# Work ethics and discipline



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Poznań, 27.05.2024

#### The Institute as an employer

- We try to create the best possible working conditions
- We counteract inappropriate behavior (discrimination, mobbing) and respond to conflicts
- We understand that work-life balance is needed









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#### Work time and quality

EACH EMPLOYEE



- Do I actually work 8 hours for the Institute?
- Am I constantly late for work?
- Do I use the time allocated for work (including remote work!) effectively?

#### **RESEARCH WORKER**

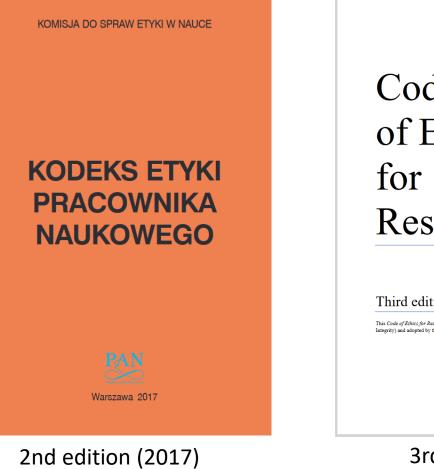


- Do I perform experiments reliably?
- Do I regularly educate myself (read scientific literature)?
- Do I attend seminars?



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#### Code of Ethics for Researchers



Code of Ethics Researchers

Third edition

This Code of Ethics for Researchers was developed by the Science Ethics Commission (Commission for Research Integrity) and adopted by the General Assembly of the Polish Academy of Sciences on 25 June 2020

3rd edition (2020)

From the preface: "The Code defines the criteria of good practices, identifies ethical violations in the conduct of research work, and establishes procedures to be followed in the event dishonest research behavior is revealed."

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https://portal.ichb.pl/hr-excellence-in-research-2/

#### Code of Ethics for Researchers (2020)

#### UNIVERSAL ETHICAL PRINCIPLES AND VALUES IN RESEARCH WORK:

- 1) conscientiousness in portraying the objectives and intentions of planned or ongoing research, outlining research methods and procedures, interpreting the results
- 2) reliability in conducting research, a critical approach towards the results
- 3) objectivity: interpretations and conclusions must be based exclusively on facts
- 4) independence from external influences over the conduct of research
- 5) openness in discussing one's own research with other researchers
- 6) transparency in documenting research
- 7) responsibility towards the subjects of research (in particular, humans and animals)
- 8) responsibility for the socioeconomic and environmental consequences
- **9) fairness and integrity in evaluating** the merits and ethical aspects of the work of other Researchers
- **10) refraining from invoking one's scientific authority** when speaking out on topics outside one's own area of expertise
- **11) courage** to oppose views contrary to scientific knowledge
- 12) concern for future generations of researchers

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#### Code of Ethics for Researchers (2020)

GOOD PRACTICES IN RESEARCH – rules of proper conduct that are possible to introduce in individual research units, related to the conduct, presentation, and review of research

The principles of good practice should be observed in the following area:

research data management – documentation, data security, priority in data use
research procedures – defining goals, risks, ensuring dignity of research subjects, ensuring the safety of colleagues, reasonable management of funds, confidentiality

3) **authorship and the publication of research results** – reliability, transparency, taking into account the contribution of all co-authors, their proper order, citing the works of other authors

- 4) reviews and opinions precision, accuracy, objectivity, justification of opinions
- 5) educating young researchers and students supervision over the proper conduct of research,

consistent with good practices and principles of scientific ethics, partnership

6) relations with the public – reliability, honesty, precision, competence

7) managing conflicts of interest – disclosing it, annual statements on any conflicts of interest filed to employers





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#### Conflict of interests

Conflicts of interest may occur when **researchers engage in additional activities outside of their primary place of work**. This may occur when:

1) there are links between the evaluator and the person or research unit being evaluated;

2) there are links between a member of the body granting funding and the person or research unit to which these funds are granted;

3) devices, materials, or services necessary to conduct research are purchased from businesses that are linked financially, in terms of ownership, or in terms of management to an individual conducting the research or a person close to such an individual;

4) the work of students, doctoral students, and co-workers, as well as the equipment of the unit, is used for additional work for the benefit of a business that is linked financially, in terms of ownership, or in terms of management to an individual conducting research or a person close to such an individual;

5) an employee of a research institution is involved in the work of a business or holds shares in a business that operates in the same area as the institution where that employee works and uses the equipment and know-how of the institution;

6) **researchers should file annual statements on any conflicts of interest** to their employers, and if such a situation arises, they should follow the guidelines they receive to make the necessary changes.



