



CODE OF PRACTICE

PREVENTION OF SEXUAL HARASSMENT AND ADVERSE ACTION ON SEXUAL GROUNDS



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ENLIGHT RENEWABLE
ENERGY LTD.

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General

According to Section 7(d)(2) of the Sexual Harassment Prevention Law, 5758-1998 (the "Law"), the code of practice of Enlight Renewable Energy Ltd. (the "Employer" or the "Company") is hereby determined as follows:

Sexual harassment and adverse action on sexual grounds violate human dignity, liberty, privacy and gender equality. Such acts are also criminal acts and causes of action in tort as of the entry of the Law into effect on 29 Elul 5758 (September 20, 1998).

Sexual harassment and adverse action undermine work relations, constitute a fundamental breach of the employees' duties of trust and additionally constitute serious disciplinary violations (all as applicable).

Sexual harassment and adverse action are strictly forbidden by law, inter alia, on the employer's premises. The Employer will not tolerate the existence of such occurrences and/or such like.

This code of practice is intended to clarify the principal provisions of the Law and the Sexual Harassment Prevention Regulations and ensure that the workplace is free of the wrongful incidence of sexual harassment or adverse action originating in sexual harassment.

In the event of discrepancy between this code of practice and the Law and the Regulations promulgated thereunder, the Law and the Regulations shall prevail.

The Company has appointed Ms. Dana Levinstein as the Sexual Harassment Prevention Officer on its behalf (the "Officer in Charge"). She may be contacted as necessary and at any time for a face-to-face meeting by emailing a message to danal@enlightenergy.co.il or calling telephone number 052-5350711.

Part A: What are Sexual Harassment and Adverse Action?

1. What is sexual harassment?

a. Although in most cases sexual harassment is committed by men against women, sexual harassment may be committed by both men and women, against men or women, and the Law covers all such eventualities.

b. According to the Law, sexual harassment is one of six prohibited forms of behavior, which are:

(1) Extortion of a person by threats into the performance of an act of sexual nature.

For example: An employer or supervisor threatening to dismiss an employee if she refuses to have sex with him.

(2) Indecent act.

For example: An employee or supervisor touching an employee for sexual arousal or exposing himself in her presence, without her consent.

(3) Repeated propositions of a sexual nature despite the person to whom the propositions are addressed having shown that they are not interested in such propositions.

However, in such cases as specified below, there is no need to show "lack of interest" for the behavior to be deemed sexual harassment.

(4) Repeated references focusing on a person's sex or sexuality, despite the person to whom the references are addressed having shown that they are not interested in such references.

However, in such cases as specified below, there is no need to show "lack of interest" for the behavior to be deemed sexual harassment.

For example: Repeated references to the sexual aspect of a person's appearance, despite their having made clear that they were bothered thereby.

Lack of interest is shown either verbally or by behavior that plainly makes the absence of interest in the proposition clear to the initiator.

In the following cases, there is no need to show lack of interest in order for the act specified in Sections (3)-(4) above to be deemed sexual harassment:

- For employees – In the context of work relations, and for persons in service in the context of service – in abuse of a relationship of authority in work relations or in service.
- For pupils in the 12th, 13th or 14th grade, who are not minors – in abuse of a relationship of authority in studies.
- For pupils or students studying in institutions that provide theoretical, religious or professional education to adults – in abuse of a relationship of authority in studies.
- For rehabilitating persons as defined in the Rights of Persons with Disabilities Employed as Rehabilitating Persons (Temporary Provision), 5767-2007, in the context of employment – in abuse of a relationship of authority in employment or abuse of dependence.
- For persons – in abuse of a relationship of authority or dependence, in the context of guidance or advice by a minister of religion or impostor of a minister of religion or by a person known or presenting themselves as having special spiritual qualities.
- For persons, on the part of Civil Servants in the performance of their duties or in connection therewith and in abuse of their authority – in abuse of a relationship of authority or dependence of the person on the Civil Servant; in

this paragraph, “Civil Servant” as defined in Section 34X of the Penal Law.

- For persons with disabilities employed in a protected enterprise – in abuse of a relationship of authority or dependence.

