

INCD-ECOIND

**GUIDE ON PREVENTING
AND COMBATING SEX-
BASED HARASSMENT
AND MORAL
HARASSMENT IN THE
WORKPLACE**

TABLE OF CONTENTS

1. INTRODUCTION.....	5
2. PURPOSE OF THE GUIDE	6
3. GUIDING PRINCIPLES.....	6
4. SCOPE OF APPLICATION	6
5. REFERENCE DOCUMENTS.....	7
6. DEFINITIONS	8
7. HARASSMENT AS A FORM OF DISCRIMINATION.....	10
8. ROLES AND RESPONSIBILITIES	14
9. COMPLAINT/NOTICE AND SOLUTION PROCEDURE.....	17
10. ANTI-RETALIATION POLICIES	22
11. ACTIONS TO PREVENT HARASSMENT IN THE WORKPLACE.....	21
12. MONITORING AND EVALUATION.....	22
13. FINAL PROVISIONS	23
14. ANNEXES	24

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1. INTRODUCTION

Within research institutes, employees often face considerable pressure, and the high workload can exceed their physical and emotional limits. Much of this pressure comes from tight deadlines and unexpected demands from management. Often, staff do not have the resources necessary to carry out all the tasks assigned to them, which leads to an additional burden on them. In such conditions, an acute feeling of exhaustion can occur, and over time, chronic stress can lead to mental health problems, such as depression, anxiety or burnout. This can affect both the quality of work and the general well-being of employees.

In addition to the intense pressure exerted on employees, the working environment within **INCD-ECOIND** can sometimes be marked by negative behaviors from colleagues or even hierarchical superiors. Although success and professional achievements are often appreciated within the institute, conflicts can arise between employees due to internal competition or envy. In some cases, these conflicts can turn into hostile behaviors, which affect team cohesion and the general working atmosphere. These behaviors can undermine the self-confidence and motivation of those involved, and when not addressed properly, can contribute to a toxic atmosphere within the institute.

Furthermore, it is important to note that mutual respect and professionalism are particularly important in such an environment. When these principles are ignored, a climate of moral harassment can quickly develop. Humiliating behaviors or insults towards colleagues, regardless of the nature of the mistakes, contribute to the deterioration of employees' trust and self-esteem.

In this context, **INCD-ECOIND** must adopt proactive measures to ensure a healthy and protected working environment. Implementing clear policies to prevent and combat moral harassment and ensuring a support system for employees are important steps in creating a climate of respect and collaboration. It is also important that staff are educated and informed about their legal rights and the support options available in case of abuse or harassment in the workplace.

In addition, it is necessary for the management of **INCD-ECOIND** to assume responsibility for creating a fair and safe working environment, in which each employee feels respected and supported. Collaboration between employees and the institute's management is important to quickly identify problems and implement solutions that prevent situations of abuse or excessive stress from occurring. Protecting employees' rights is a priority to ensure not only their well-being, but also the efficiency of the entire production process. This guide provides clear guidelines for employees so that they can face the challenges and carry out their work in a safe and respectful environment.

2. PURPOSE OF THE GUIDE

The purpose of this guide is to provide both employees and employers with the necessary tools to guarantee full respect for individual rights and freedoms in the professional environment. The main objective is to create an optimal working environment, based on full respect for human dignity and on ensuring the necessary conditions for all employees, regardless of gender, for a climate based on trust, empathy, understanding and professionalism, in which dedication to the common good takes precedence.

3. GUIDING PRINCIPLES

INCD-ECOIND is committed to ensuring a safe environment for all employees, without discrimination on the basis of race, nationality, ethnicity, language, religion, social category, beliefs, sex, sexual orientation, age, disability, chronic non-contagious disease, HIV infection, membership of a disadvantaged category or on the basis of any other criterion that has the purpose or effect of restricting, eliminating the recognition, use or exercise, on an equal basis, of human rights and fundamental freedoms or rights recognized by law, in the political, economic, social and cultural fields or in any other areas of public life.

Any form of manifestation of power relations between men and women is strictly prohibited, being considered a form of violation of human dignity and the creation of an intimidating, hostile, degrading, humiliating or offensive environment.

The Institute applies a zero-tolerance policy for sexual harassment and moral harassment in the workplace, will treat all incidents seriously and promptly and will investigate all allegations of harassment.

Within the **INCD-ECOIND**, any person proven to have harassed another person will be subject to disciplinary action, which may include dismissal from the workplace. The application of any disciplinary action will be in accordance with the provisions of Law no. 53/2003 - Labor Code, republished and supplemented.

At the **INCD-ECOIND** level, management will ensure a safe environment for all employees, in which all complaints of harassment based on gender and moral harassment at the workplace will be treated seriously, promptly and confidentially. Throughout the complaint investigation process, all persons involved will be listened to and treated with respect and consideration, ensuring the protection of identity data in order to protect employees.

4. SCOPE OF APPLICATION

The provisions of this guide apply to all employees within **INCD-ECOIND**, as well as to all persons with whom they interact during the performance of professional activities. Harassment can occur both between persons of different sexes and between

persons of the same sex. If actions are identified that contravene the legal, ethical and professional norms applicable within the company, and these behaviors are not accepted or are considered inappropriate by the affected person, the measures provided for in this guide will be applied.

Harassment is an abuse of power within hierarchical relationships and can occur in various contexts of inequality in the workplace. For example, it can occur between employees in subordinate positions and the management of the institute, but it is not limited to this situation. Power relations, in their various forms, can be subtle and difficult to identify, often having unpredictable manifestations. It is important to note that people in subordinate positions are not always only victims of these abuses, but can also become, in turn, sources of harassing behaviors.

Any form of harassment is prohibited, not only within the workplace, but also outside it, when employees participate in various events organized in the interest of work, such as official trips, training sessions or conferences. Harassment is also prohibited in relations with beneficiaries of **INCD-ECOIND** services, and employees are required to comply with these regulations to ensure an ethical and safe working environment for all participants.