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#### Code of Ethics for Researchers (2020)

#### VIOLATIONS OF RESEARCH INTEGRITY

**GROSS MISCONDUCT:** 

Fabrication of results - making them up and presenting them as if they were real
Falsification - changing or omitting inconvenient data, which prevents research results from reflecting the truth

**3. Plagiarism** - using other people's ideas and research results or content without giving credit to the source, which constitutes a violation of intellectual property rights

Uncovering such misconduct must therefore always lead to the initiation of disciplinary proceedings.

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Code of Ethics for Researchers (2020)

### OTHER TYPES OF MISCONDUCT

#### Examples:

- using the contribution of other individuals, students, doctoral students, and co-workers in conducting research without their consent and without acknowledging such contributions in the publication or listing them as co-authors;
- granting co-authorship to individuals who failed to make sufficient intellectual contributions to the publication;
- allowing the conduct of research that has nothing in common with the reliable study process

"All forms of harassment and discrimination against students and co-workers in the form of an **autocratic style of team leadership**, and generating an uncollegial atmosphere by encouraging co-workers to engage in unfair research competition, are reprehensible."

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Code of Ethics for Researchers (2020)

#### Relations with co-workers



- Openness, readiness to discuss
- No discrimination, NO to mobbing

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- Support for foreigners
- Kindness and friendly help
- Integration and cooperation
- The important role of the team leader

#### Conflicts and unusual behavior

#### Behaviors that indicate the existence of a conflict:

- Any manifestation of aggression
- Excessive expression, nervous movements
- Shortening the distance in a conversation
- Inhibition of movements ("freezing")
- No contact/reaction to our messages
- Withdrawal, less involvement
- Statements unrelated to the topic, inappropriate to the situation
- Unusual content of correspondence, e.g. e-mail





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#### CONFLICTS – how to react?

How to behave in conflict situations?

- We keep calm but firm
- We listen carefully, show interest and respect for the interlocutor
- We say that we do not accept raised voices, anger, aggression (if it occurs)
- We do not touch the interlocutor
- We do not ridicule or embarrass the interlocutor
- We do not expect an explanation of the reasons for aggressive behavior
- We express our willingness to help
- We inform about the possibility of obtaining professional help

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#### To sum up:

#### instead of competing



let's cooperate





Let's avoid conflicts / solve them as quickly as possible



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# Mobbing, discipline and work ethics as well as procedures regulating these matters



Martyna Stańczak-Naguib Attorney at law

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# Mobbing

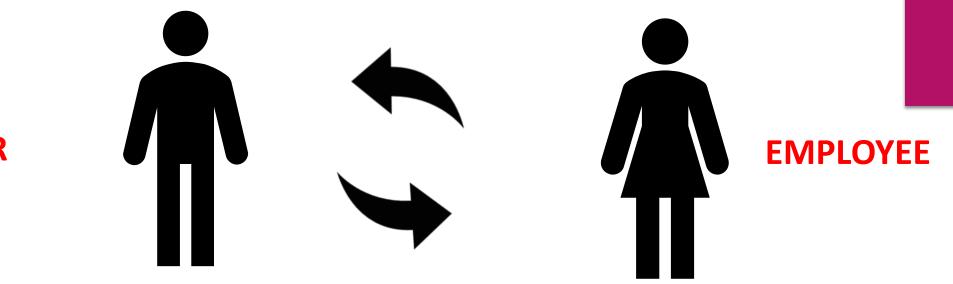
### **MOBBING – definition**

Actions or behavior:

- concerning an employee or directed against an employee
- consisting in persistent and long-term harassment or intimidation of an employee
- causing a lowered assessment of professional suitability
- resulting in or aiming to humiliate or ridicule the employee, isolate them, or eliminate them from the team of co-workers

(according to an article 94(3) of the Labor Code

Mobbing occurs only in the case of continuity, long-term and persistence of the mobber's negative impact on the employee, which excludes one time and incidental behavior and applies only to a person employed under the Labor Code (employment contract).



