

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

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OPERATIONAL PROCEDURE

Procedure regarding non-discrimination, equality of opportunities, and treatment between women and men

Cod: PO - BORU 04

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I.N.C.D.S. "Marin Drăcea"

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CHANGE RECORD FORM

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1. PURPOSE

The Procedure regarding non-discrimination, equality of opportunities, and treatment between women and men aims to provide information and tools regarding the recognition that men and women have equal rights, responsibilities, and employment opportunities within INCDS "Marin Drăcea" and its subunits, in compliance with Art. 23*2 para. (1) of Law no. 202/2002 on equality of opportunities and treatment between women and men, republished, with subsequent amendments and additions.

The personnel policy is an integral part of the development of INCDS "Marin Drăcea," aiming to manage and optimize an important resource, namely human resources..

The objective of the procedure is to ensure gender equality and equal opportunities, which involves an equal level of visibility, affirmation, autonomy, responsibility, and participation for both genders in all areas of professional activity within INCDS "Marin Drăcea."

2. FIELD OF APPLICATION

Equality of opportunities and treatment recognizes that men and women must have equal rights, responsibilities, and employment opportunities. It is based on the full and effective participation of each employee in the activities carried out within INCDS "Marin Drăcea," without distinction based on gender, racial or ethnic origin, religion, disability, age, or sexual orientation. Equality of opportunities and treatment is a fundamental right and a core value of the European Union, which is deeply respected and encouraged among the employees of the Institute. Gender equality, non-discrimination, and ensuring accessibility are conditions necessary for smart, sustainable, and inclusive growth. All employees of INCDS "Marin Drăcea" and its subunits are obligated to respect the principle of non-discrimination and gender equality and opportunities.

3. REFERENCE DOCUMENTS

The main strategic documents in the field of equality of opportunities and treatment at the European level are:

- The Europe 2020 strategy for Smart, Sustainable, and Inclusive Growth (EU 2020 Strategy);
- The Framework Strategy Non-discrimination and Equal Opportunities for All;
- The Strategy for Gender Equality 2010- 2015;
- The European Strategy 2010-2020 for People with Disabilities: A Renewed Commitment to a Barrier-Free Europe (COM/2010/0636 final).

Relevant national legislation in the field of gender equality and opportunities:

- Law no. 202/2002 on Equality of Opportunities and Treatment between Women and Men;
- Law no. 448/2006 on the Protection and Promotion of the Rights of People with Disabilities;
- Government Ordinance no.137/2000 on the Prevention and Sanctioning of All Forms of Discrimination, published in the Official Gazette no. 431/2000;
- The Labor Code Law 53/2003 the principle of equal treatment in labour relations;
- National Strategy "A Society Without Barriers for People with Disabilities," 2016-2020;
- National Strategy for Promoting Active Aging and Protecting the Elderly, 2015-2020.

4. DEFINITIONS AND CONCEPTUAL DELIMITATIONS

In the context of this procedure, the expressions and terms below have the following meanings:

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- EQUALITY OF TREATMENT refers to the context in which there is no direct or indirect discrimination based on gender, including no less favourable treatment of women regarding pregnancy and maternity. EQUALITY OF TREATMENT means the absence of any form of discrimination. Acts of discrimination may come from the employer, from the employer's management, or from other employees. EQUALITY OF TREATMENT, within employment relationships, operates under the principle of equal treatment for all employees and employers. (Labor Code; art. 5);
- GENDER EQUALITY refers to the fact that women and men have the same roles, resources, needs, and interests, participate equally in decision-making, and the values attributed to "women's work" and "men's work" are the same, without "gender differences." This implies visibility, autonomy, responsibility, and equal participation of both genders in all spheres of professional life within INCDS;
- GENDER PAY GAP refers to the difference in average gross hourly earnings between female and male employee;
- EQUAL OPPORTUNITIES refers to the absence of explicit or implicit barriers to professional or social participation based on gender: "Such barriers are often indirect, difficult to distinguish, caused and maintained by structural phenomena and social representations that have proven particularly resistant to change" (EIGE).

5. DESCRIPTION OF PROCEDURAL PRINCIPLES

- **5.1. the principle of legality,** according to which the provisions of the Constitution and national legislation in the field, as well as the provisions of international agreements and other legal documents to which Romania is a party, are respected.
- **5.2.** the principle of respect for human dignity, according to which every person is guaranteed the free and full development of their personality and professional qualifications.
- **5.3. the principle of transparency,** according to which the elaboration, execution, implementation, and evaluation of activities, policies, and programs within INCDS are made known to employees, collaborators, and beneficiaries.
- **5.4. the principles of professional development** that underlie the organization and development of the employee's career are:
 - **open competition**, ensuring free access for any person who meets the legal requirements to participate in a contest or exam for filling a position;
 - **transparency**, by making available to all interested parties information regarding the conduct of the contest or exam for filling a vacant/temporary vacant position;
 - **professional merit**, by valuing the merits acquired in the career development process in the already occupied position;
 - **competence**, by demonstrating the ability to fulfill specific duties of the position according to the job description;
 - equal access to positions, through the non-discriminatory application of objective and clearly defined selection criteria, ensuring that any candidate has equal chances to occupy the position.

