

In accordance with the provisions of the Rulebook on the Rules of Conduct of Employers and Employees in Relation to the Prevention and Protection from Harassment at Work ("Official Gazette of the Republic of Serbia", no. 62/2010) and the act of the Secretariat of Transparency International "PREVENTION OF SEXUAL EXPLOITATION, ABUSE AND HARASSMENT (PSEAH) POLICY", the Assembly of the Association Transparency Serbia, at the session held on October 7, 2021, adopts:

Rulebook on Prevention and Protection against Mobbing and Sexual Harassment at Work

Purpose of adoption

The Association, as well as the international movement Transparency International as a whole, does not tolerate any form of sexual exploitation, abuse and harassment, and at the same time promotes a culture in which people are treated with dignity and respect, both in the workplace and in the projects and programs that the Association implements. In this regard, and taking into account the relevant provisions of the regulations in force in the Republic of Serbia, this document establishes:

- Effective mechanisms to prevent unacceptable behaviour
- Applying rules in the workplace and in the implementation of programs and projects
- Procedure for reporting unacceptable behaviour and implementing post-report measures, including mediation and punishment

All employees share a responsibility and commitment to prevent and report any incident of unacceptable behavior, including sexual exploitation, abuse or harassment. These rules apply both to relationships that arise in the workplace and to conduct outside the workplace that can seriously damage the integrity and reputation of the Association.

These rules apply to any person who is employed or otherwise engaged in work within the Association (e.g. consultants, volunteers), or who was employed or engaged in the Association in the relevant period.

Definition

Sexual exploitation is defined as any actual case or attempt to abuse another person's vulnerable position, authority or trust in order to satisfy one's own sexual needs or to obtain material, social or political benefit from the exploitation of another person, such as, inter alia, the use of a position in such a way as to demand or create the expectation or impression that sexual intercourse is a

condition for the provision of assistance; coercing into sexual intercourse, recording or photographing private content of a sexual nature without consent and posting such content without consent.

Sexual exploitation is defined as any actual case or threat of harassment, whether it is the use of open force or a situation where another person is incapable of giving willing consent.

Sexual harassment is defined as any use of an advantage, a request for a sexual favour, verbal or physical behaviour or gestures of a sexual nature, or any other behaviour of a sexual nature that can reasonably be expected or perceived as injury or humiliation to another person. Sexual harassment shall be considered to affect work when it is used as a conditionality for the establishment of an employment relationship or when it creates a disturbing environment at work, whether it occurs in the workplace itself or elsewhere in connection with the work.

Sexual harassment is defined by the Council of Europe as any form of unwanted verbal, non-verbal or physical behaviour of a sexual nature, with the aim or consequence of violating the dignity of the person, and in particular when it creates an intimidating, hostile, degrading, humiliating or offensive environment

Principles

All persons to whom this Act applies shall act in accordance with the regulations in force and behave in a manner which ensures respect for others and encourages respect for the rights of others:

- Any act of sexual exploitation, abuse or harassment is prohibited;
- Sexual activities with minors, who are engaged in the Association or participate in the programs of the Association, are prohibited;
- Conduct that is contrary to the above rules is the basis for initiating disciplinary proceedings, i.e. proceedings that may lead to termination of employment, business cooperation or dismissal;
- When a criminal offence has been committed by unlawful conduct, it shall be reported to the competent authority;
- The Association shall create and maintain an environment that is conducive to any form of sexual exploitation, abuse or harassment;
- In accordance with the possibilities, the Association shall provide training for the application of these rules;
- All employees will be familiar with these rules and confirm their familiarity with them;

Apply

All allegations and suspicions of conduct contrary to this act will be investigated in accordance with the acts of the Association. The association will take measures to prevent prohibited behavior, as well as to protect and support victims. In this regard, the following measures will be taken:

- Determining the rules for supervising the implementation of measures and for reporting on its implementation;
- Preliminary risk analysis in order to identify weak points in the system and opportunities for its improvement;
- Risk analysis on the basis of each reported case, in order to eliminate possible causes of unacceptable phenomena;
- Investigating all reported violations of the rules in a timely, professional and impartial manner;
- Maintaining the confidentiality of information;
- Extension of the obligation to comply with these rules to project partners whose work is supervised by the Association;
- In accordance with the possibilities, providing assistance and support to victims;

Reporting

Each employee is obliged, in the event that he witnesses or suspects actions prohibited by this act, to report the case to the competent bodies of the Association, if possible, after consultation with the victim, with a description of the event, its participants, other possible witnesses, the time of the event and possibly existing evidence

For the understanding of the obligations and full implementation of this act, the provisions of the Statute, as well as the Code of Ethics of the Association, as well as the following documents of Transparency International, are also important:

- TI-S Code of Conduct
- TI-S Integrity Violation Reporting Policy.
- TI-S Child Protection Policy
- Anti-Harassment Policy for TI-S organized event

Reconsideration

This Act and its implementation will be reviewed on an annual basis.

