



Procedure for preventing discrimination, mobbing, and sexual harassment at the Polish Migration Forum Foundation based in Izabelin

Contents:

1. Glossary
2. General provisions
3. Rights and obligations of the Foundation and members of the Foundation's Staff
4. Liability for discrimination, mobbing, and sexual harassment
5. Prevention measures - discrimination, harassment, and sexual harassment
6. Actions taken by a member of the Foundation's Staff after becoming aware of the occurrence of sexual harassment or mobbing
7. Treatment of Foundation Beneficiaries who are suspected of being victims of sexual harassment or human trafficking
8. Anti-discrimination, anti-mobbing, and anti-sexual harassment authority
9. Procedures in the event of discrimination, harassment, and sexual harassment
10. Intervention measures
11. Final provisions

Part 1 – Glossary

Whenever this document refers to:

1. **Labor Code** – it should be understood as the Act of 26 June 1974. Labor Code (Journal of Laws 2020.1320, i.e. of 2020.07.30).
2. **Criminal Code** – it should be understood as the Act of June 6, 1997. Penal Code (Journal of Laws 2021.2021.2345, i.e. of 2021.12.17).
3. **Mobbing** – it should be understood as actions or behaviors concerning a person who is part of the Foundation's Staff or directed against them, consisting in persistent and



long-term harassment or intimidation of a person who is part of the Foundation's Staff, causing them to underestimate their professional suitability, causing or aimed at humiliation or ridicule against a member of the Foundation's Staff and aiming at isolating them or eliminating them from the team of people belonging to the Foundation's Staff.

4. **Sexual harassment** – it should be understood as any unwanted behavior of a sexual nature or relating to the sex of a member of the Foundation's Staff or the Foundation's Beneficiary, the purpose or effect of which is to violate dignity or humiliation. These behaviors may consist of physical, verbal, or non-verbal elements.
5. **Trafficking in human beings** – it should be understood as the recruitment, transport, delivery, transfer, storage, or reception of a person using:
 - 1) violence or unlawful threat,
 - 2) abduction,
 - 3) deception,
 - 4) misleading or exploiting an error or inability to properly understand the action taken,
 - 5) abuse of a relationship of dependence or balance of power, taking advantage of a critical position or a state of helplessness,
 - 6) to grant or accept a financial or personal advantage or a promise thereof to a person who takes care of or supervises another person for the purpose of his or her use, even with his or her consent, in particular in prostitution, pornography or other forms of sexual exploitation, in forced labor or services, in begging, in slavery or other forms of exploitation degrading human dignity or for the purpose of obtaining cells, tissues or organs contrary to the provisions of the Criminal Code. If the offender's conduct involves a person under the age of 18, it constitutes trafficking in human beings, even if the methods or means listed in points 1 to 6 have not been used.



6. **Foundation** – it should be understood as the Polish Migration Forum Foundation with its registered office in Izabelin (05-080) at 44A Orła Białego St., entered into the Register of Associations in the National Court Register kept by the District Court for the Capital City of Warsaw in Warsaw, XIV Commercial Division of the National Court Register under the KRS number: 0000272075, nip: 1181879509, REGON: 14085197900000.
7. **The team dealing with reports of mobbing and sexual harassment or the Team** – it should be understood as the body appointed by the President of the Foundation to deal with complaints about mobbing or sexual harassment.
8. **The person concerned** – it should be understood as any person who is accused of harassment/mobbing or sexual harassment and any victim (of harassment/mobbing or sexual harassment).
9. **Staff of the Foundation** – it should be understood as all people working or cooperating with the Foundation, including volunteers, trainees and apprentices, psychologists, therapists and other people working and cooperating with the Foundation, regardless of the type of legal relationship, remuneration or gratuity between them and the Foundation.
10. **Beneficiary of the Foundation** – it should be understood as each of the natural people to whom the Foundation provides assistance.
11. **Procedure** – this should be understood as this Procedure against mobbing and sexual harassment.
12. **Reporting** – it should be understood as a report on the occurrence of a case of mobbing or sexual harassment made by a member of the Foundation's Staff, including a victim or a witness (in accordance with the Procedure).
13. **Evidence proceedings** – this should be understood as a set of all activities carried out by the team dealing with reports of mobbing or sexual harassment aimed at solving a specific case or problem, including all types of explanatory proceedings, e.g.



conversations, interviews. The concept of evidence proceedings in this case does not bear the hallmarks of evidence proceedings specified by the relevant provisions of civil and criminal law.