(5) Demeaning or humiliating references in relation to a person’s sex, including a person’s sexual orientation, regardless of whether or not they have shown that they were bothered thereby.

(6) Publication of a photograph, film or recording of a person (including the editing or combination of any of them, provided that the person is identifiable), focusing on their sexuality, in circumstances in which doing so might humiliate or demean the person, without the person’s consent to the publication having been given. However, the publisher will have a good defense if any of the following is satisfied:

(a) The publication was made in good faith, considering the circumstances, content, form, scope and purpose of the publication.

(b) The publication was made for a legitimate purpose.

(c) The publication is of public interest that justifies it under the circumstances, provided that it is not false, or it is an expression of opinion or criticism of a holder of public office in relation to their office, and the publication did not exceed the reasonable scope for achieving its purpose.

2. Workplace “romance”

In view of Labor Courts’ rulings, the Employer clarifies that it does not agree to the existence of sexual or romantic relationships between supervisors and any of their subordinates, either directly or indirectly.

In any case of an “affair” between a supervisor and a subordinate in the workplace, the legal presumption is that the relationship is not voluntary.

Where an “affair” develops between an employee of managerial rank and another employee of a hierarchically lower rank, and to the extent that both parties are interested in proceeding with such relationship between them both, they should contact the Sexual Harassment Prevention Officer together and announce the relationship in her presence and declare the wishes of each one of them. The Officer in Charge will be required to examine the parties’ declaration and inform the Employer’s management thereof, in order for decisions to be made with respect to assignment and appointment.

Insofar as a manager fails to report an “affair” or another relationship between the manager and another employee of the Employer, this shall be deemed a serious disciplinary violation.

3. What is adverse action?

Adverse action is any type of harm that originates from sexual harassment, or from a complaint lodged or a lawsuit filed for sexual harassment or for such adverse action¹.

Examples:

(1) Harm originating in sexual harassment – An employer who dismisses or withholds the promotion of an employee because of her refusal to repeated propositions of a sexual nature by an employee.

¹ In addition to the prohibition of adverse action under the Law, causing harm on the grounds of sexual harassment is also prohibited under the Equal Employment Opportunities Law, 5748-1988.

(2) Harm originating in a complaint or lawsuit for sexual harassment or adverse action – An employer or a supervisor on its behalf negatively changes the work conditions of an employee who has complained of demeaning or humiliating behavior in relation to their sexuality.

(3) Harm originating in assistance to an employee in relation to a complaint or lawsuit for sexual harassment or adverse action – An employee has given testimony with respect to the harassment of another employee and the employer or supervisor harm her for this reason.

4. What is the “context of work relations”?

According to the Law, sexual harassment or adverse action in the "context of work relations" occurs in any of the following 4 circumstances:

(a) At the workplace.

(b) At another place where activity is conducted on behalf of the employer.

Example: A hall where the employer and its employees hold an exhibition of the employer's products; a training or advanced studies institute where a course is held on behalf of the employer; a restaurant hosting a party for the employees on behalf of the employer.

(c) In the course of work.

Example: A work trip on work time in the context of work, e.g., for a work meeting or discussion outside the employer's offices.

(d) In abuse of a relationship of authority anywhere (e.g., at a supervisor's home, a hotel room, a conference room, a car, etc.).

Part B: Sexual Harassment and Adverse Action are Illegal

5. The legal consequences of sexual harassment and adverse action

a) Sexual harassment and adverse action on sexual grounds constitute illegal behavior that violates human dignity, liberty, privacy and gender equality.

b) Sexual harassment and adverse action constitute (according to the Sexual Harassment Prevention Law, and as pertains to adverse action – also according to the Equal Employment Opportunities Law):

(1) A criminal offense that may result in the imprisonment of or imposition of a fine on the harasser or the person taking the adverse action, for which charges may be pressed with the police.

(2) A civil tort for which legal action may be pursued. In such a lawsuit, pecuniary damages and other remedies, either permanent or temporary, may be sought against the harasser, the person taking the adverse action, and, in certain cases – the employer of the aforementioned.

6. Sexual harassment and adverse action are serious disciplinary violations

Sexual harassment and adverse action constitute disciplinary violations, for which the harasser or the person taking the adverse action are liable to face a disciplinary penalty, as specified hereunder.

