



Code of Conduct - Undesirable Behaviour

Code of conduct for the prevention of undesirable behaviour

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Complaints Regulations for the prevention of undesirable behaviour

Complaints Regulations for CNV Trade Union Federation

Introduction

Undesirable behaviour, such as (sexual) intimidation, aggression (psychological or physical), violence, discrimination or bullying, affects a person's integrity. It takes away a person's pleasure in their job. In the worst cases it can even make people change jobs or render them unfit for work.

CNV Trade Union Federation will absolutely not tolerate undesirable behaviour, because such behaviour does not fit the character and identity of CNV Trade Union Federation. CNV Trade Union Federation aims to prevent such cases instead of penalising them after the event.

That is why CNV Trade Union Federation seeks to define its policy with regard to undesirable behaviour, not least as an instrument for prevention, by establishing a confidential adviser, setting up a Complaints Committee and laying down the complaints procedure.

All forms of undesirable behaviour addressed in this code of conduct are work-related. This does not mean that the undesirable behaviour must actually have taken place on the premises of CNV Trade Union Federation. Behaviour elsewhere that can be shown to be related to work with CNV Trade Union Federation is also covered by this code of conduct.

A Complaint can be filed up to three years after the undesirable behaviour has occurred. This deadline is deliberately chosen because it may take time before someone decides to bring the event or events to light, as it concerns matters that can have a profound impact on a person's emotional life. Employees who have already left the organisation may also submit a complaint within this period.

These Complaints Regulations give everyone who is actually working with CNV Trade Union Federation and who is confronted with (one of) the aforementioned forms of undesirable behaviour the right to contact a Confidential Adviser and/or to submit a complaint to the Complaints Committee.

The term 'working with' has been deliberately chosen because not only persons employed by CNV Trade Union Federation are concerned. Those who work with CNV Trade Union Federation on behalf of another employer, such as interns, temporary employees, seconded staff, suppliers, etc., may also call on the Confidential Adviser and the Complaints Committee.

1. Procedure

CNV Trade Union Federation, hereinafter referred to as 'the Employer', considers undesirable behaviour unacceptable and takes targeted measures within its organisation in order to prevent and, where appropriate, combat undesirable behaviour.

The Employer encourages everyone who works for the employer (including interns, temporary workers, seconded workers, suppliers, etc.) to actively contribute to preventing and combating undesirable behaviour at work.

The Employer shall reasonably arrange its work organisation in such a way that unwanted behaviour is prevented. To this end, the Employer shall set up a coherent policy. This coherent policy shall contain the following components:

- developing and implementing a prevention policy;
- developing and implementing a complaints procedure;
- establishing a confidential adviser;
- setting up a Complaints Committee.

2. Prevention policy

The Employer shall make it known in the organisation that undesirable behaviour will not be tolerated and that any person guilty of it may be faced with sanctions. The employer publishes the Complaints Regulations for the Prevention and Control of Undesirable Behaviour through the usual information channels within the organisation.

3. Confidential Adviser

The Employer appoints one or more Confidential Advisers, with the approval of the works council. The Confidential Adviser(s) shall at all times be able to assume an independent position within the work organisation. The Confidential Adviser is responsible for the first reception of persons who have had to deal with undesirable behaviour and want to talk about it.

He or she does not have a mediating task because this would not be in keeping with his/her position in support of the complainant. He or she may, however, ask others to take on the role of mediator, if the complainant so desires.

In any case, the Confidential Adviser must enjoy the confidence of the personnel within the work organisation. The Confidential Adviser must be easily approachable and preferably have experience in the field of individual assistance. The Confidential Adviser shall maintain strict confidentiality with regard to everything that has been said to him in confidence. This obligation of confidentiality continues even after he or she no longer holds the position of Confidential Adviser or is no longer employed by CNV Trade Union Federation. The Confidential Adviser shall sign for this confidentiality.

The Confidential Adviser shall be in possession of a Confidential Adviser Certificate or obtain this certificate by following a specific training course for Confidential Advisers. Mail directed to the Confidential Adviser shall not be opened by any other person. The Confidential Adviser is not responsible to the employer.

The tasks and powers of the Confidential Adviser are:

- receiving, accompanying and supporting the complainant;
- looking for a mediator, in consultation with the complainant;
- supporting the complainant in preparing and submitting a complaint;
- analysing incidents and advising on them and
- referring to professional counsellors or care providers;
- providing the board, the works council and others with solicited and unsolicited advice in the field of prevention of undesirable behaviour;
- drawing a yearly anonymous overview of complaints received and making this available to the Employer, the Complaints Committee and the works council;
- taking no action without the complainant's consent;
- consulting, on his or her own initiative, internal and external experts and refer the complainant to them;
- providing after-care (which includes staying in contact with the complainant to check whether the complaint leads to repercussions and to evaluate whether the motive for the complaint has actually disappeared or diminished);
- if necessary, meeting with a complainant on neutral ground and claim any costs incurred;
- providing those who work with the Employer with information about the position of Confidential Adviser and about policies relating to sexual harassment.

