



# Anti-Mobbing and Anti-Discrimination Policy

**FIBRAIN Sp. z o.o**  
**Zaczarnie 190F**

**Done by**

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10.02.2020

**Approved by**

Rafał Kalisz

10.02.2020

## GENERAL PROVISIONS

### § 1

In fulfilment of the obligation under Article 943 § 1 of the Act of 26 June 1974 of the Labour Code (Journal of Laws of 1998, No. 21, item 94, as amended), in order to shape the principles of social co-existence in the workplace, including prevention of mobbing, discrimination and unequal treatment in employment, the following Anti-Harassment and Anti-Discrimination Procedure is introduced at FIBRAIN Sp. z o.o. (hereinafter: the "**Employer**") this Anti-Harassment and Anti-Discrimination Procedure (hereinafter: **the "Procedure"**) and obliges all employees working for the Employer to familiarise themselves with its content and to comply with it unconditionally.

### § 2

Capitalized terms used in the Procedure shall have the following meanings:

1. **Labour Code** - the Act of 26 June 1974 Labour Code (consolidated text of 23 December 1997, Dz. U. 1998, No. 21, item 94 as amended).
2. **Bullying** - actions or behaviours concerning an employee or directed against an employee, consisting of persistent and prolonged harassment or intimidation of an employee, causing an employee's appraisal of his/her professional usefulness to be lowered, causing or intended to cause humiliation or ridicule of an employee, isolating him/her or eliminating him/her from the team of co-workers. Behaviour bearing the characteristics described above and relating directly or indirectly to the conditions of employment, promotion and access to training to improve professional qualifications, in particular on the basis of gender, age, disability, race, religion, nationality, political opinion, union membership, ethnic origin, religion, sexual orientation, as well as on the basis of employment for a definite or indefinite period of time on a full-time or part-time basis, will also be considered as mobbing.
3. **Discrimination** is defined as unlawful deprivation or limitation of the rights deriving from the employment relationship, or unequal treatment of employees on grounds of sex, age, disability, nationality, race, beliefs, in particular political or religious beliefs, and union membership, as well as the granting to certain employees of fewer rights on these grounds than those enjoyed by other employees in the same factual and legal situation;
4. **Anti-Harassment/Anti-Discrimination Committee** - a collegiate body, operating at the Employer, whose task is to assess reported incidents of harassment/discrimination, to counteract the presence of factors that encourage harassment/discrimination, and to identify ways to prevent harassment/discrimination in the future.
5. **Employee** - any natural person in an employment relationship with an Employer, regardless of the basis of employment.
6. **Notification** - report to the Anti-Bullying/Anti-Discrimination Committee an incident of bullying/discrimination in accordance with the Procedure.

## RIGHTS AND OBLIGATIONS OF THE EMPLOYEES AND THE EMPLOYER

### § 3

1. The Employer is obliged to take all measures prescribed by the law to prevent (prevent) bullying/discrimination of Employees, regardless of their form of employment, the type of duties performed, the place of work, as well as the system, schedule or working hours.
2. The employer is obliged to take all measures provided for by law to remove the social effects of bullying/discrimination, in particular to assist the victims of bullying/discrimination.
3. The above measures can be implemented by the Employer using the sanctioning measures available, in accordance with the law, against the perpetrators of bullying/discrimination.
4. The employer must take action against bullying and discrimination whenever there is a suspicion of bullying and/or discrimination, regardless of the source of the information.
5. An employee who observes actions that may have the appearance of harassment/discrimination against him/herself or other employees should report this to his/her Line Manager or to the Board of Directors or to the HR Department.
6. The Employee's application should be submitted in writing in accordance with the template in Appendix 1 and Appendix 2, dated and signed in his/her own hand.
7. In the Application, the Employee should specify what actions or behaviours of superiors or co-workers he/she believes constitute bullying/discrimination. In addition, he or she should specifically identify by name the person or persons who are the perpetrators of the harassment/discrimination, as well as provide justification and cite evidence to prove that the actions or behaviours he or she has presented are actually occurring or have occurred.
8. When a report of harassment/discrimination is received, the Employer appoints an Anti-Harassment/Anti-Discrimination Committee to assess the report and take preventive action. The activities of the Anti-Harassment/Anti-Discrimination Committee, shall be confidential. The Commission shall consist of at least three persons and its composition shall be determined from among the employees. The employer appoints the Commission and appoints its chairperson. The Commission is composed of, among others, employee representatives
9. An employee who has been subjected to harassment/discrimination that has resulted in disorderly conduct may claim an appropriate sum from the Employer as monetary compensation for the harm suffered. An employee who has had his or her employment contract terminated as a result of bullying/discrimination has the right to claim from the Employer a compensation amount of no less than the minimum wage.

