



ICCT Protocol on Unwanted Conduct

Why do we have a Protocol on Unwanted Conduct?

- ICCT takes the prevention of unwanted conduct seriously and unwanted conduct will not be tolerated.
- A protocol on unwanted conduct provides unambiguous communication by giving a description of what ICCT perceives is unwanted conduct.
- It expects a professional attitude of employees. It is clear for every employee what is expected of them.
- A protocol on unwanted conduct provides guidance on proper ways to deal with situations concerning two or more employees.
- To make sure that everyone is heard

This protocol on unwanted conduct is part of the larger Code of Conduct (Employee Handbook). Unwanted conduct often has a negative impact on the employee's work performance and on the work environment. The protocol is available to all employees at their onboarding and all employees are required to read this document annually.

What is wanted conduct:

- Be respectful to each other. Take each other into account.
- Be friendly to one another.
- Be flexible. Can someone not answer to your wishes? Look for alternatives together.
- Try to figure out the other person's motives and put yourself in someone else's position.

What is unwanted conduct:

1. Sexual harassment
2. Discrimination
3. Bullying
4. Violence/ Aggression
5. Substance abuse in the workspace
6. Sexual abuse and exploitation

ICCT recognises that these forms of unwanted conduct may overlap, and each incident will be judged on a case-by-case basis.

General undesirable behaviour protocol – what to do when confronted with unwanted conduct?

1 – Entering into a conversation with the person from whom the unwanted conduct originated.

Unwanted conduct must be prevented and combated. An active contribution is required from everyone who works at ICCT. Not only with regard to one's own conduct, but also by a vigilant attitude towards any form of unwanted conduct that is perceived in the work environment.

Unwanted conduct should always be addressed directly where possible, either by the person involved, by bystanders or by engaging third parties. People are not always aware that their behaviour is experienced as unwanted/undesirable. Discussing the behaviour with the person concerned can make a person be aware of their own undesired conduct.

The goal is to get to a sensible working situation.

2 – Getting support from the organisation with making the unwanted conduct discussable

When such a conversation as described in step 1 is not possible, or if you are not able to reach an agreement together, support is available involving key figures within the organisation. These figures are your line manager

or the HR manager/trust counsellor. (outside of the organisation – Arbodienst GP). They can help discuss the situation and, if necessary, provide support in the search of a solution.

The goal is to come to a sensible resolution to the alleged conduct, and outside support can be a way for guidance to mediation.

3 – Official complaint with management

If parties cannot come to a mutually agreed upon solution, then a written, formal, complaint can be sent to the management. Management can start up an investigation and will hear both parties. The goal here is to determine the validity of the complaint in accordance with the employer's code of conduct.

If a member of the management is part of the alleged conduct, they will be replaced by the HR manager.

4- Decision by management

The management can give its verdict and take action. All parties are bound by this decision.

When making a decision, management takes into account (future) working relationship with perpetrator.

What are the sanctions?

Possibilities¹:

1. Measures that the employer can in principle always apply and therefore do not have to be a disciplinary measure.
2. Non-public reprimand.
3. Public Reprimand.
4. Not giving what the employee has been promised, such as a promised salary increase, promotion and the like.
5. Have a fine paid if the employment contract or collective labor agreement stipulates this
6. Changing what the employer and employee agreed on.
7. Suspension, with pay.
8. Suspension without pay (when the employment contract or collective labor agreement requires this).
9. Fired immediately.
10. External perpetrators can be subject to a wider area of sanctions.

What is unwanted conduct:

1. Sexual harassment

What is it?

Sexual harassment² (at work) is any form of sexual attention, requests for sexual favors or other sexually suggestive behaviour (verbal, nonverbal or physical) in the work environment that the victim experiences as undesirable³. It does not only involve physical contact, but also, for example intimate questions, sexually suggestive comments, or staring at someone for a long time.

¹ <https://www.arbeidsrechter.nl/medewerker-die-zich-misdraagt-disciplinaire-straf/#:~:text=Veranderen%20van%20datgene%20wat%20de,Ontslag%20op%20staande%20voet.>

² <https://www.arboned.nl/nieuws/zo-kunt-u-seksuele-intimidatie-op-het-werk-zoveel-mogelijk-voorkomen>

³ [Ongewenst gedrag op de werkvloer voorkomen | ArboNed](#)



This conduct can create an intimidating, hostile, threatening, offensive or humiliating working environment for the recipient.