The Confidential Adviser shall be facilitated by the Employer in such a way that he or she can perform all required activities without disturbance, which means: having access to a meeting room where the anonymity and safety of the complainant is paramount; having sufficient time to perform his or her task and not being limited in the number and duration of the meetings; having access to a secure system in which information can be stored.

4. Complaints Committee

4.1 Composition

CNV Trade Union Federation uses an external Complaints Committee, namely the National Complaints Committee and the Appeals, Objections, and Arbitration Committees for Christian Education¹.

4.2 Tasks and powers

- examining complaints received and reporting and advising on them to the Employer;

¹CNV International may also make use of the facilities that will be made available by PARTOS (sector-wide support for sectoral organisations).

- provide solicited and unsolicited advice to the Employer on its policy regarding undesirable behaviour;
- gathering information from others, for example colleagues or experts, who can contribute to the provision of relevant information;
- publishing an annual written report on the Committee's activities to the Employer, the Confidential Adviser(s) and the works council. The report shall not include matters that could damage people's privacy.

4.3 Complaints procedure

Submission of complaints

Any person who is confronted with undesirable behaviour shall first turn to the organisation's Confidential Adviser. If the complainant is not satisfied with the handling of a complaint, or if the handling is not completed within 2 months after the first notification, the employee can start the formal procedure by submitting a complaint to the Complaints Committee.

A complaint shall be submitted in writing to: CNV Shared Service HR dept., PO Box 2475, 3500 GL Utrecht (vc-secretariaat-p&o@CNV.nl). The HR department shall make the complaint available to the Complaints Committee mentioned in 4.1.

A complaint shall contain the following:

- a description of the incident,
- the name or names of the person(s) accused,
- a description of the steps that may already have been taken by the complainant,
- copies of any relevant documents.

The Committee shall not deal with anonymous complaints. In special cases, the committee may choose to waive this rule.

Handling of a complaint by the Complaints Committee

The Committee will assess within two weeks after it has been informed whether a complaint meets the conditions for further consideration. If this is the case, the Committee will deal with the complaint, and send a copy of the complaint and any other documents received to the accused.

The hearings of the Complaints Committee shall not be public.

The Committee shall apply the adversarial procedure and will separately hear first the complainant and then the accused. Both the complainant and the accused may be assisted by third parties during their hearing. This possibility shall be expressly stated in the convocations.

Within six weeks of the submission of the complaint, the Committee shall issue a written report on the findings and facts of the complaint to the Employer. The complainant and the accused shall sign this written report, indicating that they have taken note of the contents of the report and agree with the presentation of the comments made by each of them.

In the written report, the Committee shall give advice on whether or not the complaint is well-founded and about any measure or sanction that may be taken, and/or any action directed at third parties. In special cases the deadline for issuing the written report can be extended for a maximum of four weeks.

A copy of the report and the advice is sent to the complainant, the accused, the Confidential Adviser and the Employer.

Decision by the Employer

The Employer shall take a decision within four weeks of receipt of the advice and immediately notify the complainant and the accused, as well as the Confidential Adviser and the Committee, in writing. The Employer may only deviate from the advice of the Complaints Committee on compelling grounds. These compelling reasons shall then be duly explained and substantiated in writing to the complainant and the defendant, within the same four-week period.

Legal aid expenses

If before, during or after the complaints procedure the complainant and/or the accused have themselves assisted by a paid legal expert with regard to a complaint submitted in the context of these Regulations, the costs thereof will be reimbursed on a declaration basis up to a maximum of € 500 net of the amount for paid legal counsel.

4.4 Legal action

In its advice, the Complaints Committee points out that the complainant and/or the accused can start legal proceedings, if they do not agree with the advice of the Complaints Committee and/or the decision of the Employer.

4.5 Registration

Only for the person or persons for whom the Complaints Committee has established that they have been guilty of undesirable behaviour, the Committee shall deposit their registered personal data with the HR manager. This shall be reported to the perpetrator or perpetrators involved. The purpose of this is that the Employer may take action, if necessary. The data shall be stored in the perpetrators' regular personnel files. The underlying documents shall be kept by the Complaints Committee.

5. No penalising

No employee shall ever be penalised by the Employer for his or her activities as a Confidential Adviser.

Submitting a complaint shall not adversely affect the current and future position of the complainant as an employee.

