



MINISTERUL CERCETĂRII, INOVĂRII ȘI DIGITALIZĂRII
INSTITUTUL NAȚIONAL DE CERCETARE - DEZVOLTARE
ÎN SILVICULTURĂ "MARIN DRĂCEA"

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SYSTEM PROCEDURE

Regarding the prevention and combat of harassment based on gender, as well as moral harassment in the workplace

Code: PS-12

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1. GENERAL PROVISIONS

1.1. The procedure regarding the prevention and combat of harassment based on gender, as well as moral harassment in the workplace within INCDS, is developed based on Government Decision no. 970/2023 for the approval of the Methodology regarding the prevention and combat of harassment based on sex, as well as moral harassment in the workplace.

1.2. By adopting and implementing the provisions of this procedure, INCDS commits to ensuring a safe environment for all employees, without discrimination based on race, nationality, ethnicity, language, religion, social category, beliefs, gender, sexual orientation, age, disability, chronic non-contagious disease, HIV infection, belonging to a disadvantaged group or any other criteria intended to or resulting in the restriction or removal of recognition, use or exertion, under equal conditions, of human rights and fundamental freedoms, or rights recognized by law, in the political, economic, social, and cultural fields, or in any other areas of public life.

1.3. Ensuring equal opportunities and treatment between women and men is fundamental, and any form of power dynamics between men and women is strictly prohibited, being considered a violation of human dignity and the creation of an intimidating, hostile, degrading, humiliating, or offensive environment.

1.4. INCDS will apply a zero-tolerance policy for gender-based harassment and moral harassment in the workplace, will treat all incidents with seriousness and promptitude, and will investigate all allegations of harassment.

1.5. Within INCDS, any person who has been proven to have harassed another person will be sanctioned in accordance with legal provisions.

1.6. The application of any disciplinary sanction will be done in accordance with the provisions of Emergency Ordinance no. 57/2019 regarding the Administrative Code, with subsequent amendments and additions, as well as Law no. 53/2003 – the Labor Code, republished, with subsequent amendments and additions.

1.7. At INCDS, the management will ensure a safe environment for all employees, in which all complaints of gender-based harassment and moral harassment in the workplace will be treated with seriousness, promptitude, and confidentiality, and all protective measures for the victim will be taken.

1.8. Throughout the investigation process of complaints, all involved persons will be listened to and treated with respect and consideration, ensuring the protection of identity data to protect employees.

1.9. Harassment and sexual harassment, which manifest not only in the workplace, but also regarding access to work, training, and professional promotion, are contrary to the principle of equal treatment between men and women and constitute discrimination based on gender.

1.10. Head of INCDS departments and those responsible for professional training must take measures against all forms of gender-based discrimination and take preventive measures against harassment and sexual harassment in the workplace and regarding access to work, training, and professional promotion, in accordance with national law and national practices.

2. PURPOSE

2.1. The purpose of the procedure is to provide INCDS employees with the necessary tools to fully exert their individual rights and freedoms in the workplace.

2.2. The main objective of the procedure is to ensure an optimal work environment, based on equal respect for human dignity, ensuring that all employees, regardless of gender, have the necessary conditions for a climate in which trust, empathy, understanding, professionalism, and dedication to satisfying the general interest prevail.

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3. FIELD OF APPLICATION

3.1. The provisions of the procedure apply to all INCDS employees, as well as to individuals with whom they interact during working hours.

3.2. Harassment can occur both between individuals of different genders and between individuals of the same gender. In situations where actions occur that violate legal, ethical, and professional conduct in the workplace and are unwelcome or poorly received by the recipient, the measures outlined in the procedure will be implemented.

3.3. Harassment is a manifestation of power dynamics and can occur in situations of unequal relationships in the workplace, for example, between INCDS management and employees, but not exclusively. Power dynamics can take multiple forms and may manifest subtly and unpredictably (employees in subordinate positions are not always just victims).

3.4. Any type of harassment is prohibited, both in the workplace and outside of it, when it involves participation in various events, business trips, training sessions or conferences, remote work, online meetings, or harassment outside of working hours but related to the workplace, including in relation to the beneficiaries of the institution.

