

Ordinance No 14/2023
of the Director of the Institute of Geophysics of the Polish
Academy of Sciences dated 26 July 2023

on the establishment of an
Anti-Harassment Policy
at the Institute of Geophysics of the Polish Academy of
Sciences

pursuant to § 10 (1) of the Memorandum of Association of the Institute of Geophysics of the Polish Academy of Sciences adopted by the Scientific Council of the Institute of Geophysics of the Polish Academy of Sciences on 24 February 2011, approved by the President of the Polish Academy of Sciences on 9 May 2011, as amended, whose consolidated text was approved by the President of the Polish Academy of Sciences on 19 January 2023, in conjunction with Article 943 § 1 of the Labour Code, I hereby order as follows:

§ 1.

An Anti-Harassment Policy is hereby established at the Institute of Geophysics of the Polish Academy of Sciences. It shall have the wording of the Appendix attached to this Order.

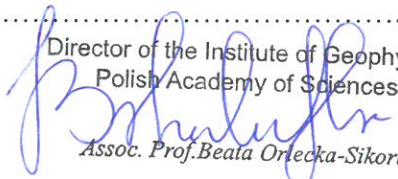
§ 2.

The Ordinance No 1 of the Director of the Institute of Geophysics of the Polish Academy of Sciences of 17 January 2014 on the establishment of the Anti-Bullying Policy shall hereby be repealed.

§ 3.

The Ordinance shall have effect as of the date of publication thereof.

Director of the Institute of Geophysics, Polish Academy of Sciences

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Director of the Institute of Geophysics
Polish Academy of Sciences
Assoc. Prof. Beata Orlecka-Sikora

ANTI-HARASSMENT POLICY

General Provisions

§ 1.

This Anti-Harassment Policy, hereinafter referred to as “Anti-Harassment Policy”, lays down the procedure for dealing with situations involving harassment as well as the rights and obligations vested with employees, persons cooperating with the Institute under civil law contracts, persons with the status of a doctoral student at the Institute, and persons undergoing a scholarship programme at the Institute in such a situation.

§ 2.

The terms used in the provisions of the Anti-Harassment Policy shall mean:

1. **harassment** – within the meaning of Article 94³ of the Labour Code, this refers to acts or conducts concerning an employee or addressed against an employee, consisting of persistent and prolonged harassment or intimidation of an employee, causing the employee's appraisal of his or her professional usefulness to be lowered, causing or intended to cause humiliation or ridicule of an employee, isolating him or her, or eliminating him or her from the team of co-workers;
2. **PAS Institute of Geophysics** - employer; these terms may be used interchangeably in the Anti-Harassment Policy;
3. **employee** - a person having an employment relationship with the employer; a person working under a civil law contract; a doctoral student; a scholarship holder;
4. **Committee** - the Anti-Harassment Committee in place at the PAS Institute of Geophysics, a collegiate body established by the employer to investigate grievances of harassment lodged by employees;
5. **Director of the Institute** - PAS Director of the Institute of Geophysics

§ 3.

1. Each and every employee shall make himself/herself familiar with the contents of the Anti-Harassment Policy.
2. A declaration on familiarisation with the contents of the Anti-Harassment Policy and commitment to adhere to the provisions thereof shall be attached to the employee's personal file. A template declaration is attached as Appendix 1 to the Anti-Harassment Policy.
3. The provisions of the Anti-Harassment Policy shall apply *mutatis mutandis* to persons collaborating with the PAS Institute of Geophysics under civil law contracts, persons having the status of a doctoral student at the PAS Institute of Geophysics, and persons undergoing a scholarship programme at the PAS Institute of Geophysics. Accordingly, wherever the provisions of the Anti-Harassment Policy refer to an Employee, these provisions shall apply respectively to all persons identified above.

Counteracting Harassment

§ 4.

