

Internal Anti-Harassment Procedure

§1

This Internal Anti-Harassment Procedure (hereinafter: the **IAHP**) defines the manner of handling complaints of employees concerning harassment at the National Institute of Geriatrics, Rheumatology, and Rehabilitation of Professor Eleonora Reicher, PhD., hab., M.D., in Warsaw (hereinafter: the **NIGRiR**).

§2

For the purposes of this IAHP, the terms listed below shall be defined as follows:

- 1) **The Employer** shall mean the NIGRiR, represented by the Director of the NIGRiR;
- 2) **The Employee** shall refer to any individuals who are in an employment relationship with the NIGRiR;
- 3) **The Anti-Harassment Committee** shall refer to the collegial body appointed by the Employer to handle the claims of employees concerning harassment;
- 4) **Harassment** means any act or behaviour relating to an Employee or targeted against an Employee that involves persistent and long-term bullying or intimidation, resulting in lower self-evaluation by the Employee of his professional abilities, with the purpose or effect of humiliating or ridiculing, isolating or eliminating that Employee from the team, as defined in Art. 94 of the Act of June 26 1974 – the Labour Code (Journal of Laws of 2018, item 917).

§3

1. Employees shall mutually respect their dignity and abstain from violating others' personal interests. They shall take actions aimed at building a friendly atmosphere at the workplace.
2. Any actions or behaviour that constitutes harassment shall not be accepted by the Employer in any way whatsoever and may be considered as violation of the basic duties of an employee.

§4

1. An Employee who considers that they have been harassed may file a written complaint to the Employer. Complaints shall be filed on the template form of complaint constituting Appendix No. 1 hereto.
2. The complaint should contain a presentation of the factual state, evidence supporting the described circumstances, including specifying any potential witnesses, and indicate the perpetrator(s).
3. The Employee should personally affix their signature and date to the complaint. Anonymous complaints shall not be considered.
4. Before filing the complaint on harassment, the Employee may take any actions with the aim to resolve the case amicably.

§5

1. The Employer shall, each time within 14 days from the date of filing the complaint, appoint the Anti-Harassment Committee (hereinafter: the Committee) by means of a written decision.



2. After a preliminary analysis of the case, the Anti-Harassment Committee shall initiate the proceedings, unless the Committee decides that there are reasonable grounds for the proceedings to be considered unjustified.
3. The task of the Committee is to conduct the proceedings immediately, in order to clarify all the circumstances specified in the complaint and to issue a decision stating whether the Employee has been harassed. The Committee should issue such decision within three months from the moment of appointment.
4. The Committee is composed of 3 persons designated by the Employer, who shall appoint one of them as the Chairperson of the Committee.
5. A Member of the Committee should be an individual who guarantees that the case will be considered in a reliable manner, who is not and was not a party at fault in any harassment proceedings, who does not remain in the relationship of professional superiority or subordination with the parties and who guarantees the objectivity and impartiality in the proceedings due to the lack of any factual or legal ties to the parties. Before appointing Members of the Committee, the designated individuals shall provide the Employer with the relevant written statement. A template of this statement constitutes Appendix No. 2 hereto.
6. Performing the duties of Members of the Committee shall be treated as performing regular professional duties and shall not result in any additional remuneration.
7. The parties to the proceedings before the Committee are the Employee who filed the complaint and the person suspected of harassment.

§6

1. The proceedings before the Committee are confidential.
2. Members of the Committee and persons who provide administrative services shall not disclose any information contained in the complaint or information obtained in the course of the proceedings to third parties.
3. Failure to fulfil the obligation specified in item 1 hereinabove shall be considered as the violation of employee's duties.
4. Members of the Committee are obliged to remain objective and impartial towards the parties to the proceedings.
5. The Employer shall exclude a Member of the Committee from the participation in the works of the Committee on demand of such Member or on demand of the parties to the proceedings if any circumstances exist that may raise doubts concerning the impartiality of such Member of the Committee.
6. In the event of long absence of a Member of the Committee, the Employer may release such Member from the works of the Committee.
7. The Employer shall immediately appoint a substitute Member of the Committee to replace the excluded Member.

