

Annex to the Order of the Director of IHN PAN No 2/2024

INTERNAL ANTI-BULLYING POLICY

AT THE LUDWIK AND ALEKSANDER BIRKENMAJER INSTITUTE FOR THE HISTORY OF SCIENCE OF THE POLISH ACADEMY OF SCIENCES IN WARSAW

General provisions

§ 1

The purpose of the Internal Anti-Bullying Policy is:

- 1) counteracting the occurrence of bullying, discrimination in the working environment, unequal treatment, harassment and sexual harassment;
- 2) to take action in the event of the occurrence or suspected occurrence of the phenomena referred to in paragraph 1;
- 3) to lay down rules for dealing with the phenomena referred to in paragraph 1, including the lawful consequences for persons who have committed acts bearing the characteristics of mobbing, discrimination, unequal treatment, harassment and sexual harassment;
- 4) supporting activities that foster positive relationships between employees.

§ 2

Terms used in the procedure shall mean:

1) Internal Anti-Mobbing Policy or Policy - the Internal Anti-Harassment Policy of the Ludwik and Aleksander Birkenmajer Institute for History of Science, PAN in Warsaw, which defines preventive measures, the procedure for dealing with the occurrence/suspicion of mobbing, discrimination, unequal treatment and/or harassment and sexual harassment, as well as the rights and obligations of employees who have experienced any of the phenomena referred to in § 1(1);

2) mobbing - actions or behaviours concerning an employee or directed against an employee, consisting of persistent and prolonged harassment or intimidation of an employee, causing an employee's appraisal of his/her professional usefulness to be lowered, causing or aimed at humiliating or ridiculing an employee, isolating him/her or eliminating him/her from the team of co-workers;

- 3) discrimination - direct or indirect unequal, inferior, unfair treatment of an employee or a group of employees on the basis of their actual or perceived identity characteristics, in particular: gender, gender identity, skin colour (race), national and/or ethnic origin, religion, creed or irreligion, belief, state of health and degree of fitness, age, sexual orientation, political opinion, trade union membership, social and economic status, full-time or part-time employment, temporary or permanent employment;
- 4) unequal treatment - discriminating in any way, directly or indirectly, against an employee or a group of employees with regard to the establishment and termination of the relationship, terms and conditions of employment, promotion and access to training to improve professional qualifications, in particular on the basis of gender, gender identity, skin colour (race), national and/or ethnic origin, religion, creed or irreligiousness, world view, state of health and degree of fitness, age, sexual orientation, political beliefs, trade union membership, social and economic status, full-time or part-time employment, temporary or permanent employment;
- 5) harassment - unwanted behaviour which has the purpose or effect of violating an employee's dignity and creating an intimidating, hostile, degrading, humiliating or offensive atmosphere towards them;
- 6) sexual harassment - any unwanted conduct of a sexual nature or relating to the sex of an employee which has the purpose or effect of violating the dignity of the employee, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment towards him or her; this conduct may consist of physical, verbal or non-verbal elements;
- 7) employer - Ludwik and Aleksander Birkenmajer Institute for the History of Science, PAN, represented by the Director;
- 8) employee - a person in an employment relationship with the Ludwik and Aleksander Birkenmajer Institute for the History of Science, Polish Academy of Sciences;
- 9) Complaint - a report by an employee indicating that actions or behaviour bearing the hallmarks of bullying, discrimination, unequal treatment, harassment and/or sexual harassment have been used against him or other employees;
- 10) Anti-Bullying Commission - hereinafter referred to as the Commission, a collegiate body appointed by the Director of the Ludwik and Aleksander Birkenmajer Institute for the History of Science PAN in Warsaw to investigate a complaint by an employee;
- 11) Parties to the proceedings - the person bringing the Complaint in accordance with § 5 and the person accused of bullying;

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Prevention of Bullying and Discrimination

§ 3

In order to combat bullying, discrimination, unequal treatment, harassment and sexual harassment, the employer may take any action permitted by law action rights, consisting in particular of:

- 1) promoting desirable, socially compatible attitudes and behaviour in relations between employees,
- 2) disseminating knowledge about the phenomena of mobbing, discrimination, unequal treatment, harassment and sexual harassment, methods of preventing them and the consequences of their occurrence,
- 3) monitoring the issue of bullying, discrimination, unequal treatment, harassment and sexual harassment and applying anti-bullying and anti-discrimination procedures in practice.