4. REFERENCE DOCUMENTS

4.1. European Legal Framework:

(1) Directive 2000/78/EC of the Council of November 27, 2000 establishing a general framework for equal treatment in employment and occupation, stipulates that harassment will be considered a form of discrimination when it involves unwanted behaviour aimed at or resulting in the violation of a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment.

(2) Directive 2006/54/CE of the European Parliament and the Council of July 5, 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

4.2. National Legislation:

1.	Emergency Government Ordinance no. 137/2000	on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions;
2.	Law no. 202/2002	on gender equality in the labour market, republished, with subsequent amendments and additions;
3.	Law no. 53/2003	The Labour Code, republished, with subsequent amendments and additions;
4.	Law no. 286/2009	The Penal Code, with subsequent amendments and additions;
5.	Emergency Government Ordinance no. 57/2019	on the Administrative Code, with subsequent amendments and additions;
6.	Government decision no.	for the approval of the Methodological Norms for the implementation of Law no. 202/2002 on gender equality in the labour market.

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Internal regulations:

- Organizational and Operational Regulations of INCDS;
- Internal Regulations of INCDS;
- Procedures and internal norms approved at the INCDS level;

5. DEFINITIONS AND ABBREVIATIONS

5.1 Definition of harassment:

Harassment is an unwanted behaviour, including of a sexual nature, which makes a person feel offended, humiliated, or intimidated. This includes situations where a person is requested to engage in sexual activities as a condition of employment, as well as situations that create a hostile, intimidating, or humiliating environment. Harassment involves multiple incidents and/or actions of a repetitive nature, which may be physical, verbal, or non-verbal harassment.

5.2. Examples of harassment:

Examples of behaviour or actions that constitute harassment in the workplace include, but are not limited to:

- (1) Physical behaviour – unwanted, repeated physical contact (inappropriate touching), physical violence (including sexual assault), using threats or rewards related to employment to solicit sexual favours.
- (2) Verbal behaviour – comments about an employee’s appearance, age, private life, sexual comments, sexual stories and jokes, sexual advances, repeated and unwanted social invitations for meetings or physical intimacy, insults related to the employee’s gender or other characteristics, excessively familiar remarks, sending humiliating, degrading, or sexually explicit messages via phone, email, or any other means of communication, if done systematically/repeatedly and if they lead to or are likely to cause physical, psychological, or sexual harm.
- (3) Non-verbal behaviour – displaying suggestive or explicit sexual materials; sexual gestures, catcalling, persistent staring, if done systematically/repeatedly.
- (4) Moral harassment in the workplace, as defined by Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions.

„Any behaviour exercised towards an employee by another employee who is their hierarchical superior, by a subordinate, and/or by an employee comparable in hierarchical terms, in relation to labour relations, that aims or results in a deterioration of working conditions by violating the employee’s rights or dignity, affecting their physical or mental health, or compromising their professional future, expressed in any of the following forms:

- a) hostile or unwanted behaviour;
- b) verbal comments;
- c) actions or gestures.

Any behaviour that, by its systemic nature, can harm the dignity, physical or mental integrity of an employee or a group of employees, putting their work at risk or degrading the working environment. Under the meaning of this law, stress and physical exhaustion fall under the scope of moral harassment in the workplace.

- (5) Harassment, under the meaning of Law no. 202/2002 on gender equality in opportunities and treatment

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between women and men, with subsequent amendments and additions.

"Harassment is understood as a situation in which unwanted behaviour related to a person's gender occurs, with the purpose or effect of violating the dignity of the person concerned and creating an environment of intimidation, hostility, degradation, humiliation, or insult;

Sexual harassment is understood as a situation in which unwanted behaviour with a sexual connotation occurs, expressed physically, verbally, or non-verbally, with the purpose or effect of violating the dignity of a person and creating an environment of intimidation, hostility, degradation, humiliation, or insult;

Psychological harassment is understood as any inappropriate behaviour that occurs over a period of time, is repetitive or systematic, and involves physical behaviour, oral or written language, gestures, or other intentional acts that could affect a person's personality, dignity, or physical or psychological integrity."

