

of the Director of the Institute of Soil Science and Plant Cultivation-State Research Institute in Puławy on the introduction of the Mobbing and Discrimination Procedure along with the Equal Opportunity Policy.

Pursuant to Article 6 paragraph 4 of 30.04.2010, on research institutes (uniform text, Journal of Laws of 2017, item 1158), I order the following:

§1

1. I introduce *the Mobbing and Discrimination Procedure along with the Equal Opportunity Policy* at the Institute of Soil Science and Plant Cultivation - State Research Institute.
2. *The Mobbing and Discrimination Procedure along with the Equal Opportunity Policy* is attached to this Regulation.

§ 2

The Regulation shall enter into force on the day of its signature.

Appendices:

1. *The Mobbing and Discrimination Procedure along with the Equal Opportunity Policy*

To be received by:

1. *Independent HR Officer*
2. *The Institute's employees via e-mail*
3. *a/a.*

***Mobbing and Discrimination Procedure along with the Equal Opportunity Policy
of 07.09.2017
at the Institute of Soil Science and Plant Cultivation-State Research Institute in Puławy***

I.

General

Considering that:

1. The employer is responsible for the overall functioning of the workplace, for the observance of the law in the workplace and for shaping the principles of social coexistence in the workplace,
2. Employers have a statutory obligation to counteract mobbing and discrimination,
3. The employer must respect the dignity and any other personal rights of the employee,
4. The employer shall ensure that the working environment is free from harassment,
5. The employer seeks to achieve high standards of service provision and public recognition among others,
6. The employer shall adapt the workplace to the highest social standards and the principles of Community law, in particular to the implementation of the principles of equal opportunities for women and men set out in the Treaty of Amsterdam and the European Pact for Gender Equality

The introduction of this procedure should be considered justified.

II.

Subject Matter and Purpose of the Procedures

1. The subject of this Procedure is the regulation of the principles of preventing mobbing and discrimination in the workplace and proceedings in the event of suspicion that any employee is subject to mobbing or discrimination or that situations are created in the workplace which encourage mobbing or discrimination or which, solely because of their short duration, cannot be considered mobbing.
2. This procedure is aimed at fulfilling the Employer's obligation to prevent bullying and discrimination in the workplace, placing emphasis on prevention aimed at preventing undesirable behaviour that could be considered as bullying or discrimination.

III.

Definitions

1. Employer (workplace): Institute of Soil Science and Plant Cultivation, State Research Institute, 24-100 Puławy, ul. Czartoryskich 8, represented by the Director.
2. Employee: a person employed on the basis of an employment contract.
3. Place of work: the seat of the Employer.
4. Mobbing: according to art. 94 §2 of the Labour Code - actions or behaviours concerning an employee or directed against an employee, subject to persistent and prolonged harassment or intimidation of the employee, resulting in under-estimation of the employee's professional suitability, causing or aimed at humiliating or ridiculing the employee, isolating him or eliminating him or her from the team of co-workers.
5. Discrimination: a situation where, as a result of an apparently neutral provision of the criterion applied or action taken, there are or could be unfavourable disproportions or particularly unfavourable situations as regards the establishment and termination of an employment relationship, conditions of employment, promotion and access to training in order to improve professional qualifications towards all or a significant number of

employees belonging to a group distinguished for one or more of the reasons set out in Article 18 §1 of the Labour Code, unless the provision, criterion or action is objectively justified by a legitimate aim to be achieved, and the means of achieving that aim are appropriate and necessary. Infringement of the principle of equal treatment in employment shall be deemed to be in particular a breach of the principle of equal treatment in employment if the Employer differentiates the situation of an Employee for one or more of the reasons specified in Article 18 §1 of the Code of Civil Procedure, which results in particular:

- 1) refusal to enter into or terminate an employment contract,
- 2) unfavorable shaping of remuneration for work or other conditions of employment or omission from promotion or granting other benefits related to work,
- 3) omission from selection for participation in training courses improving professional qualifications, unless the employer proves that he was guided by unauthorised reasons.

IV.

Employer's responsibility for harassment and discrimination

The Employer cannot remain indifferent to mobbing and discrimination and is liable under the law in the event of such irregularities in the work process. A special obligation to counteract mobbing and discrimination is imposed on employees holding managerial positions.

V.