# CO-WORKER

SUPERVISOR

**CO-WORKER** 

#### Discrimination

Employees should be treated equally in terms of establishing and terminating an employment relationship, terms of employment, promotion and access to training to improve professional qualifications, in particular regardless of gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, religion, sexual orientation, employment for a fixed or indefinite period, full-time or part-time employment.

Discrimination is also undesirable behavior that aims to or results in the violation of an employee's dignity and creation of an intimidating, hostile, humiliating, degrading or offensive atmosphere (harassment).

(according to an article **18 (3a) Labor Code**)

### Mobbing

## Discrimination

- behavior must be long-term, persistent
- there is no feature that distinguishes the employee from other employees

- behavior can be accidental
- there is feature that distinguishes the employee from other employees (age, gender, religion)

## Conflict

"(...) workplace **conflict** - as opposed to mobbing - manifests in the existence of **'equivalent,' active parties who present conflicting views and behaviors** and none of the parties to the conflict can be attributed to the characteristics of a defenseless victim."

(Judgment of the Appeal Court in Poznań, July 19, 2012, file reference: III APa 11/12)

"Mobbing is undoubtedly a negative phenomenon that may occur in the work process, have various sources and manifestations, but it cannot be identified with all conflicts or disputes in the workplace, generating tensions and having a stressful effect on employees."

(Judgment of the Appeal Court in Łódź, June 22, 2021, file reference: III APa 2/21)

#### Court judgments in cases of mobbing

"(...) the mere perception of an employee that actions and behaviors taken against them constitute mobbing is not sufficient grounds to establish its actual occurrence. Therefore, determining whether harassment or intimidation of the employee has occurred, or whether these actions were intended to and could or did result in a lowered assessment of their professional suitability, their humiliation, ridicule, isolation, or elimination from the team of coworkers, must be based on objective criteria. The assessment of the persistence and longevity of the impact on the employee is individualized and must be related to each specific case."

(Resolution of the Supreme Court, February 14, 2024, file reference: II PSK 11/23)

"The assessment of the persistence and long-term impact on an employee is individualized and must be related to each specific case. It requires consideration of whether this period was long enough to cause the employee to become an objective model of a reasonable victim, which in the field of mobbing will eliminate cases resulting from the employee's excessive sensitivity (...)"

(Resolution of the Supreme Court of July 11, 2023, file reference: II PSK 147/22)

"The premises constituting the legal understanding of mobbing **depend on the facts established in an individual case**, because they are the basis for determining the guilt, persistence and long-term nature of harassment or intimidation of an employee and the effects described in Art. 94<sup>3</sup> § 2 of the Labor Code." (Judgment of the Supreme Court, June 1, 2023, file reference: I PSKP 22/22)

# What is NOT a mobbing

- one-time acts of violence
- Internal sense of discomfort in the workplace, independent of external behaviors (professional burnout syndrome)
- justified criticism
- rude behavior
- exploitation of employee expertise, professionalism
- issuance of lawful work orders
- poor work organization leading to high work intensity in certain periods
- lack of substitute in the position
- conflicts in the workplace

## Regulations regarding mobbing in IBCH PAS

Regulation of the Director dated March 1, 2023, No. 6/03/2023 regarding the implementation of the Anti-Mobbing Policy

The Advisory Team of the Director of IBCH PAS for organization, discipline and work ethics, mobbing, gender equality, and discrimination prevention has been appointed.

The task of the Advisory Team is to submit and discuss proposals for changes that are going to be or should be implemented in IBCH PAS, particularly concerning organization, discipline and work ethics, mobbing, gender equality and discrimination prevention.

#### Members of the Director's Advisory Team:

1) dr hab. Paulina Jackowiak, prof. IBCH PAS – leader of the Advisory Team,

- 2) dr hab. Krzysztof Brzeziński, prof. IBCH PAS,
- 3) dr Paweł Świtoński,
- 4) dr Aleksandra Pawela,
- 5) dr Michał Gładysz,
- 6) mgr inż. Adrian Tiré,
- 7) mgr Anna Sarnowska,
- 8) mgr Elżbieta Adamczyk,
- 9) mgr inż. Katarzyna Wielentejczyk,
- 10) mgr Anna Jarkowska,
- 11) mgr inż. Tomasz Parkoła.

