



**Citizens' Association "NEŠTO VIŠE"**

**RULEBOOK  
ON SEXUAL EXPLOITATION, ABUSE AND HARASSMENT**

Sarajevo May 17, 2023.



## **I INTRODUCTORY PROVISIONS**

### **Article 1.**

The Rulebook on Sexual Exploitation, Abuse and Harassment of the Citizens' Association "NEŠTO VIŠE" (hereinafter: the Rulebook) is a document that contains a set of measures of a practical nature that demonstrate zero tolerance towards sexual exploitation, abuse and harassment in the work of the Citizens' Association "NEŠTO VIŠE" (hereinafter: Association)

The purpose of this Rulebook is to prevent sexual exploitation, abuse and harassment, so that its provisions become the standard behavior of all employees in their daily work.

The terms used in this Rulebook, which have a gender-specific meaning, regardless of whether they are used in the masculine or feminine form, equally encompass both the masculine and feminine genders.

### **Article 2.**

The Rulebook defines the activities and rules of conduct of employees in order to protect them from sexual exploitation, abuse and harassment, in accordance with positive legal acts and by-laws in Bosnia and Herzegovina.

### **Article 3 (Definition)**

Abuse is any active or passive behavior towards an employee or group of employees at the employer that is repetitive and aims to or results in a violation of dignity, reputation, personal and professional integrity, health, position of the employee and which creates fear or a hostile, humiliating or offensive environment, worsens working conditions or leads the employees to isolate themselves or voluntarily terminate the employment contract or cancel the employment contract or another contract.

Abuse also includes encouraging or inducing others to behave as described in paragraph 1 of this article.

Sexual harassment is any verbal, non-verbal or physical behavior that aims to or results in a violation of the dignity of an employee in the sphere of sexual life, and creates fear or a hostile, humiliating or offensive environment.

### **Article 4 (Application)**

The provisions of this Rulebook directly apply to all employees of the Association.

Before starting work i.e. assuming a specific function, employees must be given the opportunity to become familiar with the provisions of this Rulebook.

### **Article 5 (Meaning of certain terms)**

**"Sexual harassment"** is any form of unwanted verbal, non-verbal or physical behavior of a sexual nature whose aim or effect is to violate the dignity of a person, especially when it will create a frightening, hostile, degrading, humiliating or offensive environment.



**"Abuse"** refers to any active or passive behavior towards an employee or group of employees at the employer that is repetitive and aims to or results in a violation of dignity, reputation, personal and professional integrity, health, position of the employee and which creates fear or a hostile, humiliating or offensive environment, worsens working conditions or leads the employees to isolate themselves or voluntarily terminate the employment contract or cancel the employment contract or another contract. Abuse also includes encouraging or inducing others to behave as described in paragraph 1 of this article.

**"Harassment"** at work is any behavior towards an employee, a group of employees or the Employer, which can cause harm of a physical, psychological or sexual nature.

**"Prevention of sexual exploitation, abuse and harassment"** refers to the undertaking of organized measures and activities aimed at eliminating the possibility of sexual exploitation, abuse and harassment.

**"Employee"** is a person who is employed under an employment contract for full time and/or part time.

## **Article 6 (Principles of operation)**

The association bases its work on the following principles of protection against sexual exploitation, abuse and harassment:

**"Legality"** - All employees are obliged to respect legal procedures, principles and restrictions related to protection from sexual exploitation, abuse and harassment, which are based on constitutional and legal provisions in Bosnia and Herzegovina, including international conventions and agreements of which BiH is a signatory party.

**"Prohibition of behavior that encourages sexual exploitation, abuse and harassment"** - Employees must not encourage sexual exploitation, abuse and harassment in the performance of their duties.

**"Protection of whistleblowers reporting behavior that encourages sexual exploitation, abuse and harassment"** - No one shall be punished or suffer any consequences for reporting, in good faith, what they consider an inappropriate act or irregularities in the prescribed procedures.

**"Principle of good practice"** - obliges the Association to harmonize its policy with the best practice of protection against sexual exploitation, abuse and harassment.

**"Efficiency"** - Obliges management bodies to achieve constant progress in proposing and implementing those measures that achieve visible results in protection from sexual exploitation, abuse and harassment.

## **II PREVENTION**

### **Article 7 (Preventive measures)**

In order to prevent sexual harassment, all employees are obliged to avoid:

- a) humiliating and inappropriate comments and actions of a sexual nature,
- b) attempt or execution of unwanted physical contact,
- c) leading to acceptance of sexual behavior with the offer of a reward, threat or blackmail,
- d) other similar behaviors.



