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## **Order No. 33/2019**

of the Director of the Mossakowski Medical Research Institute,  
Polish Academy of Sciences

of December 13, 2019

on

**implementing**

**Anti-Workplace Harassment Regulations  
of the Mossakowski Medical Research Institute,  
Polish Academy of Sciences**

Pursuant to Article 53(1) of the Act of April 30, 2010 on the Polish Academy of Sciences (Dz. U. [Journal of Laws] of 2019, item 1655), § 10(1)(2) of the Constitution of the Mossakowski Medical Research Institute, Polish Academy of Sciences, I order as follows:

1. The Anti-Workplace Harassment Regulations are to be implemented at the Mossakowski Medical Research Institute, Polish Academy of Sciences, the content of which is attached hereto.
2. The Order shall come into effect as of the date of signature.

DIRECTOR

[signature]

prof. dr hab. n. med. [PhD, DSc] Leonora Bużańska

[signature]

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**Anti-Workplace Harassment Regulations  
of the Mossakowski Medical Research Institute, Polish Academy of Sciences**

**I. General provisions.**

**Article 1**

1. These Regulations establish the rules for counteracting workplace harassment at the Mossakowski Medical Research Institute, Polish Academy of Sciences, hereinafter referred to as MMRI PAS.
2. The purpose of establishing these Regulations is to counteract workplace harassment at MMRI PAS.

**Article 2**

Whenever the Regulations refer to:

1. the regulations: this shall be understood as these Anti-Workplace Harassment Regulations of MMRI PAS;
2. the employer: this should be understood as MMRI PAS, represented by the Director of MMRI PAS;
3. employee: this should be understood as an employed person, remaining in the employment relationship regardless of the basis for its establishment;
4. workplace harassment: this should be understood as workplace harassment within the meaning of the Polish Labor Code (Article 94 §2), i.e. actions or behaviors concerning an employee or directed against an employee, consisting of persistent and prolonged harassment or intimidation of an employee, lowering the employee's opinion of their professional usefulness, causing or intended to cause humiliation or ridicule of the employee, isolating them or eliminating them from the team of co-workers;
5. adjudication panel of the committee: this should be understood as a team of persons conducting the proceedings on behalf of the Anti-Workplace Harassment Committee.

**Article 3**

1. The employees shall be obliged to respect each other's personal rights and not to take actions that bear the hallmarks of workplace harassment.
2. The employer shall not tolerate any behavior bearing the hallmarks of workplace harassment and shall counteract it.
3. The employees shall be obliged to counteract all actions bearing the hallmarks of workplace harassment and notify the employer of them.

**II. Rights and obligations of the employer.**

**Article 4**

The employer shall be obliged to support all activities that foster positive relationships between the MMRI PAS employees.

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### **Article 5**

Behavior that will be considered workplace harassment and the creation of situations that encourage workplace harassment shall constitute a violation of basic labor duties and may be grounds for the employer to punish the employee.

### **Article 6**

The employer shall be obliged to take preventive measures to prevent workplace harassment.

### **Article 7**

The employer shall be obliged to intervene to eliminate any reported cases of workplace harassment and to aid victims of workplace harassment.

## **III. Rights and obligations of an employee in terms of protection against workplace harassment.**

### **Article 8**

1. Every employee shall be required to familiarize themselves with the content of the Regulations.
2. A declaration of familiarization with the Regulations, with the signature of the employee and the date, shall be attached to the employee's personnel file in Part B.
3. A template of the declaration of familiarization with the Regulations is attached as Annex 1 to the Regulations.

### **Article 9**

1. Any employee who believes that they have been subjected to workplace harassment or have witnessed an incident bearing the hallmarks of workplace harassment may file a written complaint with the employer.
2. The complaint shall be submitted to the Director of MMRI PAS, who shall forward it to the Anti-Workplace Harassment Committee for consideration.
3. The complaint should include a statement of the facts, evidence to support the asserted circumstances, and identification of the perpetrator(s) of the workplace harassment.
4. The aggrieved person should sign the complaint with their own hand.