Employees' obligations to respect workplace culture and ethics and to prevent harassment and discrimination

Employees are responsible for

- 1) respecting the dignity and personal rights of all participants in the work process,
- 2) applying in mutual relations the principles of social coexistence as well as kindness and kindness guaranteeing order and maintenance of well-being and mental health, informing the employer about all manifestations of mobbing noticed in the workplace and about situations that may prove discrimination or conflict between participants of the work process,
- 3) participating actively in trainings on mobbing organized by the employer, as well as observing the rules of conduct specified in this Procedure.

VI.

Procedure in the event of workplace harassment or discrimination

1. Actions of an Employee who states that he or she may be a victim of mobbing or discrimination:
 - 1) all forms of harassment/discrimination (day, time, manner of discrimination, and witnesses of the incident(s), if any) must be carefully recorded and retained for possible investigation by the employer,
 - 2) it should be remembered that in matters related to mobbing/discrimination, the burden of proof lies with the employee, therefore a person who suspects that they are being subjected to mobbing/discrimination should indicate the existence of specific facts, signs of mobbing/discrimination and the person responsible for such actions,
2. Filing a complaint to the Employer:
 - 1) An employee who, in his/her opinion, has become a victim of mobbing/discrimination is entitled to submit a written complaint to the Employer, which should meet the following requirements:
 - a) describe the facts,
 - b) state what specific actions or behaviours the supervisors or colleagues consider to be harassment or discrimination,

- c) name and surname of the person(s) who, in the opinion of the staff member, are the perpetrators of harassment or discrimination,
 - d) contain a statement of reasons and cite evidence that the acts or conduct presented are actually taking place or have taken place,
 - e) the complaint should also be dated and signed by the reporting worker by hand (the employer does not accept anonymous complaints).
- 2) Complaints should be addressed to the Independent Human Resources Officer who, as the Employer's representative, after a preliminary formal investigation of the complaint, begins to appoint an Explanatory Committee.
3. Proceedings in the event of a complaint:
 - 1) If the Employer's Representative receives a complaint or notification, he/she is obliged to take actions aimed at clarifying the matter,
 - 2) On receipt of a properly submitted and drawn up complaint from a staff member, appoint an Explanatory Committee as soon as possible, and not later than within five working days of the date of notification, and refer the staff member's complaint to the Committee,
 - 3) Where the application or complaint contains formal defects, the time limit begins to run from the moment when the defects are remedied.
 4. The appointment and composition of the Explanatory Committee:
 - 1) The Explanatory Committee is a collegiate body of an impartial nature, appointed by the Director of which it is a member: 2 representatives of the Employee, a person employed at the Independent HR Officer, 2 representatives of the Employer,
 - 2) the appointment of the Committee shall take place each time on an ad hoc basis from the moment of examining a specific case,
 - 3) the Committee may not include the person lodging the complaint or any person indicated in it as the perpetrator of mobbing/discrimination,
 - 4) the aim of the work of the Explanatory Committee is to present to the Employer the results of the proceedings, including the findings and recommendations concerning the case, in particular with regard to the application of disciplinary measures against the offender.
 5. Proceedings before the Committee:
 - 1) the first meeting of the Explanatory Committee shall be held upon request and within the time limit set by the Employer or the Employer's representative,
 - 2) at the first meeting, the members of the Explanatory Commission shall elect a chairman, a deputy chairman and a secretary from among their number. In the absence of the Chairman of the Explanatory Commission, the powers vested in him/her shall be exercised by his/her deputy.
 6. The Explanatory Committee shall meet at least once a week.
 7. The meeting of the Explanatory Committee must be attended by at least 3 members of the Committee in order for the Committee to have the necessary quorum.
 8. No additional remuneration shall be paid for participation in the work of the Committee.
 9. Notification of the date of the meeting shall take place at least three days in advance.
 10. Minutes of the meeting of the Explanatory Committee shall be taken by the Secretary.
 11. At the end of the meeting, members shall sign the minutes.
 12. The Committee should carefully analyze the allegations included in the complaint.
 13. It is necessary for the staff member and the alleged offender to be able to speak freely.
 14. The Committee's aim is to provide a full explanation of the problem identified by the complaint.
 15. The Committee takes its decision by simple majority.

