



International
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Manual on grievance mechanisms



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Annex 2 – How to achieve equality at workplace Guide
for employers and employees

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► 1. Introduction

Life in the modern world is full of challenges for the contemporary man. Work flexibility, longer working hours, geographical mobility and less job safety are only some of the characteristics of the modern world of labour which often have negative consequences and represent some of the biggest stressors for workers.

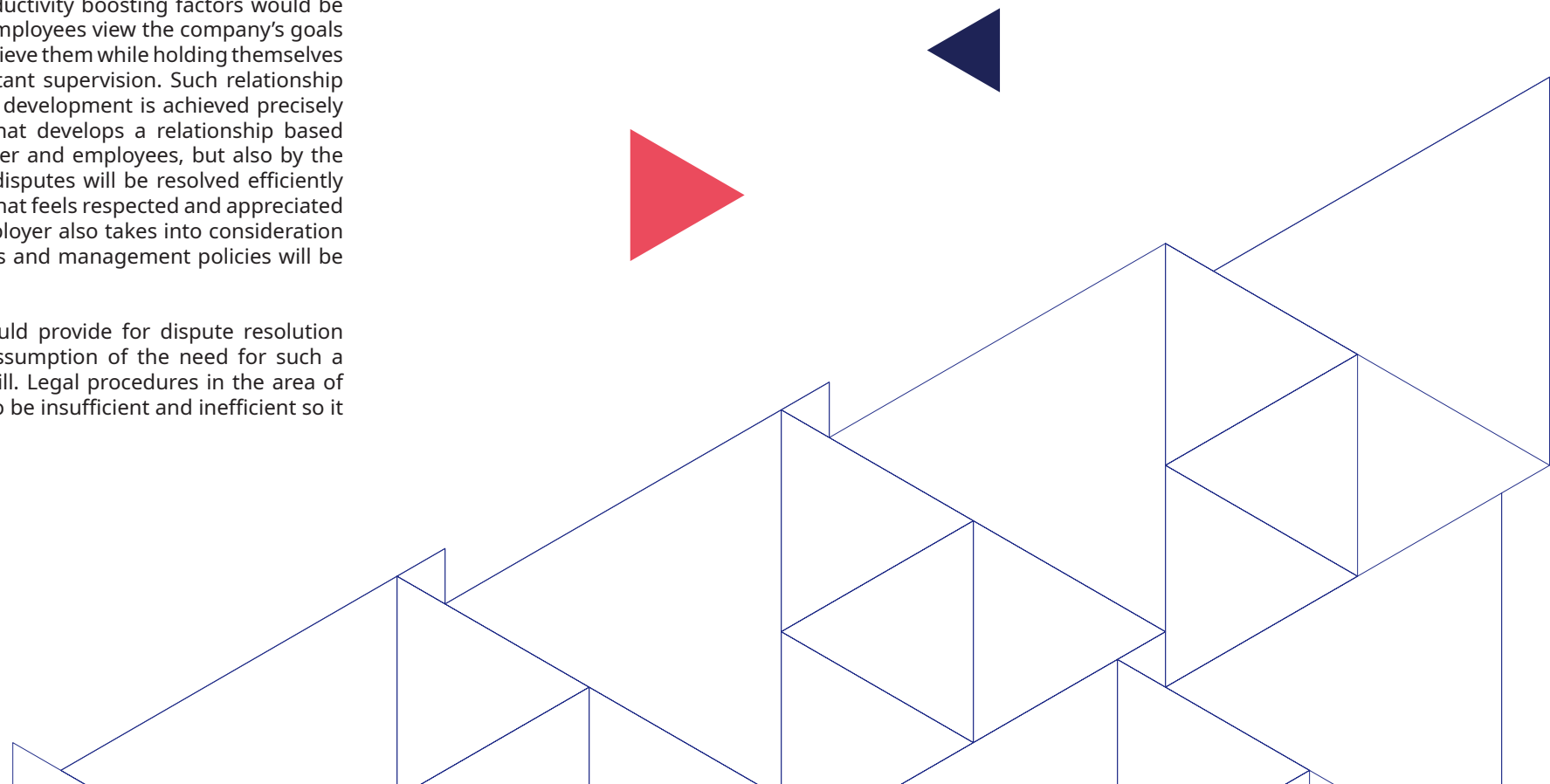
In that sense, the question arises on how to make the labour less stressful and thus contribute to the reduction in the number of conflicts arising from and related to work. The focus for solutions to this issue keeps shifting towards the employers, since they are the ones who are best acquainted with the needs of their employees and can most successfully respond to them. On the other hand, it is certain that employers also tackle numerous challenges related primarily to frequent absences or parental leave. Hence, it does not suffice to simply adopt new national laws and strategies, but it is also necessary to support and encourage employers so that the work is performed in the manner which will to the highest extent provide for settlement of all potential labour disputes and conflicts at workplace, without the need for initiation of costly and often ineffective formal procedures.

It should be especially noted that efficient and productive employees are the foundations of company productivity and efficiency. One of the most important employee efficiency and productivity boosting factors would be for the employers to manage that the employees view the company's goals as their own and persistently strive to achieve them while holding themselves accountable without the need for constant supervision. Such relationship of employees to company goals and its development is achieved precisely by respecting employee needs since that develops a relationship based on mutual respect between the employer and employees, but also by the employees being aware that potential disputes will be resolved efficiently within the company. Also, an employee that feels respected and appreciated and works in a company where the employer also takes into consideration employee needs when drafting business and management policies will be more productive.

The internal grievance procedures should provide for dispute resolution in the best mutual interest with the assumption of the need for such a resolution and the existence of good will. Legal procedures in the area of labour dispute resolution have proven to be insufficient and inefficient so it is not surprising that we can notice.

Manual for internal grievance mechanisms was produced with the aim of providing tangible assistance and guidelines to employers and workers so they can understand, establish and use procedures for workplace labour dispute resolution. We hope that this Manual will provide them with necessary knowledge and skills for prevention and resolving of workplace disputes.

Equality Code was prepared to clarify and explain the complex phenomenon of discrimination and present the protection mechanisms, with the wish to encourage the employees to seek protection when considering whether their employment rights have been violated, that their employer or colleagues are treating them differently due to a personal characteristic, but also to establish contact and a strong relationship with employers, to inform them on the harmful impact of discrimination on labour relations, and remind them that such behaviour is unacceptable and illegal.



► 2. On grievance mechanisms

Grievance mechanisms are established in order to enable any individual (worker) who is directly or indirectly linked to the employer, to file a grievance if they consider that a right or a rights-based-interest have been violated. Hence, any workers who considers that they have a reason to file a grievance, regardless of whether they are acting individually or jointly with other persons, should be provided a right to filing a grievance without any negative consequences, where such grievance would be resolved in lien with an appropriate procedure.

Basis for the grievance can be found in any measure or situation related to the relationship between the employer and the worker and which impact or might impact thee working conditions within a company, if the said measure/situation is in breach of employer's general act or employment contract, corporate culture, rules of a profession etc.

Grievances might be individual, if they relate to a relationship between an individual worker and employer, or collective, if a group of employees is filing a grievance.

Grievance procedures can be regulated by a law or a general act. General acts are collective agreements, and only exceptionally rules of procedure.

The filing of a grievance indicates to a company the existence of a certain problem that needs to be resolved. Accordingly, it is important to differentiate between grievance mechanisms and other processes related to other types of disputes or which are regulated in different manner.

No worker should suffer consequences for initiating a grievance procedure, and the company is obliged to treat every grievance seriously and resolve it as soon as possible.

The objective of grievance mechanisms, inter alia, is to:

- enable constructive resolution of potential disputes in a company in a fair, impartial, simple and efficient manner;
- establish harmony and transparency at work;
- enable the workers to exercise their rights and realize their interests within an internal procedure, without resorting to external protection mechanisms;
- prevent further escalation of conflicts.



► 3. International framework in the field of grievance procedures

During the last several decades, the link between respect for human rights, environment protection and climate change has become increasingly linked to business operations.

The notion of sustainable business has become recognizable at global level and is constantly developing. Sustainable business operations are completely aligned with EU objectives and principles. **Proposal for a Directive of the European parliament and of the Council on Corporate Sustainability Due Diligence**¹ was adopted at European level and after the adoption it will oblige the member states to provide conditions for the businesses which should contribute to sustainable development by preventing and mitigating potential or actual negative impact on human rights or environment. The objective of the Directive is to create legal certainty at EU level and improve the access to legal remedies for persons affected by the negative impact of businesses on human rights or environment.

Drafting of the Directive was inspired by the **UN Guiding Principles (UNGPs) on Business and Human Rights**², as well as **OECD Due Diligence Guidance for Responsible Business Conduct**³. UN Guiding principles, which were unanimously adopted by the UN Human Rights Council in 2011, demand for the businesses to act with due diligence in order to identify, prevent, mitigate and respond to any infringement of human rights that they can cause or to which they could contribute, i.e. that can be linked to their action. Though not legally binding, UN guiding principles have been accepted by the largest global companies. EU has discovered that voluntary company initiatives have not resulted in widely disseminated improvements of human rights corporate practice. Human rights abuse, as well as environmental impact, were still widely present. The lack of clear legislation in the field of human rights and environment has enabled the EU companies to ignore, circumvent or operate in the ways which negatively impact the environment and human rights without any legal consequences. This precise situation has demonstrated to many states and international organizations that they should undertake specific activities in order for the businesses to introduce specific measures to protect human rights and the environment.

The Directive will apply to EU companies, as well as those outside of EU that meet certain requirements.

¹ Proposal for a Directive on corporate sustainability due diligence and annex (europa.eu)

² Guiding Principles on Business and Human Rights | United Nations Development Programme (undp.org)

³ OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf

According to Article 4 of the Directive the companies to which it applies must: (1) integrate due diligence principles into their policies, (2) identify actual or potential

adverse impacts on human rights and the environment; (3) prevent and mitigate potential adverse impacts, and minimise the extent of actual adverse impacts; (4) establish and maintain a complaints procedure, (5) monitor the effectiveness of their due diligence policy and measures, (6) publicly communicate on due diligence.

Article 10 of the Directive relates specifically to the grievance procedure in the case of existence of legitimate concerns regarding actual or potential adverse human rights impacts and adverse environmental impacts. The complaints may be submitted by: (1) natural persons who are affected or might be affected by an adverse impact, (2) trade unions and other workers' representatives, and (3) civil society organisations active in the areas related to companies' operations.

Apart from this, **International Labour Organization (ILO)** has had a considerable impact on promotion and protection of labour rights worldwide through its normative activities. Its guiding principle is precisely the establishment of social peace through alignment and establishment of minimum working conditions, which would then result in general global peace. The achievement of that peace is supported by the international labour standard that this organization has drafted and that support the defining of fundamental labour rights and principles.

International labour standards are adopted in the form of conventions and recommendations and represent an important factor for the improvement of workers living and working conditions at global level.

On June 18, 1998 in Geneva, ILO has adopted the **Declaration on Fundamental Principles and Rights at Work** with the aim of reconciling the need for social progress with the need for respect for different circumstances, capacities and orientations in individual member states. Standards established by this Convention are recognized as priorities since they represent the expression of fundamental labour related rights. This is why we can consider them human rights at work from which all other rights stem.

