

# DIGITAL DISCONNECTION PROTOCOL

Madrid, June 22, 2021

# Konecta



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## 1.-INTRODUCTION AND DEFINITION OF DIGITAL DISCONNECTION

The technological changes that have taken place in recent decades have led to changes in the field of labor relations. Computers, mobile phones, tablets, etc. are now part of our working life, and affect the working relationships between companies and employees. When not used properly, they can lead to problems in the health of employees (computer fatigue, burnout syndrome, stress, etc.)

It is therefore important to properly manage all these elements that impact labor relations.

In this context, the right to digital disconnection arises from **the need to set limits on working hours and the obligations of employees**, so as to allow a rest that has been negatively affected by the emergence of mechanisms of use as widespread in our society as mobile phones.

KONECTA's management is fully aware of this situation and has therefore decided to approve, after holding consultations with workers' representatives, this **DIGITAL DISCONNECTION PROTOCOL, to guarantee the right of employees to digital disconnection, and to preserve the rest time after the end of the working day**, promoting the principles contained in KONECTA's Code of Ethics, as well as in its HR Framework Policy and its Equality Policy, on the personal and working life balance, and to contribute to the optimization of the occupational health of all employees.

KONECTA employees shall have the right to digital disconnection to ensure respect for their rest time, leaves or holidays, as well as for their personal or family private life, outside the working hours legally or conventionally established in the Company.

## 2.- LEGAL SCOPE

The entry into force of Organic Law 3/2018, of 5 December, on the Protection of Personal Data and the Guarantee of Digital Rights (LOPDGDD, in Spanish), which amends, among other legal provisions, the consolidated text of the Workers' Statute Act by including a new article, **20a**, regulates a new right for workers as follows:

**Article 88** of the **LOPDGDD** protects and **guarantees the right to digital disconnection** stating:

"1.- and public employees shall have the right to digital disconnection to ensure respect for their rest time, leaves or holidays, as well as for their personal and private life, outside the working hours legally or conventionally established.

2.- The methods for exercising this right shall consider the nature and purpose of the employment relationship, shall enhance the right to reconcile work and personal and family life, and shall be subject to the provisions of collective bargaining or, failing that, to the agreement between the Company and the workers' representatives.

3.- The employer, after hearing the workers' representatives, shall draw up an internal policy aimed at employees, including those in executive positions, which shall define the modalities for exercising the right to disconnection, and the training and awareness-raising actions of staff on the reasonable use of technological tools to avoid the risk of computer fatigue. In particular, the right to digital disconnection shall be preserved in cases of total or partial remote work, including the work conducted from the home of the employee linked to the use of technological tools for professional purposes."

### **3.- SCOPE OF APPLICATION OF THE PROTOCOL**

The measures covered by this protocol shall be applicable **to all KONECTA employees**, regardless of their group and professional category, as well as of their working conditions, including employees under a partial or total remote working agreement (“remote modality”), as well as those holding executive positions within KONECTA.

### **4.- PURPOSE AND COMPLIANCE WITH THE PROTOCOL**

The provisions contained in this Protocol shall aim at establishing **measures to ensure that employees effectively enjoy their rest time and holidays**, while preserving their personal and family private life, regardless of the working time they have established, or whether they develop their work from a different location partially or fully, namely under the “remote modality”.

The Protocol is mandatory for all members of the Company, who are also responsible for its implementation. In this regard, the role of management and middle management is particularly relevant to ensure compliance with this Protocol.

### **5.- RIGHT TO DIGITAL DISCONNECTION**

In its commitment to achieve a proper personal and working life balance, KONECTA recognizes the right of employees not to interact with digital devices, and not to read or respond to any communication outside working hours, whether by telephone, e-mail, instant messaging applications (WhatsApp, Hangouts, etc.) or by any other digital tool that interferes with their right to rest, as well as not to attend to professional issues outside their established working hours, unless the circumstances indicated in point NINE occur.

In general, communications on professional issues shall take place within working hours and, in any case, employees shall have the right not to reply to communications received after the end of their working hours, except where an exceptional situation caused by a force majeure event requiring contact occurs. In these cases, a telephone call shall be deemed preferable to e-mails or other forms of communication.

### **6.- MEASURES**

KONECTA shall adopt the following **measures** so as **to implement the right to digital disconnection** of all employees **in the organization**:

- a) The Company establishes that **the daily and weekly rest times, leaves, or holidays of employees shall be respected.**

Thus, employees have the right not to respond to any kind of communication through any channel sent outside their working hours, except for reasons of force majeure or exceptional circumstances.

The following shall be included in the legal information texts of the e-mails:

Employees have the right not to respond to communications received after the end of their working hours, except where events of force majeure or exceptional circumstances that may be detrimental to the Company occur.