Part C: The Policy and Responsibility of Enlight Renewable Energy Ltd.

7. Sexual harassment and adverse action are serious disciplinary violations

Sexual harassment and adverse action on sexual grounds constitute illegal behavior that violates human dignity, liberty, privacy and gender equality. Sexual harassment and adverse action compromise work relations, violate the Employer's policy, and will not be tolerated thereby.

8. Legal liability

a) In addition to the prohibition on harassment and adverse action that applies to the Employer as any other person, the Law imposes special liability thereon for the acts of its employees and of supervisors on its behalf in the context of work relations. An employer must take reasonable measures of three types, as specified in this code of practice:

1) Prevention of sexual harassment and adverse action (see Part D);

2) Effective handling of sexual harassment or adverse action of which it is aware (see Part F);

3) Remedy of the harm resulting from sexual harassment or adverse action or resulting from the lodging of a complaint or filing of a lawsuit therefor (see Part F).

b) According to the Law, an employer that fails to take such measures as specified in this section will be liable for sexual harassment or adverse action committed by an employee thereof or a supervisor on its behalf in the context of work relations, and a civil suit may be brought against the employer therefor.

c) The Employer assumes all of the aforesaid obligations.

Part D: Prevention of Sexual Harassment and Adverse Action

9. Preventive measures

(a) Every supervisor and every employee must refrain from acts of sexual harassment and adverse action and act to the best of their ability to prevent such acts, all with the purpose of creating, jointly with the management, a work environment free of sexual harassment and adverse action.

(b) Supervisors must take an active and leading role in the prevention of sexual harassment and adverse action in the context of work relations.

(c) Instructive and informative activities: The employees will be required to participate from time to time in instructive and informative activities held on the Employer's behalf with respect to the prohibition and prevention of sexual harassment and adverse action. Alternatively, the Employer allows its employees to participate during working hours in such activities, which are organized, in reasonable periods of time, by other entities, such as women's organizations, provided that this does not negatively affect the normal course of work in the office.

10. Receipt of information, and from whom

Each of the employees is entitled and welcome to contact the Sexual Harassment Prevention Officer and ask her to read and also receive a copy of each of the following documents:

- The Sexual Harassment Prevention Law, 5758-1998.
- The Sexual Harassment Prevention Regulations (Employer Duties), 5758-1998.
- This code of practice on the prevention of sexual harassment as being from time to time.

Each one of the employees may, at any time, receive Information with respect to instructive and informative activities concerning the prohibition and prevention of sexual harassment and adverse action.

Part E: What should You Do if You have been Sexually Harassed or Adverse Action has been Taken against You?

11. If a person believes they have been sexually harassed or have suffered adverse action, that person has three available options under the Law:

a) Handling by the Employer: If the sexual harassment or adverse action shall have been committed "in the context of work relations", a complaint may be submitted at the workplace (the procedure for this purpose is specified in Part F below).

b) Criminal proceeding: The injured party may press charges with the police.

c) Civil proceedings: The injured party may, within three years, file a suit with the court (usually, the Regional Labor Court) against:

- The harasser or the person taking the adverse action themselves.
- The Employer, to the extent claiming employer liability.

12. What is the relation between the various aforesaid proceedings?

a. A person injured by sexual harassment or adverse action may choose whether to initiate one or more of the aforementioned proceedings.

b. The Employer may decide how criminal or civil proceedings will affect the manner of handling within its responsibility.

Part F: The Proceeding for Lodging a Complaint with the Employer and the Processing thereof

13. Who may lodge a complaint and under what circumstances?

- a. An employee claiming to have been sexually harassed or to have suffered adverse action by an employer, supervisor or another employee in the context of work relations.
- b. Another person claiming to have been sexually harassed or suffered adverse action by an employee of the employer or a supervisor on its behalf, in the context of work relations.
- c. Another person on behalf of such person as specified above (in Sections a-b).