These are the following rights:

- Right to freedom of association
- Right to collective bargaining
- Elimination of all forms of forced or compulsory labour
- Abolition of child labour
- Elimination of discrimination in respect of employment and occupation

ILO has adopted **Examination of Grievances Recommendation 130** in 1967 which identifies the two fundamental grievance procedure principles. First, that any worker should have the right to submit a grievance without suffering any prejudice whatsoever as a result. Second, that a grievance procedure should be efficient and accessible to all workers. Grievances might be individual and collective and relate to settlement of disputes involving prevention of abuse and harassment at work, failure to pay wages, denial of right to leave, prevention of discrimination at work and other rights.

ILO's approach to grievance procedures places an emphasis on solutions developed through the dialogue of employers and workers at company level. Grievance procedures should be designed to offer a realistic possibility of reaching an agreement in every phase. The existence of grievance procedures cannot impact the workers ability to submit their grievance directly to a specific type of external dispute settlement procedure (such as labour court or other judicial or quasi-judicial authority), and they should provide for settlement of workers' grievances through an agreed external process such as conciliation, arbitration or a joint judgment by relevant worker and employer organizations.

In any case, employers and trade unions should jointly develop detailed grievance procedures, if those are not already regulated by laws. These procedures are most often regulated by collective agreements. In principle, the procedures should be as simple and as efficient as possible, and the workers should be provided a right to be present at and directly participate in the procedure, which would make it transparent.

Finally, the workers should have a right to assistance or to be represented by a shop steward or any other person selected by the worker. Even the most informal workplace procedures can be frightening, and workers, thus, must be allowed to address a trusted representative who will help them build their case or speak on their behalf. Employers can also get assistance or be represented by the employer organizations. Such grievance procedures should not represent an expense for the worker, nor should the workers suffer any negative consequences (disciplinary measures, reassignment, wage reduction etc.) for submitting a grievance



▶ 4. National legislative framework in the area of grievance procedures

▶ LABOUR CODE

The current Labour Code ("Official Gazette of RS", No. 24/2005...95/2018 – authentic interpretation) does not recognize the institute of a grievance that can be filed against the employer's decision on rights, obligations and duties of workers. In other words, **according to the Labour Code provisions, there is no possibility for settling a dispute through internal proceedings.** This is caused by the fact that according to Article 192 of the Labour Code the decisions on employment related rights, duties and responsibilities are delivered by: (1) in a legal entity – employer's competent body, i.e., the person identified by the law or company's general act, or the person empowered by the employer, where this is performed in writing; 2) when the employer does not have the status of legal entity – the entrepreneur or an employee empowered by them.

The employee receives a written decision on rights, duties, and responsibilities, accompanied with pertinent substantiation and advice on legal remedy, except in the case where the employer offers the employee the amending of the agreed working conditions (employment contract annex).

The only type of protection of individual rights at company level is the jointly agreed protection regulated by Article 194 of the Labour Code. This type of protection is exercised through a process regulated by the general act and employment contract, which makes it a facultative form of employment-related protection.

The parties in the dispute are the employer and the employee while the disputed issue is settled by an arbiter that the parties agree on. The deadline for opening of arbitration is three days from the day the employee is delivered the disputed decision. The arbiter is obliged to pass a decision on the dispute matter within 10 days from the day of the application and their decision is final and binding. However, the process regulated by the Article 194 of the Labour Code is not internal by its nature since, even though it is implemented at company level, it implies the participation of a third party (arbiter) which decides on the disputed matter.

Hence, the only process "resembling" an internal one in the current Labour Code is the one referred to by Article 180 which regulates "the right of the employee to respond to the reasons for dismissal stated in the notification before the termination of the employment contract delivered to them by the employer, as well as the get the statement about the same circumstances from the trade union that the employee is member of". Although this process somewhat resembles the internal process at company level, it should be kept in mind that this procedure is initiated by the employer, and not employee, where the employer acts thusly not because they want, but because they are legally obliged to do so.

▶ LAW ON PREVENTION OF ABUSE AT WORK

The Law on Prevention of Abuse at Work ("Official Gazette of RS", No. 36/2010), which came into force on September 4, 2010, is the only legal regulation which explicitly regulates the internal company process. It should be highlighted that the provisions of this law apply to full employees and person with so-called "work engagement" contracts, but not job seekers. Also, the law does not apply to third parties, i.e., those who participate in the work process in a certain manner but are not employed or "engaged in work" at the said company.

The implementation of this Law is linked exclusively to cases of workplace abuse in a specific company, so it's not surprising that the legislator has chosen the internal procedure. The objective of this process is for the dispute parties to reach an agreement (with the assistance of a mediator) which contains measures aimed at stopping the abuse and thus settling the dispute within the company, without entering court proceedings. In that sense, the internal protection process is presented as a process prerequisite for court mandated protection.

So, this process represents a type of mediation where the mediator's task will be to find the joint interest between the parties that will lead to an agreement, the effect of which depends on the will of parties.

If this internal process fails, the abuse victim has a very short preclusive 15-day deadline to submit a complaint to the court. The mediator can be internal or external, i.e., the dispute parties can appoint a mediator from the roster owned by the employer, or from the list of specialized mediation institution. However, unlike the classical grievance procedures which should be free of cost for workers (in line with the international standards), the process costs are equally divided between the parties.

► ANTIDISCRIMINATION LAW

Mediation is also identified as the method for settlement of discrimination-related disputes by the Antidiscrimination Law (Official Gazette of RS, No.22/2009 and 52/2021), since according to the Article 38, paragraph 1: "The Commissioner shall propose a reconciliation procedure, in accordance with the law regulating the mediation procedure, before taking other steps in the proceedings." This means that the Commissioner, depending on the assessment of a dispute's potential for mediation, can, but does not have to, propose mediation. If both sides accept that, the grievance procedure is suspended until the end of mediation, with the provision to continue if the mediation is not successfully completed within a specific deadline. In that sense, it can be concluded that there are no formal obstacles in case of workplace discrimination disputes to use a procedure where parties settle a dispute with the assistance and advice of mediator who is not limited by the matter of dispute, or the damages demanded.

Mediation is a useful method for settling disputes in discrimination-related cases, especially when the parties need to continue working or living together even after discriminatory behaviour has occurred, and also helps the discriminator understand what they have done and, in a manner, permanently alter their behaviour. However, mediation is not suitable for cases where there is a considerable disbalance of power between the discriminator and the discrimination victim, as well as where some form of violence has occurred.

► LAW ON AMICABLE SETTLEMENT OF LABOUR DISPUTES

According to the provisions of the Law on Amicable Settlement of Labour Disputes („Official Gazette of RS" No. 125/2004, 104/2009 and 50/2018), labour disputes can be individual and collective. Individual labour disputes are resolved by arbitration, while conciliation is employed in the case of collective ones.

Arbitration is initiated by filing of a motion, which can be done by the parties jointly or individually, with the Agency for Peaceful Settlement of Labour Disputes. If a court procedure between the parties to the dispute based on the same facts and based on the same legal ground is in progress, the Court shall suspend the proceedings, where the parties are obliged to inform the court about the initiation of the arbitration process, and if the court proceedings have been stopped, on the arbiter's decision.

The arbiter is jointly appointed by the dispute parties, i.e., selected from the List of conciliators and arbiters, and if they fail to do so, appointed by the Agency Director. Within the 30 days from the first hearing, which is closed to the public, the process is completed by arbiter's decision which is valid and enforceable from the day that it is delivered to the dispute parties. It should be especially noted that in the case of abuse and discrimination related disputes the arbitration is completed only when the parties reach an agreement. If there is no settlement agreement, the arbiter stops the process, so that court proceedings can be initiated. There is no right to appeal the arbiter's decision.

Conciliation is used for settlement of collective labour disputes related to implementation of collective agreements or general acts, exercise of right to

union organizing, strike, right to information, consultation and participation of employees in the management of the company, and establishment of minimum service. Conciliation takes place before a conciliation committee and is completed by drafting a recommendation which is not binding for the dispute parties.

In any case, arbitration and conciliation are designed to be free of charge, but these are not internal grievance mechanisms, but external institutional procedures.

► LAW ON PROTECTION OF WHISTLEBLOWERS

Special protection for whistleblowers is provided by a specific law, namely Law on Protection of Whistleblowers (Official Gazette of RS, No. 128/14), which defines whistleblowing as disclosure of information regarding violation of regulations, violation of human rights, violation of public powers contrary to the purpose for which they were entrusted, danger to life, public health, safety, and environment, as well as for the purpose of preventing damage of greater scope. The whistleblower is defined by this Law as a natural person who performs whistleblowing in terms of his/her work engagement, employment procedure, use of services rendered by public and other authorities, holders of public powers or public services, business cooperation and right of ownership in a company.

Whistleblowing can be: 1) internal, i.e., disclosure of information to the employer; 2) external, i.e., disclosure of information to a competent authority; or 3) whistleblowing to the public, i.e., disclosure of information without previously informing the employer or the competent authority in the case of immediate danger to life, public health, safety, and environment, as well as for the purpose of preventing damage of greater scope, or if there is a risk of evidence being destroyed.

The Law also regulates the situation where the whistleblowing, i.e., the disclosure of information regarding violation of regulations, violation of human rights, violation of public powers contrary to the purpose for which they were entrusted, danger to life, public health, safety, and environment, as well as for the purpose of preventing damage of greater scope pertains to work-engaged persons in the competent authority. In that situation the whistleblower should address the manager of the said authority.

In case whistleblowing refers to the manager of the competent authority, the whistleblower should address the manager of the immediate superior authority. The Law provides the full scope of protection to persons reporting concerns of corruption, both in public and private sectors. What should be kept in mind is that the protection of whistleblowers mostly protects the public interest since whistleblowers are persons reporting corruption, which should not expose them to retaliation, so they need to be provided proper legal protection. The point of this approach is to motivate potential whistleblowers to disclose information on corruption by providing them with state guaranteed protection and prevention of retaliation, i.e., alleviation of potential harmful consequences caused by their whistleblowing. Finally, this Law provides a safe alternative to keeping silent on public interest breaches and thus protects the public order, but this procedure cannot be considered a grievance mechanism which enables the workers to protect their individual rights.



5

Creating
internal
grievance
mechanisms

▶ 5. Creating internal grievance mechanism

Companies should plan internal grievance mechanisms at all levels of operation, including the companies working for them as subcontractors, i.e., the companies in their supply chains.

The idea behind this process is to develop internal grievance mechanisms enabling a company to become aware of all risks or dissatisfaction linked to its business operations and timely respond in order to eliminate harmful consequences.

Individuals, groups and organizations can file a fact-based grievance, and the company to which the grievance has been filed shall provide an official response at the latest within a previously identified deadline.

The purpose of a grievance process is precisely to provide workers and all other persons performing work for a specific company with an option to communicate that they are dissatisfied with a specific situation or work-related decision. In this manner the workers are provided with an efficient and cost-free option to file a complaint related to decisions and actions taken by company management or staff, and on the other hand, enables then companies to promptly identify potential risks what could “cost” them high/quality workforce or market reputation.

