

Fair Employment Practices

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GXS is committed to fair employment practices, including the prohibition against all forms of illegal discrimination. By providing equal access and fair treatment to all employees on the basis of merit, we promote GXS's success while enhancing *the progress of individuals and the communities where our businesses are located.*

GXS is committed to observing all applicable labor and employment laws wherever we operate. That includes observing those laws that pertain to freedom of association, privacy, recognition of the right to engage in collective bargaining, the prohibition of forced, compulsory and child labor, and those laws that pertain to the elimination of any improper employment discrimination.

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Requirements:

Use merit, qualifications (for example, education, experience, or competencies) and other job-related criteria as the sole bases for all employment-related decisions affecting employees and applicants.

Strictly observe all applicable labor and employment laws, including those relating to freedom of association; privacy; the right of employees to engage in collective bargaining; forced, compulsory and child labor; and nondiscrimination.

Recruit, hire, train, compensate, promote and provide other conditions of employment without regard to a person's race, color, religion, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status or other characteristic protected by law.

Discrimination on any of these bases is strictly prohibited.

Demonstrate leadership in programs to increase employment opportunity for all citizens in communities where GXS has facilities.

Provide a work environment free of harassment, such as harassment directed at a person because of his or her race, religion, sex, etc.

Respect the privacy rights of employees by using, maintaining and transferring their personal data in accordance with applicable Company guidelines and procedures. (While seeking to maintain employee privacy, however, GXS must reserve the right to monitor use of company property and resources – for example, computers, e-mail, phones, proprietary information, etc. – in accordance with applicable law.)

In the United States (and other locations where applicable):

Take affirmative action to provide equal employment opportunity complying with the spirit and letter of all laws, regulations and government contract requirements. Affirmative action should include programs and efforts to ensure that there are diverse applicant and candidate pools of people who are qualified and who have the opportunity to compete for open positions. Selection of successful candidates will then be based on qualifications and merit.

Definitions and examples:

Workplace harassment is a prohibited form of discrimination under this policy and can include harassment based on an individual's sex, race, religion, national origin, sexual orientation, disability, age, etc. Such harassment can take many forms and includes unwelcome verbal or physical conduct directed against a fellow employee or third party (e. g., customer or supplier) such as distributing or posting (electronically or otherwise) hate literature, making fun of or defaming a member of a particular religion, race, sex, etc., through use of inappropriate stereotypes, telling offensive jokes, use of ethnic slurs or taking other actions which have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment is a specific form of workplace harassment that includes unwelcome sexual advances or requests for sexual favors where submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual. Sexual harassment also includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or based on a person's sex where such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Employee responsibilities under this policy:

Comply with all applicable labor and employment laws, and the requirements of this policy.

Promptly raise any concerns about a violation or possible violation of this policy.

Help GXS maintain a workplace that is free of harassment, such as harassment directed at a person because of his or her race, religion, sex, etc.

If a conflict arises between the requirements of this policy and the laws, customs or practices of a particular geographic area, consult with management and company legal counsel to determine the most appropriate course of action for GXS.

Additional responsibilities of leaders under this policy:

Each manager is responsible for applying this policy within his or her component.

Communicate the standards and prohibitions established in this policy by supporting educational and training programs that will enable all employees (including managers) to understand the basic requirements of this policy and applicable non-discrimination and fair employment practices laws.

Ensure that effective grievance or problem-solving mechanisms are in place to receive reports of concerns from individuals and, where appropriate, to resolve them.

Review and ensure compliance with laws, and maintain acceptable GXS standards relating to child labor, forced or compulsory labor and other fair employment concerns.

Seek out and assist individuals in gaining access to job opportunities at all levels consistent with their qualifications and abilities. Help them reach their full potential while maintaining appropriate job-related standards.

In the United States (and other locations where applicable):

Identify appropriate managers with sufficient authority to assure that effective equal employment opportunity and affirmative action plans, programs and practices are developed and implemented, and measured at least annually. Assign responsibility for overall management of affirmative action programs within your components. This should include, where necessary, responsibility for coordinating programs on a local or organizational basis.

Ensure that contracts with independent contractors, suppliers or others outside GXS contain equal opportunity clauses if required by government contracts.

Examples of violations:

Allowing race, color, religion, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status or other characteristic protected by law to be a factor in screening employees for hiring, promotion, compensation or other employment-related decisions.

