

# MOTIFE

## Rules of the MOTIFE Referral Scheme

### 1. Definitions

**Organiser** – MOTIFE Sp. z o.o., with its registered office in Krakow, ul. Krupnicza 3, 31-123 Kraków, KRS (National Court Register) No.: 0000724116, District Court for Kraków – Śródmieście, 11th Commercial Division of the National Court Register.

**Participant** – person referring a Specialist under the Scheme.

**Specialist** – person referred by a Participant, having the experience and skills sought by the Organiser.

**Database of Candidates** – internal database of Organiser's contacts.

**Referral** – contact details of a Participant and Specialist along with their consents, as required by these Rules, sent to [jobs@motife.com](mailto:jobs@motife.com) or directly to the Recruitment Specialist.

**Referral Scheme** – scheme defined in these Rules, aimed at sourcing and employing the sought Specialists by the Organiser.

### 2. Term of the Scheme

2.1 The MOTIFE Referral Scheme will apply from 1 July 2019 until revoked.

2.2 The Scheme Organiser reserves a right to terminate the Scheme at any time but this should be announced on the Organiser's website at least 7 days in advance.

2.3 All Referrals sent to the Organiser before Scheme termination will be considered as defined in these Rules. Referrals sent after the announced Scheme completion date will not be considered.

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## 3. Participants

- 3.1 Individuals, including individuals who operate as sole proprietors in the fields which are not the same as the Organiser's objects, may participate in the scheme.
- 3.2 Entities involved in activities competitive to the operations of the Organiser may not be Participants. Competitive activities are mainly understood as activities:
- (a) associated with employment placement and looking for employees (in particular recruitment agencies),
  - (b) temporary employment agencies,
  - (c) activities associated with supplying staff.
- 3.3 Individuals employed by the Organiser may not be participants.
- 3.4 A participant is a person who refers (Referral) an acquaintance who is a Specialist to the Organiser's Database of Candidates.

## 4. Rules of participation in the Scheme

- 4.1 A participant sends a Referral to the address: [jobs@motife.com](mailto:jobs@motife.com) or to an employee of the Organiser's Recruitment Department along with information whether this is the Referral to a specific or any position, depending on the current needs; the title of the e-mail should be: RECOMMENDATION.
- 4.2 The referral may also be sent via the Organiser's website [motife.com](http://motife.com).
- 4.3 Apart from CV or Specialist's contact details, the Referral should also include first and last name of the referring person, or Participant, source of acquaintance and Participant's consent to the processing of their personal data for the purpose of exercising rights and obligations under the Scheme. In accordance with the personal data protection provisions, the source of information on each candidate should be documented. Furthermore, in contacts with the recommended Specialists, the staff of the Organiser's Recruitment Department will refer to the Participant. If the recommended Specialist is unable to confirm acquaintance with the Participant, the Referral will not be considered as part of the Scheme. In the above situation, the Organiser will either leave the contact details in the Database of Candidates or will remove the sent CV and contact details, depending on the choice of the Specialist.
- 4.4 The sent Referral needs to include the current consent of the Specialist to personal data processing.

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- 4.5 One Participant may recommend any number of individuals.
- 4.6 The recommended person needs to have documented professional experience and meet the requirements given in the advertisement or comply with the profile of employees/co-workers sought by the Organiser.
- 4.7 The Organiser classifies positions to which candidates are sought, depending on competence and professional experience, in the following way:
- (a) Regular IT positions understood as requiring professional experience of up to 5 years;
  - (b) Senior IT positions understood as requiring professional experience of more than 5 years;
  - (c) Lead IT positions or more;
  - (d) Non-IT positions.
- IT positions are, in principle, associated with software development or implementation and technical support.
- The above criterion related to professional experience given in years is not an absolute requirement to be classified as Regular or Senior Specialist. The Organiser, after analyzing Specialist's CV, reserves a right to make the final decision on assigning the Specialist to the certain level, and shall forthwith inform the Participant of it.
- The scheme does not apply to individuals employed as student interns.
- 4.8 For recommending the Specialist who meets the conditions given in sections 4.3-4.7. above and provided that the Specialist undertakes cooperation with the Organiser (or client upon whose order recruitment is conducted), the Participant is entitled to remuneration for recommendation as referred to in item 5 of the Rules, subject to the provisions below.
- 4.9 If the Specialist's CV or contact details have already been there in the Database of Candidates, the Participant will not be entitled to remuneration for the recommendation.
- 4.10 If the Referral of the same person is sent by more than one person, the remuneration for the recommendation will be granted to the Participant who has been first to refer the Specialist.
- 4.11 Within **5 business day** of the receipt of the Referral, the Organiser will contact the Participant to inform them whether their Referral has been qualified to the Scheme, i.e. whether they meet the requirements referred to in the Rules and whether the CV or Contact Details are already in the Database of Candidates (acceptance of the Referral). Within the same time limit, the Organiser will

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contact the referred person to confirm that their candidature has been recommended. If the person has no knowledge that their CV has been sent by the Participant, the remuneration for the recommendation will not be due.