The summoning and attendance to work meetings, taking place either on-site or remotely, shall be made within the limits of the working day or normal hours, and the duration of these meetings shall not extend beyond the end of the working day or normal hours, respecting rest times, weekends and/or official holidays at local, regional and national levels.

- b) **The sending of professional communications at the end of the working day, as well as the making of telephone calls outside working hours shall be avoided to the extent possible, except for reasons of force majeure or exceptional circumstances.**
- c) When sending e-mails outside working hours, **the use of programmed delivery shall be deemed preferable**, to send messages throughout the recipient's working hours. This practice shall be promoted within KONECTA.
- d) For **better management of working times**, the following measures shall be sought:
- avoiding calls for trainings, meetings, video conferences, etc. outside the regular working hours of each employee.
  - organizing meetings, training sessions, etc., in good time and establishing a duration that allows employees to plan their day.
- e) KONECTA employees **shall not be subjected to recrimination or punishment** for not connecting or attending to their professional obligations during working hours while on holidays, leaves, weekends, resting hours between each working day, etc., to which they are entitled by law.

In this regard, KONECTA requires employees to leave an out-of-office message on their e-mails indicating that they are "not in the office", the dates during which they shall not be available, as well as the contact details of the employee that they can contact during said period. For example:

Good morning,

Thank you very much for your email. I am currently out of the office. I will be available again on DD/MM/YY.

For confidentiality reasons, your mail will not be forwarded. For emergencies, please contact: NAME OF THE COLLEAGUE (colleague@example.es).

Thank you.

Best regards,

SIGNATURE

f) Employees **holding positions** that involve having a **team of people under their responsibility** (middle managers or leadership positions) shall particularly comply with the Digital Disconnection Policies, given their position with respect to the teams they coordinate.

Therefore, superiors shall not require any replies to communications sent to their staff outside working hours, when said communications are sent at a time very close to the end of their working day, and where said reply results in the recipients needing to extend their working hours.

## **7.- EMPLOYEES UNDER TOTAL OR PARTIAL REMOTE WORK MODALITY**

Given the singularities of the employees under a full or partial remote work scheme, KONECTA shall guarantee the right to digital disconnection both to employees performing their work on site or remotely, or at the home of the employee linked to the use of technological tools for professional purposes. All the measures referred to in paragraph 6 shall be complied with in respect of these employees.

## **8.- USE OF TECHNOLOGICAL TOOLS**

With regard to the use of the working tools provided by KONECTA, including the computer systems and equipment and technological means made available to the staff, and to ensure the proper use of said tools, the following rules are laid down for their correct use:

Employees shall make an appropriate and responsible use of the technological tools (mobile phone, tablet, computer etc.) made available to them, avoiding, to the extent possible, their use outside working hours.

The Company's computer systems and equipment are for professional use only. Access to the Internet is limited to those employees requiring its use for their work during the time necessary to conduct the necessary consultations.

As for e-mails, it shall not be possible to access the e-mails of other users without their consent, to send e-mails of offensive content, or to use the professional e-mail account for purposes other than those for which they have been assigned.

## **9.- STATUS OF EXCLUSION FROM THE MEASURES OF THE PROTOCOL**

In positions with special responsibility within a KONECTA organizational or production unit (platform managers, heads of department, or other similar positions), as well as for those holding executive positions, the measures guaranteeing the right to digital disconnection shall not apply in cases where circumstances of force majeure occur, or where they result in serious, imminent, or obvious harm to KONECTA, and therefore require some precise action from employees at that particular time, or even where, due to the nature of their duties, they make standby shifts.

## 10.- TERM OF THE PROTOCOL

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The validity of this Protocol shall start with the signing of this agreement between KONECTA and the workers' representatives, and shall be tacitly renewed annually.

Where KONECTA wishes to include any amendments thereto, the parties should so agree at least one month prior to the annual expiry date.

## 11.- MONITORING

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KONECTA's existing Safety and Health Committees (CSS, in Spanish) shall be responsible for monitoring the implementation of the measures developed in this Protocol. Likewise, and where identifying practices or behaviors contrary to the protocol by employees, they shall be made known to the CSS to ensure, where appropriate, the implementation of the appropriate measures and compliance with the Protocol.

In particular, the CSS shall monitor the measures focusing on the right of employees not to respond to a communication made by any means outside their working hours, and prevent any retaliations by the Company against the employees who do not reply to said communications.

This Digital Disconnection Protocol was approved by the Human Resources Department and the Legal Department of the Company on June 22, 2021, following the corresponding hearing of the workers' representatives from the different KONECTA Group companies. This Protocol shall be reviewed and updated periodically by the Human Resources and Legal Services Departments, in response to the needs that may arise, as well as to the suggestions and proposals made by the staff of the Organization.

This Protocol was ratified by the Company's Board of Directors on June 22, 2021.