## **IV. Anti-Workplace Harassment Committee.**

### **Article 10**

1. The Anti-Workplace Harassment Committee, hereafter referred to as the Committee, shall be appointed from time to time by the Director of MMRI PAS from among the employees in accordance with the principles set forth in Article 11.
2. The composition of the Committee must be determined no later than 7 days from the date of an employee's complaint. The Committee shall be composed of at least 5 people.
3. Members of the Committee's adjudication panel should be familiar with the issue of workplace harassment and data protection laws.
4. In justified cases, a member of the Committee may apply for release from this function. A request on this matter along with a written justification must be submitted to the Director of MMRI PAS.

### **Article 11**

1. A member of the adjudication panel of the Committee may not be:
  - 1) the person who files the complaint nor the person named in the complaint as the perpetrator of workplace harassment;

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- 2) the head or deputy head of the organizational unit in which the complainant is employed;
  - 3) the direct supervisor of the employee making the complaint;
  - 4) the head or deputy head of the organizational unit in which the person named in the complaint as the perpetrator of workplace harassment is employed;
  - 5) the direct supervisor of the person named in the complaint as the perpetrator of workplace harassment.
2. The Committee shall be obliged to exclude from the Committee's adjudication panel persons for whom there are probable circumstances that may raise doubts about their impartiality.
  3. In the case referred to in Clause 2, the Director of MMRI PAS shall appoint new members to complete the composition of the Committee.

#### **Article 12**

1. The Committee shall select the Chairperson of the Committee from its members. The decision on this issue shall be made by a simple majority.
2. Administrative support for the Committee's meetings shall be provided by an employee of the Personnel Department. The tasks of this employee shall include:
  - 1) collecting documentation related to the conducted meeting,
  - 2) drawing up and storing the minutes of the Committee's meetings.
3. Legal services for the Committee shall be provided by a legal counsel appointed by the Director of MMRI PAS.

#### **Article 13**

The Anti-Workplace Harassment Committee shall operate in accordance with the principles of:

- 1) immediacy,
- 2) confidentiality,
- 3) impartiality.

#### **Article 14**

The Committee may adopt detailed rules of procedure for its operation.

#### **Article 15**

The Committee's shall tasks include, in particular:

- 1) determining the validity of a complaint,
- 2) determining the manifestations of workplace harassment,
- 3) providing the employer with the information and documents necessary to implement the disciplinary measures prescribed by law.

#### **Article 16**

1. The Committee shall deliberate at meetings which shall be convened by the Chairperson in writing, either on their own initiative or at the request of one of the Committee members.
2. The Committee's meetings shall be confidential.

#### **Article 17**

The Committee shall initiate proceedings no later than 14 days from the date of filing the complaint.

#### **Article 18**

Activities undertaken by the Committee and rules of operation:

- 1) The Committee shall be obliged to hear both sides of the incident.
- 2) If in the course of the proceedings it becomes necessary to hear witnesses, the Committee shall summon them to a meeting. The witness shall sign a commitment to keep secret all the facts and circumstances with which they have become acquainted during the proceedings.

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- 3) After hearing the explanations of the complainant employee, the person identified as the perpetrator of the workplace harassment and the witnesses identified by them, and after taking evidence, the adjudication panel of the Committee shall decide by a simple majority as to the legitimacy of the complaint under consideration.

#### **Article 19**

1. The Committee should consider the complaint without undue delay, no later than 7 days from the date of initiation of the case.
2. After examining all the circumstances, the Committee shall present its opinion on the validity of the complaint in writing.
3. Minutes of the Committee's proceedings shall be drawn up and signed by all members of the Committee's adjudication panel and participants in the proceedings.

#### **Article 20**

The minutes of the Committee's proceedings shall include, in particular:

- 1) a description of the facts found in the course of the investigation,
- 2) the decision on the validity of the complaint or lack thereof,
- 3) suggested legal remedies to be applied against the perpetrator of workplace harassment.