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6. COMPLIANCE WITH THE NATIONAL LEGAL FRAMEWORK

Law no. 202/2002, republished, on equal opportunities and treatment between women and represents the normative act that defines equal opportunities and treatment between women and men " (...) taking into consideration the different capacities, needs, and aspirations of men and women and ensuring their equal treatment, aiming at the elimination of all forms of discrimination based on gender" (Art. 1, para. 2).

According to the above-mentioned normative act, equality of opportunities and treatment between women and men in labour relations means non-discriminatory access to:

- · the free choice or exercise of a profession or activity;
- · employment in all vacant positions or job opportunities at all professional hierarchical levels;
- · equal pay for equal work of equal value;
- · professional information and counselling, qualification, improvement, specialization, and retraining programs;
 - · promotion at any hierarchical and professional level;
 - · working conditions that comply with health and safety regulations according to the current legislation;
 - · non-salary-related matters within public and private social security systems;
 - · social benefits and services provided in accordance with the current legislation.

Law 202/2002 regulates equality of opportunities between women and men, with general applicability for all persons, both in the public and private sectors. It mandates that employers introduce provisions in their internal organizational regulations prohibiting gender-based discrimination. Employees also have the permanent right to information about their rights, which should be displayed in visible places, as follows:

- a) direct discrimination is defined as a situation where a person is treated less favourably based on gender than another person in a comparable situation;
- b) indirect discrimination is defined as a situation where a provision, criterion, or practice that appears neutral would particularly disadvantage persons of one gender compared to those of the other gender, unless the provision, criterion, or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Additionally, Law 202/2002 contains provisions regarding maternity protection, harassment, and sexual harassment as follows:

- a) the special measures provided by law for the protection of maternity, childbirth, and breastfeeding are not considered discrimination. Positive actions for the protection of certain categories of men or women are allowed. Differences in treatment based on a gender characteristic are permitted when it constitutes a specific professional requirement determined by the nature of specific professional activities.
- b) harassment is understood as unwanted behaviour related to the person's gender, which has the object or effect of violating the dignity of the person and creating an intimidating, hostile, degrading, humiliating, or offensive environment;
- c) sexual harassment is understood as unwanted behaviour with a sexual connotation, expressed physically, verbally, or non-verbally, which has the object or effect of violating the dignity of a person, particularly creating an intimidating, hostile, degrading, humiliating, or offensive environment;
- d^1) 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 the personality, dignity, or physical or psychological integrity of a

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person;

- d^2) "Sex" refers to the set of biological and physiological traits that define women and men;
- d³) "Gender" refers to the set of roles, behaviours, characteristics, and activities that society considers appropriate for women and men;
- e) positive actions are defined as special actions taken temporarily to accelerate the realization of equality of opportunities between women and men and are not considered discriminatory actions;
- f) equal value work is understood as remunerated activity that, when compared using the same indicators and units of measurement with another activity, reflects the use of similar or equal professional knowledge and skills and requires an equal or similar amount of intellectual and/or physical effort;
- g) discrimination based on sex is understood as direct and indirect discrimination, harassment, and sexual harassment of a person by another person in the workplace or any location where the person performs their work, as well as any less favourable treatment caused by the rejection of such behaviours by the person concerned or their submission to them;
- h) multiple discrimination is understood as any act of discrimination based on two or more discrimination criteria.

The Constitution of Romania provides in Article 41, para. (4): "For equal work, women shall receive equal pay as men."

Additionally, Law no. 53/2003 the Labor Code (republished) provides the following:

