

CODE OF CONDUCT

Framework

ESPE- Escola Profissional de Espinho (VET School of Espinho), develops its activity respecting the Educational Project, the Internal Regulation, the legislation that regulates professional schools and private and cooperative education and the respect for equal opportunities and gender policies.

Although equality is a broad term, the Escola Profissional de Espinho, has given special attention to equality between men and women, equal opportunities and non-discrimination on the grounds of disability, age, race, religion or sexual orientation.

In this sense, this code of conduct was created, attached to the Internal Regulation, which aims, on the one hand, to increase the awareness and understanding of all the human resources of CEPROF - Centros Escolares de Ensino Profissional Lda. (CEPROF) with regard to equality at work and also to provide a guiding framework for action that allows, on the one hand, to identify, prevent and manage problems of harassment at work, and on the other hand, to comply with the provisions of Article 127, n.1, k) of the Labour Code.

Chapter I - Promotion of equality at work

Art. 1

Equal Access to Employment

Consideration for all types of public in the access to employment and to the various professional categories, with no possibility of privilege, benefit or prejudice determined by "ancestry, age, gender, sexual orientation, marital status, family situation, economic situation, education, origin or social condition, genetic heritage, reduced work capacity, disability, chronic illness, nationality, ethnic origin or race, territory of origin, language, religion, political or ideological beliefs and trade union membership" (Labour Law, art. 24, point 1).

Art.2

Equality at Work and in Vocational Training

The VET School of Espinho is governed by the following principles:

1. Promotion of equal pay for men and women;
2. Promotion of equal management of access to professional training, career progression and working conditions;
3. Processing of information on human resources broken down by gender;
4. Promotion of equality between women and men in the organisation's management positions;
5. Adoption of specific measures that favour the reintegration into working life of workers who have interrupted their career for health or family reasons;
6. Use of inclusive language and images in all the entity's internal and external communication processes.

Art. 3

Reconciling professional, personal and family life

The principles for reconciling professional, personal and family life are as follows:

1. Flexible working hours and part-time work ;
2. Encouraging gender alternation in family support;
3. Possibility of teleworking in duly justified cases and at the request of the employee.

Art.4

Integration of people with disabilities

The VET School of Espinho, as an inclusive school, is governed by the following principles:

1. Priority Attendance;
2. Promotion of accessibility to the physical environment;
3. Promotion of accessibility to information and communication;
4. Promoting the construction of an inclusive environment that facilitates employment;
5. Flexible working hours and part-time work.

Chapter II - Preventing and Combating Harassment at Work

Art. 5

General principles of conduct

1. CEPROF employees, internally or as external representatives, should act in accordance with the ethical principles and values associated with CEPROF, adopting behaviour based on responsibility, rigour and strict respect for people's dignity and rights.
2. CEPROF encourages respect and cooperation among all employees in a respectful and dignified work environment.
3. According to Article 29 of the Labour Code: "Harassment shall mean unwanted conduct, including that based on a discriminatory factor, occurring on the occasion of access to or at the place of employment, occupation or training, with the purpose or effect of disturbing or embarrassing a person, affecting his or her dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. Unwelcome verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect referred to in the preceding paragraph constitutes sexual harassment."
4. Harassment is an expression of undesirable and/or unacceptable conduct by one or more individuals, perceived as a practice of harassment or mistreatment, in particular because of ancestry, gender, nationality, genetic heritage, language, place of origin, religion, political or ideological beliefs, trade union membership, education, economic situation, social status, sexual orientation, disability, illness and reduced capacity to work, and can take many forms, some of which are more easily identified than others.
5. Harassment occurs when one or more workers or managers are repeatedly and deliberately intimidated, threatened and/or humiliated in work-related circumstances.
6. Harassment may be carried out by one or more managers, colleagues or third parties, with the purpose or effect of violating the dignity of a manager or worker, affecting his/her health and/or which takes the form of an intimidating, hostile, degrading, humiliating or destabilising work environment, which aims to induce the victim to behave in a certain way or to withdraw/marginalise him/her.
7. Harassment at work comprises behaviours which, when analysed separately, may not be considered illicit. However, when considered as a whole, they are capable of creating in the worker a discomfort and unease at work which injure his/her professional dignity, moral and psychological integrity, to such an extent that they may have repercussions on the performance of his/her work and on his/her own health.

8. Workplace harassment includes, but is not limited to, the following vectors:

- Degrading, offensive, insulting, intimidating, embarrassing or humiliating behaviour;
- Segmenting an individual with differential treatment of an irritating nature;
- Impediment to performance / sabotage of work;
- Spreading rumours, including cyberbullying;
- Inappropriate sexual touches, advances, suggestions or requests;
- Displaying or circulating offensive images or material in electronic or printed form which are known or should be recognised as offensive.