5. REFERENCE DOCUMENTS

5.1 Standards

- o SR EN ISO 9000:2015 – “Quality Management Systems. Fundamental principles and vocabulary.”;
- o SR EN ISO 9001:2015 – “Quality Management Systems. Requirements.”;

5.2 National legislation

- o Government Ordinance No. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and completions;
- o Government Decision No. 262/2019 for the approval of the Methodological Norms for the application of Law No. 202/2002 on equal opportunities and treatment between women and men;
- o Government Decision No. 970/2023 for the approval of the Methodology for the prevention and combating of harassment based on gender, as well as of moral harassment at the workplace;
- o Decision No. 27/2025 for the amendment and completion of the Methodology for the prevention and combating of harassment based on gender, as well as of moral harassment at the workplace, approved by Government Decision No. 970/2023;
- o Law no. 202/2002 on equal opportunities and treatment between women and men, republished, with subsequent amendments and completions;

- o Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions;
- o Law no. 286/2009 on the Criminal Code, with subsequent amendments and completions; Criminal Code -, Chapter VI - Offenses against personal freedom, art. 208-Harassment;
- o Law no. 287/2009 on the Civil Code;
- o Law no. 167/2020 for amending and supplementing Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, as well as for supplementing art. 6 of Law no. 202/2002 on equal opportunities and treatment between women and men;

5.2 European legislation

- o Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation provides that harassment shall be considered a form of discrimination when it occurs in an unwanted manner which has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment;
- o Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (reform);
- o Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, adopted in Romania in 1980 and ratified in 1982;
- o Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), in 2016;
- o Convention on the Rights of Persons with Disabilities, in 2008;

5.3 Internal regulations

- o Regulation of organization and functioning of INCD ECOIND;
- o Internal regulation of INCD-ECOIND;
- o Code of ethical conduct of the staff within INCD-ECOIND
- o Collective labor agreement

5.4 Web sources

- o <https://eige.europa.eu/thesaurus/overview>
- o https://commission.europa.eu/index_en
- o <https://www.juridice.ro/>

6. DEFINITIONS

- o **Positive action** = those special actions which are temporarily taken to accelerate the de facto achievement of equal opportunities between women and men and which are not considered to be acts of discrimination;

- **Direct discrimination** = the situation in which a person is treated less favourably, on grounds of sex, than another person is, has been or would be treated in a comparable situation;
- **Indirect discrimination** = the situation in which an apparently neutral provision, criterion or practice would place persons of a particular sex at a particular disadvantage in relation to persons of the other sex, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary;
- **Discrimination based on sex** = direct and indirect discrimination, harassment and sexual harassment of a person by another person at work or in another place where he or she carries out his or her activity, as well as any less favourable treatment caused by the rejection of such behaviour by the person concerned or by his or her submission to them;
- **Multiple discrimination** = any act of discrimination based on two or more grounds of discrimination;
- **Gender equality** = implies taking into account the interests, needs and priorities of both women and men, thus recognising the diversity of different groups of women and men. Gender equality is not a women's issue, but should concern and fully engage both men and women. Equality between women and men is considered a human rights issue and a condition, an indicator of people-centred development and democracy;
- **Equal opportunities** = the absence of barriers, explicit or implicit, to economic, political and social participation based on gender. In this sense: "Such barriers are often indirect, difficult to distinguish, caused and maintained by structural phenomena and social representations that have proven particularly resistant to change. Equal opportunities as part of the set of gender equality objectives is based on the reasoning that a whole range of strategies, actions and measures are needed to redress deep-rooted and persistent inequalities;
- **Equal treatment** = the context in which there is no direct or indirect discrimination on grounds of sex or less favourable treatment of women on grounds such as pregnancy and maternity (EIGE). In this sense: "More favourable provisions for the protection of women in relation to pregnancy and maternity and positive measures with the aim of achieving substantive gender equality are not contrary to the principle of equal treatment."
- **Gender** = the set of roles, behaviours, characteristics and activities that society considers appropriate for women and men respectively;"
- **Harassment** = unwanted conduct, including of a sexual nature, that makes a person feel offended, humiliated, or intimidated. This includes situations where a person is asked to engage in sexual activities as a condition of that person's employment, as well as situations that create a hostile, intimidating, or humiliating environment. Harassment involves multiple incidents and/or

actions of a repetitive nature that constitute physical, verbal, and nonverbal harassment;

- **Sexual harassment** = the situation in which unwanted conduct with a sexual connotation occurs, expressed physically, verbally or non-verbally, having as its object or effect the damage to the dignity of a person and, in particular, the creation of an intimidating, hostile, degrading, humiliating or offensive environment;
- **Psychological harassment** = any inappropriate conduct that occurs over a period of time, is repetitive or systematic and involves physical conduct, oral or written language, gestures or other intentional acts and that could affect the personality, dignity or physical or psychological integrity of a person;
- **Work of equal value** = remunerated activity which, following comparison, based on the same indicators and the same units of measurement, with another activity, reflects the use of similar or equal professional knowledge and skills and the application of an equal or similar amount of intellectual and/or physical effort;
- **Sex** = we designate the set of biological and physiological traits by which women and men are defined;
- **Family status** = that status by which a person is in a relationship of kinship, marriage or adoption with another person;
- **Gender stereotypes** = the organized systems of beliefs and consensual opinions, perceptions and prejudices in relation to the attributions and characteristics, as well as the roles that women and men have or should fulfill;
- **Marital status** = that status by which a person is single, married, divorced, widowed.
- **Victimization** = any adverse treatment or retaliatory action as a result of filing a complaint or other legal action regarding the violation of the principle of equal treatment and non-discrimination;
- **Gender-based violence** = the act of violence directed against a woman or, as the case may be, a man, motivated by gender. Gender-based violence against women is violence that disproportionately affects women. Gender-based violence includes, but is not limited to, the following acts: domestic violence, sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilization, sexual harassment, human trafficking and forced prostitution.