I THE SUBJECT OF THE RULEBOOK

Article 1

This Rulebook prescribes the rules of conduct of the Association as an employer and employees, i.e. otherwise engaged persons (hereinafter: employees) in relation to the prevention and protection against and in connection with harassment at work (hereinafter: Mobbing), i.e. from sexual harassment.

All terms used in this Regulation in the masculine gender imply the same terms in the feminine gender.

II PREVENTION OF MOBBING AND ABUSE OF THE RIGHT TO PROTECTION FROM MOBBING

1. Obligations of the Association

Article 2

In order to create conditions necessary for a healthy and safe working environment, the Association organizes work in a way that prevents the occurrence of mobbing and provides employees with working conditions in which they will not be exposed to mobbing by the Association, responsible persons or other employees.

Article 3

In order to identify, prevent and prevent mobbing, the Association implements measures to inform and train employees and their representatives to recognize the causes, forms and consequences of mobbing.

In accordance with the possibilities, the Association provides training, i.e. training of one employee at the discretion of the Management or Supervisory Board to perform mediation, as a way of resolving disputed relationships related to mobbing, or hires an external expert associate for this purpose.

Article 4

Prior to starting work, the Association shall provide each employee with a notice on the prohibition of mobbing and the rights, obligations and responsibilities of the employee and the Association in relation to the prohibition of mobbing.

Notices are also provided to active employees.

The notice shall be provided in at least two copies, one copy of which shall be kept by the Association and the other by the employee.

If the employee refuses to sign and receive the notice, he is considered to be familiar with its content if the notice is delivered to him in the manner and in the procedure prescribed by law.

Article 5

The notice referred to in Article 4 of this Regulation shall contain the following information:

- that the law prohibits and sanctions the perpetration of mobbing, sexual harassment, as well as the abuse of the right to protection from such behavior;
- what is considered mobbing, sexual harassment and abuse of the right to protection from such behavior (terms);
- that protection against mobbing and sexual harassment is achieved by the Association as an employer (in the mediation procedure and the procedure of determining the responsibility of the employee) and before the competent court;
- that an employee who believes or suspects that he or she is exposed to mobbing or sexual harassment, before going to court, should contact the competent person or persons in the Association for protection against such behavior, and an employee who believes that he or she is exposed to mobbing or sexual harassment by the Association itself as the employer may apply directly to the court for protection against such behavior;
- That the Association will make available the data on the persons authorized to initiate the procedure for protection from mobbing, the person to whom the request for protection from mobbing is submitted and other persons who can be included in the procedure for protection from mobbing, and in what manner;
- not to be considered as mobbing, nor can it initiate proceedings for protection from mobbing: in the event of violation of rights prescribed in other laws that provide protection of these rights (against an individual act of the employer that decides on the rights, obligations and responsibilities of employees; in the case of denial and disabling of rights such as the right to wages, daily allowances, weekly and annual leave, etc.; in the case of discriminatory behavior on any grounds of discrimination, which is prohibited and sanctioned by a special law, etc.); that they are not considered mobbing either: work discipline that is in the function of better organization of work; undertaken activities that are justified for the achievement of safety and health at work and occasional differences of opinion, problems and conflicts related to the performance of work and work tasks, unless they are aimed at harming or intentionally insulting the employee, as well as

other behaviors that cannot be considered mobbing in accordance with the Law on the Prevention of Harassment at Work;

- which acts prescribe the rights, obligations and responsibilities of the employee and the employer in relation to the prevention and protection from abuse.

Article 6

The Association, in order to exercise the right to protection from mobbing, makes available to employees information on:

- 1) a person to whom an employee who suspects that he or she is being subjected to mobbing may turn for advice and support (hereinafter: support person);
- 2) persons authorized to initiate proceedings for protection from mobbing;
- 3) a person with an employer to whom a request for protection from mobbing is submitted;
- 4) A list of intermediaries kept with the employer.