▶ 5.1. Planning

▶ 5.1.1. INTERNAL PLANNING AND CONSULTATIONS

A special expert team should be in charge of creating grievance mechanisms while taking into account not only the needs of the company but also the need to protect the human rights of all persons who perform any kind of work for the said company.

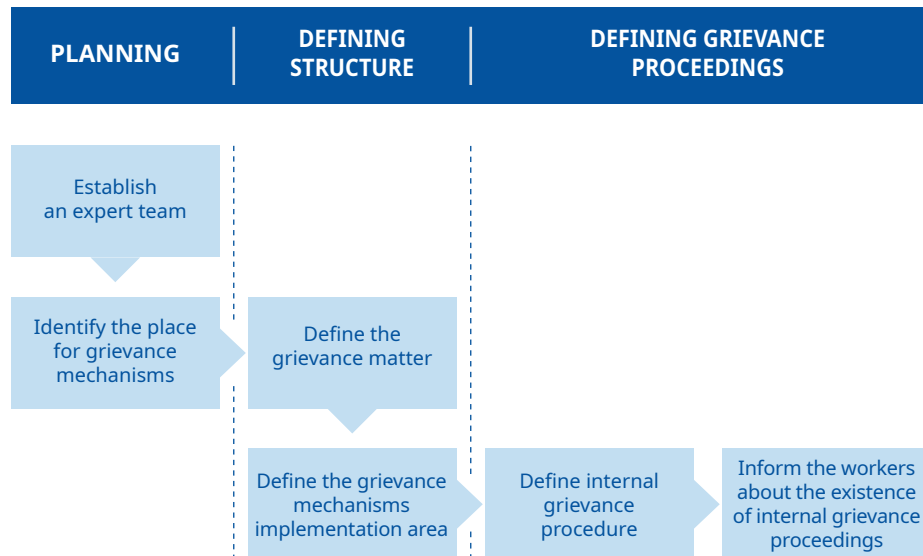
It is important to without fault consult trade unions and their organizations as well as NGOs during the drafting of grievance mechanisms. The objective of their participation is to make the grievance mechanisms as efficient as possible and to reduce resistance to them. In that sense it is important to emphasize the necessity of building trust between the company and the complainant, with full understanding theta the proceedings will remain internal, without unnecessary informing of the public and other governmental and non-governmental actors.

During the drafting of grievance mechanisms, it is necessary to assess potential risks for complainants, as well as their needs. Prior to that, in order for the grievance mechanisms to be efficient, it is necessary for a relationship based on trust to exist between the company management and the complainant.

During the drafting of grievance mechanisms, special attention should be given to multilayer nature of that process, i.e., the fact that a grievance can be reviewed at several levels of a company. In other words, complex cases will be resolved at the highest management level, while the simple ones can be resolved at the very beginning.

Quick tip:

Who can be a member of the expert team for the drafting of grievance mechanisms? Th expert team can consist of HR team, legal team, procurement and compliance team members, a worker representative, management representatives (Team Lead, Middle management), depending on the company structure.



▶ **5.1.2. POSITION OF GRIEVANCE MECHANISMS IN THE INTERNAL COMPANY ACTS**

Grievance mechanisms should be developed within large companies operating in specific economic sectors, and then scaled down to the level of subsidiaries, contractors and all companies in the supply chain.

Grievance mechanisms can be regulated by law or general acts. It should be kept in mind that pursuant to Labour Code of the Republic of Serbia, general act is defined as collective agreement, and only exceptionally as internal Rules of operation. Since the Labour Code does not allow for the possibility of appealing any formal decision delivered by the employer, grievance mechanisms need to be regulated by a general act.

If the company grievance mechanisms are developed through collective bargaining and defined by the collective agreement, they will most often also require the presence of trade union representatives.



Important! If the grievance procedures are regulated by the collective agreement, social partners should first recognise and discuss them, acknowledging their importance for both company and the workers.

It is recommended for the companies to have a previously drafted grievance form which can be quickly and simply filled, in order to prevent complaints being filed in freeform.

The entire procedure detailing when, how and to whom a grievance is filed must be contained in the company general act and publicly available to all in order to inform them about the procedure.

Important! Grievance mechanisms are not disciplinary procedures since their objective is not penalization, but achievement of compromise or a win-win situation resolving a dispute in a permanent manner, without winners or losers.

▶ **5.2. Structure**

▶ **5.2.1. GRIEVANCE SUBJECT MATTER**

It is necessary to first define the grievance subject matter. Grievances can relate to:

- employer’s decision;
- discrimination and abuse at work;
- violation of OSH provisions;
- inappropriate actions in the case or work-related injuries;
- unjustified denial of the right to annual leave and sick leave;
- inadequate payment of wages or wage benefits;
- breach of notice period;
- failure to pay legally prescribed wage premiums, especially overtime;
- sexual harassment etc.

The table below presents human rights that can form basis for the complaint:

Human rights that can be the basis for complaint				
Right to life	Political rights	Prohibition of discrimination	Implementation of special measures	Economic and social rights
Use of coercive measures	Right to join political parties	Respect for national, religious and cultural identity	Right to protection of private life, family, apartment and correspondence	Right to work
Prohibition of torture, inhuman punishment or treatment	Right to run for office	Respect for gender equality		Right to just and favourable working conditions
Right to personal freedom and safety and treatment of persons deprived of freedom	Right to freedom of expression and association	Freedom of thought, conscience, belief and religion		Trade union freedoms

Can grievances be anonymous?

It is recommended for the companies to accept anonymous grievances and protect complainants and their identities, families and property.

It is necessary:

- To draft confidentiality policy – describe measures that the company will undertake in order to guarantee anonymity of complainants and the grievance content. In other words, it is necessary to minimise the risk that complainants or their property will suffer damage, or their family members or witnesses will be intimidated
- If the complaint is anonymous, its content should be paid special attention, since it often contains gaps making the processing of the grievance impossible. It is recommended that in this case the grievance is filed by a person of trust, and that the identity of the complainant is known only to the person in charge of receiving it.

- Finally, it is important to establish a grievance tracking system, In line with the Law on Personal Data Protection.

Important! Anonymous grievances are most prominent in cases of discrimination and abuse at work, while in other case the emphasis should be placed on transparency.

▶ 5.2.2. AREA OF GRIEVANCE MECHANISM IMPLEMENTATION

▶ 5.2.2.1. WHO CAN ACCESS COMPANY GRIEVANCE MECHANISMS?

Primarily, it is necessary to make the grievance mechanisms accessible:

- Candidates seeking employment;
- Workers in companies, regardless of the form of employment;
- Third persons directly or indirectly linked to the company (subcontractors, trade unions, subsidiaries, NGOs).

▶ 5.2.2.2. WHO CAN FILE A GRIEVANCE?

Grievance can be filed by:

- Directly by the person whose right has been violated or is in risk to be violated;
- Other person, i.e., an individual who is in a certain manner connected to the complainant (e.g., in the case of a worker's death a grievance can be filed by their heir);
- Trade union representative if the complainant is their member;
- Attorney if they have been given power of attorney.

Important! Complainant has the right to be present and actively participate in the grievance mechanism. Apart from that, the complainant, but also the person to whom the complaint relates, have the right to be interviewed prior to any decision-making. Complainant should be allowed to prepare for the process and during the grievance procedure their wages cannot be reduced and they cannot be denied other individual and collective labour rights.

▶ 5.2.2.3. AGAINST WHOM IS A GRIEVANCE FILED?

A grievance is filed against an action taken or failed to be taken by a company, i.e., their subsidiaries and subcontractors, which violates or endangers human rights.

A grievance can be filed against actions or mistakes made by workers in the company, but also subsidiaries, subcontractors and all other legal entities and their workers who are in any manner linked to the main company.

Special attention should be paid to developing grievance mechanisms which will encompass complaints against **subcontractors**, where this can be implemented in two manners:

First, for the grievance procedure to be implemented in the subcontracting company where this requires coordination with the main company. Also, it is necessary for the subcontracting companies to understand grievance mechanisms and align them with the ones in the main company.

Second is for all grievances to be sent directly to the main company which then processes them.

▶ 5.2.2.4. IDENTIFICATION OF THE RESPONSIBLE PERSON - TO WHOM ARE THE GRIEVANCES FILED?

In order for the grievance procedures to be efficient it is necessary to first identify the person receiving grievances. It is necessary to respect the complainants need for protection so the decisions within the internal grievance procedure should be delivered by the employees who are accountable, impartial and capable of conducting a complete review of the grievance facts.

When planning grievance procedures, companies have two options:

First, to appoint a person in charge of receiving and implementing grievance procedures. If that person cannot deliver a high-quality decision, then they will refer the grievance to higher management. This approach poses the danger to the said person being "swamped" and unable to respond to all complaints.

Second approach relates to the situation where there are several access points for filing grievances and then each one of those grievances is decided by the worker's immediate supervisor. If they cannot resolve the grievance related to the sector they are managing, the grievance is referred to further processing.

- After the grievance is reviewed, the worker in charge of receiving grievances and implementing grievance procedure decides whether the entire process should be referred to senior management.
- The worker in charge of receiving grievances and implementing grievance procedure can delegate (in writing) one of several persons to assist them in deciding on complaint, while keeping in mind potential risks or harm to complainant.

Quick tip:

A general act needs to define and precisely determine the role of company headquarters in the settling of grievance procedures, since not every grievance has to be decided by the highest management level.

▶ **5.2.3. CHARACTERISTICS OF AN EFFECTIVE GRIEVANCE MECHANISM**

Make grievance mechanisms accessible and just

Reasonable access to information and advice, as well as regular communication, are essential for ensuring just grievance procedure, as well as for ensuring impartiality, trust and fair proceedings. Companies should:

- Regularly communicate with complainants and inform them of any deviation from the agreed deadlines, while explaining the reasons for said deviations. Information provided in this manner should be understandable and appropriate.
- Allow the complainant to involve another person who can provide them with support or advice in any phase of the procedure. This includes colleagues, family members, legal advisors or shop stewards.
- Define all phases of the grievance procedure, i.e., provide the option of referring the grievance to senior management, if an efficient decision cannot be delivered at a lower level.
- Provide access to external protection mechanisms (conciliation, mediation and arbitration) if an appropriate decision cannot be made internally

Quick tip:

Fairness is also achieved through inclusion of trade unions and worker representatives in the expert team drafting these procedures.

▶ **MAKE GRIEVANCE MECHANISMS ACCESSIBLE**

A company grievance mechanism will be efficient only if people it is intended for know about it, trust it and know how to use it. Companies should thus provide several access points for filing of grievances, and should also minimize the obstacles potentially preventing the use of internal grievance mechanisms. The following is proposed:

- define several access points for filing of grievances which are known to all (these could be e-mail addresses to which grievances are sent).
- identify and take steps aimed at reduction of potential obstacles to use of internal grievance mechanisms. All grievance procedure related information should be publicly available on the company website. These should be user friendly and written in several languages if the company employs or recruits foreign workers. This information should explain how a grievance can be filed, as well as all other key elements of the procedure itself. For the purposes of easier comprehension, the grievance procedure can be presented in a form of a graph.

