

# *Policy and Procedure*

*counteracting mobbing  
and discrimination*

## Policy for counteracting mobbing and discrimination



*At Nowy Styl, we set an example of conduct for each other, so that we have the strength to act as a coherent and moral organisation. [...] It is the responsibility of a supervisor and Nowy Styl representatives to support employees reporting irregularities, unethical or unlawful conduct and asking questions about honesty and compliance in good faith.*

*Source: Nowy Styl Code of Ethics*

Nowy Styl respects personal dignity, privacy and the rights of all Employees and is determined to counteract all instances of unethical behaviour, in particular mobbing and discrimination at the workplace.

Employees are not allowed to:

- display any form of mobbing behaviour with regard to others,
- to discriminate persons, especially due to origin, nationality, religion, race, gender, age or sexual orientation,
- molest in any form, verbally or physically, because of the above or any other circumstances,
- behave in a way that violates accepted social norms, in particular those specified in the Nowy Styl Code of Ethics.

If you have witnessed unethical behaviour and consider that the above prohibition is not abided by at your place of work, you should inform the Ethics Officer, your line-manager or HR Department employee. The detailed descriptions of notification channels are specified in the Code of Ethics.

Kraków, 19 June 2020

**Adam Krzanowski**  
President of Nowy Styl

## Procedure for counteracting mobbing and discrimination

### General provisions

#### §1

In the performance of obligations resulting from the contents of art. 943 § 1 of the Labour Code Law dated 26 June 1974 (Journal of Law 2019 item 1040 with changes to Art. 943 § 44 changed by art. 1 item 6 of the Law dated 16 May 2019 (Journal of Law 2019.1043) changing this Law commencing with 7 September 2019), in order to develop rules for social conduct including counteracting mobbing, discrimination and unequal treatment in employment at an employment establishment, this Procedure for counteracting mobbing and discrimination (called hereinafter: "the Procedure") is hereby introduced at Nowy Styl with registered office at ul. Pużaka 49 in Krosno (called hereinafter: "the Employer"), which obliges all Employees and Co-workers employed at the Employer (called hereinafter: "the Employee") to become acquainted with its contents and to act in full compliance with the same.

The terms used in the Procedure acquire the following meaning:

- 1. The Labour Code** – The Labour Code Law dated 26 June 1974 (Journal of Law 2019 item 1040 with changes to Art. 943 § 44 changed by art. 1 item 6 of the Law dated 16 May 2019 (Journal of Law.2019.1043) changing this Law commencing with 7 September 2019).
- 2. Mobbing** – actions or behaviours pertaining to the Employee or directed against the Employee, consisting in persistent and long term harassment or intimidation bringing about his/her lowered professional suitability, resulting in or aimed at his/her humiliation or embarrassment, isolation or elimination from a team of co-workers.
- 3. Discrimination** – unethical actions regarding a person or a specific group of people related directly or indirectly to the conditions of employment, promotion and access to training to enhance professional qualifications, especially due to gender, age, disability, race, religion, nationality, political views, union membership, ethnic origin, denomination, sexual orientation as well as employment for a definite or indefinite time period, full time or part time. This range includes:  
**harassment** – unwanted behaviour constituting one of discrimination manifestations the goal or result of which is violating the dignity of an Employee and creating with regard to him/her an intimidating, adverse, humiliating or derogatory ambience;  
**sexual harassment** – one of discrimination manifestations due to sex, which includes any unwanted behaviour of sexual nature or pertaining to the sex of the Employee, the goal or result of which is the violation of the Employee's dignity, especially creating with regard to him/her an intimidating, adverse, humiliating, or derogatory ambience. This behaviour may include physical, verbal or non-verbal elements.
- 4. Other unethical actions** – all other behaviours, which appear not to be mobbing or discrimination, but violate the rules of social conduct at work, thereby harming the dignity or personal rights of the Employees.
- 5. Ethics Officers** – persons that have trust and respect of the Employees and the company's Managing Board and that have been authorised to undertake actions – amongst others – regarding the analysis of conflict situations. The detailed scope of the Ethics Officers actions, i.e. their authorisation and choice is described in Nowy Styl's Code of Ethics.
- 6. Employee Issues Team** – a collegial body appointed at Nowy Styl, the task of which is analysing written notifications of suspected cases of mobbing and discrimination, recommending solutions aimed at stopping the above stated behaviours and counteracting the occurrence of factors that are favourable for improper relations to occur, especially mobbing and discrimination, as well as indicating counteractive measures in the future.
- 7. Employee** – each natural person in an employment relationship with the Employer as well as persons cooperating with Nowy Styl on the basis of civil law contracts (including persons carrying out own business activities).
- 8. Employer** – represented by the Managing Board of Nowy Styl.
- 9. Complaint** – a notification to the Employer made in line with the Procedure in an instance of suspected experience of mobbing, discrimination or other unethical behaviour.