### Behaviors to avoid

In order to prevent abuse and sexual harassment, employees should especially refrain from:

- 1) behaviors related to the inability to communicate appropriately, such as:
  - unjustified and intentional prevention of an employee from expressing their opinion, as well as unjustified interruption of an employee's speech,
  - addressing with shouting, threats and insults,
  - harassing the employee through phone calls and other means of communication, if it is not related to the work process and the job the employee performs,
  - other similar behaviors;
- 2) behaviors that can lead to disruption of good interpersonal relations, such as:
  - ignoring the presence of the employee, i.e. the employee intentionally and unjustifiably isolates himself from other employees by avoiding and interrupting communication with him,
  - unjustified physical isolation of the employee from the work environment,
  - unjustified deprivation of the employee's funds necessary for the employee to perform their job.;
  - unjustified exclusion from joint meetings,
  - unjustified prohibition of communication with the employee,
  - other similar behaviors;
- 3) behaviors that can lead to tarnishing of an employee's personal reputation, such as:
  - verbal attacks, ridicule, gossip, spreading rumors, spreading falsehoods about the employee in general and in connection with their private life,
  - negative comments on the employee's personal characteristics,
  - imitating the employee's voice, gestures and way of moving,
  - humiliating the employee with derogatory and degrading words,
  - other similar behaviors;
- 4) behaviors that can lead to a violation of the professional integrity of the employee, such as:
  - unjustified constant criticism and belittling of the employee's work results,
  - not assigning tasks to the employee that are not justified by the needs of the work process,
  - unjustified prevention of the employee from performing work tasks,
  - assigning humiliating tasks that are below the level of knowledge and qualifications,
  - assigning difficult tasks or those that are above the level of knowledge and qualifications;
  - determination of inappropriate deadlines for the execution of work tasks,
  - frequent change of work tasks or unjustified interruptions in work, which are not conditioned by the work process,
  - unjustified excessive supervision of work,
  - intentional and unjustified withholding or withholding of work-related information,
  - manipulating the content and business goals of the employee,
  - maliciously, i.e. by abuse of authority, assigning work tasks that are not related to the work for which the employee is employed,



- unjustified, unfounded or excessive use of cameras and other technical means that enable control of employees,
  - unjustified and intentional exclusion of an employee from education, professional training and development of employees,
  - other similar behaviors;
- 5) behaviors that can lead to compromising the employee's health, such as:
- unjustified constant threats (e.g. termination of the employment relationship, i.e. cancellation of the employment contract or other contract) and pressures that keep the employee in constant fear,
  - the threat that physical force will be used against the employee,
  - physical harassment that does not have elements of a criminal offense,
  - intentionally causing conflicts and stress,
  - other similar behaviors;
- 6) behaviors that could be considered sexual harassment, such as:
- humiliating and inappropriate comments and actions of a sexual nature,
  - attempt or execution of indecent and unwanted physical contact,
  - leading to acceptance of sexual behavior with the promise of a reward, threat or blackmail,
  - other similar behaviors.

#### Behaviors and activities that are not considered abuse

Not considered as abuse:

- 1) individual acts of the employer (decisions, offers of amendments to the employment contract, warning, etc.), addressing rights, obligations and responsibilities arising from the employment relationship, against which the employee has the right to protection in the procedure prescribed by a special law;
- 2) Withholding and preventing rights established by law, general act and employment contract, the protection of which is achieved in proceedings with the employer and before the competent court (non-payment of wages and other income, determination of overtime work contrary to the law, denial of the right to daily, weekly or annual leave etc.);
- 3) Work discipline that serves the better organization of work;
- 4) Activities undertaken justifiably to ensure safety and health at work.;
- 5) any unjustified discrimination or unequal treatment of an employee on any basis of discrimination, which is prohibited and in connection with which protection is provided in accordance with a special law;
- 6) occasional differences of opinion, problems and conflicts related to the performance of work and work tasks, unless they are intended to injure or intentionally offend the employee, etc.

#### Abuse of the right to protection from abuse

Abuse of the right to protection from abuse is committed by an employee who is aware or should have been aware that there are no well-founded reasons for initiating a procedure for protection from abuse, yet initiates or instigates the initiation of such a procedure with the aim of obtaining a material or non-material benefit for themselves or others, or causing harm to another person.



### **III TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 8.**

This Rulebook enters into force on the day of its adoption.