

**CODE OF CONDUCT:  
To Prevent Discrimination and Harassment, Including Sexual Harassment,  
AT SOLIDARITY FUND PL (SFPL)**

Accepted by the President of the Board on 28 January 2021, decision no Z\_2021\_01\_02

## **1. APPLICABILITY**

The Code of Conduct applies to Solidarity Fund PL workplace and any event, which shall include meetings, conferences and symposia, assemblies, receptions, scientific and technical events, expert meetings, work- shops, exhibits, side events and any other forum organized, hosted or sponsored in whole or part by SFPL wherever it takes place, and any event or gathering that takes place on SFPL premises whether or not SFPL is organizing, hosting or sponsoring. The Code of Conduct applies during and outside working hours.

The Code of Conduct applies to all employees, external contractors as well as participants at a SFPL event, including all persons attending or involved in any capacity in a SFPL event.

The Code of Conduct is not legal or prescriptive in nature. It supplements, and does not affect, the application of other relevant policies, regulations, rules and laws, including laws of countries SFPL works.

## **2. PROHIBITED CONDUCT**

**2.1. Harassment** - any behaviour which has a purpose or effect of offending or humiliating others. Harassment may be of a verbal, non-verbal or physical nature and:

- has the purpose or effect of unreasonably interfering with an individual's work performance,  
or
- creates an intimidating, hostile or offensive work environment.

Harassment can be a behaviour displayed by an individual or by a group. Harassment can be a one-off incident or a continuation of several incidents over a longer period of time.

**2.2. Sexual harassment** is a specific type of prohibited conduct. Sexual harassment is any unwelcome conduct of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation.

Sexual harassment may involve any conduct of a verbal, nonverbal or physical nature, including written and electronic communications, and may occur between persons of the same or different genders. Sexual harassment can be expressed in several ways and may include some of the following:

- Physical: pinching, patting, rubbing and grabbing or any unwelcome physical contact;
- Verbal: "dirty" jokes, comments or innuendos, nicknames or insults, unwelcome sexual invitations, demands or threats of sexual nature, suggestive or insulting sounds;
- Visual: displaying disrespectful, sexually suggestive objects, pictures, cartoons or posters; leering and making sexual gestures, writing sexually suggestive letters or notes.

2.3. **Discrimination** is defined as a distinction, exclusion or restriction made without justified reason on the basis of gender, race, religion or belief, nationality, ethnic or social origin, age, sexual orientation, marital status, disability or other aspects of personal status.

Discrimination can take a number of different forms, and may include cases, for example, where a qualified person is denied a job, promotion, renewal of contract, references, opportunities for training or increased responsibility because of gender, race, religion or other factors. Similarly, an evaluation of a person's ability based on prejudice or assumption, rather than on merit and competence, may constitute discrimination.

### 3. RESPONSIBILITIES of EMPLOYEES and EXTERNAL CONTRACTORS

3.1. Leaders and supervisors have a responsibility to:

- monitor the working environment to ensure that acceptable standards of conduct are observed at all times;
- model appropriate behaviour themselves;
- promote the organisation's sexual harassment code of conduct within their work area;
- treat all complaints seriously and take immediate action to investigate and resolve the matter;
- refer complaints to HR unit immediately;
- Care about safe, respectful work environment;

3.2. All employees and external contractors have a responsibility to:

- comply with the organisation's sexual harassment code of conduct;
- offer support to anyone who is being harassed and let them know where they can get help and advice (they should not, however, approach the harasser themselves);
- maintain complete confidentiality if they provide information during the investigation of a complaint. Staff should be warned that spreading gossip or rumours may expose them to a defamation action.

### 4. COMPLAINT PROCESS

#### 4.1 SFPL is committed to an efficient and safe process for reporting infractions.

There are several ways to solve the problem – **internal** (informal and formal) and **external** (to report to state services, like police etc.). The person who feels to be harassed or discriminated has a sole right to choose the any option and any sequence pointed below as a samples

4.2. To support the process the person who experienced abuse is advised to **gather and document all relevant facts**. This record should be as detailed and specific as possible, including descriptions, dates and times of incidents and names of any potential witnesses.

4.3. If it is possible, the Person can talk **directly to the alleged offender and make clear behaviour is not to be tolerated**. Maybe the person is not aware of the behaviour, treatment or use of language is understood as offensive as the offended Person.

4.4. The Person can turn to someone else for **advice and guidance**. This could be a supervisor or a trusted colleague. It is highly advised that the person directly and at any time shares the case with HR Unit, which one of the main tasks is to support employees in maintaining safe and friendly working environment.