Part 2 – General provisions

1. The procedure sets out the rules for preventing discrimination, Mobbing and Sexual Harassment in the Foundation.
2. The procedure applies both to relations between members of the Foundation's Staff and between members of the Foundation's Staff and the Foundation's Beneficiaries.
3. This Procedure also regulates the methods of responding to Foundation Staff when it is determined that a Foundation Beneficiary may be a victim of sexual harassment or human trafficking.
4. Each member of the Foundation's Staff is obliged to read the contents of this Procedure.
5. People who are members of the Foundation's Staff are obliged to comply with the principles of social coexistence and to comply with the provisions contained in the Policy for the Protection of Beneficiaries and Staff of the Foundation, the Policy for the Protection of Children's Rights, the Rules for the Provision of Services and other documents adopted by the Foundation.

Part 3 – Rights and obligations of the Foundation and members of the Foundation's Staff

Rights and obligations of the Foundation



1. The Foundation is obliged to undertake all activities permitted by law, including activities described in the Procedure to prevent discrimination, Mobbing, and Sexual Harassment in the Foundation.
2. Any form of discrimination shall be prohibited irrespective of age, sex, disability, race or ethnic origin, nationality, religion or belief, sexual orientation or gender identity. All members of the Foundation's Staff as well as the Foundation's Beneficiaries shall be treated equally, in a partnership and without prejudice.
3. The Foundation is obliged to take all actions provided for by law, including actions described in the Procedure, in order to eliminate the social consequences of discrimination, Mobbing, Sexual Harassment, including, in particular, to take intervention and provide assistance to victims.
4. The Foundation is entitled and obliged to take all actions against people who are perpetrators of discrimination, Mobbing, including Sexual Harassment, as provided for by law, including in particular the provisions of the Labor Code and the Criminal Code.
5. The Foundation is obliged to take the actions described in the Procedure whenever the Application is submitted.
6. The Foundation undertakes the activities indicated in the Procedure also in any other case of becoming aware of the phenomenon of discrimination, Mobbing, Sexual Harassment from a source other than the Application.

Rights and obligations of the members of the Foundation's Staff

1. Any member of the Foundation's Staff who is subject to discriminatory actions, Mobbing or Sexual Harassment regarding employment shall have the right to request the Foundation to take actions aimed at stopping discrimination, Mobbing, Sexual Harassment, as well as removing their effects.



2. Any Beneficiary of the Foundation who experiences discrimination, Mobbing or Sexual Harassment has the right to obtain legal, psychological and therapeutic support. In the event that the person using discrimination or sexual harassment would be a member of the Foundation's Staff, the Foundation's Beneficiary has the right to demand that the Foundation take actions aimed at stopping discrimination or sexual harassment, as well as removing their effects.
3. The exercise by a member of the Foundation's Staff of the right indicated in paragraph 1 above does not in any way exclude the right of a member of the Foundation's Staff to seek legal protection under applicable law. Neither is the use of such legal remedies by a member of the Foundation's Staff in any way conditional on the prior application of the provisions of the Procedure.
4. Any member of the Foundation's Staff who has or becomes aware of cases of discrimination, Mobbing, and Sexual Harassment, is entitled and obliged to submit a Report.
5. The Foundation's Staff is obliged to avoid entering into intimate relations with people who are lower or higher in the service hierarchy. The Foundation's Management Board takes into account the existence of relations between the Foundation's Staff members when making organizational decisions so as to avoid the occurrence of a business relationship between such people - this may mean withdrawing from the implementation of the organizational change or moving to new positions of both people, so that the dependence does not occur.
6. Unfounded accusations of discrimination, mobbing, and sexual harassment is prohibited.