## **The rights and obligations of the Employees and the Employer**

### **§2**

1. Nowy Styl considers mobbing and discrimination as well as unethical behaviours to be impermissible and blameworthy. Any instances of such will not be tolerated by the Employer.
2. A particular responsibility of counteracting mobbing and discrimination is incumbent on Employees managing teams at each managerial level and on Ethics Officers.

### **§3**

1. The Employer is obliged to undertake all actions required by the regulations of law aimed at counteracting (preventing) mobbing and discrimination of Employees.
2. The Employer is obliged to undertake all actions required by the regulations of law aimed at remedying the social effects of mobbing and discrimination, in particular to support the victims of such behaviour.
3. The Employer can carry out the actions discussed in clauses 1-2 hereto with the use of available sanction measures, consistent with legal regulations, with regard to mobbing or discrimination offenders.

### **§4**

1. Each or any Employee who considers that he/she has become a victim of mobbing or discrimination has the right to demand the Employer to undertake actions aimed at ceasing such processes as well as to remove the effects thereof.
2. Each or any employee who possesses information or learns about signs of mobbing or discrimination should file a complaint.
3. Unjustified slander pertaining to mobbing or discrimination is forbidden and may be overcome by a reaction foreseen in legal regulations.

## **Counteracting mobbing and discrimination**

### **§5**

1. The Employer actively runs activities against mobbing and discrimination at the workplace and in relation to work, in particular consisting in:
  - undertaking preventive measures indicated in clause 2 below, aimed at counteracting mobbing and discrimination,
  - undertaking interventional measures aimed at immediate ceasing of behaviours that appear to be of mobbing or discrimination nature,
  - helping persons harmed in result of unethical behaviours and eliminating their symptoms in the work environment.
2. The Employer undertakes preventive measures, in particular consisting in:
  - obligatory training of all Employees in the subject scope of these occurrences and counteracting them,
  - creating information materials on counteracting mobbing and discrimination and making the same available to the Employees,
  - appropriate communication,
  - appropriate work organisation,
  - creating clear rules for taking decisions and solving conflicts,
  - forming and promulgating rules of social conduct at the employment establishment,
  - maintaining the email address: [etyka@nowystyl.com](mailto:etyka@nowystyl.com), where questions regarding the subject of mobbing and discrimination are to be directed. Questions will be answered by the Ethics Officer,
  - supporting attitudes counteracting mobbing and discrimination,
  - authorising Ethics Officers to give information pertaining to possible solutions in line with the Rules for Ethics Officers,
  - in an instance of a written complaint pertaining to unethical behaviours, appointing an Employee Issues Team dedicated to solve the given case.