#### **Article 21**

1. The minutes of the Committee's proceedings, together with its opinion on the complaint, shall be forwarded within three days to the Director of MMRI PAS, the complainant, and the person identified as the perpetrator of the workplace harassment.
2. The Director of MMRI PAS shall decide on the validity of the complaint and the need for further action.

#### **Article 22**

Minutes of the Committee's proceedings shall be kept in a register of cases maintained by the employer.

### **V. Counteracting workplace harassment.**

#### **Article 23**

The Employer shall take the following preventive measures to prevent workplace harassment:

- 1) obligation for all the employees to familiarize themselves with the Anti-Workplace Harassment Regulations,
- 2) distribution of informational materials on workplace harassment to the employees.

#### **Article 24**

To report working harassment shall be to submit a written complaint to the Director of MMRI PAS.

#### **Article 25**

1. The complaint should include:
  - 1) the first and last name of the employee filing the complaint, their official position held, and if an attorney is appointed: the first and last name of the attorney,
  - 2) the name of the MMRI PAS organizational unit in which the complainant employee is employed,
  - 3) identification of the perpetrator of the workplace harassment,
  - 4) a description of the situations or actions that, according to the complainant, were manifestations of workplace harassment,

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- 5) all relevant circumstances and evidence in support of the complaint,
  - 6) the date and signature of the employee filing the complaint or their attorney.
2. Anonymous complaints shall not be considered.

#### **Article 26**

1. Employee complaints shall be considered by the Committee during its meetings.
2. The victim of workplace harassment should be instructed by the Commission's adjudication panel on the legal remedies available to them, in particular, the possibility of filing a lawsuit in court.
3. The victim of workplace harassment should also be advised of the criminal liability for making false accusations

#### **Article 27**

1. An employee who has filed a complaint shall receive a response in writing immediately, no later than 30 days from the date of receipt.
2. The period of time specified in Clause 1 shall be interrupted in the event of a legitimate absence from work of:
  - 1) the complainant employee,
  - 2) the employee accused of workplace harassment,
  - 3) a Committee member.
3. If a Committee member is absent for more than 7 days, the Director of MMRI PAS shall remove them from their position and appoint a new member to replenish the composition of the Committee. The Committee shall resume its proceedings on the second day after its composition is replenished.

#### **Article 28**

1. If the complaint is found to be justified, the employer shall take organizational measures to eliminate the causes of workplace harassment.
2. If the complaint is found to be justified, the employer shall apply to the perpetrator of the workplace harassment the penalties provided for in § 108 of the Polish Labor Code of June 26, 1974 (Dz. U. [Journal of Laws] of 1974, No. 24, item 141).
3. To the extent possible, the employer shall transfer the aggrieved employee, at their request or with their consent, to another workplace or otherwise prevent the aggrieved employee's contact with the perpetrator of the workplace harassment.

#### **Article 29**

1. In blatant cases of workplace harassment, the employer may terminate the employment relationship with the perpetrator.
2. The employer may also file a notice with law enforcement agencies that a crime may have been committed.

### **VI. Final provisions.**

#### **Article 30**

Once a year, the employer shall consider and evaluate the effectiveness of the anti-workplace harassment measures put in place.

#### **Article 31**

The internal procedures set forth in the Regulations shall not exclude and shall not diminish the rights of an employee to pursue their claims of workplace harassment in court.

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### **Article 32**

1. All persons permitted to intervene in cases of workplace harassment shall be obliged to maintain confidentiality regarding all facts learned in the course of and in connection with their activities.
2. Data contained in documents related to the Committee's proceedings shall be subject to the protection provided for the protection of personal data.

DIRECTOR

*[signature]*

prof. dr hab. n. med. [*PhD, DSc*] Leonora Bużańska

*[signature]*

Annex 1  
to the Anti-Workplace Harassment Regulations  
of the Mossakowski Medical Research Institute, PAS

First and last name .....

Position.....

Organizational unit of the Institute.....

**DECLARATION**

I, the undersigned, declare that I have familiarized myself with the content of the Anti-Workplace Harassment Regulations of the Mossakowski Medical Research Institute, PAS, and I undertake to abide by the rules arising from them.

Warsaw, on .....

.....

(signature)

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