§ 4

1. The employer does not condone any action or behaviour in the nature of bullying, discrimination, unequal treatment, harassment or sexual harassment.
2. The employer strictly prohibits any action or behaviour bearing the characteristics of bullying, discrimination, unequal treatment, harassment or sexual harassment and obliges all employees to comply with the Policy and to prevent the use of the aforementioned phenomena by others.
3. Every employee shall immediately report to the employer any manifestation of bullying, discrimination, unequal treatment, harassment and/or sexual harassment against himself or herself and other employees.
4. the use of mobbing, discrimination and unequal treatment of employees, harassment and sexual harassment as well as the creation of situations encouraging such behaviour constitutes a grave breach of fundamental labour obligations, as stipulated in Article 52 § 1 item 1 of the Labour Code.

Anti-bullying and anti-discrimination proceedings

§ 5

1. Any member of staff who remains in the belief that actions or behaviour of a bullying, discriminatory, unequal treatment, harassment and/or sexual harassment nature has been used against them shall have the right to lodge a Complaint with the Director.
2. The complaint should be in writing, dated and signed in person by the employee making the complaint.

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3. The complaint should include:

1) an indication of the specific actions or behaviour considered by the employee to be a manifestation of bullying, discrimination, unequal treatment, harassment and/or sexual harassment, together with a detailed description of the specific situations and circumstances in which, in the employee's opinion, they occurred,

2) an indication of the period during which the reported actions or behaviour took place,

3) Identification of the employee blamed for using the reported actions or behaviours,

4) Identify any witnesses to the reported actions or behaviour,

5) Identify any other evidence of the reported actions or behaviour.

4) Anonymous complaints will not be considered.

5. Where the Director becomes aware of bullying, discrimination, unequal

treatment, harassment or sexual harassment from a reliable source other than those referred to in paragraph 1, he or she may, on his or her own initiative, initiate an investigation as referred to in § 7 or § 8 or take other measures to obtain more detailed information on the case.

§ 6

1. Proceedings for bullying, discrimination, unequal treatment, harassment and/or sexual harassment shall be conducted by the Director or a Committee appointed by the Director .

2. If appointed by the Director, the Commission shall consist of:

1) the person representing the Director - as chairman;

2) two academics' representatives;

3) a representative of non-academic staff;

4) an employee of the Human Resources Department.

3. A member of the Commission may not be:

1) The person making the complaint or the person suspected of engaging in actions or behaviour with the characteristics of bullying, discrimination, unequal treatment, harassment and/or sexual harassment;

2) the head of the organisational unit in which the complainant employee or the person referred to in paragraph 3(1) is employed;

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3) a person employed in the organisational unit in which the complainant or the person referred to in paragraph 3(1) is employed in an equivalent or subordinate position (direct co-worker or subordinate);

4) a witness called by a party to the proceedings;

5) a person who is the spouse, relative or affinity - up to and including the second degree - of any of the parties to the investigation, or who is in such a legal or factual relationship with the parties to the investigation that it may raise doubts as to their impartiality.

§ 7

1. Subject to § 8, the Director:

1) should consider the Complaint within 60 days of receipt.

2) may oblige the Parties and other employees identified as witnesses to give oral or written explanations.

2. The Director, in deciding a Complaint, may determine that the Complaint is well-founded, unfounded or assume that he or she is unable to resolve the Complaint in a clear and unambiguous manner.

§ 8

1. Where the Director considers that a Commission is warranted in a case, the investigation shall be conducted by the Commission.

2. The Director shall appoint the Committee within 14 days of receipt of the Complaint,

3. The Chairperson of the Commission shall convene the first meeting of the Commission within 14 days of the appointment of the Commission by the Director,

4. The Commission shall conduct its investigation, which shall be completed within 60 days of the date on which the first meeting of the Commission is convened. In cases justified by the circumstances of the individual case, this period may be extended.

5. At the first meeting the members of the Commission shall make a declaration in accordance with the model attached as Appendix 2 to this Policy.