Quick tip:

Proposal for access points for submission of grievances: Mailbox created for this purpose, hotline, a box, a section on company's website, monthly Newsletter.

▶ **MAKE GRIEVANCE MECHANISMS EASY TO UNDERSTAND AND TRACK**

Grievance procedures should be easy to understand and track, as well as predictable. Providing **clear deadlines**, drafting **simple procedures** and making **results available**, encourages the workers to use internal grievance mechanisms.

Quick tip:

Simple grievance procedure Flow chart that the employees can easily find and follow (depicted on the posters in the company premises, on the company website, distributed by the team leaders on team meetings, shared during the onboarding etc.)

► COMPLAINANT PROTECTION

Complainant can endanger themselves or their family members or their property when they file a grievance and report an event. In that sense, the companies should assess risks for the complainant, their family and property, and accordingly take any necessary action to prevent any form of retaliation against the complainant and their family, i.e., property.

At the same time, internal grievance procedures should in this case be marked as confidential, and the company should ensure the confidentiality of all information, especially those that could identify the complainant.

It is important to ensure that the complainant doesn't feel intimidated or helpless in any manner, so in those cases where grievance procedures are confidential, the meetings with the complainant can be organised outside of company premises.

Information about the complainant should be reduced and limited to a very small group of workers, more precisely those involved in the grievance procedure and investigating the related facts.

► DON'T FORGET - AWARENESS RAISING ABOUT INTERNAL GRIEVANCE MECHANISMS IS VERY IMPORTANT

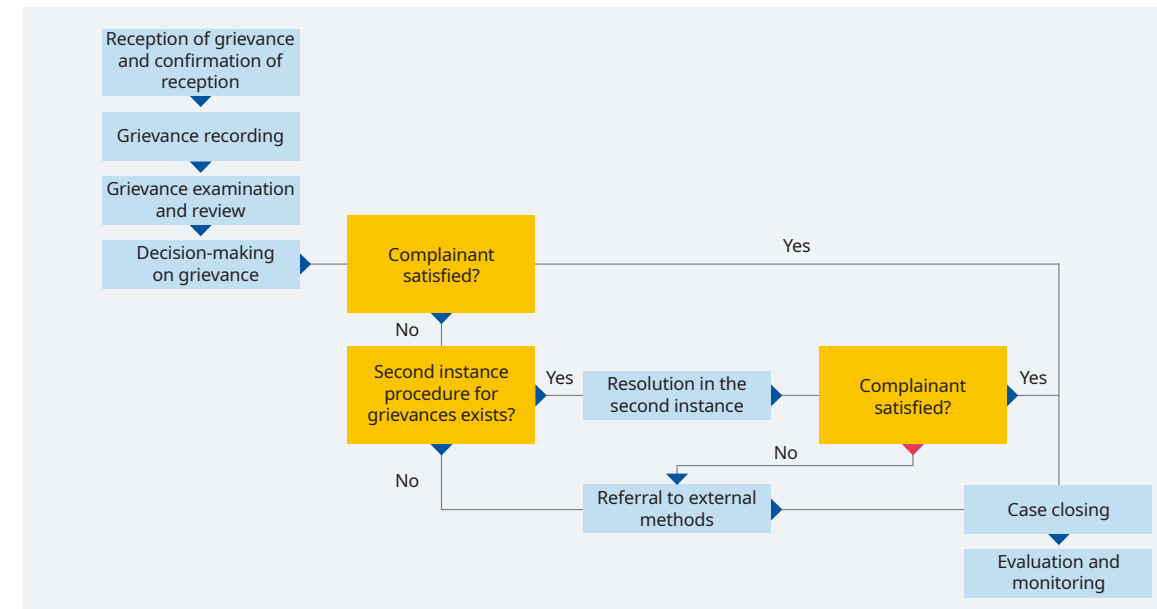
Providing access to internal grievance mechanism does not always guarantee that those expected to use it are aware of its existence. The company should thus:

- Before employing a worker, inform them about their options regarding grievance procedures, as well as the subject matter that can be reviewed in the framework of grievance procedures.
- Raise internal awareness about the existence of company level grievance mechanisms. It is also necessary to provide continuous staff training.
- Make grievance procedures available on company intranet and in all other relevant documents.
- Explain how the company's grievance mechanism can be accessed, describe every step in the process from start to finish and indicate relevant deadlines. It might be helpful to explain what is and what isn't a grievance mechanism in a specific company, what the company cannot provide and which grievances won't be taken into consideration.
- Create systems for continued promotion of internal grievance mechanisms after their initial announcement.

► 5.3. Defining the grievance procedure

Grievance processing is a process that is initiated once the grievance is received and ends when the circumstances of the grievance have been documented.

Grievance procedure example:



► 5.3.1. GRIEVANCE RECEPTION AND RECEPTION CONFIRMATION

Companies should confirm the reception of every submitted grievance and assure the complainant that their case has entered the system and will be processed within the defined timeframe.

- It is necessary to timely confirm the reception of the grievance. The company should inform the complainant that their grievance has been received on a specific day since the response deadline starts from that day. If the grievances are submitted electronically, the complainant should receive an email confirming that their grievance has been received, identifying the deadlines for processing of the said grievance.
- It is necessary to enable the complainant to track every phase and progress of their grievance procedure.

Important!

After a grievance is received the complainant must be informed about all potential deadlines related to use of external grievance mechanisms.

▶ 5.3.2. GRIEVANCE RECORDING

It is important to ensure that no grievance is lost or refused out of wrong reasons, as well as that all grievances are recorded, including those that at a first glance seem unfounded or otherwise unacceptable. In that sense it is necessary to:

- **Create central grievance records** which will be kept electronically and provide company HQ with an insight into all grievance procedures recorded by subcontractors or subsidiaries
- During grievance recording it is necessary to respect **confidentiality principles** and, in that manner, protect the complainant's identity and ensure that their safety and the safety of other individuals is never risked due to their filing a grievance.

▶ 5.3.3. GRIEVANCE EXAMINATION AND REVIEW

The company should examine the nature of a specific grievance, immediate risk for the company and the complainant, and decide how the grievance will be handled and who will conduct the examination. Whether the grievance is founded is determined either through individual interviews with one of the parties in the dispute, or joint discussion involving all dispute parties.

- It is first necessary to determine **whether the grievance is founded**, i.e., whether the grievance subject matter can be settled by a grievance procedure.
- It is recommended that the deadline for this form of grievance review **should not exceed 3 working days after its reception**.
- The company should decide which rights from **the protected rights catalogue** can be protected and exercised through a grievance procedure.
- Depending on the grievance subject matter and the related circumstances, it can be referred to a **higher internal decision-making level** (e.g.: senior management or supervisory board), but also **external dispute resolution methods** (conciliation, mediation, arbitration, the competent court) which should be clearly identified as an option during the course of grievance procedure.

If the grievance is founded, it is then reviewed.

In specific situations, the company has a legal obligation to inform a competent authority about a grievance, especially in the case when grievance contains elements of criminal offense.

If that is the case, it is necessary to **involve senior management or internal supervisory bodies**, and then assess whether it is necessary to inform the competent state authority in order to prevent further harm to the complainant or the company.

The company should be familiar with all authorities and institutions operating at **local, national and international level** which could assist the complainant during the proceedings.

When making a decision on addressing one of the aforementioned bodies, it is necessary to first assess the risk for the complainant or other persons related to the grievance, as well as identify the ways to mitigate those risks.

Example 1: The employee considers that the head of her sector is treating her poorly because she is a single mother. In several instances she has asked to work from home in order to take care of her baby, but she has been refused every time without explanation. She has filed a grievance to the HR department citing discrimination.

Example 2: The employee has received a verbal order from his manager to move to a different office, under the threat of dismissal, where the said new office is in a basement room without natural lighting or free air circulation because he had bought to light that manager's illegal actions.

▶ 5.3.4. CONTENT OF THE GRIEVANCE PROCEDURE

Grievance procedures should be fast and efficient in line with reasonable deadlines stated in the internal grievance procedure.

Whether the grievance procedure will include single or several instances shall depend on the size and organizational structure of the company. This is because not all companies include a Human Resources Department, thus, accordingly, the grievance procedure should be regulated.

If the grievance procedures have two or more instances it is necessary:

- to enable the complainant to address its line manager directly in case of a dispute, or if there is a threat of dispute. The complainant may ask for assistance from the trade union representative if he/she is a member of the union.
- if the dispute cannot be resolved in the previously described manner, or the line manager is the person whose work or behaviour is the subject of grievance, it should be enabled that it is directly submitted to the Human Resources Department, or another person within the company that is responsible for reception and decision making related to grievances.

- Regardless of whether the grievance procedure has one or several instances, the recommended deadline for the submission of the grievances is **8 days** from the date of reception of the decision, that is, learning on the violation of rights, while the deadline for the response to the grievance from the Human Resources Department should not exceed **15 days** from the date of reception of the grievance.
- The following shall be included in the grievance procedure: (1) determine whether the line manager is familiar with the case and why the dispute could not be resolved, (2) review all facts, (3) consider the circumstances of the case, (4) assess the perspective of the complainant and (5) hear all relevant subjects
- All information derived from the grievance procedure should be **separately recorded**.
- Employee in charge of reception and managing the procedure related to grievance should be in contact with the complainant and other employees working on fact collection. This includes regular **exchange of information** with stakeholders, in ideal conditions on meetings in person with the complainant.
- The company should **regularly** notify the complainant on deadlines, newly received information, next steps, and use the meetings to confirm information received from other sources, rumours, for example.
- Meetings with the complainant should be held on **safe and pleasant** locations which will build trust between the participants in this process. Also, it should be communicated to the complainant that members of his/her family and friends may be present at these meetings.

Example of second-instance grievance procedure: If a person within a company noticed there is a dispute, or a dispute may occur, such person should be able to address its line manager first, to try dispute resolution on a primary level. If it is a member of the trade union, the complainant may seek assistance from trade union representatives. In this first part of the procedure, it should be provided for the complainant and the representative of the trade union to meet with the line manager to discuss the subject of the dispute and try to resolve the dispute with joint effort. The proposal is to leave a 10-day period for the line manager to try to reach the resolution of the dispute. If this is not possible, that is, if the complainant does not wish to accept the decision of the line manager, after the expiration of this deadline, or within 15 days from the date the line manager adopted a decision on the subject of the dispute, the grievance may be submitted to the Human Resources Department. The grievance should include all facts and evidence that shall be discussed in further proceedings. Human Resources Department shall have a 10-day deadline to formulate a proposal of the decision and forward it to the executive director of the company that may accept it but does not have the obligation to accept it. If accepted, the final decision of the director with argumentation shall be delivered to the complainant in writing and to the representative of the trade union. In any case such decision may be disputed in court and any external method of dispute resolution may be applied.

▶ 5.3.5. DECISION-MAKING ON GRIEVANCES

Grievance should be resolved in a manner that is adequate for the company and the complainant. Decision making on grievance shall depend on several factors: cultural context, type of rights violation or damages, information received from the complainant and witnesses, applied protective measures and implementation of the final decision.

