



ZRC SAZU

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Number: P-2024-6

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Pursuant to the second point of Article 14 of the Statute of the Research Center of the Slovenian Academy of Sciences and Arts (no. S-2024-3 of January 10th, 2024), Article 47 of the Employment Relationships Act (*Official Gazette of the Republic of Slovenia*, nos. 21/13, 78/13 – corr., 47/15 – ZZSDT, 33/16 – PZ-F, 52/16, 15/17 – Constitutional Court Decision, 22/19 – ZPosS, 81/19, 203/20 – ZIUPOPDVE, 119/21 – ZČmIS-A, 202/21 – Constitutional Court Decision, 15/22, 54/22 – ZUPŠ-1, 114/23, and 136/23), and Article 24 of the Occupational Safety and Health Act (*Official Gazette of the Republic of Slovenia*, no. 43/11), and at the proposal of the Director of the Research Center of the Slovenian Academy of Sciences and Arts, at its tenth meeting held on November 28th, 2024, the Board of Directors of the Research Center of the Slovenian Academy of Sciences and Arts adopted the following

RULES ON

MEASURES AGAINST VIOLENCE, HARASSMENT, AND BULLYING

The Research Center of the Slovenian Academy of Sciences and Arts (hereinafter: ZRC SAZU) is committed to maintaining a work environment free from violence, sexual and other harassment, and bullying. Therefore, any behavior or conduct that violates the dignity of persons, infringes on their personal rights and integrity, or creates an unsafe, intimidating, degrading, or hostile environment is unacceptable. ZRC SAZU is committed to upholding a policy of actively creating and maintaining a work environment that respects the dignity of all persons, regardless of their personal circumstances.

Everyone at ZRC SAZU shall promote and develop respectful behavior and cooperation, and strive for the peaceful resolution of any conflicts.

I. GENERAL PROVISIONS

Article 1

(Violation of dignity)

Violence, sexual or other harassment, or bullying constitute a violation of the dignity of the person against whom such acts are committed.

Article 2

(Scope and purpose)

1) These rules set out the measures through which ZRC SAZU creates an environment in which the dignity of all persons is respected, and the procedures and measures to be followed if their dignity has been violated.

2) The provisions of these rules shall also apply, *mutatis mutandis*, to conduct that constitutes discrimination based on sex, nationality, race, ethnic origin, language, religion, political or other beliefs, membership in political, trade-union, or other organizations, health status, physical or other disabilities, age, sexual orientation, gender identity and expression, marital status, social status, financial status, education, or any other personal circumstances.

3) The feminine and masculine grammatical genders used in these rules refer to all genders. (comment: not relevant in English).

Article 3

(Applicability)

1) These rules shall apply to all ZRC SAZU employees, regardless of their job title, position, or type of contract.

2) The provisions of these rules shall also apply to persons that perform student temp work, receive practical training, or work under civil law contracts at ZRC SAZU, or are otherwise involved in the work process or other activities of ZRC SAZU.

3) The provisions of these rules shall also apply if, at the time the violation is reported, the person whose dignity has been violated is no longer employed at ZRC SAZU or no longer falls under the categories referred to in the second paragraph of this article, provided that they held such a status at the time of the incident that constitutes or could constitute a violation of dignity.

Article 4

(Definition of terms)

1) Violence refers to any unacceptable interference with the dignity of another person and any tendency to abuse power and control, or any intentional and deliberate single or repeated act having the same effect.

2) Harassment refers to any unwanted behavior related to any personal circumstance aimed at violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment, and in particular:

- Mockery;
- Disrespectful communication in any form;
- Humiliation;

- Intimidation;
- Physical assault;
- Slander;
- False reports of violations of dignity;
- Harassment on social media;
- Assigning work tasks that violate the statutory right to disconnect;
- Unacceptable conditions for promotion, pay rises, or other benefits;
- Abuse of social and/or organizational power over the person harassed;
- Insults based on personal circumstances.