Article 7

In order to prevent and recognize mobbing, the Association may designate a support person to whom an employee who suspects that he or she is exposed to mobbing can turn to provide advice and support.

If there is a trade union, the Association shall seek the opinion of the trade union on the designation of persons for support.

The support person should listen to the employee, provide advice, instruct, inform and provide support with the aim of resolving the disputable situation.

2. Obligations of the employee

Article 8

The employee is obliged to respond to the employer's invitation to be informed and trained in order to recognize and prevent mobbing and abuse of the right to protection from mobbing.

The employee is obliged to refrain from behavior that constitutes mobbing and behavior that constitutes an abuse of the right to protection from mobbing.

3. Employee responsibility

Article 9

An employee who commits mobbing, as well as an employee who abuses the right to protection from mobbing, is responsible for non-compliance with work discipline, i.e. violation of work duty, in accordance with the law.

4. General Rules of Conduct of the Association as an Employer and Employees at Work

Article 10

The Association, as an employer and employees, are obliged to behave in a manner that respects the dignity of employees and to strive to comply in good faith with the general rules of conduct at work, as follows:

(1) The Association and its employees shall endeavour to:

To provide a working environment in which work is carried out in an atmosphere of respect, cooperation, openness, safety and equality.

- to develop awareness among employees of the need for mutual respect, cooperation and teamwork in the performance of work tasks,
- to set a good example by treating everyone kindly, with dignity and with due respect,
- to enable the trade union, if it is organized, to contribute by its participation to the training and work on the prevention of mobbing,
- to provide employees with the right to express their opinions, views and suggestions regarding the performance of work, as well as to have their opinion heard and not to suffer adverse consequences as a result;

2) Employees strive to:

- to treat other employees and officials of the Association with dignity, respect and appreciation,
- to contribute by personal example to the creation of a working environment in which there is no harassment at work, as well as behavior that could contribute to harassment at work, i.e. to perform work in an atmosphere of respect, cooperation, openness, safety and equality,

To contribute to the prevention of mobbing.

III BEHAVIOUR THAT COULD INDICATE MOBBING OR SEXUAL HARASSMENT

1. Mobbing and sexual harassment

Article 11

Mobbing, in accordance with the Law, is any active or passive behavior towards an employee or a group of employees that is repetitive, and which aims at or represents a violation of the dignity, reputation, personal and professional integrity, health, position of the employee and that causes fear or creates a hostile, humiliating or offensive environment, worsens working conditions or leads to the employee being isolated or induced to terminate the employment relationship on his or her own initiative, or terminates an employment contract or other contract.

Mobbing is also inciting or inducing others to behave under paragraph 1 of this Article.

Sexual harassment, in accordance with the Law, is any verbal, non-verbal or physical behavior that aims at or constitutes a violation of the dignity of an employee in the sphere of sexual life, and that causes fear or creates a hostile, humiliating or offensive environment.

2. Behaviors to refrain from

Article 12

In order to prevent mobbing and sexual harassment, the Association, officials of the Association and employees should especially refrain from:

(a) Behaviour related to the inability to communicate appropriately, such as:

- unjustified and intentional inability of an employee to express his opinion, as well as unjustified interruption of an employee in speech,
- addressing with shouting, threats and insults,
- harassing an employee through telephone calls and other means of communication, if this is not related to the work process and work performed by the employee,
- other similar behaviors;

2) behaviors that may lead to the disruption of good interpersonal relationships, such as:

Ignoring the presence of an employee, i.e. a situation where an employee is intentionally and unjustifiably isolated from other employees by avoiding and interrupting communication with him.

- unjustified physical isolation of the employee from the work environment,
- unjustifiably depriving the employee of the funds necessary for the performance of work;
- unjustified failure to invite to joint meetings,
- unjustified prohibition of communication with the employee,
- other similar behaviors;

(c) conduct that may lead to damage to the employee's personal reputation, such as:

- verbal attacks, ridicule, gossip, inventing stories, spreading untruths about the employee in general and in connection with his private life,

Negative comments about the employee's personal characteristics.

- imitation of the employee's voice, gestures and manner of movement,
- humiliation of an employee with derogatory and degrading words,
- other similar behaviors;

Conduct that may undermine the professional integrity of an employee, such as:

- unjustified constant criticism and belittling of the results of the employee's work,
- not giving work tasks to an employee that is not justified by the needs of the work process,
- unjustified inability of an employee to perform work tasks,
- Giving humiliating work tasks that are below the level of knowledge and qualifications,
- giving difficult tasks or those that are above the level of knowledge and qualifications;
- Setting inappropriate deadlines for the performance of work tasks,
- frequent change of work tasks or unjustified interruptions in work, which are not conditioned by the work process,
- unjustified excessive supervision of work,

Intentionally and unjustifiably withhold or withhold work-related information.