The following should be considered during the decision-making process:

- Discuss with the complainant on their expectations from the procedure and what decision would be adequate in their opinion.
- If there are several possible resolutions that may be adopted per single grievance, together with the complainant, consider each and decide on the one yielding best result.
- When adopting a decision on a grievance consider the interest of the company and the complainant.
- Decision on the grievance must fully resolve the subject of the grievance, that is, improve the position of the complainant compared to the period prior to grievance.
- When adopting a decision on a grievance take care not to violate internationally recognized human rights of other persons that could be impacted by the grievance procedure.

▶ 5.3.6. WHAT HAPPENS IN A SITUATION WHEN THE COMPLAINANT IS NOT SATISFIED WITH THE DECISION?

If the complainant is not satisfied with the outcome of the grievance procedure the companies should recognize this situation when managing grievance procedures.

It is necessary to notify all the persons with the right to an appeal and protection in internal procedure with the option to continue with the procedure after the adoption of the decision on the grievance.

In this case, one of the voluntary external peaceful methods of dispute settlement (conciliation, mediation or arbitration) that may be more effective in case internal protection did not yield desired result, and if this is not possible, other external methods (see Chapter 6 of this Manual).

▶ 5.3.7. WAIVER OF RIGHT TO CONDUCT FURTHER PROCEEDINGS

In order to avoid unnecessary delays in the proceedings and decision-making on the same matter in several instances, in a situation when the decision on a grievance has been adopted, the companies may demand from the complainant to sign a statement waiving his/her rights to conduct further proceedings. In other words, if the complainant is satisfied with the outcome of the procedure, by signing such statement, the complainant shall be obligated not to use external methods for the protection of rights related to the same subject matter.

Important! Signing such statement should not be a rule, only an option in a situation when a company assesses this is necessary.

If a company decides to offer the complainant to sign such statement, the following is necessary:

- Determine, for each case separately, whether it is appropriate to ask from the complainant to waive the rights to further proceedings related to the same subject matter. If yes, it is necessary to formulate a clarification of such request.
- Provide, where there is an option to sign a statement on waiver of such rights, that the complainant is fully informed and understands the nature and significance of signing such document
- Special care shall be advised when recording the entire process of signing such statement, since it can be subject of dispute later.
- Statement of will used by the complainant to waive its right to conduct further proceedings on the same legal matter must be free and serious, without any elements of coercion.

▶ 5.3.8. CASE CLOSING

After the adoption of the decision on grievance, the case shall be closed. The company should:

- Provide that the complainant understands that from the perspective of the company the adopted decision shall be final, thus making the **grievance procedure completed**, all for the purpose of avoiding further misunderstanding related to this issue.
- Prior to case closing, **execute decision on grievance** within the company. The case shall be closed only when the decision is implemented and all potential issues are followed up that may arise from the execution of this decision.
- **Document** all results, findings and measures taken, and secures that all grievances are properly recorded. This also provides useful insight into the effect of operations of the company in high-risk industries and enables continuity in monitoring grievance procedures in the company.

▶ 5.3.9. EVALUATION AND LESSONS LEARNED FROM GRIEVANCE PROCEDURES

In order to secure effectiveness of internal grievance mechanisms and prevention of future grievance and damage, the company should constantly record and review data on internal mechanisms, especially the following:

- Identify what **information it intends to collect**, which indicators to use for the evaluation of performance of internal grievance mechanisms, and criteria to apply to assess strong and weak points of such mechanisms.
- **Monitor performance** of decisions on grievances, that is, seek feedback on grievance procedure from the complainant and other key actors to identify any residual risks for the complainant and get ideas on possible methods to improve the procedure.
- **Submit internal and external** reports on performance of internal grievance mechanisms, considering confidentiality of information. Decide, internally, which information should be available to the supervisory body and employees of the company, how often and in which scope.

► 6. External mechanisms

If internal grievance mechanisms failed to successfully end the dispute, the table below includes jurisdiction, deadlines, costs, execution and instance of the procedure related to the institution that may conduct the dispute further.

	Republic Labor Inspectorate	Republic Agency for peaceful settlement of labor disputes
Jurisdiction	Monitoring application of regulations in the areas of labor and occupational health and safety	Individual labor disputes: Employment contract cancellation; Business hours; Vacation; Salary and salary fees; Meal allowance; Vacation allowance; Severance pay; Jubilee reward; Discrimination; Harassment at work. Collective labor disputes: Signing and amendments to the collective agreement; Application of collective agreement in whole or in part; Application of Act of Association; Exercise the right to union organization and action; Strike; Right to information; Consulting and participation of employees in management; Determination of minimum service.
Procedure initiation deadline	/	No deadline
Procedure duration	30 days from the date of submission of the request decision is adopted	Individual: 30 days from discussion opening Collective: 30 days from discussion opening with extension
Procedure costs	No costs	No costs
Decision enforceable	Yes	Individual: Yes Collective: No
Second instance of the procedure	Yes	None

	Basic court	Higher court	Commissioner for Protection of Equality
Jurisdiction	Labor disputes related to initiation, existence and termination of employment, damage compensation suffered by employee at work or related to work	- Basic court verdict appeal - Protection from discrimination Harassment at work	Prevention of all types, forms and cases of discrimination, protection of equality of natural persons and companies and monitoring application of discrimination prevention regulations
Procedure initiation deadline	60 days from the delivery of the decision that is, learning about the violation of rights	In case of harassment at work 6 months from the last act of harassment - in case of no mediation, otherwise 15 days from the reception of notice that mediation failed. In procedures related to discrimination there is no deadline	No deadline
Procedure duration	/	/	90 days from grievance submission
Procedure costs	Costs	Costs	No costs
Decision enforceable	Yes	Yes	No, but the public is informed
Second instance of the procedure	Yes	Yes	None

▶ Annex 1

Conflict management – prevention

▶ INTRODUCTION

Conflicts are an integral part of all relations including social interaction. Regardless of the type of setup, conflicts exist and shall exist in all relations in which people are gathered around their interests and needs that are at least partially in conflict with the interests and needs of the other side.

It is also impossible to avoid conflict at work. Depending on the parties involved in conflict at the workplace we may detect the level of stress occurring with the individual due to long-term exposure to conflict situations. Since conflicts are a significant source of stress for all those involved, we strive for their resolution as fast as possible. However, it is not always possible to achieve efficient and desirable solution, since the constructive dispute resolution is a skill that is learned and that, very often, for the parties in dispute, and especially when it comes to disputes at the place of work, is not the first tool to apply. Having in mind long-term benefits of constructive dispute resolution it would be good to promote and guide all actors to this type of behaviour and resolution of conflict situations.

Each conflict represents a challenge set between the actors that, if they manage to resolve it in a successful manner and approach it constructively, opens possibilities for improvement of relations and in case of conflicts at the place of work, contribute to better psychological and social climate with constant positive effect to efficiency and productivity of employees.

Once you understand the process that occurs, and have appropriate tools for resolution, you will be far better equipped to use a conflict in a positive manner, and you will be able to help people find better ways to work together in more productive manner.

By bringing the differences to the surface, you will have the opportunity to improve owing to different perspectives and work methods. Conflict management is all about bringing the best out of the conflict situation and using it to improve understanding among people and achieve highest level of cooperation.

▶ **TYPES OF CONDUCT IN CONFLICTS**

Conflicts at work cannot be avoided. When you put people together and ask them to work for a common goal, disagreements often happen. But, as we mentioned in the introduction, disagreement is good, since it is an opportunity to grow, develop and improve if the parties in conflict know how to manage it.

Human response to conflicts is mostly classified into five main categories that differ in the level of cooperation and assertiveness in approach. Thus, they may be categorized in two-dimensional model: concern for oneself and the concern for the subject of the conflict. When these two dimensions cross, we get five different behaviour styles in conflict.

▶ **WITHDRAWAL** – low concern for subject of conflict and low concern for the relationship

If one side in the possible conflict shows no or low concern related to satisfaction of own interest and shows no concern for the relationship with the other side, such party, as a rule, will not engage in conflict resolution and shall react by withdrawing from the conflict situation. This style may be depicted by a turtle, whose motto is “Conflict? What conflict?”. Indeed, as the turtle in a difficult situation withdraws into its shell, so some people, as long as it is possible, will not face conflict and act as if it does not exist. Constant delay of open discussion on the conflict, trying to resolve it is a bad strategy. This will not make the conflict disappear or shrink, on the contrary, it will become larger and more complex and once it explodes it will be much more difficult to resolve than when it started. On the other hand, withdrawal is a good reaction when open conflict is too dangerous and threatening, when the subject of dispute is not very important, when the situation should be pacified or when we need extra time to prepare for conflict.

Frequent response to conflict using this approach is “Well, it is just... or he/it will never change”. This is a frustrating response since conflicts are never resolved on their own making it difficult to move on. The dominant feeling in this style is that there is no leadership and people actually do not know where to seek solutions.

▶ **COMPLAISANCE** – high concern for relationship with others and the other side, low concern for subject of conflict

Complaisant style is characteristic for people that consider the needs of the other side in conflict more than their own, for whom the most important thing in contact with other people is to maintain good relationship. Therefore, they are ready to neglect their needs to satisfy the other party. Symbolically, this style of behaviour in conflict may be represented with a teddy bear whose motto is “As you say”. They will insist on own interest only to the extent they are sure they will not damage or hurt the other side. Keep in mind that being complaisant is useful and appropriate behaviour when our relationship with the other person is more important than the subject of the conflict.

What happens often is that nobody wins, because staying in everyone's mercy is not something that produces progress. By adjusting, you lose the opportunity to critically assess the situation and to protect the rights and interest of all parties involved. You cannot please everyone!

▶ **COMPETITION (DOMINANCE)** – high concern for subject of the conflict, low concern for relationships with others

Having only your own interest in mind and neglecting the other side encourages people to compete with the other side during conflict. Sometimes, this behaviour is also called competitive or a rigid style. It can be depicted with a shark and the motto “It is going to be my way, or the highway”. People that are prone to competition in resolving conflict see it as a fight in which there can be only one winner and one loser. Competitive strategy is not necessarily aggressive. The selection of such a style may be an expression of resolute to stand firmly behind your rights or beliefs, but it can also mean resolve to accomplish own interest at the account of someone else.

Threats, manipulation and use of formal authority is common tactics used here. The boss will create a ‘community’ with people that like his goal to assure victory. Someone else will pretend they did not get a memo if it is not in their interest to read it. In this style, the attitude “I am the boss” or “I am the most important person” is the dominant sub context.

▶ **PROBLEM RESOLUTION (COOPERATION)** - high concern for subject of conflict and high concern for the relationship

Parallel concern related to own interest and the interest of the other party in conflict is representative of this approach. Symbolically, this style of behaviour in conflict may be represented by a dolphin with the motto “I am fine with this and that. What is your choice?”. Parties in conflict do not see each other as adversaries, but as associates that are jointly resolving the issue. This behaviour is also known as cooperative and the style of principle, or problem solving. A person resolving the problem in conflict is not trying to beat the other side, the intention is to find the solution, together, that will satisfy all and where nobody will feel defeated.