7. HARASSMENT AS A FORM OF DISCRIMINATION

Harassment is any conduct that creates an intimidating, hostile, degrading or offensive environment, based on race, nationality, ethnicity, language, religion, social class, beliefs, gender, sexual orientation, membership of a disadvantaged group, age, disability, refugee or asylum-seeker status or any other criterion. Harassment

frequently involves an abuse of power in which targets may have difficulty defending themselves.

According to law 202/2002, harassment is defined as that situation in which *“unwanted behavior with sexual connotations, expressed physically, verbally or nonverbally, occurs, having as its object the damage to the dignity of a person and the creation of an intimidating, hostile, degrading, humiliating or offensive environment”*. There are several types of harassment, among which sexual harassment is classified as a crime punishable by the Criminal Code.

Workplace harassment is any unwanted and offensive action, repeated and unreasonable act, directed at an employee or a group of employees that causes them difficulties in performing their duties at work or can cause them to feel that they are working in a hostile work environment. This can cause, among other things, risks to the health and safety of the employee.

Sexual harassment at work is understood as any unwanted conduct of a sexual nature (verbal, physical behavior or gestures), request for sexual favors, or any other behavior of a sexual nature that makes the recipient feel humiliated, offended and/or intimidated, and that transforms the work environment into an intimidating, hostile or inappropriate one. In other words, sexual harassment is:

- ✚ Sexually abusive behavior;
- ✚ Request for sexual favors;
- ✚ Verbal statement, physical action or gestures that describe a sexual act;
- ✚ Unwanted actions of a sexual nature when:
 - ❖ The recipient feels humiliated, offended and/or intimidated by this type of behavior;
 - ❖ The recipient has categorically explained that this type of behavior is unwanted;
 - ❖ The perpetrator should have reasonably anticipated that the other person would be offended; humiliated, offended and/or intimidated by the behavior.

According to the Romanian Criminal Code, sexual harassment is defined as *“the repeated demand for favors of a sexual nature within an employment relationship or a similar relationship, if the victim has been intimidated or put in a humiliating situation.”* This constitutes a crime and is punishable by imprisonment from 3 months to one year or a fine.

Inappropriate conduct refers to any action or attitude that is not requested or desired by the recipient, and that the recipient considers the conduct to be disrespectful or inappropriate. In the context of sexual harassment, it should be emphasized that both women and men can be victims or perpetrators of conduct that is perceived as rude, humiliating or intimidating. It is also common for those involved to have difficulty distinguishing between acceptable and inappropriate conduct.

In the event of a complaint of sexual harassment, the assessment of the contested conduct must be based on an analysis of how it was perceived by its victim. It is

necessary to objectively establish whether the conduct caused feelings of offense, shame or fear. This process involves carrying out objective tests to determine whether the accused person could have anticipated that his or her actions would have a humiliating or intimidating effect on the victim.

In this assessment, the context in which the conduct occurred, its frequency, and the emotional and psychological state of the individuals involved must be taken into account. The particularities of the institute or work environment, including the institutional culture and the field of activity, must also be analyzed, as they can influence the way in which the conduct is perceived and interpreted.

Thus, establishing the reasonableness of a conduct requires a detailed assessment of all relevant circumstances, in order to ensure a fair and correct approach to the situation.

Note - In the event of a complaint regarding sexual harassment, the subjective perception and experience of the affected person is important, not the subjective intention of the perpetrator of the behavior. The law emphasizes that, regardless of the alleged intentions of the aggressor, the impact and effects of the behavior on the recipient are decisive for assessing the behavior as an act of harassment. Thus, any action, attitude or behavior that affects the dignity or causes a state of significant discomfort for the person concerned is considered to constitute a form of harassment, and this situation must be treated with all seriousness, in accordance with the applicable legal and ethical norms.

Harassment as a form of discrimination - discrimination occurs when a person, on various criteria, is treated less favorably than another person is, was or would be treated in a comparable situation. The treatment leads to the creation of a hostile or offensive environment for the addressee. Harassment is a form of discrimination and can happen to anyone, regardless of gender, age, race, etc.

Types of harassment

a) **Workplace harassment** - workplace harassment is any behavior that, due to its systematic nature, may harm the dignity, physical or mental integrity of an employee or group of employees, endangering their work or degrading the working climate.

Example:

✚ Physical conduct - repeated unwanted physical contact (inappropriate touching of the body), physical violence (including sexual assault), use of threats or rewards related to the workplace to request sexual favors. Characteristics of physical harassment behavior can be:

- disrespectful, insensitive, stereotyping based on personal characteristics that make someone feel singled out or despised because of their identity;
- abusive, threatening or intimidating behavior;
- unwanted physical contact;
- Unjustified physical contact with another person (including blocking normal movement or invading a person's personal space, with the purpose of intimidating or endangering their work;

- Displaying or transmitting offensive images, such as posters, videos, photographs, cartoons, emails or drawings that are offensive to a person.
- ✚ Verbal conduct: comments regarding an employee's appearance, age, private life, sexual comments, stories and jokes of a sexual nature, sexual advances, repeated and unwanted social invitations for meetings or physical intimacy, insults related to the employee's gender or other characteristics, overly familiar remarks, sending humiliating, degrading, sexually explicit messages, by telephone, email or any other means of communication, if these are made systematically/repeatedly and if they aim at, result in or are likely to lead to physical, psychological, sexual harm;
- ✚ Nonverbal conduct: displaying suggestive materials or sexually explicit; sexually suggestive gestures, whistles, insistent looks, if these are done systematically/repeatedly.

b) **Moral harassment at work** - is characterized by an offensive power, manifested by repeated hostile behavior, through words and acts that are to the physical and psychological detriment of a person and that create a negative environment for the addressee with the aim of discrediting his activity or isolating him socially. Cf. Government Ordinance no. 137/2000, workplace harassment is defined as *"any behavior exercised towards an employee by another employee who is his hierarchical superior, by a subordinate and/or by a hierarchically comparable employee, in connection with employment relationships, which has as its purpose or effect a deterioration of working conditions by violating the rights or dignity of the employee, by affecting his physical or mental health or by compromising his professional future, behavior manifested in any of the following forms: hostile or unwanted conduct; verbal comments; actions or gestures"*.