Manipulating the content and business objectives of the employee.

- maliciously, i.e. by abuse of authority, giving work tasks that are not related to the jobs for which the employee is engaged,

- unjustified, unjustified or excessive use of cameras and other technical means that enable the control of employees,

- unjustified and intentional exclusion of an employee from education, professional training and professional development of employees,

- other similar behaviors;

5) Behaviour that may lead to damage to the health of the employee, such as:

- unjustified constant threats (e.g. termination of employment, i.e. termination of an employment contract or other contract) and pressures that keep the employee in constant fear,

- the threat that physical force will be used against the employee,

- physical harassment that does not have the elements of a criminal offense,

- deliberately causing conflicts and stress,

- other similar behaviors;

6) behaviour that could be considered sexual harassment, such as:

- humiliating and inappropriate comments and actions of a sexual nature,

Attempting or committing indecent and unwanted physical contact.

Inducing the acceptance of conduct of a sexual nature with the promise of rewards, threats or blackmail.

Other similar behaviors.

3. Behaviors and activities that are not considered mobbing

Article 13

They are not considered mobbing:

- 1) an individual act of the Association as an employer (decision, offer of an annex to the employment contract, warning, etc.), by which the rights, obligations and responsibilities arising from the employment relationship were resolved, against which the employee has the right to protection in the procedure prescribed by a special law;
- 2) denial and disabling of rights established by law, general act and employment contract, the protection of which is achieved in the procedure before the employer and before the competent court (non-payment of salary and other incomes, determination of overtime work contrary to the law, denial of the right to daily, weekly or annual leave, etc.);
- 3) work discipline that is in the function of better organization of work;
- (d) take actions that are justified for the purpose of achieving health and safety at work;
- 5) any unjustified discrimination or unequal treatment of an employee on any ground of discrimination, which is prohibited and in respect of which protection is provided in accordance with a special law;
- 6) occasional differences of opinion, problems and conflicts in connection with the performance of work and work tasks, unless they are aimed at injuring or intentionally insulting the employee, etc.

4. Abuse of the right to protection from abuse

Article 14

Abuse of the right to protection from mobbing, in accordance with the Law, is committed by an employee who is aware or should have been aware that there are no reasonable reasons for initiating proceedings for protection from mobbing, and initiates or initiates the initiation of such proceedings with the aim of obtaining material or non-material benefit for himself or another person or causing damage to another person.

IV CODE OF CONDUCT REGARDING PROTECTION FROM MOBBING

1. Behavior in case of suspicion that mobbing has been committed

Article 15

An employee who suspects that he or she is exposed to mobbing should contact the person suspected of committing mobbing and point out his or her behavior, in order to resolve the disputable situation without initiating proceedings for protection from mobbing.

Article 16

An employee who suspects that he or she is exposed to mobbing should contact a support person or a person with the Association authorized to submit a request for protection from mobbing, or another person who enjoys his or her trust, in order to present the problem and provide advice on how to proceed and resolve the disputable situation.

The person referred to in paragraph 1 of this Article shall listen to the employee, provide advice, instruct, inform and provide support in order to resolve the disputed situation.

2. Protection from mobbing

Article 17

Protection against mobbing is achieved, in accordance with the Law, in the procedure of:

- 1) mediation with the Association as an employer;
- 2) determining the responsibility of an employee who is charged with mobbing by the Association as an employer;
- (3) before the competent court.

a) Protection from mobbing before the Association as an employer

Filing a Request for Protection from Mobbing

Article 18

Before initiating proceedings for protection against mobbing, an employee who believes that he or she is exposed to mobbing should, if feasible and possible in a particular case, make it clear to the person he or she considers to be committing mobbing that his or her behavior is unacceptable and that he or she will seek legal protection if such behavior is not terminated immediately.

Article 19

An employee who believes that he or she is exposed to mobbing, before filing a lawsuit with the court, should try to obtain protection from mobbing in the procedure before the employer, in accordance with the Law.

An employee who believes that he or she is exposed to mobbing by an official of the Association may file a lawsuit with the court against the employer without first initiating proceedings for protection from mobbing before the employer, in accordance with the Law.