Providing or withholding work-related assistance, cooperation, and/or information to fellow employees based on their race, color, religion, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status or other characteristic protected by law.

Hiring, compensation, promotion and layoff practices that are not clearly job-related.

Hostile or demeaning behavior based on an employee's race, color, religion, national origin, sex (including pregnancy), sexual orientation, age, disability, veteran status or other characteristic protected by law.

Persistent on-the-job flirtations or other invitations for a social relationship with a fellow employee when he or she has indicated that such advances or interests are unwelcome.

Displaying any sexually suggestive visual material in the workplace.

Displaying or posting (including, for example, transmitting via e-Mail) hate literature, inappropriate ethnic stereotypes, or jokes that tend to ridicule or defame a member of a particular racial, religious, or ethnic group.

Disclosing employment data to a person who does not have either a business-related need for the data or the subject's consent.

In the United States:

Failure to maintain and update annually written affirmative action plans as required by Executive Order #11246, the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

Violations of the affirmative action program requirements of the U.S. Department of Labor's Office of Federal Contract Compliance Programs.

Penalties for violations:

Employees who violate the spirit or letter of GXS's policies are subject to disciplinary action up to and including termination of employment. Violation of this policy can also mean breaking the law, subjecting you or the company to criminal penalties (fines or jail sentences) or civil sanctions (damage awards or fines). GXS could also lose government contracting privileges.

QUESTIONS AND ANSWERS***Fair Employment Practices***

Q: What is prohibited discrimination?

A: GXS prohibits taking any employment action against a person because of his or her race, color, religion or any other characteristic protected by law. For example, it would violate GXS policy to deny someone a promotion because of his race or age, or to avoid sharing important work-related information with a co-worker because of her religion. GXS's policy is to use merit, qualifications and other job-related criteria as the sole bases for all employment-related decisions.

Defining diversity

Q: We hear a lot about "workforce diversity." How does this concept relate to fair employment practices?

A: Having an environment in which fair employment practices are implemented and executed helps GXS compete for and attract a high quality and increasingly diverse workforce. The company will continue to make good faith efforts to recruit and retain diverse pools of applicants

and employees. Diversity initiatives complement GXS's fair employment obligations and are aimed at bringing about a greater recognition of the value and enhanced competitiveness of a workforce that includes people from many different backgrounds. This also involves implementing management processes that develop and maintain a workplace in which all employees can contribute to their full potential.

Harassment prohibited

Q: What is GXS doing to prevent harassment in the workplace?

A: There is extensive and continuing communication of this issue to all employees. This policy clearly prohibits any form of workplace harassment from GXS employees or third parties that creates a hostile, intimidating or offensive work environment based on a person's sex, disability, race, sexual orientation or any other diverse human characteristic.

Anyone violating this policy is subject to disciplinary action up to and including discharge. Any employee who feels he or she might be a victim of such harassment is required to raise that concern. There are several ways to do this.

You can contact any GXS manager, company ombudsperson, your human resources representative, company legal counsel, or anyone else designated to handle harassment concerns. GXS businesses provide internal problem-solving procedures for this purpose that are sensitive to privacy concerns. The leaders of your business need your cooperation and help if we are to rid the workplace of all such barriers to mutual respect, teamwork, productivity and success.

Data protection and privacy

Q: Do the requirements of this policy include the employer's duty to protect and keep private personal employment data in accordance with the European Union's Directive on Data Protection?

A: Yes. As our Fair Employment Practices Policy states, GXS is committed to observe the applicable labor and employment laws, including privacy-related laws such as the EU's Directive on Data Protection, wherever we operate.

Fulfilling the commitment in the United States

Q: What is affirmative action?

A: Affirmative action has two elements. First, employers must ensure nondiscriminatory human resources policies and practices. Second, it includes actions taken by employers to increase opportunities in employment (e.g., hiring, training and development, promotions) for certain groups (e.g., minorities, women, persons with disabilities) identified by federal law.

Q: What does taking affirmative action in hiring or promotion mean?

A: Affirmative action requires recruiting, training and development actions aimed generally at improving the availability of, e.g., minorities and women who are qualified to meet future employment needs, and specifically to take steps to bring diversity to the pools of qualified candidates from which individuals are selected to fill job openings. Hiring or promotion decisions are based solely on individual qualifications and merit.