Part 4 – Liability for Discrimination, Mobbing, and Sexual Harassment



1. Discriminating against or harassing people who are members of the Foundation's Staff are subject to the liability provided for by law, including in particular the Labor Code and the Criminal Code.
2. The liability referred to in paragraph 1 above shall also apply to people who unreasonably claim discrimination, Mobbing or Sexual Harassment.

Part 5 – Prevention measures - preventing Discrimination, Mobbing, and Sexual Harassment

1. The Foundation conducts active activities against discrimination, Mobbing, and Sexual Harassment, consisting in particular of:
 - a) taking preventive measures, as referred to in paragraph 2 below, aimed at counteracting discrimination, Mobbing, and Sexual Harassment;
 - b) taking intervention to immediately end discrimination, Mobbing, and Sexual Harassment, in particular as described in Part 4 of the Procedure.
2. The Foundation undertakes preventive actions aimed at counteracting Mobbing, and Sexual Harassment, consisting in particular of:
 - a) Making all members of the Foundation's staff aware of, and able to prevent, discrimination, mobbing and sexual harassment;
 - b) providing training for Foundation Staff members on, among others, interpersonal relations, anti-discrimination, anti-mobbing and preventing sexual harassment;



c) creating information materials on the issues described in the Procedure and making them available to members of the Foundation's Staff.

3. Prevention measures may also be initiated by members of the Foundation's Staff.

Part 6 – Actions taken by a member of the Foundation's Staff after becoming aware of the occurrence of sexual harassment or Mobbing

If a member of the Foundation's Staff becomes aware of Sexual Harassment or Mobbing towards the Foundation's Beneficiary or any other person belonging to the Foundation's Staff, they should follow the following rules of conduct:

1. One should:

- a) Listen to the person without judging the situation;
- b) Try to establish the facts: who, what, when;
- c) Inform the person what action will be taken next;
- d) Inform the Foundation's Management Board about the situation.

2. One cannot:

- a) Question the reliability of the person reporting the problem;
- b) Deny what the person says;
- c) Disregard or ignore a Report made by a person;
- d) Blame others;
- e) Assume assumptions without knowing the facts;
- f) Make promises that cannot be kept;
- g) Investigate matters independently and/or respond to the situation without informing the Foundation's Management Board.



Part 7 – Conduct towards Foundation Beneficiaries who are suspected of being victims of Sexual Harassment or Trafficking

1. Any Beneficiary of the Foundation who is suspected of being a victim of Sexual Harassment or Trafficking in Human Beings has the right to be heard and treated with respect in accordance with the Foundation's Terms of Service. The conversation with such a Beneficiary should be conducted with empathy and in a gentle manner, so as not to violate the dignity and privacy of such a person.
2. Each person included in the Foundation's Staff is obliged to inform a person who is suspected of being a victim of Sexual Harassment or Trafficking in Human Beings about possible legal steps.
3. In the event of a reasonable suspicion that a crime has occurred, the Foundation's Staff is obliged to notify the relevant authorities, in particular the Police or the prosecutor's office, by submitting a notification about the suspicion of a crime. The Foundation's Staff is obliged to immediately notify the President of the Foundation of any suspected crime.
4. The staff of the Foundation, being a specialist in psychology, includes a person who is supposed to be a victim of Sexual Harassment or Trafficking in Human Beings.
5. In a situation where Sexual Harassment against the Foundation's Beneficiary was committed by the Foundation's Staff, then in order to ensure the safety of the therapeutic relationship, the Foundation's Staff redirects the Foundation's Beneficiary who has experienced Sexual Harassment to an external therapeutic centre.
6. The Staff of the Foundation, untrained in psychology, directs a person who is suspected of being a victim of Sexual Harassment or Trafficking to another person



who is part of the Foundation's Staff with appropriate qualifications in order to provide them with psychological or therapeutic support.