1. Counteracting harassment shall fall under the core responsibilities of the employer and employees at the PAS Institute of Geophysics.
2. The employer shall neither endorse harassment nor any other form of mental violence.
3. The PAS Institute of Geophysics has the following preventive measures in place with a view to raising

employees' awareness of the harassment practices:

- 1) making employees familiar with the contents of the Anti-Harassment Policy;
 - 2) providing employees with contact details of organisations offering assistance to victims of harassment:
National Anti-Harassment Association, e-mail: krajowe@op.pl
Polish-Wide Antimobbing Association OSA, e-mail: osa_stowarzyszenie@wp.pl
- Polish Society of Anti-Discrimination Law, e-mail: biuro@ptpa.org.pl;
 - 3) organising training for employees at all levels on how to identify and prevent harassment, as well as on how to handle conflicts, on effective interpersonal communication, and team cooperation;
 - 4) ensuring that employees are given the opportunity to lodge a complaint with the Director of the Institute regarding the incidence of harassment and that the Committee conducts investigations;
 - 5) monitoring the effectiveness of the anti-harassment measures pursued by the employer at the PAS Institute of Geophysics.
4. Employees of the PAS Institute of Geophysics shall refrain from acts or conducts bearing the hallmarks of harassment or other mental violence.

Anti-Harassment Committee

§ 5.

1. The Committee shall be made up of:
 - 1) at least one employer representative, recommended by the Director of the Institute;
 - 2) employee representatives making up the Committee - at least 4 persons. The number of Committee members who are employee representatives shall be announced in the notice of election of employee representatives to the Committee.
2. The representatives referred to in Section 1 (2) shall be elected from among themselves by the employees of the PAS Institute of Geophysics in an open ballot held in the manner customary for the employer, by simple majority of votes.
3. The representatives referred to in Section 1 above shall make a declaration of their consent to take part in the activities of the Committee. A template declaration is attached as Appendix 2 to the Anti-Harassment Policy.
4. The members of the Committee shall make a declaration of confidentiality of any information received in connection with their work for the Committee. A template declaration is attached as Appendix 2 to the Anti-Harassment Policy.
5. The Institute shall authorise members of the Committee to process personal data. A template authorisation is attached as Appendix 3 to the Anti-Harassment Policy.
6. The Committee's roles include:
 - 1) objectively and fairly examining complaints of harassment, carrying out an investigation, and reporting the conclusions and recommendations arising therefrom to the Director of the Institute;
 - 2) should information on potential harassment at the PAS Institute of Geophysics come to light from other sources than the employee's complaint (e.g. information from the media, anonymous reports), undertaking investigations and taking the measures referred to in § 6 (3).
7. At its first meeting concerning a given complaint, the Committee shall elect a Chairperson and a Deputy Chairperson from among its members.
8. Meetings of the Committee shall be held as and when necessary, upon receipt of information from the Director of the Institute that a complaint of harassment has been lodged or of information about the potential harassment from another source.
9. The Committee shall meet when convened by the Chairperson.

10. Committee's decisions shall be taken by majority vote. In the event of an equal number of votes "for" and "against", the vote of the Chairperson of the Committee shall have the casting vote.
11. No member of the Committee may be the person concerned by the complaint of harassment or the person identified as the alleged harasser.
12. No member of the Committee may be a person who is married to the harassed employee and to the employee identified as the alleged harasser, is related by consanguinity or affinity in a direct line, or by consanguinity or affinity in a collateral line to the second degree, or is related by adoption, guardianship or custody, or who is in such a factual or legal relationship that it may raise concerns as to his or her objectivity or impartiality. Should such a circumstance arise, the member of the Committee must report this fact to the Committee.
13. Any member of the Committee shall be dismissed in the situation referred to in Section 11 or 12. The Committee shall deliberate without that member.
14. The Secretariat of the Director of the Institute shall be in charge of the administrative aspects of the Committee's work.

Anti-Harassment Procedure

§ 6.