# Procedure for reporting mobbing incidents

- 1) Written complaint (mandatorily signed with name and surname)
- 2) Submission to ICHB PAS Director or Deputy Director of the relevant division
- 3) Appointment of the leader of the Mobbing Team by the Director
- 4) Appointment of the members of Mobbing Team by the leader to review a specific complaint
- 5) Confidential proceedings in front of the Mobbing Team
- 6) Providing the Director with the Mobbing Team's opinion on the case with recommendations for further actions

# Liability for mobbing

Under the Labor Code, the employer is responsible for mobbing.

The employee's statement of termination due to mobbing should be made in writing, stating the reason - the occurrence of mobbing.

#### BUT

An employee who is a victim of mobbing may take legal action against the mobber in court. Mobber can be held liable under:

- civil regulations violation of personal rights art. 23 i 24 of Civil Code,
- criminal law when the mobber's behavior fulfills the elements of a crime specified in the Criminal Code (CC) - such as criminal threats (art. 190 of the CC), persistent harassment (art. 190a of the CC), defamation (art. 212 of the CC), insult (art. 216 of the CC) or violation of bodily integrity (art. 217 of the CC).

In the case of violation of bodily integrity, there is no need to be direct physical contact but, for example, spitting, dousing with water or another substance, throwing an object.

#### ADDITIONALLY

Mobbing may be treated as a serious violation of basic employee duties, which may justify the termination of the employment contract with the employee (mobber) due to his fault.

"The use of terms derogatory to the honor and dignity of co-workers constitutes a violation of an employee's basic duty and may justify termination of the employment contract without notice due to the employee's fault (Article 100 § 2(6) in conjunction with Article 52 § 1(1) of the Civil Code)."

(Judgment of the Supreme Court, September 3, 2020, file reference: II PK 241/18)

"Violation by some employees of the dignity and good name of others may, in extreme cases, even lead to the application of Article 52 § 1 item 1 of the Labor Code to the violators. A person whose personal rights have been violated by others has the right to file claims for the protection of personal rights (Articles 23-24 of the Civil Code, Article 448 of the Civil Code)."

(Resolution of the Supreme Court, August 30, 2018, file reference: I PK 184/17)

# **Disciplinary liability** of scientific and research-technical staff

# Legal regulations

- art. 107-118 Act on Polish Academy of Science,
- Regulation of the Minister of Science and Higher Education of September 23, 2010 on the detailed procedure and course of explanatory and disciplinary proceedings towards scientific and research-technical employees employed in scientific units of the Polish Academy of Sciences
- Statute of IBCH PAS
- Regulations of the IBCH PAS Disciplinary Commission

According to Article 107 of the Act on the Polish Academy of Sciences, scientific and research-technical employees working in the scientific units of the Academy are liable for disciplinary action for gross violation of their duties or misconduct to the dignity of a scientific employee.

Scientific employees should comply with the **Code of Ethics of a Scientific Employee**, which contains a set of ethical principles and values, principles of good practice in scientific research and research integrity.

#### Explanatory procedure in front of Disciplinary Prosecutor of IBCH PAS

**Disciplinary procedure** in front of **Disciplinary Commission** 

## Explanatory procedure and Disciplinary Prosecutor

The disciplinary prosecutor is appointed by the Scientific Council. Disciplinary Prosecutors in IBCH PAS:

- prof. dr hab. Anna Pasternak
- dr hab. Agnieszka Fiszer, prof. IBCH PAS
- prof. dr hab. Michał Jasiński

The proceedings in front of the Disciplinary Prosecutor are confidential.

The Disciplinary Prosecutor initiates the investigation either ex officio or on the recommendation of the body that appointed him.

The Disciplinary Prosecutor may question the parties, witnesses and experts, as well as conduct any other evidence necessary to fully explain the case.