- Art. 5.1 "In labour relations, the principle of equality of treatment applies to all employees and employers."
- Art. 5.2 "Any direct or indirect discrimination against an employee, discrimination by association, harassment, or victimization based on race, nationality, ethnicity, colour, language, religion, social origin, genetic traits, gender, sexual orientation, age, disability, chronic non-contagious disease, HIV infection, political preference, family situation or responsibility, union membership or activity, or membership in a disadvantaged category, is prohibited."
- Art. 5.3 "Direct discrimination is any act or deed of distinction, exclusion, restriction, or preference based on one or more of the criteria listed in para. (2), which aims to or results in the denial, limitation, or removal of the recognition, use, or exercise of rights provided by labour legislation."
- Art. 5.4 "Indirect discrimination is any provision, action, criterion, or practice that appears neutral but results in disadvantaging one person compared to another based on one of the criteria listed in para. (2), unless the provision, action, criterion, or practice is objectively justified by a legitimate aim, and the means of achieving that aim are proportional, appropriate, and necessary."
- Art. 5.5 "Harassment is any behaviour based on one of the criteria listed in para. (2) that aims to or results in violating a person's dignity and creating an intimidating, hostile, degrading, humiliating, or offensive environment."
- Art. 5.6 "Discrimination by association is any act or deed of discrimination against a person who, although not belonging to a category identified according to the criteria listed in para. (2), is associated or presumed to be associated with one or more persons belonging to such a category."
- Art. 5.7 "Victimization is any adverse treatment in response to a complaint or legal action regarding the violation of the principle of equal treatment and non-discrimination."

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- Art. 5.8 "Any behaviour that involves instructing, either orally or in writing, a person to use a form of discrimination based on one of the criteria listed in para. (2) against one or more persons is considered discrimination."

- Art. 5.9 "Exclusion, distinction, restriction, or preference regarding a particular job does not constitute discrimination if, due to the specific nature of the activity or the conditions under which the activity is carried out, there are certain essential and determining professional requirements, provided the aim is legitimate and the requirements are proportional."
- Art. 6.1 "Any employee performing work shall benefit from adequate working conditions for the activity performed, social protection, health and safety at work, and respect for their dignity and conscience, without any discrimination."
- Art. 6.2 "All employees performing work have the right to collective bargaining, the right to personal data protection, and the right to protection against illegal dismissal."
- Art. 6.3 "For equal work or work of equal value, any discrimination based on gender regarding all elements and conditions of remuneration is prohibited."
- Art. 7 "Employees and employers may freely associate to defend their rights and promote their professional, economic, and social interests."
- Art. 8.1 "Labor relations are based on the principles of consensus and good faith."
- Art. 8.2 "For the proper conduct of labour relations, participants in labour relations will inform and consult each other, according to the law and collective labour agreements."
- Art. 9 "Romanian citizens are free to enter employment in the member states of the European Union, as well as in any other state, in compliance with international labour law and the bilateral treaties to which Romania is a party."
- Art. 159 para. (3) "When establishing and granting the salary, any discrimination based on sex, sexual orientation, genetic traits, age, nationality, race, colour, ethnicity, religion, political preference, social origin, disability, family situation or responsibility, union membership or activity is prohibited."
- Art. 162 para. (2) "The individual salary is established through individual negotiations between the employer and the employee"

Initiating the implementation of policies for equal opportunities and treatment between women and men leads to long-term benefits, improving the quality of the working climate for employees, as well as economic growth and more efficient functioning.

7. SPECIFIC INTERNAL REGULATIONS OF INCDS "Marin Drăcea"

7.1. Collective Labour Agreement

• Art. 36. (1) The employment of staff by INCDS, regardless of the position or level, is based on the principle of professional competence, without discrimination based on political affiliation, nationality, gender, religious beliefs, etc., through competition or examination, as appropriate, with a probationary period, in accordance with the law and Annexes no. 3a1, no. 3a2, to this Collective Labor Agreement (CCM). Employment of an individual will be made upon the presentation of a medical certificate, issued in accordance with the law, certifying that the person is fit for performing the specific work.

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The medical certificate is mandatory in the cases provided in Articles 27 and 28 of Law no. 53/2003,

• Art. 134. (1) When negotiating individual salaries, no discrimination based on political criteria, ethnicity, gender, sexual orientation, genetic characteristics, national affiliation, race, colour, social origin, disability, family situation or responsibilities, trade union affiliation or activity, political or religious beliefs, age, or financial status may be made.

7.2. Internal regulation

- Art. 1. (c). This internal regulation has been drawn up in compliance with the applicable legislation and includes the following categories of provisions: (...) rules regarding the respect of the principle of non-discrimination and the elimination of any form of violation of dignity (Chapter IV);
- Art. 2. (1). In the context of labour relations, the principle of equal treatment applies to all employees and employers. Any direct or indirect discrimination against an employee is prohibited;
- Art. 15. Direct or indirect discrimination of an employee based on factors such as race, nationality, ethnicity, social origin, disability, religion, social category or disadvantaged category, professional category or training, trade union affiliation or activity, political beliefs, political options, age, gender, or sexual orientation, in a labour and social protection relationship, is prohibited.
- (a) Direct discrimination consists of acts and actions of exclusion, distinction, restriction, or preference based on one or more of the mentioned criteria, aimed at or resulting in the denial, restriction, or removal of the recognition, use, or exercise of the rights provided by labour law.
- (b) Indirect discrimination consists of acts and actions seemingly based on criteria other than those mentioned, but which produce the effects of direct discrimination.
- Art. 17. It is prohibited to dismiss an employee who has submitted a complaint or grievance within the unit or who has filed a complaint with the competent courts regarding discrimination.
- Art. 18. Any employee working within the institute is entitled to the respect of their dignity and conscience, without any discrimination.
- Art. 52. For personnel engaged in research, development, and innovation activities, disciplinary offenses include (...) discrimination in evaluations based on age, ethnicity, gender, social origin, political or religious orientation, sexual orientation, or other types of discrimination, except for affirmative measures provided by law.

