

**ORDINANCE No. 51/2019**

**of the Rector of Lodz University of Technology**

**of 23 September 2019.**

**on introducing the Regulations on Internal Anti-Mobbing Policy of Lodz University of Technology**

Acting pursuant to Article 23 sec. 1 of the Act of 20 July 2018. - Law on Higher Education and Science (Journal of Laws of 2018, item 1668, as amended) in connection with Article 943 of the Act of 26 June 1974 Labour Code (i.e. Journal of Laws of 2019, item 1040 as amended), § 15 sec. 2 point 7 and sec. 3 of the Statute of Lodz University of Technology, in conjunction with Art. 227 sec. 3 of the Act of 3 July 2018. Introductory provisions of the Act - Law on Higher Education and Science (Journal of Laws of 2018, item 1669 as amended), I order:

§ 1.

Introducing the Regulations of the Internal Anti-Mobbing policy of Lodz University of Technology which constitutes Appendix No. 1 to this Ordinance.

§ 2.

The Ordinance takes effect on 1 October 2019.

R E C T O R

OF LODZ UNIVERSITY OF TECHNOLOGY

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 Appendix No. 1

to the Regulation No. 51/2019

of the Rector of Lodz University of Technology

of 23 September 2019.

REGULATIONS OF INTERNAL ANTI-MOBBING POLICY OF LODZ UNIVERSITY OF TECHNOLOGY

§ 1.

The anti-mobbing policy establishes rules for preventing and counteracting mobbing at Lodz University of Technology.

§ 2.

Whenever the Regulations refer to:

1. **Mobbing** - it is understood as actions or behaviours concerning an employee or directed against an employee, consisting of persistent and prolonged harassment or intimidation of an employee, resulting in their lowering of the assessment of their professional suitability, causing or aiming at degrading or ridiculing an employee, isolating them or eliminating them from their team of co-workers (Art. 94³ § 2 of the Labour Code),
2. **The Anti-Mobbing Commission**, further referred to as the "Commission" - it is understood as a team appointed by the employer to consider notifications on mobbing,
3. **Employer** - means Lodz University of Technology in Lodz,
4. **Employee** - means a person who has an employment relationship with Lodz University of Technology in Lodz,
5. **The Rector** - means the Rector of Lodz University of Technology,
6. **Evidentiary Proceedings** - means a set of all activities carried out by the Anti-Mobbing Commission aimed at solving a specific case or problem related to mobbing, including all types of interviews. The concept of an evidentiary proceeding in this case does not bear the hallmarks of an evidentiary proceeding as defined by the relevant provisions of civil and criminal law,
7. **Mobber** - means a person who commits mobbing against an employee.

§ 3.

1. Every employee is obliged to familiarise themselves with the Regulations of the Internal Anti-Mobbing Policy of Lodz University of Technology and to submit a statement on becoming familiar with its contents. A specimen statement constitutes Appendix No. 8 to the Work Regulations of Lodz University of Technology.
2. The signed statement will be placed in the Employee's personnel file.

§ 4.

1. Any acts or conduct bearing the hallmarks of mobbing will not be tolerated in any way by the Employer.
2. Each Employee is obliged to inform the Employer about any signs of mobbing taking place at the University.

§ 5.

1. Any action or behaviour by an Employee which may be considered as mobbing is treated as a serious breach of fundamental employee duties.
2. In order to prevent mobbing, the Employer undertakes actions which involve in particular promoting the desired attitudes and behaviours in relations between employees, disseminating knowledge about the phenomenon of mobbing, methods of preventing it and consequences of its occurrence, monitoring the problem of mobbing and applying anti-mobbing procedures in practice.

§ 6.

1. An employee who believes they have been subjected to mobbing has the right to file a notification directly with the Rector.
2. The notification should include a presentation of facts, the name and surname of the person or persons who have engaged in behaviours towards the Employee that the Employee considers as mobbing, possible evidence in support of the cited circumstances. The notification may be made both in writing and orally. Anonymous notifications will not be acted upon.

§ 7.

1. The proceedings concerning the notification of mobbing are conducted by the Anti-Mobbing Commission, appointed by the Rector within 14 days from the date of receiving the notification. The Commission’s task is to clarify whether the notification is justified and whether mobbing has occurred or is occurring.
2. The Commission consists of an equal number of persons designated by the Rector and representatives of trade union organizations operating at the Employer, a minimum of one from each union.
3. A member of the Commission may not be the person who is the subject of the mobbing notification, or the person identified in the notification as the mobber. Nor may a member of the Commission participate in matters involving their immediate family. No member of the Commission should be in a direct relationship of service to the notifier or to the alleged mobber.
4. The members of the Commission elect a chairperson from among themselves.
5. The Commission should consider the notification without undue delay, within a period not exceeding 30 days from the date of submission of the notification. In exceptional cases, due to the complicated nature of the case, the above deadline may be extended by another 14 days. The decision to extend the deadline is made by the chairperson of the Commission in consultation with the Rector.
6. The Commission in its activities is guided by objectivity and impartiality and is obliged to keep confidential any information obtained in the course of the proceedings.
7. After hearing the explanations of the Employee and the alleged mobber and after taking evidence, the Commission decides, by a simple majority vote, on the merits of the notification under consideration. In the event of a tie, the chairperson has the casting vote.
8. Minutes of the Commission meeting are taken and signed by all members of the Commission.
9. Administrative support for Commission meetings is provided by the Human Capital Management Centre, which maintains the minutes of the meetings.

§ 8.

1. If the notification is considered legitimate, the Employer takes action to eliminate the irregularities found and prevents their recurrence as well as to provide assistance and support to the notifying Employee, within the framework of the applicable legislation.
2. If the notification is considered legitimate, the Rector may apply to the mobber penalties (warning, reprimand) or other sanctions provided for in the Labour Code.
3. In gross cases of mobbing, the employment relationship with the mobber may be terminated without prior notice due solely to the fault of the employee.
4. The Rector may, at the request or with the consent of the aggrieved Employee, change the working conditions or otherwise prevent the aggrieved Employee from having direct contact with the mobber.

§ 9.

1. Personal information contained in Commission materials and documents is subject to the data protection provisions.
2. Proceedings conducted by the Commission do not foreclose either party in a dispute from taking the matter to court.