

**CODE OF GOOD BEHAVIOUR
FOR THE PREVENTION AND
COMBATING OF
HARASSMENT/MOBGING**

MESSAGE FROM CCMAR BOARD OF DIRECTORS

The Centro de Ciências do Mar do Algarve (CCMAR) actively promotes dignity and respect for all individuals. As an employer, CCMAR considers diversity an asset and evaluates all individuals (employees, volunteers, users, students, interns, visitors, and job or grant applicants) solely on their merit, attitude, and competence. Any form of discrimination, harassment, violence, or abuse of power is strictly prohibited.

CCMAR advocates equal treatment in employment opportunities, ensuring transparency in recruitment and selection processes, and prohibits harassment and discrimination in integration, professional development, promotion, career advancement opportunities, performance evaluation, and termination of employment.

No individual shall be treated unfairly based on: ethnic origin, social or economic status, gender identity, ancestry, age, physical disability, chronic illness, sexual orientation, nationality, political or ideological beliefs, religion or creed, family status, education, or union membership.

ON BEHALF OF THE CCMAR BOARD OF DIRECTORS,

Preamble

The Law No. 73/2017, of August 16th strengthened the legislative framework for preventing mobbing in both the public and private sectors, amending the General Law on Public Employment and the Labour Code.

This Code of Good Behaviour is adopted by CCMAR in accordance with Law No. 73/2017, of August 16th, which introduced subparagraph k) of paragraph 1 of Article 127 of the Labour Code. It aims to uphold the values of non-discrimination and combatting mobbing/harassment, as legally mandated by current legislation.

This Code aims to serve as a reference for all CCMAR members, contributing to its recognition as an example of integrity, responsibility, and rigor, ensuring the safeguarding of the moral integrity of its members and guaranteeing their right to working conditions that respect their individual dignity.

Setting an active policy to prevent, combat, and eliminate behaviors that could constitute harassment of any kind is the priority of this Code. CCMAR seeks to promote a respectful and safe environment, free from discrimination, fully respecting dignity and individual choices, whether political, religious, sexual, or otherwise.

In this regard, CCMAR has adopted this Code, which is governed by the following provisions:

Article 1

(Scope and Equality Ombudsperson)

1. This Code establishes a set of principles to be observed in the conduct of activities at CCMAR, serving as a self-regulating instrument and an expression of an active policy aimed at raising awareness, preventing, identifying, eliminating, and punishing situations and behaviors that may constitute harassment/mobbing.
2. The Equality Ombudsperson will be appointed by the Board of Directors of CCMAR, and their appointment will be communicated to all CCMAR members through publication on the CCMAR website, distribution to general contact lists, and posting at CCMAR facilities in an appropriate location.

Article 2

(Application)

1. This Code applies to all CCMAR members, regardless of their contractual relationship, as well as to other individuals participating in its activities, such as suppliers, visitors, clients, partners, among others.
2. Without prejudice to the provisions of the preceding paragraph and to civil and criminal liability, disciplinary power may only be exercised by the Board of Directors of CCMAR over employees during the term of their employment contract.

Article 3

(General Principles)

1. In the exercise of their activities, functions, and competencies, individuals covered by this Code must act in accordance with the principles of non-discrimination and combating workplace harassment.
2. Discriminatory behavior of any kind toward any person within CCMAR activities is prohibited, particularly based on ethnic origin, social or economic status, gender identity, ancestry, age, physical disability, chronic illness, sexual orientation, nationality, political or ideological beliefs, religion or creed, family status, education, or union membership.
3. All CCMAR members must show respect for each other and avoid behaviors that could be considered offensive or detrimental to the physical and/or moral integrity of coworkers, superiors, subordinates, or third parties associated with CCMAR.

Article 4

(Illegal Behaviors)

1. All CCMAR members are prohibited from morally or sexually harassing other employees, clients, suppliers, or external individuals who meet or have met CCMAR, through practices that include, but are not limited to, the behaviors listed below.
2. Under Article 29 of the Labour Code, **mobbing** is understood as unwanted behavior, particularly based on discrimination, occurring during access to employment or in employment itself, work, or

professional training, with the aim or effect of disturbing or intimidating the person, affecting their dignity, or creating an intimidating, hostile, degrading, humiliating, or destabilizing environment.