**DISCRIMINATION NOTIFICATION FORM**

**1. Applicant details:**

Name:

Address for correspondence:

Telephone number (business, optional private):

E-mail address:

**2. When did the discriminatory behaviour occur or since when has it occurred? Please give an approximate date (year, month, period from - to).**

**3. In relation to which characteristic do you think unequal treatment is/has been taking place? Several characteristics can be marked (please mark with an X).**

Gender	
Skin colour	
Ethnic origin	
Nationality	
Religion	
Confession	
Non-denominational	
World view	
Disability	
Age	
Sexual orientation	
Gender identity	
Other:	

**4. On what grounds do you think unequal treatment is/has been taking place? You can mark several (please mark with an X).**

Jealousy of colleagues, supervisor	
Appearance	
Refusal to participate in integration meetings	
Refusal of extracurricular and/or intimate contacts	
Family situation e.g. childlessness, multiple children, marital status	
Asset status	
Education/competences/experience	
Manner of expressing oneself, e.g. stammering	
Accusing me of things I have not done	
Revenge of colleagues	
Other:	

**5. Please indicate examples of inequalities you have experienced at the hands of your superiors (please mark with an X).**

Inadequate bonuses/rewards for the workload	
Unjustified omission in bonuses	
Unequal treatment in the formation of remuneration	
Unjustified omission from service promotion	
Unjustified omission in access to vocational training	
Unjustified omission in the awarding of state/regional honours	
Unequal treatment in access to sanatoriums/treatment courses	
Harassment	
Sexual harassment	
Unequal distribution/allocation of work and responsibilities	
Other:	

6. Please describe in as much detail as possible the reasons marked under points. Please describe in as much detail as possible the reasons set out in points 3 and 4 and the related manifestations of unequal treatment set out in point. 5 (including the name of the person perpetrating such behaviour, the manner, practices of conduct, reasons etc.).
  
7. Please provide details of witnesses (if any) who can corroborate the circumstances described.
  
  
  
  
  
  
  
  
  
  
8. Have you communicated information about unequal treatment to other entities? If so, please list them and indicate how these entities resolved the matter.

**Place and date:**

**Legible signature:**

**Annexes to the application:**

1. ...

2. ...

3. ...

4. ...

5. ...

**BULLYING REPORT FORM**

**1. Applicant details:**

Name:

Address for correspondence:

Telephone number (business, optional private):

E-mail address:

**2. When did the bullying behaviour occur? Please give an approximate period from when the bullying behaviour occurs**

.....

**3. Please indicate the person(s) (first and last name) who, in your opinion, has/have committed bullying?**

.....

**4. Please indicate the behaviour that took place towards you ?**

L.p. Bullying activity	Frequency of behaviour more than once
<b>I. Interference with the ability to communicate</b>	
1. restriction of the supervisor's ability to speak out	
2. constant interruptions	
3. restriction by colleagues to speak out	
4. responding to comments by shouting or making loud excuses "slandering"	
5. constantly criticising the work being done	
6. constant criticism of private life	
7. harassment by telephone	
8. verbal threats and menaces	
9. limiting contact by demeaning gestures and glances	
10. allusions of various kinds	

**II. Impact on social relations**

1.	avoidance of conversations by the supervisor	
2.	not giving the opportunity to speak	
3.	in the room where you are working, moving to a place away from colleagues	
4.	forbidding colleagues from talking to you	
5.	being treated like air	

**III. Action aimed at disturbing the public perception of a person**

1.	speaking ill of you behind your back	
2.	"spreading" rumours	
3.	making attempts to ridicule	
4.	suggestion of mental illness	
5.	referral for psychiatric examination	
6.	ridicule of disability or infirmity	
7.	parodying the way a person walks, talks or gestures in order to ridicule them	
8.	"putting pressure" on political or religious beliefs	
9.	jokes and ridicule of private life	
10.	mockery of nationality	
11.	coercion to perform work that violates personal dignity	
12.	false assessment of commitment at work	
13.	questioning the decisions taken	
14.	calling, using obscene nicknames or other expressions intended to humiliate	
15.	"courting" or verbal sexual proposals	

**IV. Measures impacting on the quality of the living and working situation**

1.	not giving you any tasks to perform	
2.	receiving the work that has previously been asked to be done	
3.	commissioning meaningless work	
4.	giving tasks below his/her ability	
5.	the constant barrage of new work to be done	
6.	orders to carry out tasks that are offensive to you	
7.	giving tasks that are beyond your capabilities and competences, with the aim of discrediting you	

**V. Activities having a detrimental effect on your health**

1.	forced performance of work that is harmful to health	
2.	threat of physical violence use of minor physical violence	
3.	contributing to the costs, with the aim of damaging	
4.	causing psychological harm at the place of residence or at the place of	
5.	sexually oriented activities	

**5. Please describe in detail the behaviours highlighted in para. 4 behaviours:**

**6. Please identify persons who can confirm these behaviours**

**7. Documents accompanying the notification**

**Signature of the applicant**

**Signature of the person receiving the notification**  
(only if the notice given has been orally deposited)