14. To whom should complaints be made?

- a. A complaint should be submitted to the Officer in Charge as designated by the Company, as specified at the end of the code of practice and shall be reported by the Officer in Charge to the CEO of the Company.
- b. If the Officer in Charge is the person against whom the complaint is submitted (the "Complainee"), or has a personal connection to the subject-matter of the complaint or to the persons involved therein or has a conflict of interest with the position she holds with the Company – the complaint shall be submitted to her stand-in: Amit Levy (mobile phone: 050-7205793; email amitlevy@enlightenergy.co.il) (the "Stand-in").

(If an employee shall have lodged a complaint with any of the persons specified in this section and/or any other person in the Company, that person is required to act in accordance with the provisions of this part, as the Officer in Charge is intended to do).

- c. If the Complainee is the employee of a manpower contractor who is employed in practice with the Employer –

1) The complaint will be submitted to the officer in charge on behalf of the contractor or to the Officer in Charge on behalf of the Employer.

2) If the complaint is submitted to the officer in charge on behalf of the contractor, such officer in charge may hand over the handling of the investigation of the complaint to the Officer in Charge on behalf of the Employer, and if so handed over – the officer in charge on behalf of the contractor shall so notify the complainant.

15. Content of the complaint

The complaint shall include a description of the incident, including:

- a. Details of the identity of the persons involved in the incident and witnesses, if any.
- b. The location, date, and time of the incident.
- c. In case it is claimed that an act of sexual harassment was committed – one of the following:
 - (1) Whether the person harassed showed the harasser that the behavior bothered them.
 - (2) Whether there is a relationship of dependency, authority, etc. between the harasser and the person harassed.

16. Investigation of the complaint

a. Where a complaint is received, the Officer in Charge will:

(1) Inform the complainant of the methods for dealing with sexual harassment or adverse action according to the Law (Part E above).

(2) Act to investigate the complaint, and, to that end, among other things, will hear the complainant, present the details of the complaint to the Complainee, hear witnesses, if any, and

examine any information that reaches her with respect to the complaint.

(3) The Officer in Charge will document the statements provided by the complainant, the Complainee, and any witnesses, and then request their signatures on the notes.

(4) During the investigation of the complaint, the cross-examination of any of the parties or of witnesses will not be allowed.

b. The Officer in Charge shall not handle the investigation of a complaint if she has a personal connection to the subject-matter of the complaint or to the persons involved therein or has a conflict of interest with the position she holds with the Company.

c. The complaint shall be investigated efficiently and without delay.

d. A complaint shall be investigated with utmost protection of the dignity and privacy of the complainant, the Complainee and other witnesses, and, among other things –

(1) The Officer in Charge shall not disclose information that shall have reached her in the course of the investigation of the complaint, including the complaint, records she shall have made in the course of investigation of the complaint, unless she is obligated to do so in the interest of the investigation itself or by law.

(2) The Officer in Charge shall not pose questions regarding a complainant's sexual history which is not related to the Complainee and shall disregard such information about the sexual history of the complainant. The provisions of this paragraph shall not apply if the Officer in Charge believes that the Complainee will suffer an irreparable injustice if she does not pose such questions or disregards such information.

(3) The Officer in Charge shall instruct all the persons involved in the investigation of the complaint to maintain the dignity and privacy of all the parties and not disclose any information that shall have reached them in the course of the investigation of the complaint, other than according to the law.

e. The Employer shall protect the complainant, during the investigation of the complaint, from harm on Work-Related Matters² as a result of submission of the complaint or from other harm in the context of work relations that may obstruct the investigation of the complaint; among other things, the Employer will act to distance the Complainee from the complainant, to the extent possible, and to the extent it deems fit under the circumstances.

f. Upon completion of the investigation of the complaint, the Officer in Charge will promptly submit to the CEO of the Company a written summary of the investigation of the complaint, along with her recommendations and the reasons therefor with respect to the further handling thereof.

g. If the Complainee is the employee of a manpower contractor who is employed in practice with the Employer, the Officer in Charge will submit the summary to the contractor and to the CEO of the Company.

h. Without derogating from the provisions of Section 12 above, where a supervisor becomes aware (inter alia, through an anonymous letter) of an incident of sexual harassment or adverse action in the context of work relations, and no complaint has been lodged or the complaint has been withdrawn by the complainant, the