3. **Sexual harassment** is unwanted sexual behavior, whether verbal, non-verbal, or physical, with the same aims or effects as stated above, including:

- a) Sexual innuendos or advances;
- b) Requests or offers of sexual favors;
- c) Unwanted invitations for dates;
- d) Jokes, images, written messages, or emails of a sexual nature;
- e) Explicit and derogatory comments about appearance or attire;
- f) Repeated, unsolicited sending of sexually explicit materials;
- g) Insistent and systematic repetition of suggestive remarks, jokes, or comments about appearance or sexual condition;
- h) Making unwanted phone calls, sending letters, SMS messages, or emails of a sexual nature;
- i) Initiating intentional and unsolicited physical contact or unnecessarily provoking physical approaches;
- j) Offering or requesting sexual favors in exchange for promises of job opportunities or improvement of working conditions, job stability, or professional career advancement, whether explicitly or implied.

4. **Mobbing** includes, but is not limited to, the following behaviors:

- a) Systematically devaluing and disqualifying work performed;
- b) Directly or indirectly ridiculing physical or psychological characteristics;
- c) Making recurrent threats of dismissal;
- d) Failing to assign any professional functions (violation of the right to effective occupation of the position);
- e) Systematically setting unattainable work goals or unrealistic deadlines;
- f) Systematically assigning tasks that are unrelated or unsuitable for the professional category;
- g) Systematically appropriating ideas, proposals, projects, and work without crediting the author;
- h) Systematically spreading rumors, malicious comments, or repeated criticisms about workers;
- i) Issuing confusing and imprecise work instructions systematically;
- i) Requiring urgent work systematically when unnecessary;
- j) Transferring employees to another department or workplace with the clear intent of isolating them;
- k) Speaking constantly in a loud voice to intimidate people;
- l) Systematically creating stressful situations objectively designed to provoke misconduct, such as systematic changes or transfers of workplace;
- m) Cyber intimidation or harassment through electronic means (Cyber-bullying);
- n) Displaying or circulating offensive images or materials electronically or in print, which are known or should be recognized as offensive.

5. Without prejudice to the above paragraphs, mobbing does not encompass nor intends to prevent employers and hierarchical superiors from disciplining or managing their employees, particularly including:

- a) Performance management;
- b) Pressure resulting from the exercise of duties;
- c) Exercise of authority and disciplinary power;
- d) Requirements or legitimate operational decisions arising from work organization, provided they comply with the employment contract;
- e) Misunderstanding or misunderstanding;
- f) Work-related changes (e.g., change of location, co-workers, or occupational duties);
- g) A single comment or action, unless it results in serious, harmful, and lasting effects;
- h) Rudeness, unless extreme and repetitive;
- i) Mutual or non-unwanted proximity between colleagues or involving hierarchical superiors;
- j) Occasional compliments that do not already warrant disapproval by the person to whom they are directed.

Article 5 (Duties and Rights)

1. To prevent and combat harassment practices, all CCMAR members, while performing their duties, during breaks or pauses, within CCMAR premises, and while in the service thereof, even outside the establishment, must conduct themselves appropriately, in accordance with standards of social interaction, civility, and citizenship expected in their interactions with coworkers, clients, and other third parties.

2. Specifically, it is a general duty of CCMAR members to:

- a) Comply with the Labour Code and this Code;
- b) Act to prevent behaviors that could be considered harassment;
- c) Bring to the attention of their hierarchical superiors, Human Resources Manager, or the Board of Directors of CCMAR any situations that may constitute harassment;
- d) Report or notify in writing to the Equality Ombudsman any incidents of harassment that they become aware of, whether affecting themselves or others.

3. In preventing and combating harassment, CCMAR will ensure all its members:

- a) Information and, whenever necessary and feasible, training, support, and counseling for workers to provide a harassment-free environment;
- b) Implementation of corrective measures as deemed necessary;
- c) Dissemination of this Code to all its members and other agents who may be subject to harassment/mobbing;

- d) Existence of internal mechanisms for reporting irregularities, ensuring compliance with legal standards, particularly concerning confidentiality in the information handling process and ensuring no retaliation against victims.

4. The following guarantees are also provided in the handling and treatment of any harassment/mobbing complaint:

- a) Confidentiality regarding the report or complaint submitted;
- b) Initiation of disciplinary proceedings whenever proven knowledge of alleged workplace harassment situations, particularly sexual and/or moral harassment;
- c) No disciplinary sanction against the complainant and their indicated witnesses (unless acting with intent) for statements or acts contained in judicial or administrative proceedings initiated due to harassment, until a final and binding decision is reached;
- d) Recognition that moral harassment, clinically proven, may constitute an occupational disease;
- e) Recognition of the right to compensation for pecuniary and non-pecuniary damages to the victim if workplace harassment is judicially proven.

