



# Preventing and Combating Bullying and Gender-Based Harassment Policy

## **Abstract**

This is the policy that outlines our commitment to preventing and combating bullying and gender-based harassment in the workplace.

## **The intended beneficiaries:**

This policy addresses our community, outside the company, and other institutions and society.

**DOCUMENT VERSION HISTORY**

Document Version	Change Summary	Author(s)	Date
0.1	Edited text, Added Sections, and Content	M. Isan	26/02/2024
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**ABBREVIATIONS**

ABBREVIATION	DEFINITION
<b>The Policy</b>	Preventing and Combating Bullying and Gender-Based Harassment Policy

**THE POLICY GOALS**

This policy establishes the **methodological framework** for applying legislation to prevent and combat gender-based harassment and bullying at work.

**The goals of the policy are as follows:**

1. To provide a compliance framework for gender equality staff.
2. To support interinstitutional and multidisciplinary intervention in equal opportunities and treatment of women and men.
3. To promote equal opportunities and treatment of women and men in the company.

4. To support people subject to gender-based and psychological harassment in the workplace.
5. To prevent and combat those attitudes and behaviors that could lead to the exclusion or marginalization of people based on sex.
6. To promote the benefits of building an inclusive and non-discriminatory society in which the gender dimension is integral to achieving real benefits for the lives of all women and men.

**Consequently, this Policy is:**

- **Strategic:** it articulates the political commitment to the highest level.
- **Cross-sectional:** It affects all the company's activities.
- **Realistic and feasible:** it responds to the diagnosis made for the policy design and accurately defines the responsibility, procedure, and resources for developing the proposed actions.
- **Accountable:** It guarantees that the information on the policy's contents and the achievement of the goals reaches the whole Company.
- **Participatory:** it is developed with the participation of the whole Company.
- **Flexible and ongoing:** it is a living document that allows changes based on tracking results.

**THE CONCEPTS OF COMBATING GENDER-BASED AND MORAL HARASSMENT**

In this Policy, the following expressions have the following meanings:

1. **Gender mainstreaming** means mobilizing all general policies and measures to achieve equality
2. **Gender division of labor:** allocating different jobs or types of work to women and men.
3. **Gender monitoring and evaluation** requires integrating a gender perspective into all policies and plans' monitoring, reporting, and evaluation practices.
4. **Harassment** is a manifestation of power relations and can occur in relationships between people of the same or different sexes. Examples of conduct or behaviors that constitute harassment in the workplace include, but are not limited to:
  1. **Physical conduct - unwanted, repeated physical contact**
  2. **Verbal conduct**
  3. **Nonverbal behaviour**
  4. **Moral harassment at work**

**Examples of attitudes that are legitimate in the employee relationship**, being the employer's prerogative, and do not constitute harassment:

- directly supervises employees, including setting performance expectations and providing feedback on work performance.
- correct performance deficiencies, such as placing an employee on a performance improvement plan.
- takes reasonable disciplinary action.
- gives directives about assignments and how and when work should be done.
- requests updates or reports.
- approves or denies requests for time off.

## APPLICABILITY

From the point of view of the **target population**, the actions are addressed to the whole Company, other specific groups, and outside the Company, community, other institutions, or society.

## NATIONAL AND INTERNATIONAL LEGISLATION (NON – EXHAUSTIVE)

This Policy is compliant with:

### 1. The European Legal Framework:

- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on implementing the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

### 2. National Legal Framework:

- Law No. 202/2002 on equal opportunities and equal treatment between women and men
- Law No. 53/2003 – Labour Code
- Law No. 286/2009 on the Criminal Code
- Government Emergency Ordinance No. 57/2019 on the Administrative Code
- Government Ordinance no. 137/2000 on the prevention and punishment of all forms of discrimination
- Government Decision No. 262/2019 approving the Methodological Rules for applying Law No. 202/2002 on equal opportunities and treatment between women and men.

## PROCEDURE FOR IDENTIFICATION, MEASURES, MONITORING, AND SANCTIONING OF CASES OF GENDER-BASED AND PSYCHOLOGICAL HARASSMENT AT WORK

This procedure aims to create and implement a unitary and coherent framework for both gender mainstreaming and preventing, combating, and managing situations of gender-based and psychological harassment at work.

In any situation, the victim may submit a complaint to the responsible person or case-handling committee:

1. In written form, on paper or electronic form, but necessarily signed by the victim, respecting the protection of their identity data to ensure their safety.
2. An oral complaint to the person in charge, following which a report will be drawn.

**The steps of the Complaint/submission and resolution procedure:** Complaint/submission and resolution procedures are administrative. The general steps that the victim of gender-based harassment and psychological harassment in the workplace may follow are:

1. Approaching the alleged harasser directly.
2. If a victim cannot approach an alleged harasser directly, they may inform the harasser's line manager of the unwanted and disturbing behavior.
3. Inform the person in charge or the harassment reception and resolution committee of any systematic or repeated gender-based harassment or workplace bullying.
4. Attempt to resolve the case amicably.
5. Referring the matter to the court.

## **Roles and Responsibilities**

### **A. Managing Partner:**

1. Ensures that this Policy is communicated to employees.
2. Ensures that all employees are involved in eliminating gender-based and moral harassment in the workplace by taking a pragmatic approach to managing this situation.
3. Ensures that all necessary levers are implemented to report and deal with misconduct without relying solely on formal or informal employee complaints.
4. Ensures that incidents of alleged harassment are investigated with the utmost seriousness and reported by the legal rules in force.
5. **Designates** through an administrative act **a responsible person**.
6. Ensures that employees know they will be listened to in the situations they report, are not constrained to report the problem, and that the reported situations are confidential.
7. Ensure that a case reporting register is established where complaints/submissions will be recorded; the register will contain the registration number, the phase of harassment, and the solutions identified.
8. Take all necessary actions to ensure that all employees found guilty of confirmed harassment cases are sanctioned by the legal provisions and take all measures to protect the victim.

**B. The person in charge of receiving and resolving harassment cases** is appointed by the administrative act of the head of ASSIST Software.

When appointed, the person responsible for the reception and resolution of harassment cases signs a **confidentiality agreement**.

**Sanctions:** The nature of the sanctions will depend on the seriousness and extent of the acts of harassment. Proportional sanctions will be applied to ensure that incidents of harassment are not treated as normal/tolerable behavior.

**Monitoring and evaluation:** The responsible for handling harassment cases will monitor and report to management by the end of the first quarter of each year on how the provisions of these guidelines have been applied for the previous year, including the number of incidents recorded and how they have been resolved, as well as the recommendations made.

**Training and Awareness:** The company will regularly train all employees on this Policy to prevent sexual harassment.

**Policy Review:** This Policy will be reviewed annually and updated as required to ensure compliance with applicable laws and regulations.

**Acknowledgment:** All employees must acknowledge that they have read, understand, and agree to comply with this policy.

## ORGANIZATION AND RESOURCES FOR THIS POLICY

**Implementing this policy is integral to ASSIST Software operations and applies to all staff.**

**Responsible persons are appointed by the administrative act** of the head of the institution.

The responsible employees and positions list will be displayed on the premises and disseminated to all employees.

ASSIST Software Lists of Employees Responsible for Implementing the Policy				
No.	Name and surname	Department	Email	Phone
1	David Gheorghe	Management	<a href="mailto:gheorghe.david@assist.ro">gheorghe.david@assist.ro</a>	+40230521100
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CONTACT PERSONS

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Date: 03/04/2024

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