

INCLUSION AND DIVERSITY

ACTION PROTOCOL

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I. Introduction

For decades, the labor market has been practically closed to the group of Lesbian, Gay, Bisexual, Transsexual, and Intersex people (LGBTI), which has caused many of them to end up in a situation of extreme social exclusion.

In this document, a particular reference will be made to the Transgender group of people, Chilean legislation regarding Non-Discrimination will be mentioned and an Action Protocol will be presented to guide the Transition process of Transgender people in their workplace.

For the “Trans” group of people, the need to keep a job has forced them to delay the start of a process that is vital for them: the path of making themselves visible with the gender they identify with or of carrying out certain hormonal treatment processes or surgery.

Those who have not denied themselves this right have often had to suffer discrimination, and problems of all kinds ranging from workplace harassment, change of professional category, or even dismissal.

In the workplace, several situations must be distinguished in which it is necessary to protect trans people from the risk of discrimination:

1. Trans people who have already gone through the transition process or are going through it, who want to access a job and have to appear for an interview or another type of personnel selection process.
2. Trans people who are working and have already completed the transition process.
3. Trans people who decide to start a transition process while they are already working.

Law No. 20,609 or Zamudio Law in Chile.

Before moving on to the following protocols, it is important to understand what the legislation in our country says on the subject; this implies referencing the following:

- Law No. 20,609: MEASURES AGAINST DISCRIMINATION or ZAMUDIO LAW
Title I: General Provisions
“Article 1.- Purpose of the law. The fundamental objective of this law is to establish a judicial mechanism that allows for the effective restoration of the rule of law whenever an act of arbitrary discrimination is committed.
It will correspond to each one of the organs of the State Administration, within the scope of its competence, to elaborate and implement the policies destined to guarantee to every person, without arbitrary discrimination, the enjoyment and exercise of their rights and freedoms recognized by the Political Constitution of the Republic, the laws and international treaties ratified by Chile and that are in force.

“Article 2.- Definition of arbitrary discrimination. For this law, arbitrary discrimination is understood as any distinction, exclusion, or restriction that lacks reasonable justification, carried out by State agents or individuals, and that causes deprivation, disturbance, or threat in the legitimate exercise of the fundamental rights established in the Political Constitution of the Republic or the international treaties on human rights ratified by Chile and that are in force, in particular when they are based on reasons such as race or ethnicity, nationality, socioeconomic situation, language, ideology or political opinion, religion or belief, trade union membership or participation or lack thereof, sex, sexual orientation, gender identity, marital status, age, affiliation, personal appearance, and illness or disability.”

What obligation do State agencies have in this matter?

Each one of the units of the Back Office Administration, within the scope of its competence, must prepare and implement the policies aimed at guaranteeing to every person, without arbitrary discrimination, the enjoyment and exercise of their rights and freedoms recognized by the Political Constitution of the Republic, the laws and international treaties ratified by Chile and that are in force.

II. Transgender People Definition

Some concepts:¹

- Sex: Defines the fact of being a woman or a man based on various anatomical, physiological, genetic, and psychological conditions.
- Gender identity: It is the individual and deep belonging and identification that a person feels from an early age with one sex or another, that is, with being a man, a woman, or androgynous.
- Transexual: Person with a gender identity other than biological sex and sex and legal name assigned at birth.
- Intersexuals: People born with a biological sex that has both feminine and masculine characteristics and that prevents knowing at the beginning if it is a man or a woman.
- Cisgender: People whose gender identity is consistent with their biological sex at birth. It is about all the people who are not transsexuals, or intersexuals.
- Sexual Orientation: It is the loving and erotic attraction towards people of different (heterosexual), equal (Gay or lesbian) or both sexes (bisexual).
- Sexual Behavior: They are the love and erotic practices and stories of people. These behaviors can be heterosexual, bisexual, gay, or lesbian.

As we see in the concepts presented above, the term "trans people" refers to those people whose identified gender does not coincide with their legal sex assigned at birth and, normally, make changes of various kinds to adapt their image to that of the gender with which they self-identify.

¹ Source: Informative document by Movilh

The APA "American Psychological Association" points out that Transgender is a global term that defines people whose gender identity, gender expression, or behavior does not conform to that generally associated with the sex assigned to them at birth. Gender identity refers to the personal experience of being a man, a woman, or of being different from a person; Gender expression refers to how a person communicates their gender identity to others through behavior, dress, hairstyle, voice, or body features. The prefix "trans" is sometimes used to shorten the word "transgender".

The term "trans people" will be used in a general way to refer to all those who feel dissatisfied with the sex assigned at birth, regardless of the changes they decide to make and understanding that there is no single way to express the non-conformity of sex or gender, but each person does it according to their particular idiosyncrasy.

III. Proposed Action Protocol for Trans Group.

Based on Cencosud's Inclusion and Diversity policy, this action protocol follows in the event that any of our employees define their sexual identity as different from their biological identity.

This protocol governs current and future employees, understanding that they are actions that will always be carried out with our workers with the people of Cencosud. What is intended with this protocol is the reinforce respect for the human condition and non-discrimination against any employee for any characteristic that could be or appear to violate the dignity and acceptance of the other as a legitimate other.

Communicating it to a single person or a small group does not necessarily mean that you want to be visible to the rest of the Company. However, if they choose to make themselves visible, what we consider to be ethically correct and consistent with care and respect for people must be done.

Definitions:

The actions that will be detailed below govern from the moment that the employee, the person decides to appear at work according to their gender identity.