Solution is satisfactory for both sides, and this is why this is a ‘win-win’ strategy. The focus is on understanding the positions and views of all persons involved, and then using such information to find a common ground. From there, you will try to find a creative solution, outcome of which will be satisfactory for all and you will truly be resolving the problem.



▶ **COMPROMISE** – half-hearted concern

This is a behaviour in which we equally, but partially care about own interest and the other side. The result will be an effort not to deal with the resolution of conflict too much, but to accept the mechanical solution where each side will give up on something and they will meet in the middle. A fox is usually used to depict this approach, its motto is “Better half than nothing”. Although accepting compromise does not have to be bad, often, both parties feel they lost, and what is even more important, you are missing an opportunity to find a solution that is even better for both sides. Sometimes the compromise is not a special style of behaviour, it is an outcome that can be a final result with all other styles of behaviour in conflict.

When you make a compromise, you are actually saying that discussion resolution is more important than problem resolution. This may lead to people playing games and start off with high demands. You may maintain peace for some time before everything falls apart.

The outcome will be completely different depending on the approach to conflict you apply. It is up to you to understand which approach should be applied to a certain situation. But the general rule applies:

- When the topic is important, use competitive and cooperative approach.
- When the relationships are important, use the approach of complaisance and cooperation.
- Approach of avoidance can only be recommended when positions of power are equal and when there is not much hope you will agree on the resolution of the situation.
- When the speed of finding a solution is important, consider competitive, complaisant and withdrawing approaches.

▶ **CONFLICTS AT WORKPLACE**

The most common causes of conflicts in companies are:

- Inconsistent value system
- Unclear work duties
- Limited resources
- Inappropriate communication
- Interdependent work duties
- Unrealistic/unclear rules and norms
- Unresolved/suppressed previous conflicts

▶ **THE MOST COMMON REASONS OF NEGATIVE OUTCOME OF CONFLICTS IN THE WORKING ENVIRONMENT ARE:**

- Lack of planning
- Unresolved presumptions
- Unclear messages
- Communication obstacles
- Loss of information in transfer
- Failure to listen and premature judgement
- Lack of trust, threats and fear
- Information overload

▶ **EFFICIENT CONFLICT RESOLUTION**

Conflicts impact our capacity to understand and think to that extent, that we are not able to clearly see the events around us and within ourselves. It is as if we lose sight, and our view on ourselves and the opposite side in conflict becomes unilateral and crooked. Our capacity to think remains trapped, and we are not aware of it.

Honest discussion without mutual blaming is the most efficient and fastest way to contribute to problem resolution. Symbolically, that type of conversation is called the “giraffe language”. Giraffe has the largest heart of all mammals, it is the highest, enabling it to see the situation from a completely different perspective, there are no natural enemies and it does not endanger other animals.

Using the “**giraffe language**” the conflicts are resolved in several basic steps.

1. The first, and the hardest step, is a call for discussion. Make a proposal for your colleague to sit down and peacefully discuss the problem, without mutual blaming and passing blame.
2. Difference in opinions may be an interesting experience from which you can learn a lot. Professional conflicts are often evidence that you care about your ideas and that you have firm beliefs that you are ready to fight for.
3. Do not focus on winning the argument, seek the root cause of the conflict. If you do not resolve the causes, hostility will reappear after some time in different situations.
4. If nothing is going right and you are nowhere near the solution, you should include the third, neutral party (conciliator, mediator, arbiter) that may help resolve the conflict situation – resolve the dispute. This must be a person of trust for both sides, not inclined to any party in the conflict.

▶ ASSERTIVE COMMUNICATION

Assertiveness is a behaviour in which we take a stand for ourselves, we communicate our needs and attitudes in a direct and unambiguous manner, without harming others.

This means that assertive communication entails that you may (and know how) say what you really mean and how you feel without degrading, humiliating or offending a person that you communicate with. Through this form of communication, you respect and honour the positions of others, but that does not necessarily mean that you agree with them.

We propose advice on how to overcome conflict:

- Learn to accept differences (difference of opinion, culture, attitudes, gender).
- Communicate openly, clearly, directly and constructively.
- Learn to listen to the opposing side.
- Do not let emotions impact your work.
- Learn how to ask for help.
- Trust your associates.
- Learn how to “get out of your own shoes” and see things from different perspectives.
- Get benefits from conflict.
- Seek solution beneficial to both sides



▶ Annex 2

How to achieve equality at workplace

Guide for employers and employees

▶ WHAT IS DISCRIMINATION?

Discrimination represents a complex and socially harmful phenomenon that entails illegal behaviour, that is, unjustified differentiation or unequal treatment, or omitting, exclusion, limitation or giving priority compared to other persons or groups or close persons to them due to their actual or presumed personal attributes.

It can be seen in all areas of social life and if not suppressed adequately and in a timely manner, it may impact the development of the society as a whole.

Simply put, **discrimination is unequal treatment of equals and equal treatment of unequal persons.**

▶ PERSONAL ATTRIBUTE AS BASIS FOR DISCRIMINATION

For unequal treatment to be viewed as discrimination, it is necessary for it to be based on a personal attribute. Personal attributes that represent the basis of discrimination that are specifically included in the Law on Prohibition of Discrimination shall include: race, skin colour, ancestors, citizenship, nationality or ethnic background, language, religious or political beliefs, sex, gender, gender identity, sexual orientation, sexual characteristics, level of income, property, birth, genetic properties, health condition, disability, marital and family status, criminal record, age, appearance, membership in political, trade union and other organizations, other actual and presumed personal attributes.

List of stated personal attributes is pretty detailed and, what is especially important, not exhaustive. Additionally, the law prohibits discrimination based on personal property, regardless of whether it actually exists or the discriminator only presumes it exists.

It is especially important to point out that the intention to discriminate is not recognized by law or theory as a relevant element of discrimination, so certain behaviour may be qualified as discriminatory, regardless of whether the discriminator intended to do discriminate or whether this was the goal of its actions.

▶ FORMS OF DISCRIMINATION

The Law on Prohibition of Discrimination (Article 5) prescribes separate forms of discrimination as direct and indirect discrimination, as well as violation of principle of equal rights and obligations, calling for responsibility, association to discriminate, hate speech, harassment, humiliation and sex and gender harassment and inciting to discrimination, as well as segregation.

Direct discrimination exists if a person or a group of persons, due to their personal attributes in the same or similar situation, by way of any act, action or omission, are placed in less favourable positions or could be placed in an unfavourable position. **This is the case of treating equals in an unequal manner.**

Example: In the ad for the job that can be performed by any person having capacity a condition of age under 30 is stated, thus excluding all persons older than 30.

Indirect discrimination exists if a person or group of persons, due to their personal attributes, are placed in an unfavourable position by act, action or omission that is seemingly based on the principle of equality and prohibition of discrimination, unless justified by legal goal, and the means to achieve this goal are appropriate and necessary. With indirect discrimination, namely, mere actions are not of interest only, but also the consequences that are disproportionately unfavourable compared to a certain group of people, that is, individuals belonging to this group. This is the case of treating unequal persons in an equal manner.

Example: Employer demands that all candidates for the job are tested to determine their physical strength and stamina, even though this is not important for the successful performance of work. If the test is customized only to those in full physical condition, all potential candidates do not have equal opportunity and some may be discriminated, such as elderly or persons with disability.

To characterize differentiation or unequal treatment as discriminatory, it is necessary for it to be unjustified. Sometimes it is easy to determine that differentiation is justified (for example, separate dressing rooms for men and women in recreational centres). Sometimes, however, it is necessary to perform a very complex analysis to see whether the goal and the consequence of unequal treatment are justified and if there is proportion between the goal to be achieved and a measure taken.

▶ SPECIAL (AFFIRMATIVE) MEASURES

Measures introduced to achieve full equality, protection and progress of persons, that is, social groups in unequal position, **shall not represent** discrimination and shall be called affirmative or special measures. The goal of affirmative measures shall be mitigation of inequality among individuals and groups (for example, women, Roma, persons with disability).

Affirmative measures actually provide certain advantage to specific social groups that are in higher risk from discrimination to reach the “starting position” other citizens have. In this manner, persons belonging to such groups enjoy all rights other members of the society have. Affirmative measures are introduced and implemented by the state. In the area of labour and employment this is implemented by the National Employment Service, where employers may join its programs and multiple benefits may be received.

▶ DISCRIMINATION IN THE AREA OF LABOR AND EMPLOYMENT

Due to unequal treatment in the area of labour and employment, the Commissioner for Protection of Equality has been addressed, in recent work, by the majority of citizens seeking protection in different phases – from competition, selection of candidates, performance evaluation, career development and possibilities to progress in the working environment. This area of social life is very important since it represents the basis for income and existence, thus impacting all aspects of individual's life.

Harmful consequences of discrimination in the working environment are numerous – it leads to the drop of efficiency and productivity of employees, caused lack of motivation, disrupts interpersonal relations, causes and promotes conflict and negative atmosphere, and frequently jeopardizes the reputation of the company.

Practice shows that in the area of labour, especially employment, the groups that are vulnerable become more vulnerable and susceptible to discrimination, such as persons with disability, youth and elderly, Roma men and women, LGBTI population. Position of women is specific; they are present on the labour market as the most numerous and most discriminated social group at the same time.

Examples of discriminatory actions:

- Posting job ads seeking persons with pleasant appearance.
- Employer allocates employed women to lower and less paid positions after their return from maternity leave.
- Employees ridicule the colleague submitting request for the use of leave for childcare.

Sometimes a person receives unequal treatment but this behaviour cannot be characterized as discrimination since it is not based on personal attribute of that person (for example, level of education or occupation are not personal attributes).

However, there are other unjust, unprofessional and illegal behaviour that can be considered discriminatory, and in such cases the protection is achieved by other means, not the ones used for protection of discrimination.

Examples of other unprofessional and/or illegal behaviour:

- Manager of the department in which all employees are late with the performance of tasks punishes only one employee since he/she does not like him/her, while others get a warning.
- Official of the municipal administration is letting his acquaintance cut the line, while other wait in the same line.
- New company manager is harassing and humiliating the employee who is the spouse of the previous manager

▶ **DIFERENTIATION BETWEEN DISCRIMINATION AND HARASSMENT AT WORK**

Harassment at work and discrimination at work are not the same terms or phenomena, even though often, in public, there is no difference between them. Harassment at work and discrimination at work **may have similar forms**, however they are **most often motivated by different motives, have different consequences, actors, and the disputes are resolved in different procedures and in front of different authorities.**

Key differences	MOBBING Harassment at work	Discrimination at work
Circle of protected persons	Narrow circle of protected persons X (does not relate to persons seeking employment)	Wider circle of protected persons ✓ (includes the process of employment)
Who enjoys protection?	• employees and persons with work engagement contracts)	• Employed persons, • Persons performing temporary and seasonal jobs or jobs from service contract or another contract, • Persons performing additional work, • Persons performing public function, • Member of the military, • Persons seeking employment, student, apprentice, • Persons on professional training without employment, • Volunteer and any other person participating in work on any basis
Circle of potential persons performing mobbing/	• employer that is a natural person • responsible person lice at the employer that is a legal entity, • employee or group of employees with the employer	Everybody (Usually, employer and employees with authority to impact initiation of employment, promotion, training)
Motive of the perpetrator	Personal animosity towards the victim (anger, jealousy) or possibility of receiving economic interest	Personal attribute of the victim (sex, nationality, age, appearance...)
Repetition of disputable action	✓ Single action, independent of intensity, cannot be characterized as mobbing	X May be performed by single action, repetition is not necessary
Consequence / purpose of action	✓ Creating fear, discomfort, humiliation If actions of the mobber did not cause desired effect or if the potential victim is not aware of such action, there is no harassment at work.	X Exists independently of whether the victim of discrimination is aware of it
Intent of the perpetrator	✓ Must exist	X not legally relevant
Dispute resolution	• mediation • court proceedings • arbitration	• procedure in front of Commissioner for Protection of equality, • court proceedings
Deadlines for submission of protection requests	Six months from the date of harassment	No statute of limitations
Type of court disputes	Labour disputes	Special litigation in line with the Law on Prohibition of Discrimination

Mobbing exists in case when the employer is upset with the employee because the style of writing is not pleasing, because the employee speaks fast, or because the employee did not “smile enough” to the lascivious comments of the manager.

