 6.1. The choice of mediator is agreed between the parties.
  - 6.2. The mediator finds out about the state of relations between the parties. He/she tries to reconcile them and submits proposals to them in writing to end the harassment.
  - 6.3. When conciliation fails, the mediator informs the parties of the possible sanctions and procedural guarantees for the victim.

## Sanctions for harassment

1. **Article L. 1154-1 Labour Code:** When a dispute arises relating to the application of Articles L. 1152-1 to L. 1152-3 and L. 1153-1 to L. 1153-4, the applicant for a job, an internship or a period of in-company training, or the employee, shall establish facts from which it may be presumed that harassment has taken place



- 1.1. Given these elements, it is up to the defendant to prove that these actions do not constitute such harassment and that its decision is justified by objective factors unrelated to any harassment.
  - 1.2. The judge shall form his or her opinion after ordering, if necessary, all the investigative measures he or she considers proper.
2. **Article L. 1154-2 Labour Code:** The representative trade union organisations in the company may take all legal action resulting from Articles L. 1152-1 to L. 1152-3 and L. 1153-1 to L. 1153-4. They may exercise these actions on behalf of an employee of the undertaking under the conditions provided for in Article L. 1154-1, subject to the written agreement of the person concerned. The concerned person may always intervene in the proceedings initiated by the trade union and terminate them at any time.
3. **Article L. 1155-1 Labour Code:** The fact of interfering or attempting to interfere with the regular exercise of the functions of a mediator, as provided for in Article L. 1152-6, is punishable by one year's imprisonment and a fine of €3,750.
4. **Article L. 1155-2 Labour Code:** Acts of discrimination committed due to moral or sexual harassment as defined in Articles L. 1152-2, L. 1153-2 and L. 1153-3 of this code are punishable by one year's imprisonment and a fine of €3,750.
  - 4.1. The court may also order, as an additional penalty, the posting of the judgement at the expense of the convicted person under the conditions set out in Article L. 131-35 of the Criminal Code and its publication, in full or in extracts, in the newspapers it designates. These costs may not exceed the maximum amount of the fine incurred.

## Prohibition of all sexist behaviour

1. **Article L.1142-2-1 of the Labour Code:** No one shall be subjected to sexist behaviour, defined as any behaviour related to a person's sex, the purpose or effect of which is to undermine his or her dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment. Any



employee who engages in the above-mentioned conduct is liable to disciplinary action.

## Definition of discrimination

1. **Article 225-1 Penal Code:** Any distinction made between natural persons based on their origin, sex, family situation, pregnancy, physical appearance, particular vulnerability resulting from their economic situation, whether apparent or known to the perpetrator, surname, place of residence, state of health, loss of autonomy, their disability, their genetic characteristics, their morals, their sexual orientation, their gender identity, their age, their political opinions, their trade union activities, their ability to express themselves in a language other than French, their membership or non-membership, real or supposed, of a specific ethnic group, nation, alleged race or religion.

Any distinction made between legal persons based on origin, sex, family status, pregnancy, physical appearance, particular vulnerability resulting from the economic situation, apparent or known to the perpetrator, surname, place of residence, state of health, loss of autonomy, disability, etc., also constitutes discrimination, genetic characteristics, morals, sexual orientation, gender identity, age, political opinions, trade union activities, ability to express oneself in a language other than French, membership or non-membership, real or supposed, of an ethnic group, nation, alleged race or specific religion of the members or certain members of these legal persons.

## Sanctions for discrimination

1. **Article 225-2 Penal Code:** Discrimination, as defined in Articles 225-1 to 225-1-2, committed against a natural or legal person, is punishable by three years of imprisonment and a fine of 45,000 euros when it consists of:
  - 1.1. 1° Refusing the supply of a good or service;
  - 1.2. 2° Hindering the normal exercise of any economic activity;
  - 1.3. 3° Refusing to hire, sanction or dismiss a person;



- 1.4. 4° To make the supply of a good or service subject to a condition based on one of the elements referred to in Article 225-1 or provided for in Articles 225-1-1 or 225-1-2;
  - 1.5. 5° Making an offer of employment, a request for an internship or a period of training in a company subject to a condition based on one of the elements referred to in Article 225-1 or provided for in Articles 225-1-1 or 225-1-2;
  - 1.6. 6° Refusing to accept a person for one of the training courses referred to in 2° of Article L. 412-8 of the Social Security Code.
  - 1.7. When the discriminatory refusal provided for in 1° is committed in a place open to the public or prohibits access to it, the penalties are increased to five years of imprisonment and a fine of 75,000 euros.
2. **Article 225-3 Penal Code:** The provisions of the preceding article shall not apply:
- 2.1. 1° Discrimination based on the state of health consists of operations aimed at preventing and covering the risk of death, risks to the physical integrity of the person or risks of incapacity for work or invalidity. However, such discrimination is punishable by the penalties provided for in the previous article when it is based on taking into account predictive genetic tests aimed at a disease that has not yet been declared or a genetic predisposition to a disease or when it is based on taking into account the consequences on the state of health of the removal of an organ as defined in Article L. 1231-1 of the Public Health Code, or of data resulting from brain imaging techniques;
  - 2.2. 2° Discrimination based on health or disability, when it consists of a refusal to hire or a dismissal based on medically proven unfitness, either within the framework of Title IV of Book II of the Labour Code or within the framework of laws on statutory provisions relating to the civil service;
  - 2.3. 3° Discrimination based on a ground mentioned in Article 225-1 of the present Code, when such a ground constitutes an essential and





determining professional requirement and provided that the objective is legitimate and the requirement proportionate;