7. The Foundation's Staff informs a person who is suspected of being a victim of sexual harassment or trafficking in human beings about the possibility of obtaining assistance in such institutions as the Police, Family Court, Crisis Intervention Centre, Social Welfare Centre, Health Care Facility and, if necessary, provides instructions on what type of assistance the Foundation's Beneficiary should apply for and to which institution to apply to.
8. The Foundation may decide to prepare and distribute in the Foundation educational materials in the field of protection against Mobbing, Sexual Harassment and Trafficking in Human Beings (brochures, leaflets, books, in various languages).

Part 8 – Anti-Discrimination, Anti-Mobbing, and Anti-Sexual Harassment Authority

1. In order to prevent and clarify reports in the field of Mobbing and Sexual Harassment, the President of the Foundation appoints a Team for dealing with reports of discrimination, Mobbing and Sexual Harassment.
2. The Discrimination, Mobbing and Sexual Harassment Claims Team at the Foundation consists of 3 people – the Chairperson and 2 members.
3. The Team consists of: the President of the Foundation as the Chairperson and two people who are members of the Foundation's Staff.
4. The appointment of the team is made by the President of the Foundation. The team is appointed each time for each case submitted by a member of the Foundation's Staff.
5. Only the following person may be a member of the team:



-
- a) a part of the Foundation's Staff;
 - b) a person with no proceedings for discrimination, Mobbing or Sexual Harassment, nor with any prior instances of discrimination, Mobbing or Sexual Harassment.
6. The candidate to the Team is obliged to submit a statement with the content contained in Annex 1 to the Procedure before taking up the function. This statement is submitted to the personal files of a member of the Team.
 7. In the event that reasonable information is obtained that the conduct of a member of the Team violates the provisions of the Procedure grossly or that proceedings for discrimination, Mobbing or Sexual Harassment have been initiated against such a person, such person shall be removed from the Team and another person included in the Foundation's Staff shall be appointed in their place.
 8. The team's tasks include in particular:
 - a) determining the signs of discrimination, Mobbing or Sexual Harassment,
 - b) to provide the Foundation with the information and documents necessary for the implementation of the disciplinary measures provided for by law
 - c) the Management Board of the Foundation is responsible for taking the necessary measures.
 9. The Foundation, at its own and sole expense, equips the Team with the means (including materials, premises) necessary to perform its tasks. The Team shall determine the date and place of the meetings via a majority of its members.
 10. The Team shall gather at its meetings. The meetings shall be confidential. Meetings of the team shall be convened orally, in writing or by e-mail.



11. Discrimination, Mobility and Sexual Harassment may be the subject of a meeting of the team. Minutes of each meeting shall be drawn up and signed by all participants in the meeting.
12. The meeting of the Team, the subject of which is to consider a specific case of discrimination, mobbing or sexual harassment, takes place in the place specified in the notification.

Part 9 – Procedures in the event of discrimination, Mobbing, including Sexual Harassment

1. Each Application should be submitted to the Foundation in writing (by letter or in person), together with the applicant's own signature. The notification may be made by a person other than the person concerned. The application should be made to a member of the Foundation's Management Board. A member of the Foundation's Staff who receives the Application is obliged to immediately forward it to a member of the Foundation's Management Board.
2. The Beneficiary of the Foundation may also submit an anonymous Application via a letter sent to the following address: Szpitalna 5/14, 00-031 Warsaw or by e-mail to feedback@forummigracyjne.org.
3. In the event of receipt of an Application meeting the requirements set out in paragraph 1 above, within 7 working days, the Team shall be appointed in accordance with the Procedure.
4. The team shall commence proceedings within 7 working days from the date of appointment.



5. The panel shall complete the complaint procedure within 21 days of the date of its establishment.
6. The task of the Team is to determine the facts during the evidentiary proceedings.
7. The team is obliged to listen to all interested people and to allow all interested people freedom of expression.
8. Each of the members of the Team is obliged to maintain objectivity and impartiality when making assessments of specific cases.
9. After hearing the explanations of the injured member of the Foundation's Staff and the alleged perpetrator(s), possible witnesses to Mobbing or Sexual Harassment, after conducting the Evidence Proceedings, the Team decides by a simple majority on the legitimacy of the complaint under consideration.