Discrimination would exist if the employer would refuse to employ a person since based on its last name the employer concluded the person is of certain nationality that the employer is prejudice to, or in case the employment contract is not extended to an employee that is pregnant.

► **DISCRIMINATION PROTECTION PROCEDURE IN FRONT OF THE COMMISSIONER**

Commissioner for Protection of Equality is an independent, separate and specialized state authority formed based on the Law on Prohibition of Discrimination, competent to prevent all forms, shapes and cases of discrimination of natural persons and legal entities, and improvement of equality in all areas of social relations.

Any person that feels it suffered discrimination on any basis in the area of labour and employment or in the other area of life may file a grievance to the Commissioner.

The Commissioner shall act upon the grievance if the procedure in front of the court on the same subject matter has not been initiated or finalized. The procedure shall not be initiated if it is obvious that there is no violation of rights to which the complainant points to, if the same subject matter has been subjected to proceedings and no new evidence has been offered, and if, due to elapse of time from the violation of rights, it is impossible to achieve the purpose of action. The Commissioner shall provide information to the complainant on its rights and options to initiate court or any other protection proceedings, that is, on the methods of protection of rights, and shall be authorized to recommend mediation, in case judgement is made that the case is qualified for mediation.

Grievance procedure is simple, without extensive formalities, completely free of charge.

Grievance shall be submitted in writing (e-mail with scanned submission and signature of the complainant, in electronic form with electronic signature of the complainant) as well as orally on the record, without any taxes or other fees paid.

Grievance shall include the following data:

- Who is discriminated,
- Who is discriminating,
- The basis of discrimination,
- Description of discrimination act,
- Evidence on suffered act of discrimination (documents, witnesses, etc.)

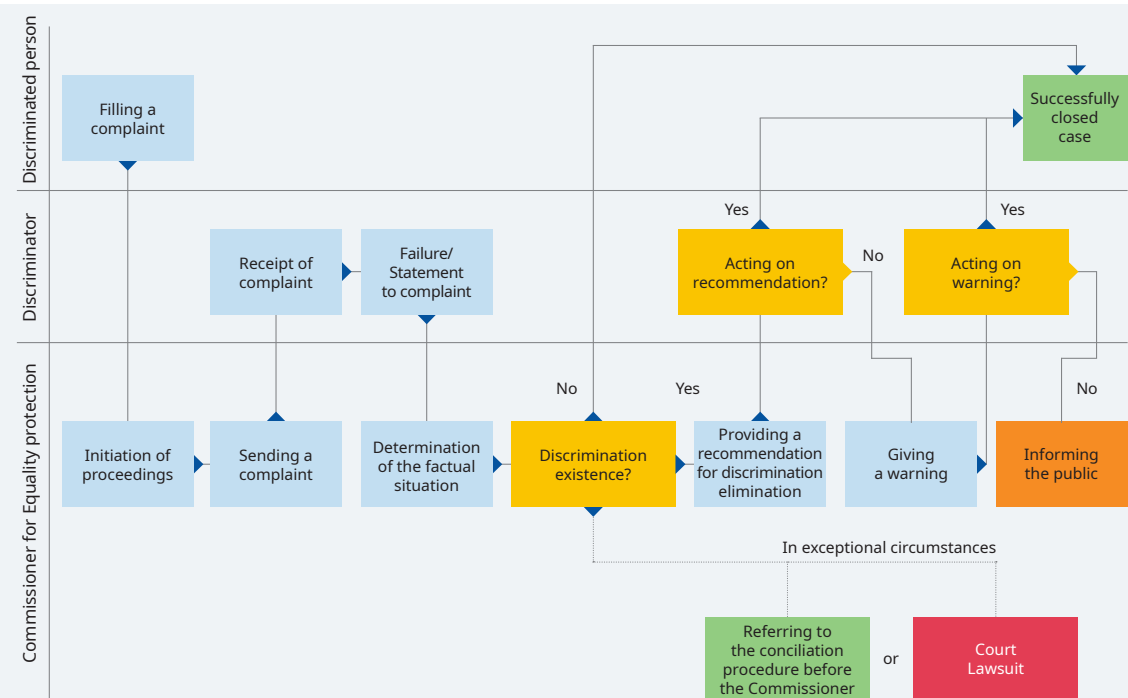
Grievance must be signed. Commissioner shall not act on anonymous grievances.

In case it is determined that there are no obstacles for further action, the Commissioner, within 15 days, shall submit the grievance to the person against which the grievance has been filed. This person may provide a statement within 15 days on the allegations contained in the grievance, but the Commissioner shall act even if the person fails to provide such statement. In order to determine facts, the Commissioner may take statements from other persons (for example, witnesses). The Commissioner may propose implementation of conciliation procedure, in case this is legally allowed.

After the review of the case and determination of facts the Commissioner shall provide an opinion on whether the discrimination occurred or not within 90 days from the date of grievance and shall notify the complainant and the person against which grievance has been filed. With the opinion on violation of provisions of the law, the Commissioner recommends removal of violation of rights to the person being the subject of grievance.

If the discriminator fails to act in line with recommendation within 30 days (obligation to notify the commissioner on measures taken upon recommendations), the Commissioner shall issue a warning and provide a new deadline to act. If the discriminator fails to act upon the warning, the Commissioner shall notify the public.

The Commissioner shall not be authorized to punish the discriminator in case of failure to follow recommendations, but it can persuade them to do so by the authority of the institution it represents, power of argumentation and pressure from the public. The percentage of actions per recommendations for the last five years was 85 – 90% on average.



▶ **POSITIVE PRACTICE EXAMPLES – Application of inclusive policies and principle of equality in business**

Our common goal should be an inclusive labour market and inclusive employment process where the principle of equal opportunity and equality shall be applied without exception and regardless of sex or gender of the employee, its marital or family status, sexual orientation, age, skin colour, nationality or another personal attribute. Personal attributes of employees must be observed as private matter without impact on performance, and acquiring profit may not be an alibi for behaviour of any employer that is contrary to constitution or laws.

An increasing number of companies that develop and actively implement the internal policies of discrimination prevention and violation of human rights is encouraging, and in this manner promote the creation of positive environment for the employees to feel safe, free and dignified at the place of work. We shall point out certain examples of positive practice below, with the intent of becoming common part of business culture, for all citizens to have equal opportunity to develop own potential and to participate in all segments of social life equally, actively and productively, contributing to the development of the society.

For the purpose of improving and respecting the principle of equality, equal opportunity for work and employment of all citizens, over 100 different employers, companies and entrepreneurs in Serbia with the document “Partnership for Equality” with the Commissioner for Protection of Equality, expressing support to the work on prevention of discrimination in the area of labour and employment.

Large number of women entrepreneurs, members of the Association of Businesswomen of Serbia, and a large number of international companies joined the Commissioner in the effort to improve equality. NIS is among them, whose corporate programs are very encouraging for its employees, LIDL also, whose imperative is equality in business so that signing the “Partnership for Equality” was a natural step, as well as IKEA as one of the best examples of how it is possible to be successful in business and respect equality and human rights of employees.

Stated companies, with the respect of principle of equality, apply different inclusive policies in their operations.



In LIDL, a large number of employees are women on management positions on the level of middle and top management, principle of equal business opportunity for all employees is applied, with special support measures for women entrepreneurs from Serbia whose products are promoted in supermarkets of this company. Within its Diversity and Inclusion Strategy NIS adopted the Diversity Policy for Management Bodies with the goal of establishing and promoting balanced representation of all aspects of diversity in the management bodies system (related to gender and age diversity, professional diversity and competence diversity) that may aid in making better decisions while running the company. Among others, gradual return of employees to work from maternity leave has been enabled as well as days off for mothers whose children are starting school, as well as payment of difference between salary fees and basic salary for employees in maternity leave, absence for childcare and special childcare. In IKEA in addition to equal opportunity for men and women, equal representation of sexes between employees in all countries on all levels and positions, a set of different measures shall be applied for the purpose of balancing private and professional life of employees, such as a one month of paid leave for fathers, one month of part-time work for mothers returning from maternity leave, paid as full time, increase of salaries during maternity leave, and a series of inclusive measures related to position of LGBTI persons employees in the company and the change of narrative on refugees through programs of skill development for their employment.

When preparing internal documents that are focused on the topics of equality NIS used the guidelines of the Commissioner for Protection of Equality for employers, while LIDL, in its Code of Conduct and the Code of Conduct for Business Partners regulates prohibition of discrimination of employees based on sex or sexual identity, age, religion or lifestyle, race, ethnical background, national or social position or disability, and business partners of the company must restrain from any form of discrimination.

Also, these companies have mandatory training (repeated in certain intervals of time), internal training on inclusion, as well as optional training in the area of human rights that are available to employees. Part of employees in these companies went to specialized training of the Commissioner for Protection of Equality related to protection from discrimination in the area of labour and employment.

Regarding internal grievance mechanisms, NIS initiated a program “Respect above all!” comprised of three support centres – Team for psychological support, Ethics Advisor and support in case of suspicion of mobbing. In IKEA, during onboarding, introduction of rights and internal mechanism ‘trust line’ that is transparent and anonymous is the mandatory step. LIDL applies several mechanisms to protect employees that can address the Employee Commissioners, Compliance Commissioner, trusted lawyer or external systems of non-compliance reporting may be used.

In what manner the application of anti-discriminatory principles and respect of equality improved the operations of the company and promoted creation of positive working environment?

“We are happy to be able to rely on our common values, integrity and respect of equality that we exercise in our business. Related to this, we invite all our employees to join our commitment to act right through participation in employee satisfaction surveys. We try to be an even better place for shopping, work and local communities with respecting of our values and principles representing our ethical guidelines.”

► LIDL

“By setting standards and defining strategic direction of our company to focus on equality, we achieve complementarity and diversity, considering different qualifications, experience and knowledge, and in this way, we enable achievement of strategic goals and assure long-term value for all stakeholders. This aspect is the key differentiator in business of each company and represents a foundation for further development and growth.”

