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Chimec S.p.A.

**Organisation, management and control Model
pursuant to Legislative Decree 231/2001**

SPECIAL SECTION “F”

RECRUITMENT AND EMPLOYMENT OF ILLEGAL ALIENS

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1. – Offence of recruitment and employment of illegal aliens (article 22, paragraphs 12 and 12-*bis*, of Legislative Decree 286/1998) referred to in article 25-*duodecies* of Legislative Decree 231/2001

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1. – Offence of recruitment and employment of illegal aliens (article 22, paragraphs 12 and 12-bis, of Legislative Decree 286/1998) referred to in article 25-duodecies of Legislative Decree 231/2001

Article 22, paragraph 12, of Legislative Decree 286/1998, applies to “*any employers who recruit and employ aliens without a valid residence permit, as provided for herein, or whose residence permit has expired and no application for renewal has been submitted within the required deadline, or which has been withdrawn or cancelled*”.

The following paragraph 12-bis of article 22 increases the penalty when the employer hires more than three such illegal aliens, or minors below the legal working age, or if they are subject to particularly exploitative working conditions, as described in article 603-bis of the Italian Criminal Code¹.

Article 25-duodecies of the Decree provides for the liability of the legal person only in connection with the aggravated circumstances referred to in article 22, paragraph 12-bis, of Legislative Decree 286/1998.

This, of course, does not exempt Chimec from adopting the measures and rules of conduct suited to preventing the commission of the offence herein, also in the so-called “ordinary” form, as referred to in the preceding paragraph 12 of article 22.

The offence aims to protect the regularity of the presence of foreign workers in Italy and of the related employment relations.

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¹ Following is the text of article 603-bis of the Criminal Code: “***Unlawful intermediation and labour exploitation***
Unless the fact constitutes a more serious offence, whosoever performs organised activity of brokerage, recruiting labour or organising working activities characterised by exploitation through violence, threats, or intimidation, exploiting the state of need or requirements of the workers, shall be liable to a prison sentence of between 5 and 8 years and a fine of between 1,000 and 2,000 euros per employed worker.
For the purposes of paragraph one hereof, exploitation refers to the existence of one or more of the following circumstances:
1) the systematic paying of salaries to workers in a manner that clearly does not comply with the national collective agreements in force, or in any case not in proportion to the quantity and quality of work performed;
2) the systematic violation of the rules regulating working hours, weekly rest, mandatory expectations and holidays;
3) the existence of violations of the occupational Health and Safety regulations, such as to expose the worker to dangers relating to health, safety or personal security;
4) the subjecting of a worker to particularly degrading working conditions, monitoring procedures, or housing facilities.
Aggravating circumstances, which shall entail an increased penalty of between one third and half, are shown below:
1) if three or more workers are employed;
2) if one or more of the workers are minors below the legal working age;
3) if the workers are exposed to serious hazards, based on the characteristics of the work and the working conditions”.

This is a permanent offence that is committed when the aliens are hired or start working and continues throughout the work period and ceases when the aliens cease to be employed by the employer.

1.1. – Penalties applicable to the offences referred to in article 25-*duodecies* of the Decree

If the Entity is found liable for this offence, a fine of between 100 and 200 quotas shall apply, for no more than 150,000 euros.

2. – Risk areas

Taking into account Chimec's operations, the following risk areas have been identified:

- personnel recruitment activities;
- employment relations with companies using unqualified workers or workers from non-EU Member Countries;
- partnerships with companies that primarily operate in non-EU Member Countries.

The areas specified above are relevant also if the relevant activities are carried out, in whole or in part, by individuals or corporations in the name and on behalf of Chimec, also based on proxies or powers or attorney or under contracts and other arrangements, of which the SB must be promptly informed.

3. – General rules of conduct and implementation

The purpose of this Special Section is to provide a set of rules of conduct aimed at preventing the commission of offences arising from the employment of illegal aliens, giving rise to the penalty system set out in the Decree in the event the entity is found liable.

The rules of conduct apply to all the Recipients of the Model and, in particular to all those who operate in the risk areas defined above.

The Board of Directors of Chimec, together with the SB, shall be responsible for the circulation and implementation of the said systems.

The Recipients are expected to know and abide by the rules set out herein, as well as the:

- Code of Conduct;
- disciplinary system, including the system envisaged by the applicable National Collective Agreement (CCNL);
- the internal personnel recruitment and training procedures;
- the system regarding the criteria used by Chimec to qualify the companies with which it enters into partnership agreements.

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The Recipients and all external collaborators – duly informed by means of dedicated contractual clauses – are prohibited from adopting any kind of conduct capable of fostering the commission of cybercrime offences.

It is also forbidden to:

- recruit and employ aliens without a valid residence permit;
- recruit and employ aliens without complying with the applicable employment contract and trade union regulations;
- select providers of services or suppliers that recruit and employ aliens without fully complying with the rules governing the employment of foreign workers.

All the Recipients are required to promptly notify the Board of Directors and the SB of any anomalies observed in the management of the personnel recruitment and partner/supplier selection procedures.

Chimec undertakes to require its partners/suppliers, at the conclusion of the relevant contract, to sign a declaration confirming that they are aware of the regulations to which this Special Section refers.

Finally, the Board of Directors may provide for other measures aimed at protecting the identified risk areas, in addition to the obligations and requirements mentioned above.