6. The Chairperson of the Commission shall conduct the meetings of the Commission ensuring that they are conducted properly and in accordance with the law and this Policy.

7. The Commission shall meet when convened by the Chairperson in accordance with the possibilities and needs of the proceedings. Minutes of each meeting of the Commission shall be taken and signed by the Chairman and all members present at the meeting. For the

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purposes of ensuring that the minutes are accurate and reliable, oral explanations given by the Parties and/or witnesses may, with their consent, be recorded.

8. The attendance of all members at meetings shall not be compulsory, provided, however, that the first meeting and the meeting at which the vote on the outcome of the Complaint is taken shall be held with the full Commission.

9. If the Director becomes aware of a prolonged absence of one of the members of the Committee, he may decide, having regard to the provisions of paragraph 6(2), to replace the absent member by another person. The investigation shall not be repeated, and the new member shall be required to familiarise himself with the investigation and evidence gathered up to that point.

10. The deliberations of the Commission shall not be public. The Commission shall examine the complaint in an impartial manner.

11. The Commission shall be entitled to inspect the documents necessary to clarify the case.

12. The members of the Commission shall be bound by an obligation of confidentiality with regard to all information obtained in connection with the investigation.

13. If it becomes necessary to hear witnesses in the course of the proceedings, the Commission shall summon them to a meeting. A witness shall be bound to keep confidential all facts and circumstances of which he has acquired knowledge in the course of the proceedings.

14. The binding secrecy of the persons referred to in paragraphs 12 and 13 shall continue after the conclusion of the proceedings.

15. After hearing the Complainant, the person accused of actions or behaviour with the characteristics of bullying, discrimination, unequal treatment, harassment and/or sexual harassment, any witnesses, and after reviewing the evidence gathered, the Commission shall assess the legitimacy of the Complaint.

16. The evaluation shall comprise a discussion, a vote on the decision to be taken and the reasons or justification for it, and the drawing up of the operative part of the decision.

17. Voting on the decision shall be by secret ballot, the decision shall be taken by simple majority in the presence of all members of the Commission.

18 The substantive reasons for the decision shall be recorded in the minutes of the meeting, which shall be signed by all members of the Commission.

19. In deciding a Complaint, the Commission may determine that the Complaint is well-founded, unfounded or assume that it is not able to resolve the Complaint in a clear and unambiguous manner.

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20. The operative part of the Commission's decision shall be drawn up by the President of the Commission.

21. The operative part of the decision shall contain the names of the members of the Committee and of the person taking the minutes, the date and place of the examination of the case and the issuance of the decision, the names of the parties and the content of the outcome of the Complaint and recommendations for further proceedings.

22. The operative part of the decision shall be signed by all members of the Commission with their full name and, in the event of an abbreviated form of signature, it shall be confirmed by a personal stamp or an imprint of their name and surname.

23. A Member of the Commission who expresses a disagreement with the Commission's decision on the complaint may lodge a dissenting opinion on the Commission's decision. A note of the dissenting opinion shall be entered in the minutes.

24. If a dissenting opinion is tabled, the member of the Commission who has lodged it must justify it in writing, sign it and deliver it to the President of the Commission within 5 working days of the date of the decision. The reasons for the dissenting opinion thus submitted shall be included in the case file.

25. A written justification of the decision made shall be drawn up by the Chairperson of the Commission on the basis of the main reasons for the decision indicated in the minutes of the meeting at which the vote on the decision was taken within 10 working days of the date on which the decision was made.

26. In particularly justified cases, for example on account of the volume of evidence gathered in the course of proceedings, the time-limits for drawing up the grounds for the decision and the reasons for any dissenting opinion may be extended.

27. The statement of reasons shall not require the signatures of the members of the Commission. A note of the dissenting opinion and the grounds for it shall be included in the grounds for the decision of the Commission. If a dissenting opinion is not reasoned in accordance with paragraphs 24 or 26, the Chairperson shall simply note in the grounds for the decision that the member of the Commission has tabled a dissenting opinion without stating reasons.