² The term "Work-Related Matters" is defined in the Regulations, and according to the definition in the Regulations, "Work-Related Matters" are all of the following: Hiring, work conditions, including the physical and environmental conditions related to the context of work relations and including salary or other remuneration granted by employers to or for employees in relation to their work, promotions, training or professional seminars, dismissal, severance pay, benefits and payments granted to employees in relation to retirement.

incident will be handed over to the Officer in Charge for investigation. For this purpose, the Company instructs all supervisors on its behalf to hand over to the Sexual Harassment Prevention Officer any information about sexual harassment that shall have come to their knowledge. Where such incident is handed over to the Officer in Charge for investigation or the Officer in Charge learns of such an incident, the Officer in Charge will conduct, to the extent possible, an investigation of the incident according to this section, mutatis mutandis, and if the complaint has been withdrawn by the complainant – she shall also investigate the reason for withdrawal of the complaint.

17. Handling by the Employer of sexual harassment or prejudicial treatment incidents

a. After receipt of the summary and recommendations of the Officer in Charge pursuant to Section 16(f), the Employer shall decide promptly and within a period no longer than 7 working days, with respect to each of the following:

1) Issuing instructions to the employees involved in the incident, including with respect to the appropriate rules of conduct in the context of work relations and distancing the Complainee from the complainant, as well as taking measures on Work-Related Matters, and all in order to prevent the recurrence of the act of sexual harassment or adverse action, or to remedy the harm caused to the complainant as a result of the harassment or adverse action.

2) Taking disciplinary measures with respect to sexual harassment or adverse action on sexual grounds, where a proper basis is found therefor which is established in the recommendations of the Officer in Charge.

3) Taking no measure at all (shelving the complaint), if the Employer believes there is no substance to the complaint, or

if the Employer accepts the recommendation of the Officer in Charge who believes the complaint was filed in bad faith.

b. The CEO of the Company shall act without delay to execute his decision according to Subsection (a) and shall deliver written notice of his decision that specifies the reasons therefor to the complainant, the Complainee and the Officer in Charge; he will also allow the complainant and the Complainee to read the summary and the recommendations.

c. The CEO of the Company may, due to a change of circumstance, change his decision pursuant to Subsection (a) or delay the execution thereof, and will deliver a written notice thereof that specifies the reasons therefor to the complainant, the Complainee and the Officer in Charge.

d. Notwithstanding the provisions of this section, the CEO of the Company may postpone his decision, delay the execution thereof or modify the same, due to disciplinary or legal proceedings pertaining to the incident to which the decision pertains; if he does so –

(1) He shall deliver a written notice thereof that specifies the reasons therefor to the complainant, the Complainee and the Officer in Charge.

(2) As long as such proceedings are not concluded, the CEO of the Company shall follow the provisions of Section 16(e).

(3) Upon conclusion of the proceedings, the CEO of the Company shall make a decision pursuant to Subsection (a).

e. Where the Complainee is the employee of a manpower contractor who is employed in practice with the Company, the CEO and the contractor may come to an agreement on the question which of them will perform the provisions of this section, in whole or in part.

Part G: Key Disciplinary Provisions Practiced by the Company

18. Sexual harassment and adverse action on sexual grounds, including a false suit or complaint of sexual harassment or adverse action, are serious disciplinary violations, and persons committing such violations will be liable to disciplinary measures in accordance with the provisions of their applicable employment agreements.

Part H: Miscellaneous

19. A manpower contractor employee who is employed in practice with the Employer

a. According to the Law and the Regulations, in the case of an employee of a manpower contractor who is employed in practice with the employer (employer in practice) –

1) Anything stated in this code of practice with respect to an "employee" also includes such manpower contractor employee.

2) Anything stated in this code of practice with respect to an "employer" also includes such employer in practice.

Therefore, an employer in practice bears the same liability as a regular employer for sexual harassment and adverse action committed by a manpower contractor employee working therewith (see Section 9 above).

b. Special provisions are found in Sections 14(c), 16(g) and 17(e) hereof.



The Officer in Charge pursuant to the Sexual Harassment Prevention Law:

Ms. Dana Levinstein

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Email: danal@enlightenergy.co.il