Part 10 – Intervention measures.

1. At the end of the proceedings, the Team shall draw up a Protocol (a model of the Protocol is attached as Annex 2 to the Procedure), which is signed by all members of the Team. The Protocol is a final document and requires a written justification and an indication of the factual basis on which the Protocol was issued. The minutes shall mention the possibility of referring the matter to the General Court. The minutes shall be served on all people concerned.
2. In the case of a Protocol stating that a case of Mobbing or Sexual Harassment has occurred, the Team informs the Foundation's Management Board and requests the application of sanctions resulting from the relevant provisions of law. The decision on how to punish the perpetrator or perpetrators of Mobbing or Sexual Harassment is made by the President of the Foundation.



3. Regardless of the activities referred to in paragraph 2 above, each of the members of the Team, in accordance with applicable regulations, in particular the Criminal Code, may, and in the cases specified in the Criminal Code can be obliged to, submit a notification about the possibility of committing a crime.
4. The aggrieved party is instructed by the Team about their common legal protection measures, in particular the possibility of referring the case to court.
5. If the complaint is considered justified, the Chairperson reports this fact to the Foundation's Management Board against the perpetrator or perpetrators of Mobbing or Sexual Harassment.

Part 11 – Final provisions

1. All people possessing information on the activities related to discrimination, Mobbing and Sexual Harassment carried out at the Foundation are obliged to maintain confidentiality of all facts learned in the course of work and, before undertaking work, they should sign a Statement in which they undertake to maintain confidentiality.
2. Members of the Team may not copy for the purpose of making available or in any way make available or distribute documents related to the case under consideration.
3. The reservation referred to in paragraph 2 above does not apply to Interested People and authorized bodies.
4. The data contained in the materials and documents of the Team may contain personal data and shall be subject to the protection provided for the protection of personal data.



Appendix No. 1 to the

STATEMENT

In connection with my appointment as a member of the Discrimination, Mobbing and Sexual Harassment Reporting Team, dealing with a complaint about, filed by:..... (name and surnameof the complainant) official(position, cell/organizational unit) on (date of filing the complaint), I hereby declare that:

1. I am not a spouse, relative or in-law – up to and including the second degree – of any of the people concerned in the proceedings, nor do I remain in such a legal or factual relationship with them that it may raise doubts as to my impartiality;

2. I will keep confidential all information obtained in connection with the conducted proceedings.

.....

(signature of a member of the Team)



Appendix No. 2 to the Procedure

MINUTES

From the course of the proceedings regarding the complaint filed by a member of the Foundation's Staff: (name and surname) employed at the Polish Migration Forum Foundation based in Izabelin as: The team dealing with complaints of discrimination, mobbing, including sexual harassment dealing with a complaint composed of:

1. Mr/Ms..... – Team Chairman;
2. Mr/Ms..... – member of the committee;
3. Mr/Ms..... – member of the committee;
4. Mr/Ms..... – member of the committee;
5. Mr/Ms..... – member of the committee

In the course of the proceedings, the team undertook the following actions:

1.
2.
3.,

as a result of which the following facts were established:



Fundacja Polskie Forum Migracyjne

tel. 692-913-993
info@forummigracyjne.org
www.forummigracyjne.org



.....

.....

.....

.....

.....

Recommendation of further activities of the Foundation:

.....

.....

.....

.....

.....

.....

.....

Team Signatures

.....

.....

.....

.....

.....



Fundacja Polskie Forum Migracyjne

tel. 692-913-993

info@forummigracyjne.org

www.forummigracyjne.org



Statement

I hereby confirm that I have read the procedure against Discrimination, Mobbing and Sexual Harassment (hereinafter: "**Procedure**") in force at the Polish Migration Forum Foundation based in Izabelin, I do not raise any objections to the Procedure and I undertake to comply with the provisions contained therein.

signature of a member of the Foundation's Staff