3) Sexual harassment refers to any form of unwanted verbal or nonverbal conduct or behavior of a sexual nature, or conduct or behavior that uses sexuality as a means to harm a person's dignity, especially when it creates an intimidating, hostile, degrading, humiliating, or offensive environment, in particular:

- Sexually suggestive comments and gestures;
- Obscene comments about a person's appearance;
- Sending e-mails, text messages, and other messages with inappropriate sexual content;
- Posting inappropriate sexual content on social media;
- Inciting or forcing someone to engage in sexual intercourse or other sexual activity;
- Promising faster promotion, a higher salary, or other work-related benefits in exchange for sexual favors;
- Unwanted touching;
- Non-consensual sexual intercourse or other non-consensual sexual activity.

4) Bullying refers to any long-lasting offensive behavior or treatment, whether repeated or systematic, that causes discomfort and mental or physical pain to the person affected.

In particular, bullying includes repeated:

- Insults, humiliation, mockery, or intimidation;
- Unfounded accusations;
- Unjustified restrictions of communication;
- E-mail monitoring;
- Unjustified criticism or supervision of work;
- Malicious withholding of essential work-related information;
- Unjustified exclusion from new work assignments;
- Assigning absurd or impossible tasks;
- Assigning overwhelming workloads or setting unreasonable deadlines;
- Unjustified restriction of employment rights, such as sick leave, annual leave, or reimbursement of travel expenses;
- Obstructing work by unreasonably withholding financial or material resources;
- Written or verbal threats;
- Unjustified threats of dismissal or preventing promotion.

Article 5

(Personal data protection)

All persons that are involved in, or become aware of, procedures under these rules due to the nature of their work shall strictly protect any personal data relating to these procedures in accordance with applicable regulations.

Article 6

(Management duties)

- 1) The director and heads of organizational units (hereinafter: the ZRC SAZU management) shall ensure an environment in which the ZRC SAZU employees and the persons referred to in the second paragraph of Article 3 are not exposed to violations of dignity. To this end, they shall enforce these rules in accordance with the applicable regulations and ZRC SAZU internal policies.
- 2) The management shall provide appropriate assistance to the person whose dignity has been violated and to the confidential advisors referred to in Article 8 hereof. At the request of the person whose dignity has been violated, ZRC SAZU shall cover the costs of appropriate therapeutic and other psychosocial assistance and support.
- 3) In the event of a suspected violation of an employee's dignity by another employee, the ZRC SAZU management may temporarily restrict contact between the two persons during working hours. To this end, it shall take appropriate measures, such as ordering them to work remotely, modifying the manner of performing their work obligations, or suspending their authorizations or responsibilities.
- 4) If a third party violates the dignity of a person referred to in Article 3 hereof, the ZRC SAZU management of ZRC SAZU shall, as soon as it becomes aware of the violation, require that the third party immediately cease the violation and take all necessary measures to ensure that the person whose dignity has been violated is no longer threatened or exposed to the violation.
- 5) If the violation of dignity shows elements of a criminal offence that is prosecuted *ex officio*, the management shall report this to the police.

II. MEASURES TO PREVENT VIOLATIONS OF DIGNITY

Article 7

(Awareness-raising, information, and prevention)

- 1) The management shall ensure that all ZRC SAZU employees and persons referred to in the second paragraph of Article 3 hereof are acquainted with the provisions of these rules. It achieves this by posting the rules on the ZRC SAZU intranet and website and by notifying all employees of this via their business e-mail addresses.
- 2) The management shall also specify other ways of raising awareness and providing information about violations of dignity, in particular by offering regular all-staff training, ensuring appropriate public access to general information on support and assistance available to individuals whose dignity has been violated, and providing opportunities to take action in the event of such violations.
- 3) ZRC SAZU shall carry out the following activities:
 - Provide regular training, information, and awareness-raising activities for employees, highlighting the importance of taking action in the event of violations of dignity;
 - Ensure a healthy and supportive work environment;

- Strive to improve work organization and leadership methods to minimize the risk of violations of dignity;
- Conduct regular training for confidential advisors and other persons responsible for implementing these rules;
- Conduct regular training to enhance conflict resolution skills for confidential advisors and other persons responsible for implementing these rules.

Article 8

(Confidential advisor)

1) ZRC SAZU shall appoint at least three confidential advisors to provide support and assistance to individuals whose dignity has been violated.

2) The ZRC SAZU Committee for Ethics, Integrity and Equal Opportunities in Research (hereinafter: the EIEO Committee) shall propose the confidential advisors to the director. The Committee shall select the advisors based on an internal call for applications and self-nominations, taking into account the required qualifications, experience, ethical integrity, and diversity of positions at ZRC SAZU as criteria for their selection.