1. Hygienic:

- 1.1. Change of Credential: You must change the photo and name according to the social name chosen by the person.
- 1.2. Change of corporate e-mail account: The update of the account must be done according to the social name of the person.
- 1.3. Access to Bathrooms: Based on respect for the sexual diversity of Cencosud employees, each person will be able to use the bathroom according to the sexual gender identity that they declare.

2. Communications:

2.1. Current Employee: If one of the current employees of the company declares a change in their gender identity, they must proceed, in terms of communication and escalation of information, as follows:

2.1.1. Escalate the issue with your supervisor.

2.1.2. The supervisor escalates it to their Manager, who must communicate the situation to their HR referent.

2.1.3. A meeting should be scheduled between the transgender employee, his or her manager, and the HR referent to understand what stage of the transition the person is in and to inform them of this action protocol. A Gantt chart will emerge from this protocol that will define steps to follow, dates of communication, and the date on which the employee will be recognized according to their gender identity.

2.1.4. A space of time must be considered between communication and socialization with the work teams and the precise moment in which the employee attends work dressed according to their gender identity. In order to allow the assimilation, understanding, and adaptation of the information, together with the clarification of doubts to those who raise any kind of question, related to the habitual development of the functions of the team or area where the employee works.

2.1.5. The socialization process will be as follows:

- The position occupied by the employee within the organizational chart of his or her area must be reported in order.
- Two stages are distinguished, a first stage in which the Manager, the Area Management, together with the HR referent, makes the case known to the people who are at a higher hierarchical level than the employee, Managers, Deputy Managers, Chief, etc. For example, if the person is within the Organizational Chart in a third line, the area manager's peers must be informed, and in the second stage where a cascade communication will be generated following the following guideline:
- Inform the direct team, and direct supervisor if they have them. Those responsible for informing are employees, Direct Manager, Area Manager, Direct Supervisor, Area Management, and HR referent.
- Inform your peers. The persons responsible for informing are employees, Direct Boss, Area Manager, Direct Headquarters, Area Management, and HR referent.
- Inform your direct and indirect clients. The persons responsible for informing are employees, Direct Manager, Area Manager, Direct Supervisor, Area Management, and HR referent.
- Inform your colleagues and roommates. Those responsible for reporting are Direct Boss, Area Manager, Direct Supervisor, and Area Management.

6.1. This Channel will ensure that situations of discrimination and/or harassment do not occur to any member of the company, clients, users, or suppliers, adopting the necessary measures for their solution at the time they are detected. For this, it is convenient to have negotiated and approved an (additional) protocol of action against harassment and discrimination, generating exclusive complaint channels and being clear that here the definition is Non-discrimination at all levels.

It is important to remember that any person has the right to the confidentiality of their data, therefore any communication to third parties by the company must be consented to by the trans person under the Law and the Code of Ethics.

IV. APPENDIX

The company is committed

Cencosud's Code of Ethics sets out in one of its sections "Respect and Dignity" which establishes that it "aspires to provide our employees with a pleasant work environment, which must be based on mutual respect, dignified, fair, and friendly at all times. Our Company recognizes that diversity of gender, race, politics, religion, age, sexual orientation, disability, marital status, or any other nature enriches our work environment. These differences allow us to better connect with the needs and interests of our customers. At CENCOSUD, no type of harassment, violent act, threat, or retaliation is tolerated. Any inappropriate conduct of a sexual nature, whether verbal, visual, or physical, will be considered sexual harassment. Anyone who feels harassed must immediately notify the Corporate Human Resources Manager or the CENCOSUD Ethics Line. In this way, an investigation will begin that will safeguard the privacy and honor of both the alleged victim and the accused".

For all of the above, as a Company with a Corporate Social Responsibility aimed at achieving respect for diversity and promoting the reduction of social inequalities, in the event that a worker notifies the company that he or she is going to carry out or is carrying out the process of transition, in order to facilitate this process and prevent any situation of discrimination and/or harassment and protect the rights of the worker, the Company undertakes to:

- 1.- Treat the person concerned with the chosen name from the moment the person decides or agrees.
 - 2.- Provide a new corporate identity to the worker according to their gender identity or expression, which will materialize in the rectification or adaptation of their databases, email, corporate directory, identity cards, access control, visit, etc.
 3. Preserve all the social and labor rights and benefits that correspond to the worker.
 4. Maintain the legal identity of the interested person solely and exclusively for those matters in which it is required, such as payroll, contract, etc.
 - 5.- Safeguard the legal identity, being accessible only and exclusively to those employees who, due to the type of work they perform, necessarily need it but in no other case.
- Said information will be available to other employees, regardless of the hierarchical level they occupy.
- 6.- Update the legal information once the person has made the rectification of name and legal sex before the State, destroying any previous documentation, to the extent possible.
 - 7.- Hold talks or training sessions at the necessary levels of the company (management, colleagues,...) about the trans reality.
 - 8.- Establish communication mechanisms with their colleagues, as long as this is the wish of the interested person.

9.- Take into account the health needs of the trans employee, permits for medical consultations, assistance to the units, and medical treatments if necessary, excluding these permits from the calculation of absenteeism for objective dismissal.

10.- Grant the necessary permits required by any pregnant trans man, as well as the social benefits provided by the company, in equal rights and conditions.

11.- Allow the use of uniforms or work clothes and access to facilities segregated by sex (bathrooms, changing rooms, etc.) according to the choice of the person concerned.

12.- Negotiate in workplace harassment protocols and equality plans specific measures or axes to promote equality and protect trans people.

13.- Any pressure from natural or legal persons that is detrimental to the rights or dignity of trans people will not be tolerated, as with any other employee.

Likewise, the Company assumes the obligation to inform its collaborators of the existence of this protocol, indicating the need for its strict compliance.