§7

1. In conducting the proceedings specified in §5 item 2, the Committee shall have the right, in particular, to:
 - 1) apply for access and the right to inspect documents that are necessary to issue a decision;
 - 2) to conduct an interview with the Employee who filed the complaint and the party accused of harassment;
 - 3) to conduct an interview with the persons specified by the Employee who filed the complaint and the party accused of harassment;
2. The Chairperson of the Committee shall supervise the works of the Committee and ensures the proper course of the proceedings.



3. Minutes of each meeting of the Committee shall be drawn up and signed by all its Members.
4. The Committee issues decisions by a majority of votes, in the presence of all Members.
5. Members of the Committee who disagree with the decision may lodge a dissenting opinion that is included in the content of the minutes.
6. The Employer shall ensure administrative services for the sessions of the Committee and store and archive the case files, including the minutes from the sessions of the Committee and the relevant decision for a period of at least three years after closing the proceedings

§8

1. After the end of the investigation proceedings, the Committee shall perform a thorough evaluation of the collected evidence material and issue the decision specified in §5 item 3, in form of an order.
2. The decision specified in item 1 hereinabove and the dissenting opinion specified in §7 item 5 require additional grounds, which should be prepared at the latest within 14 days from the date of issuing the decision.
3. The decision together with grounds shall be immediately delivered to the Employer, along with the case files and to the parties to the proceedings.
4. The parties do not have the right to appeal against the decision of the Committee. However, this does not exclude the possibility to file written objections concerning the decision to the Employer, within 7 days from the date of delivery of the decision.

§9

1. If the Committee issues a decision stating that the Employee was harassed, the Employer may apply the measures provided for in the Labour Code to the party at fault being an employee, including termination of their employment contract without notice.
2. Persons who wrongfully accuse others of harassment shall also be subject to the liability described in item 1 hereinabove.

§10

The provisions of this Internal Anti-Harassment Procedure shall not apply to complaints filed against the Employer.

§11

The provisions of this Internal Anti-Harassment Policy shall not deprive the Employee of the right to pursue their claims in court to any extent whatsoever and on any stage of the proceedings.

§12

The Employees of the NIGRiR shall confirm that they have read this IAHP by making the statement on the template constituting Appendix No. 3 hereto.

Warsaw, the.....

Harassment report/complaint

1. Data of the person filing the harassment report/complaint:

- 1) First name and surname
- 2) Position

2. Data of the person(s) who are being harassed:

3. First name, surname, and position of the person(s) who is/are guilty of actions or behaviour having the characteristics of harassment.

4. Professional relationship between the persons listed in items 2 and 3, e.g. supervisor/subordinate, equal positions, no professional relationship:

5. Description of the circumstances and behaviour that point to the existence of harassment:

6. Duration and place of the actions mentioned above:

7. Description of the actions taken so far by the person filing the harassment report/complaint in order to eliminate undesirable behaviour:

8. Effects of the undesirable behaviour:

9. Evidence to confirm the factual state:

10. Additional information and remarks:

(Signature of the person filing the harassment report/complaint)

Warsaw, the ...2019

(First name and surname)

(Position)

(Organisational unit)

Statement of a Member of the Anti-Harassment Committee

I hereby represent that I am not aware of any reasons that would prevent me from performing the function of a Member of the Anti-Harassment Committee at the NIGRiR, appointed by the decision of the Director of the NIGRiR of the to consider the complaint filed by Mr/Ms.....of the

At the same time, I declare that, in performing this function, I will comply with the principles of reliability, impartiality, and objectivity in investigating the case in question.

(First name and surname of the employee)

(Position)

(Organisational unit)

Statement confirming the knowledge of the Anti-Harassment Procedure

I hereby represent that I have read the Anti-Harassment Procedure of the National Institute of Geriatrics, Rheumatology, and Rehabilitation of Professor Eleonora Reicher, PhD., hab., M.D. and that I shall comply with its provisions.

(Place, date)

(Signature of the Employee)