3) Upon receiving the EIEO Committee's proposal, the director shall issue a decision appointing the confidential advisors. It makes the list of confidential advisors publicly available on the ZRC SAZU website and informs all employees of each appointment by e-mail. Appointments shall remain in force until revoked.

4) A confidential advisor shall undergo training for the role following a program developed by the EIEO Committee and attend regular supervisions or other forms of professional support provided by the ZRC SAZU management.

5) A member of the ZRC SAZU management or a person not employed by ZRC SAZU cannot be appointed a confidential advisor.

6) A confidential advisor provides support to individuals whose dignity has been violated, provides a safe space to talk to them, informs them of their rights, provides them with appropriate information on possible actions and forms of psychosocial assistance, and offers them other support before and during the procedure.

7) A confidential advisor keeps confidential all information obtained during communication with the person whose dignity has been violated. Disclosure of information to third parties is only possible if the person affected agrees to it. A confidential advisor may be a witness in proceedings under these rules only if the person affected agrees.

8) A confidential person may not be proposed for inclusion in the list of approved persons under Article 9 hereof.

9) A confidential person keeps a list of the cases handled and reports on them in an anonymized form to the director at the end of each calendar year. The director shares this report with the ZRC SAZU Board of Directors, the ZRC SAZU Research Council, the ZRC SAZU Advisory Board, and the EIEO Committee.

III. AUTHORITY TO DEAL WITH VIOLATIONS OF DIGNITY

Article 9

(Committee for Establishing Facts and Circumstances)

1) At the proposal of the EIEO Committee, the director shall issue a decision defining a list of approved persons suitable to serve as members of the committee for establishing the facts and circumstances relating to a reported violation of dignity. A person is included on the list of approved persons for a period of five years, with the possibility of being reappointed to the list with their consent. Upon termination of employment, the person is removed from the list. The list is updated once a year.

2) To establish the facts and circumstances relating to a reported violation of dignity, the ZRC SAZU director shall issue a decision appointing a three-member committee (hereinafter: the committee) for each case by selecting members from the list of approved persons.

3) The EIEO Committee shall propose individuals for the list of approved persons. Each organizational unit shall nominate one or more persons from among its employees, but self-nominations are also allowed. The EIEO Committee shall select the persons based on the required qualifications, experience, ethical integrity, and diversity of positions at ZRC SAZU. A person is deemed unsuitable if they have been found guilty of violating dignity in any prior proceedings. The number of proposed and approved members for the committee is not limited.

4) The persons referred to in the preceding paragraph shall attend regular training courses on preventing violations of dignity, violence, sexual or other harassment, and bullying offered by ZRC SAZU.

5) A person cannot be a member of the committee in a particular case if:

- They are the person that is alleged to have violated someone else's dignity or to have suffered a violation of their dignity in that specific case (hereinafter: the parties to the proceedings);
- They are the person that reported or witnessed the violation;
- They are a relative of the persons referred to in the preceding two indents, either lineally up to any degree, or collaterally up to and including the fourth degree, or directly by marriage or civil partnership, or as in-laws, whether lineally or collaterally, up to and including the second degree, even if the marriage or civil partnership no longer exists;
- They are a person that is in a caretaking, adoptive, or foster relationship with any of the persons above;
- They are a caretaker, adoptive parent, adopted child, foster parent, legal representative, or authorized agent of the alleged victim or accused party;
- They are a person that is connected with the parties to the proceedings in such a way that there are other circumstances in which their private interest affects or calls into question their impartiality in performing their work on the committee.

6) Acting on a proposal from a committee member or a party to the proceedings, the director shall issue a decision disqualifying a member of the committee on the grounds referred to in the fifth paragraph of this article within five working days of becoming aware of the possible grounds for disqualification. In such cases, the director shall issue a decision appointing a new member of the committee from the list of approved persons referred to in the third paragraph of this article.

7) If, in a particular proceeding, the director is subject to disqualification, they shall be replaced by the deputy director or one of the deputy directors if there are more than one.