Examples:

- ✚ displaying or disseminating offensive or indecent material;
- ✚ systematically/repeatedly making obscene or sexist/racist/homophobic insinuations, insults or remarks;
- ✚ using offensive language in describing a person with a disability or making fun of a person with a disability;
- ✚ comments about a person's physical appearance or character that are likely to cause embarrassment or distress;
- ✚ unwanted attention, such as spying, constant stalking, teasing, overly familiar behaviour or unwanted verbal or physical attention;
- ✚ repeatedly making or sending: unwanted phone calls, SMS, emails, social media messages, faxes or letters that are sexual, hostile or affect a person's private life;
- ✚ unwarranted, inappropriate or persistent questions about a person's age, marital status, personal life, interests or sexual orientation, or similar questions about a person's racial or ethnic origin, including their culture or religion;
- ✚ unwanted sexual advances, repeated requests for a date or threats;
- ✚ suggestions that sexual favours will get a person a promotion or that their career will suffer if they do not grant them.

Mention - attitudes that are legitimate in the relationship with the employee, being the prerogative of the employer, and do not constitute harassment:

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

c) **Cyberbullying or cyberstalking** - Cyberbullying is bullying using digital technology. It can happen on social media, messaging platforms, gaming platforms, and mobile phones. It is repeated behavior that is intended to scare, anger, or humiliate the target.

Examples

- ✚ spreading lies or posting embarrassing photos of someone on social media;
- ✚ sending harassing or threatening messages via messaging platforms;
- ✚ copying a person's identity and sending malicious messages to someone in their name.

d) **Sexual Harassment** - Refers to any form of unwanted sexual behavior that is offensive, humiliating, and intimidating, and is an illegal act. Sexual harassment affects the victim in many ways and can be written, verbal, physical, and can happen in the physical or online environment (email, social media, etc.).

Within **INCD-ECOIND**, there are unequal power relations at various levels of the hierarchy, where positions are held by both women and men. The Institute promotes social interactions among employees and encourages the formation of professional relationships and, to a reasonable extent, friendships in the workplace, provided that these relationships do not interfere with individual or team performance and do not disrupt the work environment of other employees. However, regardless of gender, both women and men can become victims of sexual harassment in the workplace.

According to statistics, women are usually more vulnerable to sexual harassment by men, given that, compared to men, they frequently occupy lower-paid jobs, with lower hierarchical authority and lower professional status. However, it is important to note that women in positions of authority are not excluded from the risk of being victims of sexual harassment. They can also become targets of inappropriate gender-related behaviors that contravene legal and ethical norms, affecting their dignity and the right to carry out professional activities in a safe and respectful working environment.

In this context, **INCD-ECOIND** has the obligation to prevent, detect and sanction any form of sexual harassment, regardless of the gender of those involved, so as to

ensure a fair working environment, in which the rights and dignity of all employees are protected in accordance with the legislation in force.

Examples

- ✚ Physical sexual harassment - consists of any form of unwarranted or unwanted bodily contact, carried out in a manner with sexual connotations, such as kissing, hugging, touching, groping, massage or other similar actions. It can also include unsolicited sexual advances or requests for favors of a sexual nature, either as an explicit or implicit condition of employment, holding a position or obtaining benefits related to professional status or working conditions;
- ✚ Verbal sexual harassment - includes unwanted comments, discriminatory sexual remarks that are offensive or unacceptable to the recipient, that cause discomfort or humiliation and/or that interfere with performance at work. They can be about private life, appearance or parts of the body, can be in the form of a joke and/or sexually suggestive innuendo;
- ✚ Sexual harassment through gestures - includes body language and/or gestures with sexually explicit content, made repeatedly, that are offensive or unacceptable to the recipient;
- ✚ Sexual harassment expressed in writing or graphics - includes displaying or transmitting offensive images (posters, videos, photos, cartoons, emails) that are offensive or offensive to the recipient;
- ✚ Psychological/emotional sexual harassment - consists of insistent proposals and/or unwanted requests or invitations to go out on dates, insults or insinuations of a sexual nature.

Note - interaction that is based on mutual consent is not sexual harassment. Sexual harassment also does not refer to casual compliments that are socially and culturally acceptable and appropriate and were made in good faith.

8. ROLES AND RESPONSIBILITIES

8.1 The General Manager

- o ensures that the provisions of the guide are brought to the attention of employees, through specialized structures;
- o ensures the involvement of all employees in eliminating situations of sexual harassment and moral harassment at the workplace, by creating a pragmatic approach in managing this type of situation;
- o ensures the creation of all necessary levers so that all situations of inappropriate behavior are reported and resolved, without depending only on formal or informal complaints filed by employees;
- o ensures that incidents in which the existence of harassment is claimed are investigated with maximum seriousness and reported in accordance with the legal norms in force;

- o designates by decision a person responsible for receiving and resolving harassment cases;
- o ensures that employees are aware that they will be listened to in the situations they expose, that they have no constraints of any kind to communicate the state of affairs, and that the situations presented are confidential and analyzed with due attention;
- o ensures the establishment of a case reporting register where complaints/notifications will be recorded; the register will contain the registration number, the phase of the harassment, identified solutions;
- o initiates all necessary actions to ensure that all employees who are found guilty of confirmed cases of harassment are sanctioned in accordance with legal provisions and ensures all measures to protect the victim.

8.2 Person responsible for receiving and resolving harassment cases at institute level

- at the time of appointment, signs a confidentiality agreement under the sanctions of the provisions of art. 26 paragraph (2) and art. 39 paragraph (2) letter f) of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions, in conjunction with the provisions of art. 227 paragraph (1) of Law no. 286/2009 on the Criminal Code, with subsequent amendments and completions;
- ensures that any employee is informed about the policies and legislation in force;
- provides support and counseling for employees affected by a harassment incident, the situations exposed being confidential and analyzed with due attention;
- receives and records complaints/notifications;
- resolves complaints made by employees regarding situations of inappropriate behavior, regardless of whether these complaints are formal or informal;
- reports to the General Manager all harassment situations that are brought to his attention;
- cooperates with employees in all situations in which they are requested to provide relevant information for resolving a harassment case;
- manages the processes for resolving complaints and/or disciplinary measures, together with the General Manager;
- keeps the documents developed/managed, both in electronic format and on paper.