1. An employee who believes that he or she has suffered harassment or who witnesses conduct which he or she considers to have such features shall report this fact in writing to the Director of the Institute. A template report is attached as Appendix 4 to the Anti-Harassment Policy.
2. The report should include:
 - 1) full name of reporting person;
 - 2) full name of the person believed to suffer harassment;
 - 3) full name of the person believed to be the harasser;
 - 4) description of conduct which, in the opinion of the reporting person, bears the hallmarks of harassment;
 - 5) identification, whenever possible, of evidence, including witnesses, proving that the conduct reported has taken place;
 - 6) whenever possible, description of the consequences of the conduct suffered;
 - 7) date of reporting and the legible signature of the reporting person.
3. Anonymous reports shall be examined and shall form the grounds for an investigation into whether the described incidents have taken place and whether they bear the hallmarks of harassment. The Anti-Harassment Committee shall draw up notes or minutes of its investigations and the findings therein shall be communicated to the Director of the Institute.
4. Reports should be submitted electronically to the e-mail address of the Director of the Institute or in writing in a closed envelope to the secretariat of the Director, or via the anonymous letterbox located on the 2nd floor of the headquarters of the PAS Institute of Geophysics in Warsaw. All reports should include the title: "Report of Harassing Conduct" and be addressed directly to the Director of the Institute.

§ 7.

1. Within 14 days of receipt of a duly submitted report, the Director of the Institute shall forward the report to the Committee and instruct it to conduct an investigation.
2. The Committee may call upon the reporting person to supplement the report within 14 days of service of the call.
3. Calls for the harassed employee, the alleged harasser(s) (hereinafter: parties to the investigation) and witnesses to appear before the Committee shall be sent by the Chairperson of the Committee.
4. Upon hearing the testimony of the parties to the investigation and witnesses as well as upon analysing the evidence gathered, the Committee shall draw up an investigation protocol, outlining the scope and course of the measures taken, a synthetic description of the facts established as well as the conclusions and recommendations arising from the investigation. A template protocol is attached as Appendix 5 to the Anti-Harassment Policy.

5. In the absence of unanimity among the members of the Committee as to the content of the investigation protocol, their dissenting opinion and the reasons therefor shall be appended thereto. The written reasoning for the dissenting opinion shall be filed in the investigation files before the Committee no later than 14 days after drawing up the investigation protocol.
6. The investigation protocol shall be forwarded to the Director of the Institute as soon as it has been drawn up.
7. The proceedings before the Committee shall be confidential, and the facts established in the course of such proceedings shall not be disclosed to third parties.

§ 8.

1. The Director of the Institute, having regard to the Committee's view as stated in the investigation protocol, shall take measures to eradicate the established irregularities and to prevent their recurrence in the future.
2. Should the harasser of employees be the Director of the Institute himself or herself, all tasks prescribed for the Director of the Institute in the Anti-Harassment Policy shall be delegated to the Chairperson of the Academic Board.
3. In case a complaint is considered justified against the harasser(s), the employer may acknowledge the established acts as the harasser(s)' violation of the established organisation and order in the work process and impose the penalty of a warning or a reprimand and, in flagrant cases, other sanctions provided by law, such as:
 - 1) termination of the employment contract without notice, on the grounds attributable to the harassing employee;
 - 2) termination of the employment contract;
 - 3) holding the harassing employee financially liable for the damage caused to the employer due to harassment;
 - 4) depriving the harassing employee of his or her employment rights, which are conditional upon due fulfilment of his or her employment duties.
4. The employer may, as far as possible, transfer the victimised employee, either upon his/her request or with his/her consent, to another work position.

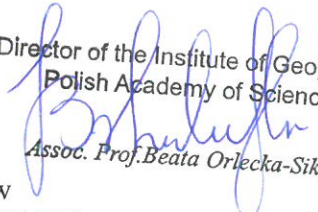
Records of the Anti-Harassment Committee's Work

§ 9.