Article 10

(Committee administrator)

- 1) A committee administrator is a person employed at the ZRC SAZU Legal and Human Resources Department.
- 2) The administrator provides professional and technical support to the committee and takes care of the documentation and materials, which they store in accordance with the personal data protection regulations.
- 3) The administrator keeps records on the number and type of cases and any actions taken. This information is publicly available in anonymized form.

Article 11

(Committee's powers)

The committee:

- Establishes the facts and circumstances relating to a specific report of a violation of dignity;
- Interviews those involved or persons that can provide relevant information for establishing the facts and circumstances relating to a specific violation report;
- Based on the facts and circumstances established, reaches a decision on whether there has been a violation of dignity in a particular case;
- Submits a proposal to the director for measures to be taken against the perpetrator if the facts and circumstances established confirm a violation of dignity;
- Performs other tasks as instructed by the director in relation to a specific case.

Article 12

(Committee meetings)

- 1) The committee conducts its work at meetings, which are not public.
- 2) If an in-person meeting is not possible, it shall be held remotely using information and communication technology, either in the form of a correspondence meeting or videoconference. If a videoconference is held, the committee members and administrator, as well as other persons invited to the meeting, shall ensure that no uninvited persons can hear the discussion.
- 3) The first meeting of the committee shall be convened by its administrator based on the director's decision appointing the committee, and subsequent meetings shall be convened by the administrator at the proposal of a committee member. The invitation to the meeting shall include materials necessary for the committee to make its decisions.
- 4) The committee has a quorum if all its members are present.

5) The committee decides by vote. A decision is made if a majority of its members vote in favor. A member may not abstain from voting.

6) The members of the committee may unanimously decide to have the meeting recorded, informing any other participants of their decision. The audio recording of the meeting may be made exclusively for the purpose of drawing up the minutes, and it is stored together with the decision, the minutes, and other materials of the meeting until the minutes are approved at the next meeting. The audio recording may be stored exclusively by the administrator on their computer, not in a cloud, and must be permanently deleted as soon as the meeting at which the minutes were approved has been concluded.

7) The minutes of the committee's meeting shall be kept by the committee administrator and sent to the members for approval and comments within ten working days of the meeting. The minutes shall be adopted after they have been approved by all the committee members. The approved minutes shall be signed by all the members and the administrator.

IV. VIOLATION OF DIGNITY PROCEDURE

Article 13

(Protection of personal integrity)

1) All proceedings under these rules related to reporting a violation of dignity shall be conducted with discretion and confidentiality, ensuring that the personal dignity and privacy of both parties is fully protected.

2) The persons whose dignity has been violated and the persons that provide assistance and support to them or participate as witnesses in proceedings may not be subjected to retaliatory measures due to their involvement in the proceedings, especially to the following:

- Dismissal;
- Suspension of the employment contract;
- Demotion, or prevention or withholding of promotion;
- Reassignment of duties, relocation, changes in working hours, reduction of work obligations, non-payment or reduction of salary and other benefits, or nonpayment of bonuses and severance payments;
- Prevention or delay of professional development and training;
- Poor performance evaluation, poor annual evaluation, or negative job references;
- Disciplinary proceedings, disciplinary measures, or penalties;
- Bullying, coercion, intimidation, harassment, exclusion, or a lack of protection against such behavior by others;
- Discrimination, or inferior or unfair treatment;
- Failure to offer a permanent employment contract despite meeting the required legal conditions;
- Termination of a fixed-term employment contract before its expiration or the cessation of the reason for its conclusion;
- Other unjustified employer actions, including actions that cause damage to the person's reputation (especially on social media) and financial loss, including the loss of business and income;

- Early termination or cancellation of a contract for the purchase of goods or services, or other forms of terminating business cooperation;
- Arbitrary imposition of medical or fitness-for-work examinations;
- Unfounded proceedings against the person reporting a violation.

3) The director shall ensure a safe working environment free from retaliatory measures. A person that claims to have been retaliated against or claims that their employment situation has deteriorated may report such actions to the director. The report shall provide evidence to support the claim that they have been subjected to retaliatory measures. Before making a decision, the director shall obtain clarification from the alleged perpetrator. If the director establishes that there are reasonable grounds to suspect that a wrongful act showing signs of retaliation has been committed, they issue a decision ordering immediate cessation of such conduct.

