



Code of Good Conduct

For Preventing and Combating Harassment at Work

[Approved in March 2022]

This is an English version of the original document. In case of divergence, the Portuguese document prevails.



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Preamble

LIP is a national public utility association that participates and represents Portugal in several national and international scientific organisations and collaborations, with strong links to university teaching and public responsibilities in technological and scientific training and dissemination, whose high standards are required not only scientifically and professionally but also ethically.

Within the scope of its mission, LIP is committed to basing its human resources management policy on the respect for diversity, non-discrimination, integrity and dignity of the human person, ensuring, in particular, the right to working conditions that respect the individual dignity of each person.

All employees and members of LIP shall benefit from a working environment that promotes their professional and personal development and is free from moral and sexual harassment and possible retaliations.

Harassment deteriorates working relationships and is contrary to the principles and policies of LIP. Therefore, any practices of disrespect, harassment, or individual discrimination of its employees, members of executive bodies, researchers, engineers, technicians, administrative staff, students, and other members are neither tolerated nor admissible at LIP, as they are incompatible with the integrity and dignity of the person.

This Code of Conduct aims to prevent, combat and eliminate behaviours that may constitute harassment at work under the terms of Law no. 73/2017 of 16 August, providing a set of principles and rules that should guide all LIP members and third parties who interact with them, to ensure the safeguarding of the moral integrity of workers and other LIP members or people with whom they relate.

CHAPTER I: General Dispositions

Article 1 - Object

This Code of Conduct for the Prevention and Combating of Harassment at Work establishes a set of principles and injunctions that must be observed in the performance of the activities developed at LIP, constituting a self-regulating instrument and the expression of an active policy aimed at publicising, preventing, identifying, eliminating and punishing situations that may constitute harassment at work.

Article 2 - Scope of Application

1. The present Code applies to all workers and employees of LIP bodies, centres and services, grant holders, researchers, students, directors or holders of executive positions at LIP, as well as people who, for any reason and irrespective of the legal nature of their employment and the reasons or nature of their stay in LIP, provide functions or services at LIP, even if they have an employment relationship with a different employer.
2. This Code shall apply to all relations within the scope of LIP activities, whether they take place face-to-face or through information and communication technologies, within or outside regular working hours, at the usual residence of work or outside the same, including business trips, and during the entire period in which the people referred to in the preceding paragraph are associated with LIP.
3. For the application of the present Code, the expression *LIP members* covers all individuals referred to in paragraph 1.

Article 3 - General Principles

1. LIP assumes a policy of non-consent to the practice of harassment at work.
2. Harassment and intimidation are contrary to LIP policy and the promotion of decent working conditions.
3. The course of harassment inside and outside the workplace or regular working hours is forbidden for reasons related to the latter.
4. In the exercise of their activity, LIP and its members shall act in quest of the purposes and interests of LIP, respecting the principles of non-discrimination and preventing and combating harassment in the workplace.
5. LIP members may not adopt discriminatory behaviours towards others or third parties based, namely, on age, sex, sexual orientation, gender identity, disability, chronic illness or reduced working capacity, marital status, family situation, economic situation, origin or social

condition, family ancestry or descent, race or ethnic origin, nationality, language, religion, political or ideological beliefs, education and trade union membership.

6. The discriminatory behaviours referred to in the preceding number, both among LIP members and between them and third parties, shall be subject to disciplinary proceedings and communication to the competent institutions and entities.
7. The use of position, function, hierarchical ascendancy or any other privilege to manipulate others or to obtain favours and different types of harassment shall also be subject to a disciplinary procedure and communication to the competent institutions and entities.

Article 4 - Harassment

1. Harassment is the practice of unwanted behaviour based on a discriminatory factor committed with the purpose or effect of disturbing or constraining a person, affecting their dignity or creating an intimidating, hostile, degrading, humiliating or destabilising environment.
2. Harassment may be of a moral or sexual nature. It may occur on the occasion of access to employment, on the job itself, at work, in vocational training, or outside, provided there is a connection to it.
3. *Bullying* consists of verbal attacks with offensive or humiliating content, in verbal or non-verbal, physical or psychological form, namely repeated behaviour that promotes, contributes to or aims at:
 - (i) *the* social isolation of the LIP member;
 - (ii) the professional persecution of the LIP member;
 - (iii) the intimidation of the LIP member;
 - (iv) the personal humiliation of the LIP member.
4. Bullying may - or may not - originate from any discriminatory factor, namely on the grounds of age, sex, sexual orientation, gender identity, disability, chronic illness or reduced work capacity, marital status, family situation, economic situation, origin or social condition, family ancestry or descent, race or ethnic origin, nationality, language, religion, political or ideological beliefs, education and trade union membership.
5. *Harassment* is *sexual* when it is unwanted behaviour of a sexual nature or other conduct based on gender or with a sexual connotation, affecting the dignity of the targeted LIP member, and may include any other unwanted behaviour in verbal, non-verbal or physical form, on a repeated basis, and may take the following forms:
 - (i) Sexual insinuations;
 - (ii) Unwanted sexual attention;
 - (iii) Physical contact and sexual assault;
 - (iv) Grooming.