(6) Other examples:

- Displaying or disseminating offensive or indecent material;
- Insinuations, insults, or obscene remarks, or sexist/racist/homophobic comments made systematically/repeatedly;
- Using offensive language to describe a person with a disability or mocking a person with a disability;
- Comments about a person's physical appearance or character that may cause embarrassment or distress;
- Unwanted attention, such as spying, stalking, harassment, overly familiar behaviour, or unwanted verbal or physical attention;
- Making or sending repeated: phone calls, text messages, emails, social media messages, faxes, or unsolicited letters with sexual, hostile connotations or that invade a person's privacy;
- Unjustified, inappropriate, or persistent questions about a person's age, marital status, personal life, interests, or sexual orientation, or similar questions about a person's racial or ethnic origin, including their culture or religion;
- Unwanted sexual advances, repeated requests for meetings, or threats;
- Suggestions that sexual favours could lead to professional promotion, or that if they are not granted, the person's career will suffer.

5.3. Examples of behaviours that are legitimate in the relationship with the employee, as prerogatives of the employer, and do not constitute harassment:

- directly supervising employees, including setting performance expectations and providing feedback on job performance;
- taking measures to correct performance deficiencies, such as placing an employee on a performance improvement plan;
- taking reasonable disciplinary actions;
- giving directives related to tasks, including how and when the work should be done;
- requesting updates or reports;
- approving or denying requests for time off.

5.4. Abbreviations

- INCDS – Institutul Național de Cercetare-Dezvoltare în Silvicultură „MARIN DRACEA” and its subunits;
- SP – system procedure;
- OP – operational procedure;
- F – form;

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- GD - General Director;
- SD - Scientific Director.

6. THE PROCEDURE OF COMPLAINT/REFERRAL AND RESOLUTION

6.1. Informal procedure

(1) Employees who are subjected to harassment should, if possible, inform the alleged harasser that they perceive the behaviour as unwanted and distressing.

(2) Harassment situations may arise in unequal relationships, such as between a person in a managerial position and an employee in an execution role. Additionally, there may be situations where it is not possible for the victim to inform the alleged harasser that they perceive the behaviour as unwanted and distressing, for example, if the alleged harasser is the person designated to manage harassment cases or the victim's superior.

(3) If a victim cannot directly approach an alleged harasser, they should address the alleged harasser's hierarchical superior about the unwanted and distressing behaviour. They should also communicate with another leadership representative of the organization or with a union representative. In this context, the aforementioned persons will ensure that the victim is properly informed, so that the informal resolution of the issue does not exclude the possibility that the victim may want a formal resolution if the harassment continues.

6.2. Formal procedure

(1) When the responsible person/Harassment Complaint and Resolution Committee receives a harassment complaining/report, they must:

1. register the complaint/report and relevant information in the register;
2. ensure that the victim understands the procedures for resolving the complaint/report;
3. keep a confidential record of all discussions;
4. respect the victim's choice;

5. ensure that the victim is aware they can file a report with other institutions that have competencies in the field of harassment.

(2) Throughout the procedure of resolving the complaint/report, the victim has the right to receive support from a counsellor within the organization.

(3) The victim may be assisted by a union representative during the procedure of resolving the complaint/report.

(4) The Committee ensures that the victim is informed about the possibility of requesting legal or psychological counselling.

(5) A table with the responsible persons, i.e., the Committee members and their positions, will be displayed within the institution and disseminated to all employees, following the model below:

Nr.	Name and surname	Position	Structure/Department	E-mail	Phone
1.		President	Management Staff		
2.		Member	Legal		
3.		Member	Union/Employee representative		
4.		Secretary	Human Resources		

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(6) The head of INCDS is responsible for implementing the procedure but cannot be part of the Committee, except in cases where their presence is mandatory (for example, the hierarchical superior of the alleged harasser).

(7) The designation of another responsible person can only be made through an administrative act by the head of INCDS.

STEP 1 – Filling the complaint/report

1. The complaint/report can be submitted by the affected person in writing (either handwritten or electronic, but must be signed by the victim, ensuring the protection of identity data to guarantee their protection) or verbally (a discussion with the responsible persons, after which a written report will be drafted).