Article 6 (Reporting)

1. An employee who considers themselves a target of workplace harassment must report the situation to the Equality Ombudsman via email at provedorccmar@ualg.pt , or to the Board of Directors of CCMAR if the harasser holds that position and there is no other direct superior available.
2. Anyone aware of practices indicative of harassment or that an employee has committed a disciplinary offense through harassment must report it to the Equality Ombudsperson and provide necessary cooperation in the disciplinary process and any other relevant proceedings.
3. Situations and behaviors indicating harassment by third parties who are not CCMAR employees should be reported by the victim or any employee aware of such incidents to their respective employer or equivalent entity and to the General Inspectorate of Finance or the Authority for Working Conditions, depending on whether the harasser belongs to the public or private sector, respectively.
4. The report or complaint should be as detailed as possible, containing a precise description of the facts constituting or indicating harassment, including circumstances, time, and location of incidents, the identity of the victim and harasser, and any available testimonial, documentary, or expert evidence.
5. Notwithstanding the above, the General Inspectorate of Finance and the Authority for Working Conditions provide their own email addresses for receiving complaints of workplace harassment in the public and private sectors, respectively, detailed under "Useful Contacts."
6. If it is found that the report is unfounded, disciplinary proceedings may be initiated against the reporting employee, without prejudice to the possibility of initiating appropriate judicial measures.

Article 7

(Disciplinary Procedure Deadlines)

1. The right to exercise disciplinary power by the Board of Directors of CCMAR expires one year after the occurrence of harassment.
2. The disciplinary procedure must commence within 60 days from the date the Board of Directors became aware of the harassment.
3. The disciplinary procedure expires one year after its initiation if the worker has not been notified of the final decision within that period.

Article 8

(Inquiry)

1. The Equality Ombudsperson shall notify the Board of Directors of the complaint, which, if it constitutes a violation of the provisions of this Code of Conduct, shall initiate a disciplinary inquiry through an appointed instructor with appropriate training, who shall conduct the necessary evidentiary inquiries as required under Article 329 and subsequent articles of the Labour Code.
2. The Board of Directors of CCMAR shall initiate the inquiry within the timeframe referred to in Article 7(2).
3. Harassment constitutes a very serious administrative offense under Article 29(8) of the Labour Code, without prejudice to potential criminal liability under the law, leading to respective proceedings by competent authorities.

Article 9

(Charge Notification)

1. Within 30 days after the conclusion of the inquiry, if the examination of the elements and witness testimonies indicates behavior potentially constituting harassment, the appointed instructor must submit such elements to the Board of Directors of CCMAR for deliberation on the intention to apply a disciplinary sanction to the concerned employee.
2. Depending on the decision made, the Board of Directors of CCMAR shall either archive the case or notify the worker of the intention to impose a disciplinary sanction, attaching a detailed charge description of the alleged facts.

Article 10

(Preventive Suspension of Worker)

1. Upon notification of the charge, the Board of Directors of CCMAR may preventively suspend the worker whose presence in the workplace is deemed inappropriate, while maintaining payment of remuneration.
2. The suspension referred to in the preceding paragraph may be decided within the 30 days preceding the notification, provided that the Board of Directors of CCMAR justifies in writing that,

considering the evidence of facts attributable to the worker, their presence at CCMAR is inappropriate, particularly for investigating such facts, and that it has not yet been possible to prepare the charge.

Article 11
(Response to Charge)

The worker has 15 business days to review the case file and respond to the charge, submitting in writing any relevant elements to clarify the facts and their involvement, including documents and requesting any relevant evidentiary inquiries for establishing the truth.

Article 12
(Investigation)

1. The Board of Directors of CCMAR, through the appointed instructor, shall conduct the necessary evidentiary inquiries as requested in response to the charge, unless deemed patently dilatory or irrelevant, in which case they shall substantiate such decision in writing.
2. The instructor of the process is not obliged to hear more than three witnesses for each fact described in the charge, nor more than 10 witnesses in total.
3. The worker must ensure the presence of the witnesses they have indicated.

Article 13
(Whistleblower and Witnesses Protection Regime)

1. A specific protection regime shall be guaranteed for whistleblowers and witnesses in procedures related to harassment situations.
2. Dismissal or any other sanction allegedly imposed to punish an offense, up to one year after the report or other exercise of rights related to equality, non-discrimination, and harassment, shall be presumed abusive.
3. Whistleblowers and witnesses shall be granted special protection in judicial or administrative proceedings initiated due to harassment, and they cannot be subject to disciplinary sanctions unless acting with intent.
4. Anyone reporting violations of this Code, which they become aware of in the course of their duties or because of them, shall not suffer any form of retaliation and shall be ensured anonymity until charges are formally brought.