28. The statement of reasons for the Commission's decision should contain a concise description of the facts and findings of the investigation and an indication of the evidence supporting the circumstances invoked (subject to the confidentiality of witnesses' personal data), as well as the arguments justifying the recommended recommendations.

29. If it is not possible or if there are unforeseeable obstacles to the drawing up of a written statement of reasons by the Chairperson of the Committee, the Director may appoint another member of the Committee to draw up a statement of reasons.

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30. The panel shall communicate its reasoned decision in writing to the Director and the parties to the investigation within three working days from the date on which it was drawn up. The parties to the investigation shall sign the written decision and its explanatory memorandum.

31. After reviewing the Commission's decision, the Director shall decide on further action in the case.

Final provisions

§ 9

Employees of the Ludwik and Aleksander Birkenmajer Institute for the History of Science in Warsaw are obliged to make available, at the Commission's request, documents relevant to the investigation of bullying, discrimination, unequal treatment, harassment and/or sexual harassment, and to provide the necessary information for the Commission to establish the circumstances of the case.

§ 10

The Employer shall grant the members of the Commission, the Parties and the witnesses exemption from activities and tasks arising from their job descriptions for the time necessary for the investigation of the case, with the right to remuneration.

§ 11

1. Administrative and organisational support for the Commission's meetings shall be provided by an employee of the Human Resources Department, who shall in particular:

1) takes minutes of Commission meetings,

2) maintain records and keep them for a period of 3 years after the outcome of the case.

2. An employee of the Human Resources Department who has access to information related to the course of the investigation shall be obliged to maintain secrecy. The provision of § 8 paragraph 14 shall apply accordingly.

3. In view of the nature and specificity of cases of mobbing, discrimination, unequal treatment, harassment and sexual harassment, the evidence gathered in the course of the investigation and the minutes of the Commission's meetings, including the content of the Parties' and witnesses' explanations, shall not be made available to the Parties and witnesses to the proceedings.

4. The information contained in the documents that constitutes sensitive personal data shall be protected in accordance with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with

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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) and the Data Protection Act of 10 May 2018.

§ 12

The procedures set out in this Policy do not preclude people from pursuing claims through the courts.

§ 13

1. Heads of organisational units are required to familiarise their subordinate employees with the Internal Anti-Bullying Policy within 14 days of its introduction.
2. It is the responsibility of each employee to read and comply with the Policy immediately.
3. Each employee is required to sign a declaration that they have read the Internal Anti-Bullying Policy, which is attached as Appendix 1 to this Policy.
4. When hiring a new employee, the Human Resources Officer shall familiarise the employee with the regulations on bullying, discrimination, unequal treatment, harassment and sexual harassment by collecting a written statement, according to the template attached as Appendix 1 to the Policy.
- 5).The declaration referred to in paragraphs (3) and (4) shall be attached to the employee's personal file without delay.

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Warsaw,

.....

(name of employee)

.....

(duty station, unit/organizational unit)

STATEMENT

I, the undersigned

.....

employed at the Ludwik and Aleksander Birkenmajer Institute for the History of Science, PAN, I declare that I have familiarised myself with the Internal Anti-Bullying Policy of the Ludwik and Aleksander Birkenmajer Institute for the History of Science, PAN and I undertake to abide by its provisions.

.....

(legible signature of Employee)

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Warsaw, on

.....

(name of Member of the Commission)

.....

(official position)

STATEMENT

As a member of an anti-bullying committee investigating a complaint of bullying/discrimination/unequal treatment/harassment/sexual harassment*

concerning:

.....

(name of the applicant)

.....

(duty station, unit/organizational unit)

on

(date of complaint)

Against:

1/

(name of person accused of bullying/discrimination/unequal treatment/molestation/sexual harassment*i)

.....

(duty station, unit/organizational unit)

2/

(name of person accused of bullying/discrimination/unequal treatment/molestation/sexual harassment*)

.....

(duty station, unit/organizational unit)

I declare that:

1) I am not the spouse, relative or affinity - up to and including the second degree - of any of the persons concerned, nor do I have such a legal or facts that it may raise doubts about my impartiality;

2) I will keep confidential any information obtained in connection with the conduct of the progression.

.....

(legible signature of member of the Commission)

* delete as appropriate

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