

Order No. 56/2019 of the Director of the Institute of Agrophysics, Polish Academy of Sciences in Lublin, of 30 October 2019 on the introduction of the Internal Anti-Mobbing Policy

issued pursuant to §10 of the Statute of the Institute of Agrophysics, Polish Academy of Sciences in Lublin, in the version approved by the President of the Polish Academy of Sciences on 17 March 2017, based on the provisions of Art. 11¹, Art. 15, Art. 94 and Art. 94³ §1 of the Act of 26 June 1974 — the Labour Code (Journal of Laws of 2019, item 1040, as amended) and Art. 23 of the Act of 23 April 1964 — the Civil Code:

§1

1. The Internal Anti-Mobbing Policy (hereinafter: the IAMP), constituting Annex No. 1 to this Order, is hereby introduced at the Institute of Agrophysics, Polish Academy of Sciences in Lublin (hereinafter: the Institute).
2. I hereby oblige all employees of the Institute, doctoral students, and persons cooperating with the Institute on the basis of civil law contracts to comply with the rules set out in the IAMP.
3. I hereby oblige the heads of the Institute's organisational units to familiarise the persons subordinate to them and their collaborators with the IAMP no later than within 5 working days of the introduction of the IAMP, and to collect from those persons the declarations referred to in §3 para. 5 of the IAMP.
4. I hereby oblige the employee responsible for personnel matters at the Institute to collect the declarations referred to in §3 para. 5 of the IAMP no later than within 10 working days of the introduction of the IAMP and to include them in the relevant documentation.

§2

This Order enters into force on the date of signing.

DIRECTOR

prof. dr hab. Cezary Sławiński

Internal Anti-Mobbing Policy
of the Institute of Agrophysics, Polish Academy of Sciences

I. General provisions

§1

The Internal Anti-Mobbing Policy (hereinafter: the IAMP) sets out the rules for counteracting the phenomenon of mobbing at the Institute of Agrophysics, Polish Academy of Sciences in Lublin.

§2

Definitions of terms used:

1. Employer — Institute of Agrophysics, Polish Academy of Sciences in Lublin (hereinafter also referred to as the Institute);
2. Employee — a person employed by the Employer on the basis of an employment contract or an appointment, doctoral students of doctoral schools and the doctoral school operated by the Institute, persons cooperating with the Institute on the basis of civil law contracts;
3. Anti-Mobbing Commission — a collegial body appointed by the Employer to examine employee complaints regarding mobbing, pursuant to §5 of the IAMP;
4. Mobbing — actions or behaviours concerning the Employee or directed against the Employee, consisting in persistent and prolonged harassment or intimidation of the Employee, causing the Employee to develop a diminished sense of professional worth, aiming at or resulting in the humiliation or ridicule of the Employee, isolating the Employee or eliminating the Employee from the co-workers' team;
5. Mobber — an Employee who engages in mobbing;
6. Victim — an Employee subjected to mobbing;
7. Complainant — an Employee who has filed a complaint with the Employer regarding mobbing.

II. Counteracting mobbing

§3

1. The Employer firmly declares that any actions or behaviours bearing the hallmarks of mobbing will not be tolerated, and that building positive relations among the Institute's Employees constitutes one of its most important priorities.
2. Every Employee is obliged to respect the dignity and personal interests of other Employees of the Institute and to apply the principles of social coexistence in mutual relations.
3. The heads of the Institute's organisational units are obliged to familiarise the Employees subordinate to them with the content of the IAMP, to ensure compliance with the IAMP, and to foster an appropriate working atmosphere within the Employee teams subordinate to them.
4. Every Employee is familiarised with the content of the IAMP, which is announced by posting it on the "HR and Payroll" noticeboard (ground floor of Building A of the Institute) and by distributing it to Employees via an internal mailing list.
5. The declaration of familiarisation with the content of the IAMP (Annex No. 1 to the IAMP — Declaration template), signed by the Employee and dated, is added to the relevant documentation — in the case of persons employed under an employment contract, to Part B of the Employee's personal file.
6. At least once per calendar year, the Employer, together with Employee Representatives elected in accordance with Director's Order No. 4/2019 of 23 January 2019 (hereinafter: Employee Representatives), reviews the content of the IAMP and, where necessary, updates it to reflect changes in the factual and legal status.