2. The complaint/report must be submitted in person to the responsible person/Harassment Complaint and Resolution Committee or to the dedicated email address: sesizari.hartuire@icas.ro. If the complaint/report is received at the Secretary of the General Director or the-mail address icas@icas.ro, it will be promptly redirected to the dedicated email address.

STEP 2 – Case report

1. The designated person/The Committee that received the complaint/report will begin preparing a case report that will include:

1.1. Information from the complaint. All relevant information provided in the complaint will be immediately recorded: dates, times, and details of the incident(s).

1.2. Information resulting from the guidance and counselling process for the victim. The responsible person/Committee must:

- a) communicate to the victim the available options for resolution, analyse their requests, clarify the victim’s views regarding the desired outcome, and record the decision made;
- b) guide the victim to psychological and legal counselling, and record the proposed and agreed-upon measure;
- c) ensure that a confidential record of the investigation’s progress is maintained.

1.3. Information resulting from the hearing and counselling process of the person alleged to have committed acts of harassment. The responsible person/Committee must:

- a) allow the alleged harasser to respond to the complaint by notifying them within 24 hours of receiving the report;
- b) ensure that the alleged harasser understands the complaint mechanism;
- c) inform the alleged harasser about the institution’s policy on harassment, sexual harassment, and national legislation in this area;
- d) inform the alleged harasser about possible sanctions;
- e) facilitate discussions between the parties, if applicable, and only with the prior consent of the victim;
- f) ensure that a confidential record of the investigation’s progress is maintained.

2. The case report will be completed within a maximum of 7 working days from the submission of the complaint/report. The responsible person/committee will propose to the head of INCDS, if applicable, protective measures for the victim, in compliance with legal provisions.

STEP 3 - Investigation

1. The case report is forwarded, depending on the measures taken, to the human resources department/institution’s management/equality expert/ethics counsellor.

2. The responsible person/Committee must:

- a) interview the victim and the accused separately;

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- b) interview other relevant third parties separately;
- c) prepare an investigation report that includes the complaint, investigations, findings, and the measures taken;
- d) if the facts have occurred, propose ways to resolve the complaint, considering the appropriate solution for the victim, in consultation with the victim;
- e) if unable to determine whether the facts occurred or not, make recommendations to ensure that the work environment is not affected, such as: information, awareness, and support groups;
- f) keep a record of all actions taken;
- g) ensure the confidentiality of all records related to the investigated case;
- h) ensure that the complaint/report resolution process is completed no later than 45 working days from the date the complaint/report was made.

6.3. Resolution of the complaint/report

(1) The resolution of the complaint/report represents the final stage of the procedure, during which the responsible person/committee prepares a final report detailing the investigations, findings, and proposed measures, as appropriate, and submits it to the INCDS management.

6.4. External complaint/report

(1) An employee who has been subjected to harassment may also file a complaint with other institutions that have authority in the field of harassment.

These complaints can be filed according to the provisions of Law no. 202/2002, republished, with subsequent amendments and additions, with:

- the Territorial Labour Inspectorate;
- the National Council for Combating Discrimination;
- the courts;
- criminal investigation bodies if the harassment is so severe that it falls under the forms provided by the Criminal Code.

7. RESPONSABILITIES

7.1. INCDS will have the following responsibilities, which will be applied through the institution's specialized structures:

- a) ensure that the provisions of the procedure are communicated to employees;
- b) ensure the involvement of all employees in eliminating situations of harassment based on gender and workplace moral harassment by creating a pragmatic approach in managing these types of situations;
- c) ensure the creation of all necessary mechanisms so that all instances of inappropriate behaviour are reported and resolved, not relying solely on formal or informal complaints submitted by employees;
- d) ensure that incidents where harassment is alleged are investigated with the utmost seriousness and reported in accordance with current legal standards;
- e) the head of the institution/employer designates, through an administrative act, a responsible person/establishes a committee to receive and resolve complaints/reports, hereinafter referred to as the committee;
- f) ensure that employees are aware they will be heard regarding the situations they report, that they face no constraints of any kind to communicate the facts, and that the situations presented are confidential and thoroughly analysed;
- g) ensure the establishment of a register for reporting cases where complaints/reports will be recorded; the register will contain the registration number, the phase of harassment, and the identified solutions;
- h) initiate all necessary actions to ensure that all employees found guilty of confirmed harassment cases are sanctioned in accordance with legal provisions and ensure all protective measures for the victim.