6. It does not constitute harassment the conduct or behaviours that correspond to the legitimate exercise, by the employer, of the authorities legally conferred to them - namely management, hierarchical and disciplinary powers.

Article 5 - Illicit Behaviour

1. The following behaviours, in themselves susceptible to constitute moral harassment, are expressly forbidden:
 - a) Make recurring threats of dismissal;
 - b) Systematically setting goals and objectives that are impossible to achieve or deadlines that are impossible to meet;
 - c) Systematically assigning strange functions or inappropriate duties to the respective professional category;
 - d) Not assigning any professional functions, violating the right to the effective occupation of the job;
 - e) Thoroughly withhold information necessary for the performance of the duties of other colleagues or subordinates or relating to the functioning of LIP, being the content of such information, however, made available to others;
 - f) Systematically asking for urgent work where such urgency is not necessary;
 - g) Transferring the worker from one sector or workplace to another with the explicit intention of isolating them;
 - h) Creating systematically objective situations of stress that cause the recipient of the conduct to lose control, namely systematic changes or transfers of the workplace.
 - i) Systematically devalue and disqualify the work of colleagues, subordinates or administrators;
 - j) Promote social isolation of colleagues, subordinates or administrators;
 - k) Ridiculing, directly or indirectly, a personal characteristic (physical or psychological) of colleagues, subordinates or administrators;
 - l) Systematically appropriating ideas, proposals, projects and works of colleagues, subordinates or administrators without identifying the author thereof;
 - m) Disregard, ignore or humiliate colleagues, subordinate workers or managers, forcing their isolation in front of other colleagues and hierarchical superiors;
 - n) Spreading rumours and malicious comments or repeated criticism about co-workers, subordinates or administrators;
 - o) Systematically giving confusing and imprecise work instructions;
 - p) Methodically criticise in public co-workers, subordinates, hierarchical superiors or administrators;

- q) Systematically insinuating that a worker, co-worker or administrator has mental or family problems;
 - r) Making frequent jokes with offensive content concerning sex, race, sexual or religious options, physical disabilities, health problems, etc., of other colleagues, subordinates or managers;
 - s) Constantly shouting or talking in an intimidating manner;
2. The following behaviours, in themselves susceptible to constitute the practice of sexual harassment, are expressly forbidden
- a) Systematically repeating suggestive remarks, jokes or comments about appearance or sexual condition;
 - b) Repeatedly sending unwanted cartoons, drawings, photographs or images with sexual content;
 - c) Making unwanted phone calls, sending letters, SMS or e-mails of a sexual nature;
 - d) Sending persistent invitations to participate in social or leisure programmes when the person concerned has made it clear that the invitation is unwanted;
 - e) Promote excessive intentional and unsolicited physical contact or provoke unnecessary physical approaches;
 - f) Presenting invitations and requests for sexual favours associated with the promise of obtaining employment or improving working conditions, job stability or professional career, and this relationship may be expressed and direct or merely insinuated;
 - g) Ask intrusive questions about private/sexual life;
 - h) Making explicit and unwanted proposals of a sexual nature;
 - i) Assault or attempted sexual assault.

Article 6 - Authors and Victims

Any LIP member or service provider, as well as any third party interacting with LIP members, may be a perpetrator or victim of harassment.

Article 7 - Obligations of LIP

The LIP obligations include the following:

- a) To promote a work environment that respects institutional values and is free from discrimination or harassment of any kind, and where diversity, integration, justice and equity are protected;
- b) Establish internal investigation and resolution procedures, according to a rigorous and structured approach, in response to situations of harassment/complaints of harassment at work;

- c) Ensure that the victim of harassment is adequately protected, especially from forms of retaliation or attempts at revenge;
- d) Ensure the transparency of procedures with the parties involved (complainant(s) and accused(s)) and the respect for the principles of equality of parties and adversarial proceedings;
- e) Restrict the use of technological systems whenever the corresponding practice is verified for discriminatory purposes;
- f) Keep a record of any incidents of harassment and their evidentiary and testimonial elements, ensuring their safekeeping;
- g) Comply with physical and digital information security procedures in the work environment to protect LIP and its members, suppliers, service providers and other third parties involved.