Article 14

(Reporting a violation of dignity)

1) A report of a violation of dignity shall be submitted to the director in written form, except in cases specified in Article 19.

2) The report shall be made by the person whose dignity has been violated, their authorized representative, or any other person that becomes aware of the violation. If the person filing the report expressly states in the report that they do not wish their identity to be disclosed, their identity shall be treated as confidential.

3) The report shall contain the full name of the person filing the report, the full name of the person whose dignity has allegedly been violated, or an identifiable group of such persons if the violation was committed against more than one person, the name of the alleged perpetrator, and a description of the violation, including the place and time of the incident or incidents if they were repeated.

4) If the report is incomplete, the director shall send a written request to the person making the report to complete it within five working days of receiving the request. If the person making the report is unknown (an anonymous report), the request for completion shall be sent to the contact address provided in the report, if available.

5) The director shall initiate a violation of dignity procedure even without a report if they become aware of a violation in some other way. In this case, an official record of the detected violation shall be treated as a formal report.

6) If the reported violation shows elements of a criminal offence that is prosecuted *ex officio*, and the report is filed within the time limits laid down by law, the director shall report the conduct to the police as soon as they receive the report. After reporting the matter to the police, the report shall continue to be handled in accordance with these rules.

7) Before accepting a report for consideration, the director shall check whether it is complete.

Article 15

(Procedure)

1) Within five working days of receiving a complete report, the director shall issue a decision appointing the committee referred to in Article 9 hereof.

2) The director shall immediately inform the person whose dignity has allegedly been violated, their authorized representative, if applicable, any third party that reported the violation, and the alleged perpetrator of the committee having been appointed, also notifying the perpetrator that they may submit a written response to the alleged violation within ten working days of receiving the notification.

Article 16

(Establishing facts and circumstances)

1) The committee shall establish the facts and circumstances of a specific case based on the documentation collected and personal interviews.

2) Where required to establish the circumstances of a specific case, the committee may request that the person whose dignity has allegedly been violated, the alleged perpetrator, and the head of their organizational unit submit, within five working days of receiving the request, additional material relating to the employment, work, or other activity of the party to the proceedings or to the clarification of the circumstances of the incident in question and its consequences. If the requested person fails to submit the material within the time limit set and does not justify the delay, the committee may make its decision without the material requested.

3) The committee may invite the parties to the proceedings and other persons for separate personal interviews. Any party has the right to request an interview with the committee. A record of the interview shall be kept and signed by the invited party and the committee's chair.

4) The person whose dignity has been violated may only be confronted with the alleged perpetrator and other persons with their explicit consent.

5) In the invitation to a personal interview, the person invited shall be informed that, unless they justify their absence, the proceedings in the case shall be conducted without their presence. At least five working days must pass between the delivery of the invitation and the interview.

6) If a duly invited person fails to appear for a personal interview and does not justify their absence, the committee may reach a decision without conducting a personal interview.

Article 17

(Committee's findings)

1) The committee shall inform the director in writing of its findings as soon as possible, but no later than two months after its appointment. Based on justified circumstances, the director may issue a decision extending this deadline.

2) If the committee determines that there are circumstances indicating that there has been no violation of dignity, the director shall issue a reasoned decision to terminate the procedure. The decision shall be sent to the parties or their authorized representatives within three working days.

3) If the committee determines that there are circumstances indicating that there has been a violation of dignity, it shall submit a proposal for measures to be taken against the perpetrator to the director. The committee shall provide reasons for its opinion.

4) In proposing measures against the perpetrator, the committee shall consider all the circumstances of the violation, in particular:

- Whether the violation of dignity was intentional or due to negligence;
- The circumstances in which it occurred;
- Whether it involved a single incident or repeated behavior or conduct;
- The extent to which the perpetrator has acknowledged the inappropriateness of their behavior or conduct;
- Whether the perpetrator is aware of the gravity of the violation and regrets their behavior or conduct;
- The impact of the violation on the person affected;
- The nature and gravity of the violation of dignity.

Article 18

(Action to be taken in the event of a confirmed violation of dignity)

1) If the committee's findings confirm a violation of dignity in a specific case, the director shall issue a decision adopting one or more measures referred to in the second and third paragraphs of this article. The director is not bound by the measures proposed by the committee but must explain in their decision why the measures adopted deviate from those proposed.