To whom the request should be submitted

Article 20

A request for protection from mobbing shall be submitted to the Executive Director or another person designated by a decision of the Board of Directors.

A request for protection from mobbing against the Executive Director, another member of the Board of Directors or a person designated by a decision of the Board of Directors shall be submitted to the Supervisory Board.

With the written consent of the employee who believes that he or she is exposed to mobbing, the request referred to in paragraph 1 of this Article may also be submitted by a representative of the trade union, if the trade union has been established, as well as the person in charge of occupational health and safety, if determined.

Deadline for submission of the request

Article 21

A request for protection from mobbing before the Association as an employer may, in accordance with the Law, be filed within six months from the date on which the conduct constituting mobbing was last committed.

During the period referred to in paragraph 1 of this Article and during the mediation procedure, the statute of limitations prescribed by law for determining the employee's liability for non-compliance with work discipline, i.e. violation of work duty, shall not run.

Content of the request

Article 22

The request for initiating proceedings for protection from mobbing should specify:

(1) the details of the applicant;

(2) information about the employee who believes he or she is being subjected to mobbing, if he or she is not the applicant;

- (3) data on the employee who is charged with mobbing;
- (4) a brief description of the conduct that is reasonably believed to constitute mobbing;
- (5) the duration and frequency of the conduct considered to be mobbing, as well as the date on which the conduct was last committed;
- (6) Evidence (witnesses, written documentation, medical reports, permitted audio and video recordings, etc.).

Designation of intermediaries

Article 23

The Executive Director, another authorized person by the decision of the Board of Directors, i.e. the Supervisory Board, is obliged, within three days from the date of receipt of the request for protection from mobbing, to propose to the parties to the dispute mediation as a way of resolving the disputed relationship and to propose that they choose a person from the list of mediators with the Association or from another list, in accordance with the Law, that is, to suggest an intermediary for a specific case.

If the parties to the dispute are unable to agree on the appointment or selection of a mediator, the person, i.e. the authority referred to in paragraph 1 of this Article, shall, without delay, provide the applicant and the employee who considers that he or she is exposed to mobbing and who is not the applicant, with written notice that the mediation procedure has failed, because no agreement on the appointment or selection of the mediator has been reached.

From the date of delivery of the notification referred to in paragraph 2 of this Article, the deadline of 15 days, prescribed by the Law, for filing a lawsuit with the court for protection from mobbing shall run.

Mediation

Article 24

The mediation process is carried out in accordance with the Law.

If the mediation is successful, the parties in the dispute, with the participation of the mediator, shall conclude an agreement which, in accordance with Article 21 (1) of the Mediation Act. In particular, contains measures aimed at the cessation of behavior that constitutes mobbing, i.e. the exclusion of the possibility of continuing such behavior - mobbing.

The effect of an agreement reached in the mediation procedure depends on the will of the parties in the dispute, if the agreement includes the regulation of conduct in their mutual relationship.

The agreement may contain recommendations to the Association regarding the elimination of the possibility of continuation of mobbing (transfer of the employee to another work environment or other measures concerning the status and rights of the parties in the dispute).

The Association may accept the recommendations referred to in paragraph 4 of this Article if they are in accordance with the law and the general acts of the Association.

Determining the responsibility of the employee

Article 25

If mediation has failed, and there is a reasonable suspicion that mobbing has been committed or that the right to protection from mobbing has been abused, the Executive Director or other authorized person by decision of the Management Board, i.e. the Supervisory Board, shall initiate the procedure to determine the liability of the employee for non-compliance with work discipline, i.e. violation of work duty, in accordance with the law.

Submission of decisions and notifications

Article 26

The Executive Director, another authorized person by the decision of the Management Board, i.e. the Supervisory Board, shall also deliver the decision made in the procedure of determining the responsibility of the employee charged with mobbing to the employee who believes that he or she is exposed to mobbing.

Article 27

Notifications and decisions made in the procedure for protection from mobbing by the Association as the employer, from the delivery of which the deadlines for filing a lawsuit with the court established by the Law begin to run, shall be delivered to the employee according to the rules of personal delivery, in accordance with the law.

b) The complaint before the court

Article 28

An employee who believes is exposed to mobbing, and who is not satisfied with the outcome of the mediation procedure, i.e. the procedure for determining the responsibility of the employee charged with mobbing, may file a lawsuit with the court.

The lawsuit is filed in accordance with the law.

V FINAL ORDER

Article 29

This Rulebook shall enter into force on the day of its adoption at the Assembly of the Association.