Mentions:

- The person responsible for receiving and resolving harassment cases will be appointed by decision of the General Director of INCD-ECOIND;
- The person responsible will sign a confidentiality agreement under the sanctions of the provisions of art. 26 paragraph (2) and art. 39 paragraph (2) letter f) of Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions, in conjunction with the provisions of art. 227 paragraph (1) of Law no. 286/2009 on the Criminal Code, with subsequent amendments and completions;

- When nominating the person responsible for receiving and resolving harassment cases, the following will be taken into account:

1. ethical and professional conduct;
2. competence in the field
3. the person who is directly or indirectly involved

in the reported events and the head of the unit cannot be designated;

- The activity of the responsible person is based on the following principles:

- the presumption of innocence, according to which it is presumed that the employee is innocent as long as the guilt has not been proven;
- guaranteeing the right to defense, according to which the employee's right to be interviewed, to present evidence in his defense and to be assisted is recognized;
- adversarial nature, which implies ensuring the possibility for persons in divergent positions to express themselves regarding any act or fact related to the disciplinary offense for which the responsible person was notified;
- proportionality, according to which a correct ratio must be respected between the seriousness of the act for which the responsible person was notified, the circumstances of its commission and the disciplinary sanction proposed to be applied;
- legality of the sanction, according to which the responsible person can only propose disciplinary sanctions provided for by law;
- uniqueness of the sanction, according to which only one disciplinary sanction can be applied for a disciplinary offense;
- the obligation of the opinion, according to which the responsible person is obliged to give a reasoned opinion for each ongoing notification.

9. COMPLAINT/NOTICE AND SOLUTION PROCEDURE

9.1 Informal procedure

Employees who are subjected to harassment should, if possible, inform the alleged harasser that they perceive the conduct in question as unwanted and disturbing.

Harassment situations can occur in unequal relationships, i.e. between a person in a management position and a person in an executive position. There may also be situations in which it is not possible for the victim to inform the alleged harasser that they perceive the conduct in question as unwanted and disturbing, for example, the alleged harasser may be the person designated to handle harassment cases or the victim's superior.

If a victim cannot approach an alleged harasser directly, he/she shall approach the alleged harasser's superior about the unwanted and disturbing conduct. He/she shall also communicate to another representative with a management role of **INCD-**

ECOIND, the employee representative or the employee representative. In this context, the persons mentioned above will ensure that the victim is properly informed so that choosing to resolve the problem informally does not exclude the possibility that the victim may also want a formal resolution, if the harassment continues.

9.2 Formal procedure

When the person responsible for receiving and resolving harassment cases receives a complaint/notification of harassment, he/she must:

1. record the complaint/notification and relevant information in the register;
2. ensure that the victim understands the procedures for resolving the complaint/notification;
3. keep a confidential record of all discussions;
4. respect the victim's choice;
5. ensure that the victim knows that he/she can also file a complaint/notification with other institutions that have competences in the field of harassment.

During the procedure for resolving the complaint/notification, the victim has the right to benefit from the support of a counselor from **INCD-ECOIND**.

The victim may be assisted by an employee representative during the procedure for resolving the complaint/notification.

The responsible person ensures that the victim is informed about the possibility of requesting legal or psychological counseling.

Information regarding the designated responsible person will be displayed in the **INCD-ECOIND** premises and disseminated to all employees:

The Director General has the role of implementing the guide without being the responsible person, except in situations where his presence is mandatory (for example, the hierarchical superior of the alleged harasser). The designation of another responsible person can only be made by a decision of the Director General.

Conducting operations

a) Filing the complaint/notification

1. The complaint/notification may be filed by the injured person in written form (holographic or electronic, but necessarily assumed by signature by the victim, respecting the protection of identity data, in order to ensure its protection) or verbally (discussion with the responsible persons, following which a report will be drawn up). As an exception, the victim may file a written notification without a holographic signature. In the event that the notification does not include the victim's name, surname, contact details, it shall be examined and resolved if it contains data and information relating to acts of harassment based on gender or moral harassment.
2. The complaint/notification shall be submitted personally to the responsible person or to the dedicated e-mail address combatere.hartuire@ecoind.ro.
3. In the event that the complaint/notification of harassment is received on other e-mail addresses than the one mentioned in paragraph (2), it will be

redirected immediately to the e-mail address provided in paragraph (2) and then deleted from the computer in question.

4. The personnel referred to in paragraph (3), in the event of receiving a complaint/notification of harassment, is obliged to comply with the principles, legal provisions, as well as the procedures, instructions of **INCD-ECOIND** regarding the processing and protection of personal data and confidential information with which they have come into contact.

5. In the situation provided for in paragraph (3), the person who made the complaint/notification of harassment will be notified of the steps taken.

b) Case report

The responsible person who received the complaint/notification will start writing a case report that will include:

1. Data from the complaint - all relevant information provided in the complaint will be recorded immediately: dates, times and facts of the incident/incidents;

2. Data resulting from the victim's guidance and counseling process - the responsible person notified must:

- a) communicate to the victim the possibilities of resolution and analyze their requests and clarify the victim's opinions regarding the desired outcome and record the decision taken;

- b) refer them to psychological and legal counseling and record the proposed and agreed measure;

- c) ensure that a confidential record is kept of the investigation.

3. Data resulting from the process of hearing and counseling the person alleged to have committed acts of harassment - the responsible person notified must:

- a) provide the alleged harasser with the opportunity to respond to the complaint;

- b) ensure that the alleged harasser understands the complaint mechanism;

- c) inform the alleged harasser about the INCD-ECOIND policy in the case of harassment, sexual harassment, but also about the national legislation in the field;

- d) inform the alleged harasser about the possible sanctions;

- e) facilitate, if necessary and only after the prior consent of the victim, discussions between the two parties;

- f) ensure that a confidential record of the investigation is kept.