- 4.12 The sending of the Referral and its confirmation by the Organiser in accordance with item 4.11 above is deemed synonymous with the conclusion of the agreement to provide assistance on a one-off basis of no more than one hour in finding employees/co-workers against remuneration given in item 5.2.
- 4.13 The referral of the Specialist may also be used again for the purposes of other projects within 3 months of sending.

## 5. Payment

5.1 The remuneration for the Participant for the recommendation to the Scheme will be paid if the following conditions are met cumulatively:

- (a) There are no negative premises specified in items 4.9-4.10 above,
- (b) The recommended Specialist successfully completes the recruitment process and signs an agreement with the Organiser or client upon whose order recruitment has been conducted, within 3 months of the Referral.

5.2 Amount of remuneration:

- (a) For referring a Specialist employed **on the position described in item 4.7(a)** the Participant is entitled to a gross amount of PLN 1,500 (in words: one thousand five hundred Polish zlotys);
- (b) For referring a Specialist employed **on the position described in item 4.7(b)** the Participant is entitled to a gross amount of PLN 2,500 (in words: two thousand five hundred Polish zlotys);
- (c) For referring a Specialist employed **on the position described in item 4.7(c)** the Participant is entitled to a gross amount of PLN 7,500 (in words: one thousand five hundred Polish zlotys).
- (d) For referring a Specialist employed **on the position described in item 4.7(d)** the Participant is entitled to a gross amount of PLN 1,500 (in words: one thousand five hundred Polish zlotys).

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## 5.3 Payment of remuneration:

The remuneration will be paid in two installments:

- (a) The first installment in the amount of 30% of remuneration will be paid within 10 business days after the start date of work/cooperation of the Specialist recommended by the Participant
- (b) Second installment in the amount of 70% of remuneration will be paid within 10 business days after 3 full months of effective work/cooperation between the Specialist and Organiser (or client upon whose order recruitment was carried out) provided that work/cooperation are continued.

5.4 The remuneration will be paid upon deducting the mandatory public liabilities.

5.5 Within **5 business days** after start date of effective work by/cooperation with the Specialist, the Organiser will contact the Participant to obtain data necessary for calculating and paying remuneration to the Participant.

5.6 In the case of Participants who operate as businesses, the remuneration will be paid provided that a correctly issued VAT invoice has been delivered to the Organiser along with the statement that the service of recommendation arises out of their business operations.

5.7 For Participants who do not operate as businesses, the basis of payment is prior delivery to the Organiser of the statement for insurance contributions and tax purposes, which is given in Attachment 1 to the Rules and allows for correct settlement of public liabilities.

5.8 In the case of Participant who does not provide the Organiser with data necessary for paying remuneration within 2 business days from the date of contacting by Organiser, the Organiser reserves right to extend the payment deadline described in item 5.3, but no longer than 30 days from the date of being entitled to remuneration.

## 6. Final Provisions

6.1 The Organiser reserves a right to implement changes to the Rules regarding, in particular, its term, amount of remuneration and method of payment. The Organiser will notify planned changes to the Rules by including the appropriate information on its website 7 days in advance. Notifications received by the Organiser prior to the implementation of changes will be considered on previous terms.

6.2 The Organiser is obliged to take every effort to make the Scheme function in accordance with the Rules and the determined principles.

6.3 The Organiser reserves a right to decide and resolve matters which are not governed in the above Rules if any appear during the term of the Scheme.

6.4 Participation in the Scheme is synonymous with the fact that the Rules have been read, understood and accepted.

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## Personal Data Processing

In accordance with Article 14 sections 1 and 2 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), please be informed that:

**The controller of personal data** is MOTIFE Sp. z o.o., with its registered office in Krakow, ul. Krupnicza 3, 30-123 Kraków, KRS (National Court Register) No.: 0000724116.

Personal data is used only for the purposes of recruitment based on the referral scheme. The personal data we process includes **contact details** provided by the Scheme Participant, including first and last name, e-mail address, telephone number.

Personal data is processed pursuant to Article 6(1b) of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, or GDPR, based on consent. Access to personal data is given only to employees/co-workers of MOTIFE Sp. z o.o., in particular staff of the Recruitment Department and Director or Manager of the Department to which staff is recruited and the client upon whose order the recruitment is carried out or to whom the candidate is presented.

It is necessary to provide data. Failure to do so will make it impossible to take part in the recruitment based on the referral scheme organised by MOTIFE Sp. z o.o.

Every data subject has a right to request that MOTIFE Sp. z o.o. give them access to personal data, to obtain a copy thereof, to have the data rectified or deleted, to have data processing restricted and to object to processing, the right to object to processing, the right to transfer and not to be subject to automated decision-making, including profiling. Please be further informed that every data subject has a right to complain to the President of the Personal Data Protection Office (supervisory authority). If you have any doubts, you can contact the Personal Data Officer at any time by sending an e-mail to: [gdpr@motife.com](mailto:gdpr@motife.com).

If personal data is processed based on the consent, the data subject has a right to withdraw consent to personal data processing, but this does not affect the lawfulness of actions performed based on consent during the period between the grant and withdrawal of consent. If the candidate is not employed, personal data will be processed during the entire recruitment process and until withdrawal of consent if the consent to process has been given for an indefinite term for future recruitment processes.

Personal data will not be transferred outside the European Union and will not be used in automated profiling.

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