## Ethics Officers

### §6

1. Appointed by the Employer in line with the Rules for Ethics Officers as support in the process of identifying conflicts.
2. These persons should:
  - be empathetic, but capable of setting apart emotions from facts,
  - possess highly developed interpersonal competencies,
  - be prepared for the role of Ethics Officer, possess knowledge in the scope of counteracting mobbing and discrimination.
3. The role of the Ethics Officer is:
  - giving information on the procedure path of a person who considers that unethical actions are being undertaken with regard to him/her,
  - receiving information from witnesses on behaviours violating the Code of Ethics accepted norms and further processing of the same in order to have the case investigated,
  - diagnosing a conflict situation,
  - supporting the process of amicable conflict settlement.
4. The Ethics Officer is not authorised to:
  - write any complaint for the Employee who notifies on a conflict case,
  - exert pressure on persons engaged in conflict,
  - make empty promises,
  - make “rulings” in a given case whether mobbing, discrimination or harassment occurred,
  - carry out corrective actions with regard to conflict parties independently without consulting other Ethics Officers and the HR Department,
  - give information regarding the conflict outside the circle of persons authorised with regard to the same.

## Complaint regarding mobbing or discrimination

### §7

1. In an instance when the Ethics Officer does not manage to solve the conflict amicably through talks, the Employee files a complaint.
2. Each complaint should be filed with the Managing Board, the Ethics Officer or HR Department in writing (by snail mail, by electronic mail or in person) with the filing person's own or electronic signature. The complaint template constitutes enclosure No 2 hereto.
3. Anonymous notifications will not be examined.
4. In an instance of receiving a notification fulfilling the requirements set out in clause 1, an investigation procedure is commenced within 7 working days (counting from the notification date).

## Employee Issues Team

### §8

1. In order to counteract and to impose sanctions regarding mobbing and discrimination at the workplace, the Employer appoints a permanent Employee Issues Team, called hereinafter the Team. This comprises: Ethics Officers, Employees' Representatives and two persons from the HR Department.
2. On an individual basis, for each notification, a 3 person Team is selected from the Employee Issues Team comprising the most neutral persons to the case (not linked by work subordination, dependency in the department or family or social ties).
3. The Team is appointed in an instance of occurrence of events requiring its actions when there is no possibility of closing the conflict in an informal way. The composition of the Team is approved by the Managing Board.
4. One must be an Employee of Nowy Styl in order to be a member of the Employee Issues Team.
5. A person with regards to whom an investigation had been previously conducted and connected with a notification on unethical behaviours that could result in the future in mobbing or discrimination, cannot be a member of the Team.

6. Members of the Employee Issues Team:
  - should be made acquainted with the subject issue of mobbing and discrimination and the rules for running investigation by the Employer,
  - be obliged to conform to regulations on personal data protection,
  - be obliged to maintain confidentiality pertaining to received information during proceedings (a statement template constitutes enclosure No 3 hereto).
7. In an instance of aggravated conflicts requiring expert support in the scope of law or psychology, the Employer has the right to appoint an external expert.
8. All recommendations of the Employee Issues Team must be made in line with binding legal regulations and provisions of this Procedure.

## **§9**

1. The 3-person Team selected for a particular complaint sits meetings that are confidential.
2. The team selects a Chairperson and his/her Deputy amongst its members.
3. The meetings of the Team are summoned orally or in writing (e.g. through a message sent via e-mail) by the Chairperson – or in an instance of his/her absence or inability to fulfil obligations – by the Deputy-Chairperson upon his/her initiative or upon the request of a Team Member.
4. The meeting of the Team is held in a place defined in the notification discussed in clause 3.
5. Minutes are made from each Team meeting and at the end a protocol is drawn up which is signed by all members of the Team.
6. Upon the request of the Chairperson each Employee is obliged, having been summoned, to come forth in person and clarify or give information regarding a particular occurrence.
7. The Employer, at his own expense, ensures resources to the Team (including materials and rooms) that are necessary for it to carry out its tasks whereas the decision regarding the scope and extensiveness of assigned resources depends exclusively on the Employer.