The case report is prepared within a maximum of 7 working days from the filing of the complaint/notification. Through the case report, the responsible person proposes to the Director General, if necessary, measures to protect the victim in compliance with legal provisions.

c) Investigation - The case report is submitted, depending on the measures ordered: to the Human Resources Department / General Manager. The responsible person must:

- a) to interview the victim and the accused separately;

- b) to interview other relevant third parties separately;
- c) to draw up an investigation report, which includes the complaint, the investigations, the findings and the measures ordered;
- d) if the facts have occurred, to propose ways to resolve the complaint, taking into account what is the appropriate solution for the victim, through consultation with him/her;
- e) if it cannot determine whether the facts have occurred or not, to make recommendations to ensure that the working climate is not affected, namely: information, awareness, support groups;

f) to keep a record of all actions taken;

g) to ensure that all records relating to the investigated case are kept confidential;

h) to ensure that the complaint/complaint resolution process is carried out no later than 45 working days from the date on which the complaint/complaint was made.

The responsible person shall immediately set the deadline for presentation and shall order the invitation of the person whose act was reported and the persons indicated in the complaint/notification. The invitation shall be made at least 2 calendar days before the deadline for presentation for interview.

The invitation procedure before the Responsible Person shall be made by written notice of acknowledgement by signature. The invitation procedure is mandatory for each deadline set by the responsible person. The written invitation shall indicate the place, date, time and place where the interview will take place. For the first deadline for presentation before the responsible person, the written notice shall indicate, in addition to the place, date, time and place where the interview will take place, the subject of the complaint/notification.

The employee of the **INCD-ECOIND** whose alleged act is being investigated is obliged to appear in person at the request of the responsible person.

The interview of persons must be recorded in writing, in a report, under penalty of nullity. The report shall be signed by the designated responsible person, as well as by the person interviewed.

The refusal of the accused person to appear at the interview or to make statements regarding the imputed acts shall be recorded in a report. In such cases, disciplinary sanctions may be applied.

9.3 Resolving the complaint/notification

The resolution of the complaint/notification represents the final stage of the procedure, in which the responsible person prepares a final report detailing the investigations, findings and proposed measures, as appropriate, and which he will submit to the General Director.

Following the administration of the evidence, the responsible person will prepare a final report that includes the notification, the investigations, the results of the research activity carried out, the findings and the measures ordered.

If the facts have occurred, the responsible person proposes ways to resolve the notification, taking into account the appropriate solution for the victim, through consultation with him.

The final report on the cause with which the person responsible for receiving and resolving harassment cases was notified must contain at least the following elements: a) numărul și data de înregistrare a plângerii/sesizării;

- a) the name and surname of the employee whose alleged act was investigated, as well as the functional structure in which he/she works;
- b) the name and surname of the person who reported the alleged act, as well as of the persons interviewed;
- c) a description of the act reported and the circumstances in which it was committed;
- d) the evidence administered;
- e) the proposal regarding the applicable disciplinary sanction or, as the case may be, for closing the case;
- f) the motivation for the proposal;
- g) if it cannot determine whether the acts took place or not, it contains recommendations to ensure that the work climate is not affected, namely: information, awareness, support groups, etc.;
- h) the name, surname and signature of the person responsible for receiving and resolving harassment cases;
- i) the date of preparation of the final report.

The final report is submitted to the Director General within 3 days from the date of issuance.

9.4 Complaint / External notification

An employee who has been subjected to harassment may also file a complaint with other institutions that have competences in the field of harassment.

These complaints may be filed in accordance with the provisions of Law no. 202/2002, republished, with subsequent amendments and completions, with:

- The Territorial Labor Inspectorate of the Municipality of Bucharest;
- The National Council for Combating Discrimination;
- Courts of Law;
- Criminal investigation bodies if the harassment is so serious that it falls within the forms provided for by the Criminal Code.

9.5 Sanctions applicable to the person found guilty

Any person who, following the completion of the complaint/notification procedure, has been found guilty of harassment, may be subject to the sanctions provided for by:

- Law no. 53/2003 - Labor Code, republished, with subsequent amendments and completions;

- Law no. 286/2009 on the Criminal Code, with subsequent amendments and completions;

- Government Emergency Ordinance no. 57/2019 on the Administrative Code, with subsequent amendments and completions;

- Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and completions.

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

The sanctions applicable to the General Director are found in Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and supplements, as well as in Law no. 202/2002 on equal opportunities and treatment between women and men, republished, with subsequent amendments and supplements, and are applied proportionally to the gravity of the acts.

10. ANTI-RETALIATION POLICIES

Retaliation is a serious problem, especially in cases where the alleged perpetrator is a higher-ranking person in the **INCD-ECOIND** hierarchy. In order to properly manage these situations, the Director General has adopted an “Internal Policy on Retaliation at Work”, **Annex 1** to this guide.

Through the care of the responsible person, the Policy will be brought to the attention of employees and stakeholders.

In the event of an investigation into cases of discrimination or sexual harassment, **INCD-ECOIND** must ensure the confidentiality of information during the investigation and protect the identities of the parties involved, in particular the complainant and witnesses. As part of the post-investigation procedures, the responsible person who investigated the case must periodically verify that the complainant or witnesses have not been subjected to negative actions as a result of the complaint filed. **INCD-ECOIND** must also ensure adequate psychological support for the complainant, as well as a post-traumatic recovery period (medical leave).