This concerns, for example (non-exhaustive list): sexually explicit comments or jokes, sexually explicit looks or gestures, showing sexually explicit images, and unwanted touching, staring in a sexually suggestive manner, making sexual comments about appearance, clothing, or body parts, making derogatory or demeaning comments about someone's sexual orientation or gender identity.

Prevention

Sexual harassment is a form of 'Psychosocial Work Load' (PSA), just like discrimination, aggression, bullying and work pressure. Victims of sexual harassment often find it difficult to talk about it, but the longer the situation continues, the more serious the consequences. Make the threshold for talking about sexual harassment as low as possible.

To support effective implementation of rules prohibiting sexual harassment at work, employees are protected from retaliation for reporting sexual harassment, or participating in investigations of sexual harassment.

2. Discrimination

What is it?

We speak of discrimination when an employee is treated unequally⁴, neglected or excluded on the basis of personal characteristics such as gender, skin colour, race, religion, descent, national or ethnic origin or sexual orientation. These can be offensive, direct statements, but also indirect statements.

Discriminatory practices can be direct or indirect. Direct discrimination arises when an explicit distinction, preference or exclusion is made on one or more grounds.

Discrimination most often occurs in the following areas:

- Recruitment;
- Remuneration;
- Hours of work and rest;
- Paid holidays;
- Maternity protection;
- Security of tenure;
- Job assignments;
- Performance assessments and promotion;
- Training opportunities;
- Job prospectives.

3. Bullying

What is it?

Bullying is repetitive negative behaviour of colleagues or a manager against which someone does not (anymore) can defend. Bullying can happen directly at the person, for instance when someone is belittled, ignored or left out, unnecessarily criticised or when there are annoying comments or on the edge-funny jokes made about that person. But bullying can also happen behind someone's back, as is the case with gossiping or

⁴ [Equal treatment.](#)

spreading false rumours. Sometimes someone is not even aware that they are hurting a colleague with a joke or certain behaviour. For instance, never asking a certain colleague out for lunch is also a form of exclusion.

Unlike innocent teasing, bullying involves deliberately causing harm or harm. Example: an employee hides his colleague's tools, causing him to fail to meet production standards. Cyberbullying and posting (edited) photos or videos on the internet are new forms of bullying. Bullying often happens anonymously and on the sly. Anyone can become a victim of bullying.

Bullying may involve more than a one-to-one relationship. It can involve a situation where one or several individuals persistently, over a period of time, perceive themselves to be on the receiving end of negative actions from one or more persons, in a situation where the target of bullying has difficulty defending him or herself against these actions.

Prevention

Awareness and recognition of bullying needs to be promoted. Bullying at work needs to be seen as a work environment problem. Building a culture of respect in the workplace is important. Open communication and guidance can reduce tension and frustration among workers.

4. Aggression and violence

What is it?

Broadly, this is when occurrences arise during or after worktime when an employee is psychologically or physically harassed, threatened or attacked by co-workers. There are different forms of aggression and violence:

- Verbal aggression -> name calling, yelling, or starting a very heated discussion
- Physical aggression -> gripping very firmly, pushing, hitting, kicking or spitting
- Psychological aggression -> threaten someone verbally or written (eg with dismissal, blackmailing of humiliating.

5. Substance abuse on the work floor

What is it?

Employee substance abuse can have serious consequences for both the individual and the business. Employers need to be aware of the warning signs of substance abuse in the workplace, as early detection and intervention can make a significant difference in helping employees get the necessary help while ensuring workplace safety and productivity.

It is important to note that while some indicators may suggest substance abuse, they may also be a consequence of other circumstances. These may involve emotional or financial distress, personal struggles, or simply having a bad day. The primary focus should be on recognizing when an employee is struggling and offering them appropriate support, regardless of the underlying cause.

6. Sexual exploitation and abuse (SEA)

What is it?

Sexual abuse means the actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. Any sexual activity with children (persons under the age of 18 years) constitutes sexual abuse.

Sexual exploitation means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. It includes but is not limited to exchanging money, employment, goods or services for sex. This includes transactional sex regardless of the legal status of sex work in the country. It also includes any situation where sex is coerced or demanded by withholding or threatening to withhold goods or services or by blackmailing.