16. The duties of the Explanatory Committee include:
 - 1) conducting interviews with each of the parties to the conflict,
 - 2) hearing the witnesses of harassment/discrimination mentioned in the complaint,
 - 3) carrying out a thorough examination and clarification of all the circumstances covered by the complaint,
 - 4) analyzing the evidence submitted,
 - 5) subsumption (assignment) of the facts established in the course of the Committee's work to the applicable legal standards in the field of mobbing and discrimination, taking into account the ruling of common courts and the Court of Justice of the European Union in the field of mobbing/discrimination.
17. In the event that the Committee finds out a case of harassment, it should be determined in detail:
 - 1) what the dispute is about,
 - 2) how the conflict went on,
 - 3) which groups are involved in the conflict,
 - 4) whether the parties are seeking a solution to the conflict,
 - 5) whether the conflict is limited in scope or spreads over time,
 - 6) what is the timeframe of the conflict that has arisen,
 - 7) at what stage of development is conflict,
 - 8) whether it could have been avoided by applying appropriate procedures and standards of conduct.
18. Where the Committee discloses a case of discrimination, the extent of the discrimination and the cause/criteria of the discrimination must be set out in detail.
19. Persons who are to be heard by the Explanatory Commission cannot be present in the room where the hearing is held while other persons are being heard.
20. Post-control protocol:
 - 1) The Committee draws up a report on the conduct of the proceedings (inspection) which includes: factual findings, explanations of the persons heard, evidence in the case, indication of the decision taken by the Committee by stating whether the allegations contained in the complaint turned out to be justified in the Committee's opinion, indication of the proposed consequences to be drawn by the Employer in relation to the perpetrator(s).
 - 2) The protocol is signed by all members of the Committee and each of the explanations submitted in the case shall be signed by the person submitting them.

VII.

Confidentiality

In order to protect the individual rights of parties involved in proceedings before the Committee, the proceedings should be confidential and the facts established in the course of those proceedings should not be disclosed to the public. Only the decision taken in a given case by the Employer on the basis of recommendations received from the Committee can be announced publicly. The employer and the Committee undertake to comply with all obligations imposed on entities processing sensitive personal data in accordance with the Act of 29 August 1997 on Personal Data Protection (Journal of Laws of 2016, item 922, as amended) within the scope of their obligations under this Policy.

VIII.

Consequences for perpetrators of harassment/discrimination

Drawing consequences in relation to the perpetrators of mobbing/discrimination is essential to confirm the strong attitude of the Employer in the fight against mobbing/discrimination in the workplace. In the case of determining the type of mobbing/discrimination depending on the circumstances, the arrangements made and the scale of the offender's actions, The Employer makes

a decision on:

- 1) punishing the perpetrator with a procedural penalty (reprimand/suggestion),
- 2) termination of the offender's working conditions and pay,
- 3) termination of the employment contract with the perpetrator by notice,
- 4) termination of the employment contract with the perpetrator without notice (in the case of gross violations),
- 5) transferring the injured employee (at his/her request or with his/her consent) to a position where it will be possible to fully use his/her skills (this is particularly important if the employer has not terminated the employment contract with the perpetrator of mobbing).

IX.

Antimobbing and anti-discrimination policy

1. The employer shall ensure that he provides support to workers who are exposed to harassment, humiliation or any other reprehensible behaviour from other employees in the workplace.
2. The obligation to counteract mobbing and discrimination is implemented in particular through:
 - 1) monitoring the community of the workplace to identify early harassment, bullying, or violence in all forms,
 - 2) conducting periodic trainings and meetings of the teams during which the issues of undesirable behaviours are discussed,
 - 3) supporting initiatives, behaviours and information counteracting mobbing and discrimination.
3. The tasks in point 1 are the responsibility of, in particular: Employer, Employer's representatives, heads of departments/units.
4. A serious breach of basic employee obligations within the meaning of Article 52 §1 of the Labour Code is to conduct activities or show behaviour recognised in the Labour Code as harassment or discrimination.
5. It is a breach of employee obligations not to inform superiors about actions and behaviours that may be considered as mobbing or discrimination.

X.

Final provisions

1. This Procedure and the rules of culture and ethics in force in the workplace apply to all persons employed by the Employer.
2. The use of harassment/discrimination against subordinates or co-workers constitutes a serious violation of basic employee obligations, which constitute the basis for termination of the employment contract under the disciplinary procedure without notice period.
3. This procedure shall also apply to workers in Agricultural Experimental Stations.
4. This procedure shall apply also to persons working regularly for the Institute on a contract of mandate.