Article 8 - Individual Duties

1. All LIP *members* shall maintain ethical and professional conduct, acting with honesty and integrity, honouring the values and principles of this Code, namely in the following terms:
 - a) Adopt attitudes and behaviours which respect the fundamental rights of the human person;
 - b) Maintain and cultivate a correct professional relationship, respectful and cordial conduct to develop a strong spirit of cooperation and cohesion, employing all their capacities in the fulfilment of the actions entrusted to them and using loyalty towards LIP and all its members;
 - c) Respect the inherent value of each individual, regardless of gender, marital status, education, nationality, religion or religious position, sexual orientation, political or syndical conviction or affiliation, physical or mental disability, among other situations and attributes;
 - d) Promote a safe workplace environment, free of discrimination and harassment of any kind, respecting privacy and the rights and freedoms of colleagues, subordinates, leaders and other LIP members;
 - e) Refrain from engaging in behaviour constituting harassment, namely those envisaged in Articles 4 and 5 of this Code;
 - f) Preventing intrapersonal conflicts through the adoption of adequate communication practices;
 - g) Refrain from using any means to transmit, internally or externally, information about LIP and its members, unless previously authorised by their hierarchical superior, in strict compliance with the respective duties, namely oral or written communications

- or through the *Internet* (including websites, blogs, social networks, images, recordings, *e-mails*, *web* pages, and so on.);
- h) Refrain from arousing false suspicions, making false statements or making slanderous allegations.
2. Any LIP member who recognises possible violations of this Code must report them to the LIP Directorate or the hierarchical superior, as provided in the following articles.

CHAPTER II: Internal Procedure

Article 9 - Complaint or Participation

1. Any person covered by this Code who considers themselves a victim of harassment at work shall report the situation, in writing, directly to the Director of LIP or their hierarchical superior, who shall report and forward it to the LIP Board of Directors.
2. All those who have witnessed or know of behaviours that may indicate the practice of harassment at work shall report them, in writing, to the Director of LIP and collaborate in any enquiry procedures, disciplinary processes or administrative or criminal investigation processes that may take place.
3. The situations and behaviours likely to indicate the practice of harassment by third parties during their interaction with LIP members shall also be reported, in writing, by the victim or any person with knowledge thereof, to the LIP Board of Directors.
4. The complaint must be reduced to writing and be as detailed as possible, containing an accurate description of the facts constituting or likely to constitute harassment, namely, the circumstances, time and place of the harassment, the identity of the alleged victim and the alleged harasser(s), as well as, if possible, the means of proof.
5. When the participation/complaint is found to be unsubstantiated, based on false statements to arouse wrong suspicions or fraudulently filed to harm another person, the Director of LIP shall promote the disciplinary proceedings (in the case of LIP staff) and the participation to the competent bodies (in the case of external members or third parties), without prejudice to the diligence with the authorities that the situation requires.

Article 10 - Protection Regime for Victims and Complainants

1. Unless the provisions of paragraph 5 of the previous article are verified, LIP shall ensure adequate protection for victims and complainants of situations of harassment reported to LIP to prevent problems of retaliation or attempts at revenge.

2. Without prejudice to the legal rules on the right of the accused party to be heard, the information transmitted shall be considered confidential and treated with diligence, impartiality, celerity and efficiency. It shall be used strictly for the purpose for which it is intended and communicated to the authorities to the extent legally required to fulfil that purpose.
3. Situations of retaliation towards participants of a possible violation of this Code shall also be reported to the LIP Board of Directors, who shall adopt the necessary measures to stop such behaviour and develop the appropriate procedures to hold the perpetrator accountable.

Article 11 - Enquiry and Resolution Procedure

1. Whenever the LIP Board of Directors becomes aware of or receives a complaint of harassment, it will initiate the *internal investigation and resolution procedure for cases of harassment*, as provided for in CHAPTER XII of the LIP Internal Regulations.
2. Once the internal investigation and instruction procedure is finished and concludes the existence of acts or behaviours classifiable as labour harassment, the LIP Board of Directors shall initiate disciplinary proceedings within 60 days following knowledge of the infraction, where such actions or behaviours have been carried out by a LIP employee(s).
3. The application of disciplinary sanctions to LIP workers shall require compliance with the provisions of the Labour Code and the collective labour regulation instrument, if applicable.
4. When the acts or behaviour susceptible of indicating harassment at work are attributed to a scholarship holder, student or worker from another institution(s) or company(ies) providing or supplying goods or services, at the end of the investigation that concludes the verification of those behaviours, the LIP Board of Directors will send a report with the collected information to those Institutions, so that they may take the disciplinary and legal measures they deem necessary, without prejudice to the possibility of terminating the legal instruments binding the offenders to LIP for violation of the LIP's commitment of non-tolerance to harassment.
5. The situations under the terms of the law that can constitute harassment practices may also be communicated by LIP to the Authority for Working Conditions and, in more severe cases, to the authorities with misdemeanour and criminal jurisdiction.

Article 12 - Publicity of the Decision

When the practice of harassment is implicated, the condemnatory decision shall be made public under the terms of the combined provisions of articles 29, no. 5, 563, no. 3 and 328, no. 5, all of the Labour Code.



CHAPTER III: Final Provisions

Article 13 - Entry into Force and Publication

The present Code of Conduct shall enter into force immediately after its approval by the LIP's Board of Directors, shall be disclosed to all LIP members and made available on the LIP *website*.