9. Workplace harassment does not represent or seek to prevent employers from disciplining or managing their workers.

Thus, workplace harassment **does not include**:

- Performance management;
- Pressure arising from the exercise of duties;
- Exercise of authority and disciplinary power;
- Operational requirements or decisions;
- A disagreement or misunderstanding;
- Work-related change (v.g., change of location, change of co-workers or occupational job);
- A single comment or action, unless it has serious, damaging and lasting effects;
- Rudeness, unless it is extreme and repetitive;
- Occasional praise.

Art.6

Prevention of Discriminatory Practices and Combating Harassment at Work

The VET School of Espinho has defined the following measures to prevent discriminatory practices and combat harassment at work:

1. Adoption of rules that ensure respect for the dignity of men and women in the workplace and that protect them in the event of unwanted behaviour, whether verbal, physical, sexual or any other form, also establishing remedial measures;
2. Inclusion of gender equality and conciliation issues in the mechanisms for evaluating worker satisfaction;

3. Promotion of training and awareness-raising actions on gender equality and the adoption of neutral and inclusive language and images;
4. Promotion of information and training on harassment and conflict management at work.

Art.7

Principles of the procedure to be developed in case of an allegation of harassment

In the event of a possible situation of harassment, which will not be tolerated, the procedure to be developed internally is based on the following principles:

- The interest of all parties to act with the necessary discretion to protect each other's dignity and privacy;
- The non-disclosure of any information to other parties not involved in the incident;
- Complaints should be investigated and dealt with as confidentially and promptly as possible;
- All parties involved should be heard impartially and be treated equally;
- Complaints must be supported by detailed information;
- If harassment is proven to have occurred, appropriate action will be taken against the perpetrator(s), which may include disciplinary action up to and including dismissal; and
- Perpetrators of false accusations may face disciplinary proceedings.

In the event of a possible harassment situation, there may be an informal approach or a formal procedure.

Art. 8

Preliminary approach to alleged harassment

In some cases it may be possible to correct situations without going through all the formalities of the disciplinary procedure. Sometimes people are unaware that their behaviour is inappropriate, unwelcome or rejectable, and a direct, up-front and immediate approach, which also includes those involved, can lead to an understanding of what has happened and to the cessation of the behaviour.

In these cases, stakeholders may, if they so wish, adopt this approach by communicating and requesting the support of their direct manager, another member of their hierarchical structure or another employee of the organisation.

Following this approach, the employer should develop appropriate preventive measures to:

- eliminate behaviour,
- avoid damage.

The employer, as the person responsible for the well-being of the employees, decides what measures he/she takes (or not) and informs the person affected by these measures within 10 working days.

Art. 8

Formal Procedure

In the event of an allegation of harassment a disciplinary procedure is opened which, without prejudice to the rules set out in the Labour Code, will follow:

- The employee must present and formalise his/her complaint in writing, in as much detail as possible, with a precise description of the facts constituting violence or harassment in the workplace, the time and location of each event, the identity of the victim and the request to the employer to take appropriate measures to put an end to the behaviour, either by e-mail or through personal contact. CEPROF is responsible for receiving all complaints of harassment at work;
- CEPROF conducts the investigation of complaints it receives, having at its disposal the necessary means, access to information and documentation that may be related to the case, and all human resources are obliged to cooperate;
- The internal procedure must be confined to the knowledge of those involved;
- CEPROF draws up a report with conclusions, which includes the facts and their legal framework, indicating, if possible, aggravating or attenuating circumstances, and proposing to whoever holds disciplinary power to take the final decision;
- CEPROF, in agreement with those holding disciplinary powers, shall recommend the adoption of preventive measures;
- The internal procedure must be appropriate taking into account the seriousness of the acts to which the worker has been subjected.

It should be emphasised that if the employer (or its representative) cannot practise any direct or indirect discrimination, it is also up to the employer to prove that the difference in treatment in relation to the worker is not based on any discriminatory factor.

Art. 9

Concluding remarks

The legislator, besides forbidding any discriminatory practice, establishes the inversion of the general rule of the burden of proof, as foreseen in article 342 of the Civil Code, as an added guarantee for the worker who alleges differentiated treatment.

The legislator characterizes as invalid the act of retaliation that harms the worker as a consequence of rejection or submission to a discriminatory act.

In any case, the victim may file a complaint at CITE, ACT or at the competent entity for receiving the complaint, depending on the nature of the behaviour in question.

Date, signature and company stamp

Espinho, 16th of March 2022

Useful contacts:

CITE - Commission for Equality in Labour and Employment

Website: <https://assedio.cite.pt/queixa-por-assedio/>

E-mail: geral@cite.pt

Green Line: 800 204 684

ACT - Authority for Working Conditions

Telephone: 300 069 300 Website: www.act.gov.p