7.3. Recruitment, Selection, and Promotion Procedure for Staff

• The organization of recruitment within INCDS "Marin Drăcea" — The principles underlying the organization and development of the employee's career are (...) equal access to positions/posts, through the non-discriminatory application of objective and clearly defined selection criteria, ensuring that every candidate has equal chances for filling the position/post;

8. FIELDS OF APPLICATIONS AND EQUALITY MEASURES

FIELD	OF	BASIC MEASURES	OFFICER
APPLICATIO	ON	BASIC WEASONES	OFFICER

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Equality of Opportunities	- Appointment of a responsible person for the implementation of specific duties related to gender equality and treatment between women and men.	- General Director
and Treatment Policy between Women and Men	- Diagnosis — Conducting an initial analysis to identify the main problems for resolution and recognizing priority areas for action.	- Equality of Opportunities Officer
	- Development of an action plan for equality of opportunities and treatment between women and men.	- Equality of Opportunities Officer
Communication, Language, Image	- Internal communication of all aspects regarding equality of opportunities and treatment between women and men within INCDS.	Equality of Opportunities OfficerB.O.R.U.
	 Development of a language and image guide for internal and external communication that respects the principles of equality of opportunities and treatment between women and men. 	- Equality of Opportunities Officer
	- Existence of internal communication actions to inform employees about equality of opportunities and treatment between women and men.	Equality of Opportunities OfficerB.O.R.U.
	- Implementation of projects, training programs, actions, information campaigns, education, and awareness for employees, to ensure a common understanding of the internal policy regarding workplace harassment and knowledge of the reporting procedures for such situations.	- INCDS Management- Equality ofOpportunities Officer- B.O.R.U.
Balanced Representation	- Information about the percentage of women and men employed and the percentage of women and men in leadership positions.	- B.O.R.U.
of Women and Men	- Knowledge and information about the professional and personal potential of all employees.	- B.O.R.U.
	- Analysis of the percentage of women and men across categories and levels of remuneration.	- INCDS Management - B.O.R.U.
Remuneration and	- Analysis of the average annual remuneration for women and men.	- - B.O.R.U.
Recruitment	- Analysis regarding the percentage of women and men employed under various types of contracts and the percentage of women and men in relation to resignations and dismissals recorded.	– INCDS Management – B.O.R.U.
	- Appointment of a responsible person for identifying, preventing, and taking action in cases of sexual harassment.	- Director General
Sexual Harassment	- Training of responsible persons to identify and intervene in cases of discrimination and/or harassment.	-B.O.R.U.
	Raising awareness to avoid harassment and sexual behaviours from individuals in leadership positions or staff members	-Sexual Harassment Officer
	-Implementation of actions within INCDS aimed at preventing, avoiding, and eliminating sexual harassment	-Sexual Harassment Officer

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	-Informing employees about the procedure for filing a sexual -Sexual Harassment harassment/ inappropriate behaviour complaint at the workplace Officer
	and how to resolve complaints filed by individuals harmed by such acts.
	- Development of a confidential and secure system for submitting - INCDS Management complaints related to sexual harassment and gender-based - B.O.R.U.
	discrimination in the workplace, ensuring real access for victims to all administrative and judicial steps prescribed by law, and guiding them throughout these procedures. - Sexual Harassment Officer
Workplace Conditions	- Taking measures to create workplaces that respect equality of - B.O.R.U. opportunities and treatment between women and men (office organization, common spaces, toilets, etc.)
	- Identifying training and professional development needs in an - B.O.R.U. equitable manner.
	 Existence of many measures adopted to ensure the reconciliation of professional and private life (e.g., flexible working time and space, days off, other bonuses for parents)
Work-Life Balance	- Existence of continuous training services and career development to - B.O.R.U. achieve this goal.
	- Number of telework contracts registered within INCDS B.O.R.U.
	- Inclusion of actions for equitable retirement conditions for women - INCDS Management and men.