7.2. Responsible person/Committee for Receiving and Resolving Harassment cases

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- (1) The responsible person/Committee for Receiving and Resolving Harassment cases will be appointed by an administrative act of the head of INCDS.
- (2) At the time of appointing the responsible person or, as the case may be, the members of the Committee for Receiving and Resolving Harassment cases, the responsible person/members of the committee will sign a confidentiality agreement (Annex no. 2), under the penalties provided by Article 26 (2) and Article 39 (2) (f) of Law no. 53/2003 – the Labour Code, republished, with subsequent amendments and additions, correlated with the provisions of Article 227 (1) of Law no. 286/2009 regarding the Penal Code, with subsequent amendments and additions.
- (3) When appointing the Committee for Receiving and Resolving Harassment cases, the following will be considered:
 1. gender balance – equal representation of women/men, depending on the specific area of activity;
 2. ethical and professional conduct of the persons designated to be part of the committee investigating the harassment case;
 3. persons directly or indirectly involved in the reported incidents and the head of the unit cannot be part of the investigation committee;
 4. if necessary, the union/employee representative will be part of the committee;
 5. the need to include individuals with expertise in the field, such as an equal opportunities expert/technician;
 6. the possibility of including an external expert in the team.
- (4) The Committee for Receiving and Resolving Harassment cases based on gender and moral harassment at the workplace, hereinafter referred to as the committee, will consist of at least three main members and one alternate member. Additionally, the committee will have a secretary with the following responsibilities:
 1. receiving and registering complaints/reports in the committee’s special register;
 2. convening the commission;
 3. drafting the minutes of the committee’s meetings;
 4. keeping the documents created/managed, both in electronic format and on paper.
- (5) The responsible person/Committee for Receiving and Resolving Harassment cases has the following duties:
 1. ensuring that all employees are informed about the policies and legislation in force;
 2. providing support and counselling for employees affected by a harassment incident, with the situations presented being confidential and analysed with the necessary;
 3. resolving complaints submitted by employees regarding inappropriate behaviour, whether these complaints are formal or informal;
 4. reporting to the head of INCDS all harassment-related situations that are brought to their attention;
 5. cooperating with employees in all situations where they are required to provide relevant information to resolve a harassment case;
 6. managing the processes for resolving complaints and/or disciplinary actions, together with the INCDS management.

8. SANCTIONS

8.1. Any person who, after the completion of the complaint/report procedure, has been found guilty of harassment, may be subject to the sanctions provided by:

- Law no. 53/2003 – the Labor Code, republished, with subsequent amendments and additions;
- Law no. 286/2009 – the Penal Code, with subsequent amendments and additions;
- Government Emergency Ordinance no. 57/2019 – the Administrative Code, with subsequent amendments and additions;

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- Government Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions.

8.2. The nature of the sanctions will depend on the severity and scale of the harassment acts. Proportional sanctions will be applied to ensure that harassment incidents are not treated as normal/tolerable behaviour.

8.3. The sanctions applicable to the employer/manager are found in Government Ordinance no. 137/2000 regarding the prevention and sanctioning of all forms of discrimination, republished, with subsequent amendments and additions, as well as in Law no. 202/2002 regarding equal opportunities and treatment between women and men, republished, with subsequent amendments and additions, and will be applied proportionally to the severity of the acts.

9. MONITORING AND EVALUATION

9.1. INCDS understands the importance of monitoring the Procedure for the prevention and combat of harassment based on gender and moral harassment in the workplace, and will ensure its implementation.

9.2. Heads of subunits/departments, as well as those responsible for managing harassment cases, will monitor and report to the INCDS leadership on the compliance with the provisions of this procedure, by the end of the first quarter of each year, for the previous year, including the number of incidents recorded and how they were resolved, as well as the recommendations made.

10. ANNEX FORMS

- Decision of the Commission for Receiving and Resolving Cases of Gender-Based and Moral Harassment in the Workplace F-01/PS-12;
- Confidentiality Agreement F-02/PS-12.