## **Actions undertaken by the Team**

### **§10**

1. The goal of the Team is the analysis of a notification regarding conflicts and to prepare a recommendation on resolving this/these conflict/s between the parties as well as to formulate possible conclusions regarding actions preventing the escalation of this/these conflicts in the future.
2. The Team is not authorised to settle whether a situation notified in a complaint to the Employer constitutes mobbing or discrimination as these powers are given exclusively to courts.
3. The Team is obliged to hear persons interested in the case and ensure full freedom of expression to them.
4. Each member of the Team is obliged to maintain objectivity and impartiality when analysing a conflict situation.
5. Should in the progress of procedures a necessity of talking to witnesses occur, the Chairperson invites the same to the meeting. The witness also signs an obligation to keep confidential all facts and circumstances with which he/she became acquainted in relation to taking part in the meeting of the Team.

## **Intervention**

### **§11**

1. During the proceedings the Team agrees in the form of conclusions whether and what intervention (organisational or sanctions), with regard to the conflict offender/offenders or supporting the person making the complaint, it is necessary to commence in a given case, in order to stop activities that in the future could bring about mobbing and discrimination at the workplace or in relation to work.
2. Having completed the proceedings, the Team draws up a recommendation to remedy the situation, which is signed by all Members of the Team. This is a final document and requires a written justification and indication of actual reasons on the basis of which it was issued. The recommendation is delivered to the Employer.

3. In an instance of the Team stating that in a conflict situation extreme unethical behaviours are present that may in the future bring about mobbing or discrimination, the Team informs and motions to the Employer the imposition of sanctions resulting from relevant regulations of law.
4. The decisions on the application and type of actions specified in the recommendations (organisational, disciplinary or legal measures) with regard to possible unethical behaviours of the offender/offenders are made by the Employer.

## **Final provisions**

### **§12**

1. All persons permitted to be acquainted with the work of the Employee Issues Team (as well as the members themselves) are obliged to abide by confidentiality with regard to all facts, learned during the proceedings and before commencing work by the Team, which are linked with particular notifications of situations that may appear to be mobbing or discrimination.
2. Members of the Team cannot copy for the purpose of disseminating or in any way disseminate or distribute documents pertaining to the examined case of mobbing or discrimination.
3. Data contained in the materials or documents of the Team may contain personal data and is subject to protection foreseen for personal data protection.

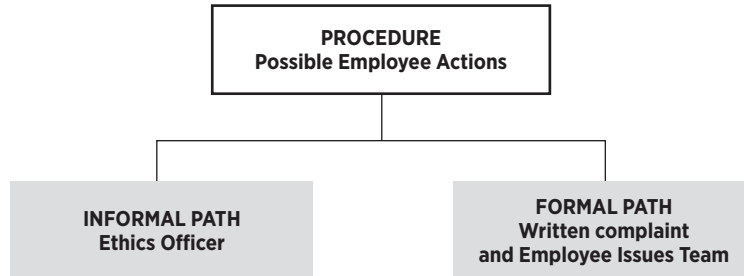
### **§13**

1. The Employer is obliged to have each Employee and newly employed Employee acquainted with the contents of this Procedure before his/her work admission (i.e. before the actual commencement of rendering work by him/her).
2. The Employee, having become acquainted with the Procedure, makes and signs a statement on becoming acquainted with its contents (enclosure No 1 to the Procedure).
3. An Employee returning after a long period of absence at work, e.g. because of sickness or taking advantage of parental leave, is obliged to acquaint himself/herself with the contents of the Procedure again and to make a written statement thereof (enclosure No 1 to the Procedure).

### **§14**

1. Once a year the Employer analyses and assesses whether the provisions of the Procedure are correctly executed.
2. Any changes to the Procedure are made by the Employer through an appropriate Decision.
3. The Procedure becomes effective on the day of being announced by the Employer.
4. In order to facilitate the Employees becoming acquainted with the contents of the Procedure, the Employer will make its paper version (copy) available in each case when the Employee addresses the HR Department to do so.
5. The Procedure is introduced for an indefinite time period.

## Procedure path for a person who feels that he/she is being mobbed, discriminated, suspects such behaviour or is a witness thereof



### 1. The Informal Path

The Employee addresses the Ethics Officer with a request to help him/her in a conflict situation or as a conflict witness with a request to have the case examined.