6. Confidentiality

Anyone who is summoned by the Complaints Committee has an obligation to appear, to provide information and to maintain confidentiality. This obligation of confidentiality also applies to the Confidential Adviser, the members of the Complaints Committee, the administrative support of the Complaints Committee, the work organisation director and the HR department. The advice and decision shall be archived in the personnel file in a closed envelope. The obligation of confidentiality does not expire after a person's formal relationship with CNV has ended.

7. Other matters

This Regulation can be cited as 'Complaints Regulations for the Prevention of Undesirable Behaviour'.

This Regulation shall be published on CNV Trade Union Federation's intranet.

Names of the Confidential Advisers:

- Jan Ridder
- Betty de Jong

The Confidential Advisers may also be contacted at the following e-mail addresses:

vertrouwenspersoon@CNV.nl

Each one of the two Confidential Advisers can also be approached directly:

Jan Ridder (j.ridder@CNV.nl) or
Betty de Jong (b.dejong@CNV.nl)

8. List of concepts used in this document

For the purposes of these Regulations, the following definitions shall apply:

Complaint: a written or verbal expression of dissatisfaction of the complainant about undesirable behaviour, made to the Confidential Adviser, or a written expression of dissatisfaction from the complainant about undesirable behaviour, deposited with the Complaints Committee.

Deliberately wrongful complaint: a complaint that has been declared unfounded by the Complaints Committee and of which it has been established, after investigation by the Complaints Committee, that it was submitted with the intention of damaging the person against whom the complaint is directed.

Complainant: the natural person who has filed a complaint, being:

- An employee who has or have had an employment contract with CNV Trade Union Federation, CNV Onderwijs or CNV Vakmensen.
- An employee employed by others, interns and members of CNV Trade Union Federation, CNV Onderwijs or CNV Vakmensen who regularly performs work or activities for CNV.

Undesirable behaviour: all behaviour that causes anyone stress, as a psychosocial workload (intimidation: aggression and violence, direct and indirect discrimination, physical violence, bullying, sexual intimidation and other forms of (verbal) aggression).

Stress: a condition that has physical, psychological or social consequences perceived as negative.

Intimidation: behaviour related to the characteristics or behaviour referred to under the term 'undesirable behaviour' in these Regulations, the purpose or effect of which is to harm the dignity of a person and to create a threatening, hostile, degrading, humiliating or offensive environment.

Sexual harassment: any form of verbal, non-verbal or physical behaviour with a sexual connotation, which has the purpose or effect of harming the dignity of a person; in particular when a threatening, hostile, abusive, humiliating or offensive situation is created. This is the same definition as in article 1a, paragraph 2 Awgb (Dutch General Law on Equal Treatment). Sexual harassment can occur in a number of forms. In a non-exhaustive sense, it may concern ambiguous remarks, unnecessary touching, peeping, exhibiting pornographic images at work, but also sexual assault and rape. The definition also indicates that this should include those cases that may involve sexual blackmail, in such a way that the chances of promotion or decisions about working conditions depend on sexual services provided. Such behaviour can create a hostile or sexually intimidating and hurtful environment that is an attack on the dignity of a person involved.

Aggression: a situation in which an employee is psychologically or physically harassed, threatened or attacked under circumstances that are directly related to the performance of work. Aggression involves acts of verbal violence (abuse, insulting) and physical violence (kicking, hitting, biting, threatening with a weapon and/or being ambushed). It can also be psychological violence: threatening, intimidation, pressurising, threatening the home situation and damaging property.

Direct discrimination: discrimination between persons on the basis of religion, belief, political opinion, race, gender, nationality, sexual orientation or civil status. Direct discrimination based on gender also includes discrimination on grounds of pregnancy, childbirth and motherhood.

Indirect discrimination: discrimination based on other characteristics or behaviours than those mentioned under direct discrimination, but that lead to direct discrimination. The prohibition of indirect discrimination does not apply if that discrimination is objectively justified.

Bullying: all forms of intimidating behaviour with a structural character, by one or more persons, directed against a person or a group of persons, who cannot defend themselves against this behaviour. Examples of bullying: social isolation, making working unpleasant or difficult, mocking, gossiping etc. An important element to define bullying is the repetition (which can be objectified) of that behaviour in time. So bullying is not a one-off behaviour. This behaviour manifests itself in different ways, but in particular by words, gestures, actions or threats. This list is not exhaustive. In most cases the purpose of the perpetrator is to intentionally hurt and humiliate another person.

Complaints Committee: the committee that can be approached with a formal complaint by a person who is or has been confronted with undesirable behaviour, and that deals with this complaint in this respect.

Confidential Adviser: The official to whom the person who is or has been confronted with undesirable behaviour can turn for advice and support.

Accused person: The natural person against whom a complaint has been submitted.¹

¹ The Complaints Committee may also consider complaints against natural persons who are not employed by CNV and only have occasional contacts with CNV employees. In such cases, the Complaints Committee shall always recommend initiating civil proceedings against the accused person.