7. The Employer organises periodic training on mobbing prevention for the heads of the Institute's organisational units and for Employees.

§4

1. An Employee who considers that they have been subjected to mobbing has the right to submit a written complaint to the Employer.
2. The complaint should contain:
 1. the name and surname of the Complainant;
 2. the date on which the complaint is drawn up;
 3. a description of the conduct and/or actions of superiors and/or co-workers that the Complainant considers to constitute mobbing;
 4. justification of the complaint, including indication of evidence in support thereof;
 5. the name of the alleged Mobber;
 6. the Complainant's signature.
3. The Employer does not accept anonymous complaints.
4. A complaint is effectively submitted if it contains all the elements listed in para. 2 above and has been submitted to the Director of the Institute.
5. The Complainant may request confirmation of the submission of the complaint.

§5

1. Within 10 working days of the effective submission of a complaint, the Employer appoints, on a case-by-case basis, an Anti-Mobbing Commission (hereinafter: the Commission), which immediately proceeds to examine the merits of the complaint.
2. The composition of the Commission must guarantee its impartiality.
3. The Commission always consists of:
 - a) a representative of the Employer, as the Chair of the Commission;
 - b) a person chosen from among their own ranks by the Employee Representatives;
 - c) a representative of doctoral students — if one of the parties to the proceedings is a doctoral student.
4. Neither the Complainant nor the person identified by the Complainant as the Mobber may serve on the Commission.
5. In justified cases, particularly where there is a divergence of opinion among its members, the Commission may request the Employer to appoint a third party to the Commission, with theoretical and practical expertise in work psychology and conflict resolution.
6. The Commission works in sessions. The Employer provides administrative support to the Commission.
7. Proceedings before the Commission are confidential, and the facts established in the course of the proceedings may not be made public.
8. Both the Complainant and the person indicated by the Complainant as the Mobber must be given the opportunity to speak freely.
9. If, in the course of proceedings, it becomes necessary to hear witnesses, the Commission summons them to its session. Prior to giving evidence, each witness signs an obligation to maintain confidentiality regarding all information they become aware of in the course of the proceedings.
10. After hearing the explanations of both parties, the Commission analyses the allegations and evidence contained in the complaint and subsequently formulates a written position on the merits of the complaint under examination.
11. The Commission decides on the merits of the complaint by a simple majority of votes, and if the complaint is upheld, formulates a recommendation to the Employer regarding the manner of disciplining the Mobber.

12. The Commission draws up minutes of each session, which are signed by all Commission members and the parties to the proceedings. Each Commission member may request that a dissenting opinion be recorded in the minutes. The minutes are added to the case file, which is compiled chronologically starting from the document containing the complaint.
13. Time spent working in the Commission counts towards the working time of its members.

§6

1. If the complaint is upheld:
 1. The Mobber may be subject to a disciplinary penalty provided for under the Labour Code, and may be deprived of benefits arising from labour law provisions that are conditional upon non-violation of employee obligations;
 2. The Mobber's terms and conditions of employment and remuneration may be terminated;
 3. The Employer may terminate the employment relationship with the Mobber in the event of a repeated finding of mobbing, or a finding of mobbing resulting in a loss of the Employer's trust in the Mobber.
2. If the complaint is upheld, the Victim, at their own request or with their consent, may, where possible, be transferred to another position commensurate with their skills and qualifications.

3. Final provisions

§7

1. The content of the IAMP was adopted in agreement with the Employee Representatives.
2. The IAMP enters into force on the date of signing and notification to the Employees of the Institute.

DIRECTOR

prof. dr hab. Cezary Sławiński

Employer

On behalf of the Employee Representatives

Annex No. 1 to the IAMP

Lublin, (dd-mm-yyyy)

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Employee's name and surname

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Organisational unit

Declaration of familiarisation with the Internal Anti-Mobbing Policy

I hereby declare that I have been familiarised by the Employer with the content of the Internal Anti-Mobbing Policy in force at the Institute of Agrophysics, Polish Academy of Sciences.

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Employee's legible signature

** delete as appropriate*