- 4.5. The HR unit will provide the Person with possible options to deal with the situation. For ex. a mediation can be proposed. **Mediation** is the informal but structured process of seeking conciliation of inter-personal conflicts, including harassment and discrimination between two or more parties. In this process the Person and the other party are given the opportunity to be heard and, in a structured way, to work on an agreed solution. This process is to be conducted as discreetly as possible. During the mediation process, both the Person and the other party have the right to request the assistance of a person of confidence. A solution can only be valid if both parties agree to it.
- 4.6. If there is deemed to be any conflict of interest with the designed official or the undertaken actions did not lead to a solution, the Person can report the case to an alternative official or made a complaint to the President of the Board.
- 4.7. In case of violence, the person should call police immediately.

## 5. Formal complaint.

- 5.1. If the person who feels to be harassed or discriminated feels that the case can not be settled in an informal way, or that the alleged offender refuses to participate in the mediation process, the person can directly and at any time choose to complain formally.
- 5.2. **The complaint** should contain the following information:
  - a) name; b) the type of harassment and/or discrimination you experience with concrete details like the date, time and place of the occurrence(s); the name(s) of the person(s) accused of harassment or discrimination; c) the relief that is claimed, (e.g. the remedy or solution); supporting documents, if any, such as e-mails or other correspondence, testimonies etc.
- 5.3. The Formal complaint **should be submitted** to the President of the Board, and in case the President seems to harass or discriminate, the complaint should be submitted to head of the HR unit and to the Foundation's Director.
- 5.4. A participant of the SFPL event/project who feels that they have been harassed/discriminated at a SFPL event or by SFPL employee may report the matter to the organizer of the SFPL event or to the President of the Board, and a participant/employee who witnesses such harassment should make such a report. Such reporting shall have no effect on any applicable rules and procedures that may apply in SFPL or to other personnel. The organizer of the SFPL event will be expected to take appropriate action in accordance with its applicable policies, regulations and rules.

## 6. Process for investigating claims

- 6.1. The President of the Board no later than within 7 days of receipt of the complaint nominate three members of the Special Commission responsible for impartial investigation, propositions of solutions and appropriate actions. If any part of the process have legitimate reasons to believe that any of the three members of the Investigative Panel are not sufficiently objective to investigate the case, the Part can object to the composition of the Special Commission within three working days of being notified of the designated Commission members. The President of the Fund may make changes to the composition of the Special Commission. No objections can be raised regarding composition of a new Special Commission.
- 6.2. The proceedings of the Special Commission shall be confidential. The Commission:
  - Reviews both offended Person and the alleged offender's versions of events;

- identifies potential witnesses or any other person who might be able to give relevant information;
  - conducts interviews and collects documentary information;
  - keeps notes of the interviews;
  - finishes the investigation within 30 days of assignment, subject to an extension of a maximum of 30 days;
  - prepares a report presenting facts and evidence and making recommendations to the President of the Foundation on further actions to be taken.
- Both Parts may be assisted by a person of confidence by their own choice.

### **6.3. Complaint is considered well-founded and alleged offender is found guilty**

Special Commission may find that your complaint is considered well-founded. If so, the Commission can recommend one of the following measures:

- A letter of apology be sent to you by the President of the Board;
- Furthermore, any of the SFPL Labour Rules disciplinary measures against the offender or Penalties provided by the Labour Code of the Republic of Poland (incl. dismissal) may be recommended by the Commission. In case of the external experts the Commission may recommend termination of the contract.

### **6.4. Complaint is considered false or made in bad faith**

In case the Special Commission consider the complaint to be false or find that the Person complained with the intention to misrepresent the truth, it may recommend disciplinary measure(s) to be taken against the accuser. The Commission may also recommend appropriate rehabilitation measures for the person wrongly accused.

### **6.5. Recommendations regarding other relevant persons**

The Special Commission may find that other persons somehow involved in the case, including management, have not followed code of conduct. For example, the case might not have been handled in a timely manner, or there might have been undue pressure on the victim to drop the complaint. Should the Commission conclude that violations of the policy have taken place, it may also recommend appropriate measures to be taken against other persons, including management.

### **6.6. President of the Board's Decision**

Once the President of the Fund receives the report and recommendations from the Special Commission, the President decides whether measures should be taken, and if so, what kind of measures. The reasons for the decision should be fully explained.

The President of the Board then further:

- Notifies the complainant of the decision;
- notifies the accused person and any other persons who will be affected by the decision;
- attaches a copy of the report of the Special Commission to the decision.

6.7. All records of the investigation will be kept confidential.

*Questions and comments regarding these guidelines should be directed to [hr@solidarityfund.pl](mailto:hr@solidarityfund.pl)*