► NIS

“Diversity impacts adoption of new perspectives that help us constantly review the processes and decisions we adopt in the context of business we conduct. The environment in which everybody can openly be who they are, has a positive impact not only on the motivation of employees but also the success of the company, which can be easily measured. Inclusion impacts the success of results, and diverse teams are more productive teams. ”

► IKEA

► EQUALITY CODE MODEL

Review of indicators from several years of practice of the Commissioner for Protection of Equality unambiguously show that citizens report discrimination from the area of labour and employment most frequently. For this reason, in addition to the development of internal grievance mechanisms to resolve labour disputes, which we pointed out, we will draw your attention to the need for additional prevention to pre-empt violation of human rights and discrimination in the work environment.

The Commissioner is offering employers a new form of partnership that can yield multiple benefits to all stakeholders, both employers and employees, and service users and business partners. In the spirit of this partnership, the Commissioner recommends the employers in Serbia to prepare the code of anti-discriminatory policy, internal document for the application of inclusive policies and principles of equality in business.

Development of such document is an example of good business practice and efficient manner to establish an internal mechanism that will enable recognition and prevention of potential cases of discrimination. The process of development, with active inclusion of employees, shall contribute to the improvement of knowledge of employers on prohibition of discrimination, their increased responsibility in business, and understanding and respect of diversity as an imperative or equal working environment.

Even though there is no legally prescribed obligation of the employer in the Republic of Serbia to adopt such an act, the establishment of such mechanism emphasizes the determination and commitment to the creation of inclusive working environment, based on principles of equality and tolerance, as basic principles of human rights, guaranteed by international and domestic legislation.

► SINGIFICANCE OF CODE ADOPTION

Application of principles of prohibition of discrimination is a legal imperative, and in the area of labour and employment it is an important segment of good business ethics, as well as a tool that can bring significant profit, through increased productivity and innovation.

Equality in the working environment raises the team spirit level. It is highly probable that the employees that were exposed to some form of discrimination will not be satisfied, which will inevitably reflect their productivity, as well as productivity and interpersonal relationships within the team. The capacity of the employer to create a working environment in which all employees are truly equal, that is, the working environment that is deprived of all forms of discrimination, shall set its reputation on the labour market.

Adoption of the Equality Code with the employer is the way to improve the presentation of employers towards employees and potential employees and the possibility to be recognized as the most desirable employer. Additionally, the adoption of Code contributes to the raising awareness on damaging consequences of discrimination at work and during employment thus meeting

some of the most important requirements of socially responsible business conduct.

Establishment of such internal discrimination protection mechanism is used by the employers to emphasize their dedication and commitment to creating work environment based on principles of equality and tolerance and to become a partner of the Commissioner in the combat against discrimination.

Long-term objective of adoption of the Equality Code by the employer should be the contribution to improved social change, that is, reduction of discrimination and improvement of equality in the society.

▶ PREPARATION GUIDELINES

Basic procedures and steps during the development of the Equality Code and creation of anti-discriminatory policy with the employer may be classified into the following categories: forming a team for the Equality Code preparation, training of Team members and their sensitizing related to discrimination, support of mentors/commissioners for protection of equality, preparation of Equality Code with the employer and its publication.

▶ CODE DEVELOPMENT TEAM

It is best that the process of document preparation is performed within the Equality Code Preparation Team that is formed by the employer. Recommended profile of candidates for Team membership should have basic knowledge or previous knowledge on discrimination and human rights, where the Team should include different employee categories, from the representatives of top management, representatives in charge of staffing, representatives of organized form of employees (if any) and other organization units with the employer.

If it becomes evident that Team members do not have sufficient knowledge on discrimination, its illegal character and damage it can cause to the working environment, the employer can address the Commissioner for Protection of Equality to organize training, that is, workshops, that will be implemented by the employees of the Professional Service of the Commissioner.

▶ CODE DEVELOPMENT PROCESS

Equality Code Development Process should include two phases: analysis phase and Code development phase.

▶ I. ANALYSIS PHASE

Within the analysis phase the Team should make a list and get acquainted with all relevant documents representing anti-discriminatory legal framework. In this phase, the Team should review experience of other companies that already adopted similar internal regulations and potentially establish communication with these companies for the purpose of experience sharing in the procedure of Code adoption and application.

Also, this phase should include analysis of stakeholders that should contribute to better understanding of positions and expectations related to Code development.

The Team for Code development should identify stakeholders (within the company – all employees, outside the company – business partners and customers of company's services or products) and envisage methods to collect data on their needs. Data can be collected in different ways such as interviews and surveys (oral, telephone, online). The most practical method to collect data is creation of special, structured surveys that should include all questions related to experience of stakeholders related to discrimination, needs and expectations of stakeholders related to equality, but in the context of its interaction with the company. Questions should be clear and simple. Completing survey should be anonymous.

The final goal of the analysis is the definition of parameters of the Equality Code that will be used by the Company to properly address the needs of stakeholders.

▶ II. DEVELOPMENT PHASE

Introduction of the Code should include a statement on the explicit commitment of the employer to establish and nurture equality in the company. The employer shall, in this section, express its attitude that discrimination cannot be tolerated in the work environment, as illegal and negative social phenomenon.

Simple and precise language shall be used in preparing the document. Provisions on gender neutral language of the Code shall contribute to the formation of affirmative social positions on equal treatment of men and women.

Based on data received in the stakeholder analysis, the employer shall, through the provisions of the Code, provide response to recognized needs of stakeholders in line with its capacity. Provisions of the Code should include all phases of work process with the employer: employment, promotion and use of maternity leave, to the improvement of conditions to provide services.

▶ III. CODE PUBLICATION

After the adoption of the equality code measures should be taken to publish it in different formats to share the information on the Code and raise awareness of all stakeholders on its content.

What the employer can do without the engagement of special resources is to place the Code on the bulletin board and on the webpage of the company and to provide a copy of it to each employee starting work.

▶ **ADDENDUM 1: CODE MODEL**

Believing the long-reaching significance of prevention of discrimination and improvement of equality in the working/business environment the company _____ (employer name, hereinafter referred to as the Employer) adopts the following:

▶ **EQUALITY CODE**

This Code is based on the following principles:

- Principle of tolerance and prohibition of discrimination,
- Gender equality,
- Respect of human rights of employees, clients and service users,
- Respect of dignity and integrity of employees, clients and service users,
- Respect of diversity of employees, clients and service users,
- Equal pay for work of equal value or equal work,
- Sensitivity for social groups that are vulnerable.

Provisions of this Code are in the context of prohibition of any type of discrimination with the employer, at employment and in relations with clients, service users, partners in business cooperation and other business subjects, based and aligned with the Constitution of the Republic of Serbia, the Law on Prohibition of Discrimination and other anti-discriminatory regulations.

Good practice in the area of discrimination prevention is important for the employer, employees and service users because it:

- Provides for employee wellbeing,
- Provides for employer wellbeing,
- Provides for establishment of trust with service users,
- Contributes to more creative and efficient company,
- Enables loyalty of service users and commitment of employees.

Therefore, the Employer, in recognizing the significance of prevention of discrimination for the entire company and the clients, service users and partners, expresses its readiness and commitment to:

- Secure equal opportunity for employment for all candidates for the job with the employer,
- Consider and evaluate job applications regardless of personal attributes of candidates and evaluate only competences related to specific positions,
- Do not treat differently any employee, client, service user or partner, based on any personal attribute,
- Enable employees to perform their work tasks in a productive environment without discrimination and harassment of any kind,
- Respect the principle of reasonable adjustment, conditions and place of work for all employees, in line with their needs,

- Assess the performance of employees in a non-discriminatory manner, objectively, considering their capacities and contribution,
- Assess the performance of employees in a non-discriminatory manner, objectively, considering their capacities and contribution,
- Enables employees access to training, mentorship and opportunities to acquire work experience regardless of age, sex, disability, marital status, sexual orientation or any other personal attribute,
- Establish procedures adjusted to employees and service customers that wish to report discrimination or file grievance to the Commissioner for Protection of Equality,
- Enable employees to, in agreement with their employer, appropriately find balance between their professional and family obligations,
- Provides services and information to all users regardless of disability, sex, age, health status or any other personal attribute,
- Apply the flexibility principle in providing services, to include different needs of clients and service users,
- Enable accessible and simple forms of communication with and between employees, as well as partners, clients and service users,
- Invest effort to show diversity of clients in advertising strategies,
- Consult and cooperate with the Commissioner for Protection of Equality and representatives of employees, clients and service users in the application of this Code.

For the purpose of improving equality and protection from discrimination in the business/working environment the employer shall especially:

1. State, in job ads, only the required qualifications and capacities of the candidate that are directly linked to the performance of tasks of the specific position,
2. In the job ads published, when appropriate, especially motivate candidates from vulnerable groups,
3. Use gender sensitive/neutral language in job ads,
4. Publish job ads in different accessible formats and at locations where they can be seen by different candidate groups,
5. Appoint a person(s) in charge of monitoring application of the Code, communication with the Commissioner for Protection of Equality and provision of information to employees and service users on the Code and rights related to prohibition of discrimination and the manner of exercise of such rights,

6. Present the Code to employees upon employment initiation,
7. Enable employees access, at all times, to information on protection of rights arising from anti-discrimination laws and contact data of the Commissioner for Protection of Equality,
8. Fully inform the employees, at their request, on their rights during pregnancy, maternity leave and absence from work for childcare,
9. Provide conditions for training for the purpose of familiarizing the employee with the notion of discrimination and methods of protection of rights,
10. Take measures of reasonable adjustment of workplace and tasks in line with needs and capacities of employees as well as other affirmative measures for employees,
11. Place this Code on visible place at its premises and/or publish it on its website and other adequate locations in accessible format,
12. Calls for employees, service users and partners to provide feedback on implementation of provisions of this Code.

For Code application monitoring the Company shall appoint:

Place and date of Code adoption

Responsible person

ADDENDUM 2: Partnership for Equality with the Commissioner for Protection of Equality Proposal



► **PARTNERSHIP FOR EQUALITY**

Deeply believing that the respect of human rights and prohibition of discrimination are a fundamental value and a starting point for the social and economic development of each country, as well as personal development of each individual.

Aware of the fact that business and human rights are not on different, but on the same side, and that stimulating work environment contributes to improved results of each employee.

Starting from the point that the principle of equality and equal opportunity is the foundation of modern society, confirming that all men are equal in their rights irrelevant of their mutual differences.

For the purpose of developing responsible and ethical relation towards natural and social environment that may be impacted by company operations, in the intent to contribute to respect of diversity as an imperative of equal working environment, in the spirit of active partnership and further application of Code of Equality, dedicated to employers in Serbia.

We are hereby joining the Commissioner for Protection of Equality in the improvement of equality and support the effort in prevention of discrimination in the area of work and employment, in the desire and intent to promote, in our daily activities, the principle of equality and work together on further development of Serbia as a modern, democratic and just society with conditions for dignified and equal living for each of us.

Belgrade 20____

Name

Position

Position

Contact





немачка
сарадња

DEUTSCHE ZUSAMMENARBEIT

Conducted by:

giz Deutsche Gesellschaft
für Internationale
Zusammenarbeit (GIZ) GmbH