- 2.4. 4° Discrimination based on gender in access to goods and services where such discrimination is justified by the protection of victims of sexual violence, considerations of privacy and decency, the promotion of gender equality or the interests of men or women, freedom of association or the organisation of sporting activities;
  - 2.5. 5° Refusal to hire based on nationality when this results from the application of statutory provisions relating to the civil service;
  - 2.6. 6° Discrimination based on place of residence when the person responsible for providing a good or service is in a situation of obvious danger.
  - 2.7. Measures favouring persons residing in specific geographical areas to promote equal treatment do not constitute discrimination.
3. **Article 225-3-1 Penal Code:** The offences provided for in this section shall be constituted even if they are committed against one or more persons who have solicited one of the goods, acts, services or contracts mentioned in Article 225-2 to demonstrate the existence of discriminatory behaviour, once the proof of this behaviour is established.
  4. **Article 225-4 Penal Code:** Legal persons declared criminally liable, under the conditions set out in Article 121-2, for the offences defined in Article 225-2 shall incur, in addition to a fine in accordance with the procedures set out in Article 131-38, the penalties set out in 2° to 5°, 8° and 9° of Article 131-39.
  5. The prohibition referred to in Article 131-39(2) shall apply to the activity in the exercise or on the occasion of the exercise in which the offence was committed.

## PROHIBITION OF CHILD LABOUR AND PROTECTION OF YOUR PEOPLE AT WORK

1. The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school-leaving age,



without prejudice to such rules as may be more favourable to young people and except for limited derogations.

2. Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

## PROTECTION OF WHISTLEBLOWERS

A whistleblower protection scheme is applicable in the company under the following conditions:

### Definition of a Whistleblower

Article 6 of Law n°2016-1691 of 09-12-2016: A whistleblower is a natural person who discloses or reports, disinterestedly and in good faith, a crime or offence, a serious and manifest violation of an international commitment regularly ratified or approved by France, of a unilateral act of an international organisation taken based on such a commitment, of the law or of the regulations, or a threat or serious prejudice to the general interest, of which he or she has personal knowledge.

Facts, information or documents, whatever their form or medium, covered by national defence secrecy, medical secrecy or the secrecy of relations between a lawyer and his client are excluded from the whistleblowing regime.

### How to Report

Article 8 of law n°2016-1691 of 09-12-2016:

1. The report of an alert shall be brought to the attention of the employer's direct or indirect hierarchical superior or of a referent designated by the latter.

In the absence of diligence on the part of the person to whom the alert referred to in the first paragraph of this I is addressed to verify, within a reasonable time, the admissibility of the alert, it shall be sent to the judicial authority, the administrative authority or the professional bodies.

As a last resort, if one of the bodies mentioned in the second paragraph fails to process the alert within three months, it may be made public.



2. In the event of serious and imminent danger or risk of irreversible damage, the alert may be brought directly to the attention of the bodies mentioned in the second paragraph of I. It may be made public.
3. Appropriate procedures for the collection of alerts issued by members of their staff or by external and occasional collaborators shall be established by legal persons governed by public or private law with at least fifty employees, State administrations, municipalities with more than 10,000 inhabitants as well as public establishments for inter-municipal cooperation with their own tax status of which they are members, departments and regions, under conditions laid down by decree in the Council of State.
4. Any person may address his or her report to the Human Rights Defender to be directed to the appropriate body to collect the alert.

### **Whistleblower Protection**

Article L1132-3-3 Labour Code: No person who has testified, in good faith, to facts constituting a misdemeanour or a crime of which he or she has become aware in the performance of his or her duties or who has reported such facts may be subject to the measures mentioned in Article L.1121-2.

The persons mentioned in the first paragraph shall benefit from the protections provided for in I and III of Article 10-1 and in Articles 12 to 13-1 of Act n°2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life.

## **ENTRY INTO FORCE AND AMENDMENTS**

### **Entry into force**

These rules of procedure shall enter into force on 1 July 2023.

### **Filing and posting formalities**

The regulation was filed with the secretariat of the industrial tribunal and the labour inspectorate of ERS on 30 May 2023.



The rules will be displayed on ERS premises and available on the Notion page provided for this purpose. A copy will also be given to each employee upon hiring.

## **1. Subsequent changes**

Following an inspection by the labour administration, amendments and additions to these regulations shall be subject to the same consultation, publicity and filing procedures.

Done in Paris, 20 April 2023

Thibault Sorret, CEO



**Ecosystem Restoration Standard**

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