The disciplinary prosecutor shall initiate an investigation ex officio when scientific or research-technical employee is accused of comitting an act involving:

- 1) misappropriation of authorship or misrepresentation of authorship of all or part of someone else's work;
- 2) distributing, without mentioning the name or pseudonym of the author, someone else's work in the original version or in the form of an elaboration;
- 3) infringement of someone else copyright or related rights in any other way;
- 4) falsifying research or the results of scientific research and development work or committing other scientific fraud;
- 5) accepting, in connection with the performance of a function or occupation of a position in a scientific unit, a material or personal benefit or the promise thereof;
- 6) claiming influence in a scientific unit, state or local government institution, or inducing another person to believe, or convincing another person of the existence of such influence, and undertaking to act as an intermediary in settling a matter in exchange for a pecuniary or personal benefit or its promise;
- 7) giving or promising to give a pecuniary or personal benefit in exchange for brokering a case in a scientific unit, consisting in influencing a decision, action or omission of a person holding a function or position in a scientific unit, in connection with the performance of that function or position.

(art. 112 of the Act on the Polish Academy of Sciences)

## Conclusion of explanatory proceeding in front of Disciplinary Prosecutor



request to start disciplinary procedure and punishment addressed to the Disciplinary Commission

discontinuance of proceeding

# Disciplinary proceeding and Disciplinary Commission

Members of the Disciplinary Commission in IBCH PAS:

- prof. dr hab. Piotr Kozłowski (Leader)
- dr hab. Michał Sobkowski, prof. IBCH PAS
- dr hab. Anna Urbanowicz, prof. IBCH PAS
- dr hab. Krzysztof Kurowski
- dr hab. Mariola Dutkiewicz, prof. IBCH PAS
- mgr Anastasiia Zaremba
- mgr Katarzyna Woźniak

The Leader selects from among the members a 3-person Disciplinary Commission to decide on the case.

The Disciplinary Commission initiates disciplinary proceedings at the request of the IBCH PAS Disciplinary Prosecutor.

During the disciplinary proceedings, the Disciplinary Prosecutor, accused person or defense counsel may submit motions to the Disciplinary Commission for the admission of new evidence. The motions shall be granted if the circumstances for which the evidence would be used may affect the outcome of the case.

The Disciplinary Commission may, ex officio, admit evidence of witnesses and expert opinions and conduct other evidence.

The Disciplinary Commission shall issue its decision after a hearing, during which it shall hear the Disciplinary Prosecutor and the accused or his/her defense counsel, as well as after considering other evidence relevant to the case. Conclusion of disciplinary proceeding in front of Disciplinary Commission





a decision on punishment, in which the accused is found guilty of the alleged act and imposes one of the disciplinary penalties

acquittal the accused of the charge of committing a disciplinary offence discontinuance of proceeding

## **Disciplinary penalties**

Disciplinary penalties are:

- warning
- reprimand
- reprimand with disqualification from holding managerial positions for up to 5 years

(art. 108 of the Act on the Polish Academy of Sciences)

#### **ALSO**

- The Director may suspend a scientific or research-technical employee against whom criminal or disciplinary proceedings have been initiated, as well as during the explanatory proceedings, if, due to the importance and credibility of the allegations presented, it is advisable to exclude him from performing his duties. (art. 115 of the Act on the Polish Academy of Sciences).
- The basic remuneration of a scientific or research-technical employee may be reduced during the period of suspension from performing duties. During the period of suspension the employee is not entitled to salary supplements or remuneration for overtime hours (art. 116 of the Act on the Polish Academy of Sciences).

#### MOBBING

- Applies to all employees
- Liability under the Labour Code, Civil Code, Criminal Code
- Complaint Director/Deputy Director
- Proceedings in front of the Mobbing Team
- Opinion of the Mobbing Team with possible recommendation
- Director's decision

#### DISCIPLINARY OFFENSE

- Applies to scientific, researchtechnical workers
- Additional responsibility under the Act on the Polish Academy of Sciences and the Code of Ethics for Scientists
- Proceedings in front of the Disciplinary Prosecutor and, possibly, the Disciplinary Commission
- Issuance of a decision ending the proceedings by the Disciplinary Prosecutor or the Disciplinary Commission

# **ACT EARLY!**

The employer's goal is to prevent mobbing, so if unwanted behavior is noticed, it should be reported to the supervisor, the Director of IBCH PAS or members of the Director's Advisory Team for organization, discipline and work ethics, mobbing, gender equality and discrimination prevention to take appropriate steps.

In a situation of early detection of the occurrence of unwanted and undesirable situations, it is possible for the employer to react faster, leading to the de-escalation of the problem in its initial phase, without having to resort to legal or internal regulations.

# Thank you



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