Article 14
(Final Decision)

1. The Board of Directors of CCMAR has 30 days to issue a disciplinary sanction decision after concluding the final investigation proceedings, under penalty of the right to apply such sanction lapsing.
2. The decision shall consider the circumstances of the case and the appropriateness of the disciplinary measure in relation to the employee's or collaborator's culpability, with facts not included in the charge or the worker's response not being invoked unless they mitigate responsibility.
3. The decision must be reasoned and documented in writing.
4. The decision is notified to the worker and becomes effective upon its deemed reception, according to general legal principles.

Article 15
(Appeal)

The worker may appeal the final decision notified to them to the Board of Directors of CCMAR.

Article 16
(Referral)

In all matters not expressly provided for in this Code, the provisions of the Labour Code shall apply.

Article 17
(Compensation for Discriminatory Acts)

The practice of discriminatory acts harmful to a worker under this Code entitles them to compensation for both pecuniary and non-pecuniary damages, according to general legal principles.

Article 18
(Responsibility of CCMAR)

1. CCMAR is liable for compensating damages arising from occupational diseases resulting from harassment/mobbing.
2. In cases involving harassment, the imposition of the ancillary penalty of publicity of the condemnatory decision is mandatory.

Article 19
(Reporting Workplace Harassment and Just Cause)

1. The victim may file a complaint with the Commission for Equality in the Workplace and in Employment (CITE), the Authority for Working Conditions (ACT), or the competent entity for receiving complaints, depending on the nature of the behavior in question and the contractual relationship with the harasser.
2. It constitutes just cause for termination of the employment contract by the worker when physical or moral integrity, freedom, honor, or dignity of the worker, including harassment reported to ACT, is perpetrated by the employer or their legal representative.

Article 20
(Legislation)

This Code is governed by principles, guidelines, and recommendations based, among others, on the following instruments:

- a) European Social Charter;
- b) Constitution of the Portuguese Republic;
- c) Labour Code;
- d) Law No. 73/2017 of August 16th;
- e) Law No. 40/2004 of August 18th, in its current wording (Research Fellowship By-Laws);
- f) Resolution of the European Parliament on workplace harassment No. 8200/2339 (INI), dated September 20th, 2001;
- g) Directive 2000/43/EC of the Council of June 29th, 2000 (Applies the principle of equal treatment between persons irrespective of racial or ethnic origin);
- h) Directive 2000/78/EC of the Council of November 27th, 2000 (Establishes a general framework for equal treatment in employment and occupation);
- i) Directive 2004/113/EC of the Council of December 13th, 2004 (Applies the principle of equal treatment between men and women in accessing goods and services and their provision);
- j) Directive 2006/54/EC of the European Parliament and of the Council of July 5th, 2006 (Applies the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation);
- k) Directive 2010/18/EU of the Council of March 8th, 2010 (Applies the revised Framework Agreement on parental leave concluded between BUSINESSEUROPE, UEAPME, CEEP, and CES).

Article 21
(Disclosure and Validity)

1. This Code shall enter into force on the first working day after its approval by the Board of Directors of CCMAR and shall be reviewed triennially.
2. This Code shall be disseminated to all CCMAR Members through publication on the CCMAR website, distribution to general contact lists, and posting in appropriate locations within CCMAR facilities.

Approved by the Board of Directors of CCMAR on June 23, 2020

Useful Contacts

1) CITE - Commission for Equality in the Workplace and in Employment

- Address: Rua Viriato, nº7, 1º-3º 1050-233 Lisboa Portugal
- Website: <https://assedio.cite.pt/queixa-por-assedio/>
- Email: geral@cite.pt
- Tel. +351 217803700 | Free call: 800204684

2) ACT - Authority for Working Conditions

- Contact: 300 069 300
- Website: [http://www.act.gov.pt/\(pt-PT\)/Itens/QueixasDenuncias/Paginas/RegistoPedidoIntervencaoInspetivaPA.aspx](http://www.act.gov.pt/(pt-PT)/Itens/QueixasDenuncias/Paginas/RegistoPedidoIntervencaoInspetivaPA.aspx)

To lodge complaints and reports against workers affiliated with the public sector:

3) General Inspectorate of Finance (IGF)

- Contact: LTFP.art4@igf.gov.pt
- Website: <http://www.igf.gov.pt/transparencia/informacao-assedio.aspx>