2) If the perpetrator is a ZRC SAZU employee, the director shall order them to stop the violation immediately and, in accordance with labor law, imposes one or more of the following measures:

- Issues a reprimand;
- Modifies the manner in which the perpetrator performs their work obligations, if feasible;
- Refers the perpetrator for training to raise their awareness of violence, sexual and other harassment, and bullying;
- Refers the perpetrator to therapeutic and/or other psychosocial support;
- Initiates the procedure for issuing a written warning before regular termination of employment in accordance with the employment relationships law;
- Initiates the procedure for regular termination of employment due to misconduct in accordance with the employment relationships law;
- Initiate the procedure for extraordinary termination of employment in accordance with the employment relationships law.

3) The measures under the first, fifth, sixth, or seventh indents of this paragraph may not be imposed simultaneously.

4) If the perpetrator is a person referred to in the second paragraph of Article 3 hereof, the director shall order them to stop the violation immediately. If possible, the director may unilaterally terminate the contract that forms the basis for the perpetrator's performance of work at ZRC SAZU.

5) The director shall immediately inform in writing the perpetrator, the person whose dignity has been violated or their authorized representative, the head of the organizational unit where the violation was committed, and the head of the organizational unit where the alleged perpetrator is employed, works, or is otherwise involved in the ZRC SAZU activities of the measures taken and the conclusion of the procedure.

5) The director's decision referred to in the first paragraph of this article is final.

6) The measures under Article 18 hereof shall be enforced within thirty days of their imposition.

Article 19

(Reports involving the director)

If the victim of a violation of dignity is the director or if a report of a violation of dignity is made against the director, the procedure shall be conducted by the deputy director, who carries out all the actions that would otherwise be performed by the director for this purpose.

V. FALSE REPORT OF VIOLATIONS OF DIGNITY AND FALSE TESTIMONY

Article 20

(False report and false testimony)

- 1) A false report of a violation of dignity is a report based on false claims or made with the intent to harm the person against whom it is filed. If it is established that the person filing the report was reasonably mistaken in defining the actions constituting a violation of dignity, this does not constitute a false report.
- 2) False testimony refers to intentional submission of false statements that form the basis for the committee's decision.
- 3) The provisions of these rules shall apply, *mutatis mutandis*, to proceedings against a person that makes a false report of a violation of dignity or gives false testimony during the investigation process.

VI. STATUTE OF LIMITATIONS

Article 21

(Statute of limitations)

The initiation of proceedings based on a report received under Article 14 hereof is subject to a statute of limitations of two years after the event constituting a violation of dignity. The same time limit shall also apply to cases in which the director becomes aware of a violation without a formal report. If the violation consists of several interrelated incidents, the statute of limitations is two years from the last event.

VII. SERVICE OF DOCUMENTS

Article 22

(Service of documents)

- 1) Documents summoning and informing the parties of the status of proceedings hereunder, as well as all notices and summonses requesting action by the parties that are time-barred or which the rights of the parties depend on, shall be served by e-mail to the employee's business e-mail address or, where appropriate, by applying the provisions of the General Administrative Procedure Act.

2) If a party to the proceedings is not a ZRC SAZU employee, the documents referred to in the first paragraph of this article shall be served in accordance with the provisions of the General Administrative Procedure Act.

VIII. MONITORING AND EVALUATION OF THE RULES

Article 23

1) The EIEO Committee shall produce an annual report on the adequacy of the provisions and the activities arising from the implementation of these rules.

2) The report referred to in the preceding paragraph forms the basis for amendments and additions to these rules to make them more effective.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 24

1) Ongoing proceedings relating to violations of dignity that have not been concluded before these rules enter into force shall be completed in accordance with Rules on Measures to Protect Workers from Workplace Harassment at ZRC SAZU no. 48-1-2013 of June 30th, 2013.

Article 25

When these rules enter into force, Rules on Measures to Protect Workers from Workplace Harassment at ZRC SAZU no. 48-1-2013 of June 30th, 2013, shall cease to apply.

Article 26

1) These rules shall be posted on the ZRC SAZU intranet and website.

1) These rules shall enter into force the day after they are posted on the ZRC SAZU website.

Janez Kranjc

Chair of the ZRC SAZU Board of Directors