11. ACTIONS TO PREVENT HARASSMENT IN THE WORKPLACE

In order to effectively prevent and combat workplace harassment within **INCD-ECOIND**, measures and mechanisms will be implemented to protect employees and promote a respectful and ethical working environment. These measures will target all levels of the organization and will include the following actions:

☞ **Communication and correct information - INCD-ECOIND** will organize periodic information sessions for all employees, which will present the fundamental concepts related to harassment, including the types of harassment (sexual, verbal, psychological, etc.), their impact on the individual and the work environment and the legal protection mechanisms. These sessions will be supported by specialists in the field or external organizations with expertise in preventing and combating harassment in the workplace. Clear and open communication will help create a climate of trust, in which employees feel safe to express their concerns;

☞ **Employee education** - to support the development of a work environment based on respect and understanding, **INCD-ECOIND** will organize internal continuing education programs, which will include awareness and information sessions on harassment. These programs will include interactive discussions, workshops and training sessions led by experts and guests with experience in the field. Employees will learn to identify behaviors that may constitute harassment and will understand the importance of rapid intervention to prevent them. In addition, respect for diversity and understanding of gender, cultural and social differences will be promoted, in order to prevent any form of discrimination;

☞ **Staff training - INCD-ECOIND** will implement continuous training sessions for all employees, including management staff and department heads, so that they acquire relevant skills and knowledge in recognizing and managing harassment cases. The training will include clear methods and procedures for intervening in harassment situations, as well as steps to follow for reporting such behavior, so that victims benefit from immediate protection and support. Management teams will also be trained to ensure that they have the capacity to respond promptly and effectively to such cases;

☞ **Promoting a healthy work environment - INCD-ECOIND** will implement rigorous internal policies and procedures that support a work climate in which all people are treated with respect and dignity, regardless of gender, social status, ethnicity or other differences. Measures to prevent harassment will include the adoption of a code of professional conduct, in which employees are encouraged to adopt correct and ethical behaviors in interpersonal relationships. An open feedback system will also be encouraged, so that employees can report any form of abuse without fear of repercussions;

☞ **Implementation of a support system for victims - INCD-ECOIND** will create a support system dedicated to victims of harassment, which will include access to psychological counseling, protection against retaliation and legal assistance to support individuals who have been affected by harassment. This system will be implemented in accordance with applicable legal

regulations and will provide a safe framework for employees to express their concerns without fear of retaliation.

12. MONITORING AND EVALUATION

The Director General is aware of the importance of monitoring this guideline on preventing and combating gender-based harassment and moral harassment at work and will ensure its implementation immediately after approval.

The heads of functional structures and the person responsible for handling harassment cases will monitor and report to the Director General on the manner in which the provisions of this guideline are complied with, **by the end of the first quarter of each year**, for the previous year, including the number of incidents recorded and how they were resolved, as well as the recommendations made.

INCD-ECOIND must periodically evaluate the effectiveness of the existing mechanism for preventing and dealing with discrimination and sexual harassment at work and propose improvements to it if necessary.

13. FINAL PROVISIONS

1. **Confidentiality and data protection** - All information collected within the harassment complaint handling procedure, including the personal data of the parties involved, will be treated confidentially, in accordance with the legal regulations on the protection of personal data. All employees involved in the harassment investigation process are obliged to respect confidentiality and protect sensitive information.
2. **Periodic review of the guide** - The guide will be reviewed periodically to ensure that the harassment prevention measures are effective and in accordance with legislative changes. Any changes to national or European legislation will be promptly reflected in the internal procedures of **INCD-ECOIND**.
3. **Employer responsibility** - **INCD-ECOIND** has the obligation to ensure the application of this guide and to take the necessary measures to prevent and combat any form of harassment. **INCD-ECOIND** must also ensure the necessary resources for staff training and for the implementation of protection mechanisms for victims of harassment.
4. **Rules for reporting irregularities** - Any form of non-compliance with the provisions of this guide, including any act of retaliation or harassment, must be reported immediately to the hierarchical superiors or the person responsible for receiving and resolving harassment cases, in accordance with the established procedure. Failure to comply with them will attract appropriate disciplinary measures.

5. **Application of protective measures** - If the existence of harassment is confirmed, **INCD-ECOIND** will apply appropriate protective measures to the victim, including modification of work responsibilities or change of workplace, if necessary, to prevent any further harm.
6. **Obligation for continuous training** - Employees and management of INCD-ECOIND will periodically participate in training and information sessions, in order to understand and correctly apply the internal procedures for preventing harassment and discrimination in the workplace.
7. **Collaboration with competent authorities** - If the harassment is of sufficient severity, it will be reported to the competent authorities, including the Territorial Labor Inspectorate of Bucharest, the National Council for Combating Discrimination and the courts, to ensure the application of the law and the protection of victims.
8. **Sanctions for violating the guide** - Any violation of this guide by employees, including harassment, abuse of power or retaliation, will attract disciplinary sanctions, in accordance with legal and internal regulations. Sanctions may include warnings, suspensions or dismissal, depending on the severity of the act.
9. **Designation of the person responsible for resolving harassment cases** - the person designated to resolve harassment cases will be responsible for evaluating complaints and proposing appropriate measures. The person will be selected in compliance with the principles of impartiality, confidentiality and professional competence, and the final report will be submitted to the General Director within the legal deadline.
10. **Resources for employees** - INCD-ECOIND will provide employees with adequate resources to deal with harassment cases, including psychological counseling, legal support and protective measures. Employees will benefit from a working environment in which they can exercise their rights without fear of retaliation.
11. **Implementation and monitoring of procedures** - The implementation of this guide will be continuously monitored by the management of INCD-ECOIND, and the results will be periodically analyzed to ensure constant improvement of internal procedures, in accordance with the legislation in force and with the requirements for employee protection.
12. **Finalization and approval of the guide** - This guide will be approved by the management of INCD-ECOIND and will enter into force on the date of approval. Any changes to it will be brought to the attention of employees and implemented according to established internal procedures.

These provisions are mandatory for all employees of INCD-ECOIND and will be strictly observed to ensure a healthy, fair and respectful working environment.

14. ANNEXES

- Anexa 1 - Politica împotriva represaliilor
- Anexa 2 – Angajament de nedivulgare a informațiilor și de confidentialitate

Annex 1

Internal policy on workplace retaliation

Purpose of the Policy

The policy on retaliation aims to prevent and combat any form of adverse or punitive actions against employees who have reported cases of discrimination, sexual harassment or other inappropriate behavior in the workplace. Within INCD-ECOIND, retaliation of any kind against individuals who have filed complaints, witnessed an incident or collaborated with internal investigations will not be tolerated.