- 1.1. The Ethics Officer hears the witness of the unethical behaviour or the Employee complaining on the behaviour of his/her co-worker or superior.
- 1.2. The Ethics Officer encourages the notifying person to describe the case and write down the facts which pertain to unethical, improper behaviours.
- 1.3. The Ethics Officer explains to the Employee the entries in the work rules and in the Procedure for counteracting mobbing and discrimination as to counteracting mobbing and discrimination.
- 1.4. In an instance when the complaint is made by a person who feels mobbed or discriminated, the Ethics Officer encourages him/her to talk to the person indicated by the complainant. Should this not bring about a result in the form of solving the conflict, the Ethics Officer undertakes further actions.
- 1.5. In an instance when the complaint is made by a witness of unethical behaviour, the Ethics Officer receives the notification and commences the examination of the case as to facts by talking to the parties of the conflict.
- 1.6. The Ethics Officer asks the conflict parties about the possibility of settling the case amicably. The Ethics Officer (in an instance of consent of both conflict parties to undergo mediation) can conduct mediation between the parties.
- 1.7. In an instance of a lack of consent to undergo mediation or the conflict not being settled in a constructive manner, the Ethics Officer indicates the formal procedure as an effective way to receive help in the conflict case.

### 2. The Formal Path

The Employee files a complaint in writing on a form constituting enclosure No 2 to the Procedure for counteracting mobbing and discrimination.

- 2.1. Written notification to the Employer according to entries in the Procedure.
- 2.2. Appointing the Employee Issues Team.
- 2.3. Employee Issues Team meeting and processing of the case:
  - notification analysis,
  - decision on further proceedings,
  - written or oral invitation to persons involved in the conflict and potential witnesses for a given day and given place.
- 2.4. Meetings with engaged persons:
  - with the notifier/claimant,
  - with the person indicated in the notification,
  - with the indicated witness/witnesses.
- 2.5. Preparing recommendations for the Employer concerning further actions aimed at settling the conflict.
- 2.6. The Employer's decision on undertaking further actions.
- 2.7. Informing the conflict parties and witnesses on the result of proceedings (within the scope pertaining to them) and commencing corrective measures.
- 2.8. Monitoring the situation in the team.



## **Employee's statement of becoming acquainted with the *Procedure for counteracting mobbing and discrimination***

I, the undersigned \_\_\_\_\_  
Name and surname

Hereby declare that I have read the contents of the Procedure for Counteracting Mobbing and Discrimination.

I undertake to:

- conform to its entries,
- not to display unethical behaviour, in particular such that may appear to be mobbing or discrimination,
- immediately inform the Employer in an instance of experiencing such behaviour or being a witness thereof.

At the same time I understand that any of my unethical actions that may appear to be mobbing or discrimination will not be tolerated by the Employer and that I am aware of possible consequences.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Complaint – Notification form for unethical behaviours that may appear to be mobbing or discrimination

<b>1. Complainant/notifier personal data</b>	
Name and surname	
Position	
Organisational unit/department	
<b>2. Complainant/notifier contact data</b>	
Mobile telephone number	
E-mail address	
<b>3. Suspect's contact data</b>	
Name and surname	
Position	
Relationship of the Suspect to the Complainant/notifier (manager, co-worker, etc.	
<b>4. Incident discription</b> – Date, time, place of the incident and its consequences	
Facts	Consequences
<b>5. Evidence enclosed</b> (e.g.: e-mails from person suspected of misconduct)	
Evidence No 1	
Evidence No 2	
<b>6. Complainant/notifier resolution proposal</b>	
Conflict resolution proposal	
<b>7. Possible witnesses</b>	
Name, surname and contact details	

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

## Statement of proceedings confidentiality

I, the undersigned \_\_\_\_\_  
Name and surname

Member of the Employee Issues Team appointed by \_\_\_\_\_

In line with the Procedure for counteracting mobbing and discrimination introduced by means of Decision No. \_\_\_\_\_

Hereby state that I will maintain full confidentiality during and after the proceedings are completed.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