1. Protocols of the investigation and other related documentation shall be compiled and retained for a period of 3 years in the Secretariat of the Director.
2. The complaint and the documentation of the investigation before the Committee shall be accessible only to the members of the Committee, the parties to the investigation and the Director of the Institute or a person authorised by him/her.
3. The documentation referred to in Section 1 and 2 may be used by the employee or the PAS Institute of Geophysics in court proceedings in which claims of harassment are asserted.

Final Provisions

The Anti-Bullying Policy shall have effect as of the date of its publication to employees in the manner customary at the employer.


Director of the Institute of Geophysics
Polish Academy of Sciences
Assoc. Prof. Beata Orlecka-Sikora

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phone: (+48) 22 6915 950 fax: (+48) 22 8776 722
mail: office@igf.edu.pl

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full name of employee

place and date

Faculty/Department

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DECLARATION

I, the undersigned, hereby declare that I have familiarised myself with the contents of the Anti-Harassment Policy in place at the PAS Institute of Geophysics and hereby undertake to adhere to the provisions thereof.

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employee signature



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full name of employee

.....

place and date

Faculty/Department

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DECLARATION

I, the undersigned, hereby declare that:

- a) I consent to participate in the work of the Anti-Harassment Committee in place at the PAS Institute of Geophysics;
- b) I undertake to keep confidential all information received in view of the work of the Anti-Harassment Committee in place at the PAS Institute of Geophysics.

.....

employee signature



AUTHORISATION TO PROCESS PERSONAL DATA

Warsaw, dated

Institute of Geophysics of the Polish Academy of Sciences,
ul. Księcia Janusza 64
01-452 Warsaw

Acting on behalf of the Institute of Geophysics of the Polish Academy of Sciences with its registered office at ul. Księcia Janusza 64, 01-452 Warsaw, pursuant to Article 29 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, OJ EU L 119, p. 1), I hereby authoriseto process personal data to the extent related to the performance of official duties.

The authorisation shall include the authorisation to process personal data:

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At the same time, I hereby obligate you to process personal data in compliance with the authorisation granted and 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 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, OJ EU L 119, p. 1), with other generally applicable provisions and with internal regulations.

This authorisation has been granted for the duration of the work of the Anti-Harassment Committee at the Institute of Geophysics of the Polish Academy of Sciences.

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signature of the Controller or the person authorised to represent the Controller



REPORT

1. Name of reporting person:

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2. Full name of the person believed by the reporting person to be harassed:

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3. Full name of the person believed to be the harasser:

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4. Description of conduct which, in the opinion of the reporting person, bears the hallmarks of harassment:

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5. Identification, whenever possible, of evidence, including witnesses, proving that the conduct reported has taken place:

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6. Consequences of experienced conduct (underline as appropriate):

- 1) apathy, discouragement, lack of motivation to work;
- 2) anxiety, malaise;
- 3) psychological therapy, treatment of neurosis;
- 4) frequent taking of short rest leaves to avoid contact with the perpetrator of the conduct described above;
- 5) suicidal thoughts;
- 6) nervous and other psychosomatic illnesses;
- 7) other consequences (please specify).

Detailed description of consequences:

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.....
(date of reporting)

.....
(the legible signature of the reporting person)



**TEMPLATE
OF THE INVESTIGATION PROTOCOL**

re: complaint lodged by an employee
(full name)

employed in
(name of organisational unit)

Anti-Harassment Committee at the Institute of Geophysics of the Polish Academy of Sciences investigating the complaint composed of:

- 1) Mr/Ms - Chairperson of the Committee
- 2) Mr/Ms - Deputy Chairperson of the Committee
- 3) Mr/Ms
- 4) Mr/Ms
- 5) Mr/Ms
- 6) Mr/Ms
- 7) Mr/Ms

In the course of its investigation, the Committee took the following measures:

- 1.
- 2.
- 3.

As a result of which it established the following facts:

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Recommendation of further measures to be taken by the employer:

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Signature of Committee members:

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)
- 7)

Warsaw, dated