Definition of Reprisals

Retaliation is any form of negative response, harmful or punitive action against an individual who has filed a formal complaint or cooperated in an investigation related to discrimination, harassment or other illegal practices. This may include, but is not limited to:

- o Reduction of responsibilities or job changes in a harmful manner;
- o Financial penalties, including salary reductions;
- o Professional disadvantages or discrimination in the promotion process;
- o Social isolation or personal discrimination;
- o Giving additional or abusive tasks.

Employee Protection:

Confidentiality - all information related to a complaint or investigation will be treated with absolute confidentiality. The identity of the complainant and witnesses will be protected throughout the entire investigation procedure and after its conclusion. No employee will be subjected to abusive treatment due to involvement in such processes.

Prevention of retaliation - **INCD-ECOIND** will take all necessary measures to prevent any retaliation against employees who file complaints or who witness illegal or inappropriate behavior. Any act of retaliation will be considered a serious violation of internal policy and will attract disciplinary measures according to the company's internal regulations.

Post-investigation monitoring - after the investigation is completed, the responsible person will continue to monitor the situation and will carry out periodic checks to ensure that the complainant or witnesses are not victims of retaliation. If acts of retaliation are identified, appropriate disciplinary measures will be taken.

Psychological support - INCD-ECOIND will provide psychological support to all employees who have filed complaints, as well as to witnesses involved in the investigation, in order to minimize their psychological impact. Employees will benefit from psychological counseling and, if necessary, post-traumatic recovery periods (sick leave).

Reporting procedure - any employee who believes that they are subject to retaliation must immediately report this to a superior, a human resources manager or the person designated for handling complaints. **INCD-ECOIND** will treat any report of retaliation with the utmost seriousness and will implement appropriate procedures to investigate them.

Disciplinary measures - if the existence of retaliation is confirmed, the responsible persons will be subject to disciplinary measures provided for by labor legislation and the internal regulations of **INCD-ECOIND**, including sanctions that may include warnings, suspensions or even dismissal, depending on the seriousness of the act.

INCD-ECOIND is committed to ensuring a safe, respectful and fair work environment for all its employees. Retaliation of any kind will be dealt with firmly and will attract legal sanctions. Every employee has the right to work in an environment where their rights are protected and respected, without fear of suffering repercussions for exercising these rights.

Annex 2

DISCLOSURE AND CONFIDENTIALITY COMMITMENT

The undersigned (a)..... born in the locality of..... County on the date of....., identified with the identity document series no. , issued on the date of, with permanent domicile/residence in the locality , county/sector, street..... no., bl, sc, et, apt, employee of INCD-ECOIND, as president/member of the person responsible for receiving and resolving cases of harassment based on gender and moral harassment at the workplace, considering:

A. Applicability of the provisions of Regulation no. 679/2016 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) - Text with EEA relevance, hereinafter referred to as the "GDPR Regulation";

B. Applicability of the provisions of the framework legislation on the prevention and sanctioning of all forms of discrimination, on equal opportunities and treatment between women and men, as well as of the legislation on the prevention and combating of harassment based on sex, as well as moral harassment at work;

C. Direct applicability of the Decisions, Procedures, Information, Instructions issued by the Director General in the field of personal data protection, including, but not limited to, information security, integrity and availability of personal data, security measures implemented;

D. That the respect of the rights of the natural persons concerned, as regulated in accordance with the legal provisions applicable, as well as the principles set out in the Regulation constitutes a legal obligation;

I declare the following:

a) I undertake to strictly maintain the integrity, availability, confidentiality and security of personal data and confidential information, which have been and/or will be entrusted to me and/or to which I will have access, regardless of the medium and/or the method of access/communication/disclosure directly and/or indirectly, in order to fulfill my duties as the person responsible for receiving and resolving cases of harassment based on gender and moral harassment at the workplace;

b) I undertake to comply with the principles, legal provisions, as well as the

procedures, instructions of INCD-ECOIND regarding the processing and protection of personal data and confidential information;

c) I undertake to comply with the technical and organizational measures regarding the security of personal data and confidential information implemented by INCD-ECOIND;

d) The personal data and/or personal information to which I have access in exercising my capacity as the person responsible for receiving and resolving cases of harassment based on gender and moral harassment at the workplace will not be shared and/or transferred to unauthorized persons and/or who do not have the necessary legal competence/qualification and/or quality;

e) The personal data and/or personal information to which I have access in exercising my capacity as the person responsible for receiving and resolving cases of harassment based on gender and moral harassment at the workplace will be stored exclusively within the equipment belonging to INCD-ECOIND and will not be used for any action - processing/transfer/disclosure/communication on personal devices/platforms (online/cloud) and not authorized by INCD-ECOIND.

f) Any unauthorized disclosure and/or any situation/incident/risk regarding the integrity/availability/security and/or confidentiality of personal data and confidential information will be communicated urgently to the General Manager and/or the Data Protection Officer;

g) I have taken note that the confidentiality obligation concerns the exercise of the capacity of the person responsible for receiving and resolving cases of harassment based on gender and moral harassment at the workplace under the sanctions of the provisions of art. 26 paragraph (2) and art. 39 paragraph (2) letter f) of Law no. 53/2003-Labour Code, republished, with subsequent amendments and supplements, in conjunction with the provisions of art. 227 paragraph (1) of Law no. 286/2009 on the Criminal Code, with subsequent amendments and supplements.

h) I am aware that if I violate the integrity, availability, security and confidentiality of personal data and confidential information to which I have direct and/or indirect access in exercising my capacity as the person responsible for receiving and resolving cases of harassment based on gender and moral harassment at the workplace, I may be held administratively, disciplinarily, civilly or criminally liable, as appropriate, depending on the seriousness of the act.

Date.....

Signature

**GUIDE ON PREVENTING AND
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AND MORAL HARASSMENT IN THE
WORKPLACE**

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