

Ukrepi ZAG zoper spolno in
drugo nadlegovanje ter trpinčenje
na delovnem mestu oziroma v
zvezi z delom // Measures of
ZAG against sexual and other
harassment and workplace
torment or work-connected
violence

Izdaja: 2 (27.07.2022)

Element sistema kakovosti: Osebje

Področje: 100 - ZAG

Avtorji: Jana Klemenčič Jelovčan univ. dipl. prav.

Odobritve: Jana Klemenčič Jelovčan univ. dipl. prav.

Klavdija Beton mag. prav.

Tinkara Kopar univ. dipl. inž. kem. inž.

doc. dr. Aleš Žnidarič univ. dipl. inž. grad.



Na podlagi 47. člena Zakona o delovnih razmerjih (Ur. I. RS, št. 21/13), 24. člena Zakona o varnosti in zdravju pri delu (Ur. I. RS, št. 43/2011) in na podlagi 30. člena Statuta Zavoda za gradbeništvo Slovenije ter po predhodnem mnenju sindikata, je direktor sprejel naslednje

Pursuant to Article 47 of the Employment Relationships Act (ZDR-1) (Ur. I. RS, št. 21/13), Article 24 of the Health and Safety at Work Act (ZVZD-1) and pursuant to Article 30 of the Statute of the Slovenian National Building and Civil Engineering Institute and according to the preliminary opinion of the trade union, on 5th March 2014 the director adopted the following

**UKREPE ZAVODA ZA GRADBENIŠTVO
SLOVENIJE
ZOPER SPOLNO IN DRUGO
NADLEGOVANJE TER TRPINČENJE NA
DELOVNEM MESTU OZIROMA V
ZVEZI Z DELOM**

**MEASURES OF THE SLOVENIAN
NATIONAL BUILDING AND CIVIL
ENGINEERING INSTITUTE AGAINST
SEXUAL AND OTHER HARASSMENT
AND WORKPLACE TORMENT OR
WORK-CONNECTED VIOLENCE**

Uvodna določila

1. člen

Zavod za gradbeništvo Slovenije, Dimičeva ulica 12, Ljubljana (v nadaljnjem besedilu: delodajalec) se zavezuje po najboljših močeh varovati dostojanstvo vseh javnih uslužbencev, zaposlenih pri delodajalcu in sicer ne glede na njihov hierarhični položaj.

Spolno in drugo nadlegovanje ter trpinčenje na delovnem mestu oziora v zvezi z delom so oblike nasilja na delovnem mestu oziora v zvezi z delom in so v delovni sredini delodajalcu nesprejemljive. Delodajalec se zato zavezuje, da ne bo toleriral nasilja na delovnem mestu in v zvezi z delom, ne glede na hierarhični položaj žrtve ter storilke oziora storilca.

V besedilu uporabljeni izrazi, zapisani v moški slovnični obliki, so v tem aktu uporabljeni kot nevtralni in veljajo enakovredno za oba spola.

2. člen

Vsak javni uslužbenec ima pravico do delovnega okolja brez nasilja, še zlasti brez spolnega in drugega nadlegovanja ter trpinčenja.

Introductory provisions

Article 1

The Slovenian national building and civil engineering institute, Dimičeva ulica 12, Ljubljana (hereinafter: the employer) undertakes to protect the dignity of all civil servants employed by the employer to the best of its ability, regardless of their hierarchical position.

Sexual and other harassment and workplace torment or in connection with work are forms of violence in the workplace or in connection with work are unacceptable in the working environment of the employer. The employer therefore undertakes not to tolerate workplace and in work connected violence, regardless of the hierarchical position of the victim and the perpetrator.

The terms used in the text, written in the masculine grammatical form, are used in this act as neutral and apply equally to both genders.

Article 2

Every civil servant has the right to a work environment free of violence, in particular without sexual and other harassment and workplace torment.

Vsek javni uslužbenec ima pravico do pritožbe, kadar je kršena njegova pravica do delovnega okolja brez nasilja, še zlasti brez spolnega in drugega nadlegovanja ter trpinčenja.

3. člen

Vsi javni uslužbenci so dolžni žrtvi po svojih najboljših močeh in zmožnostih nuditi pomoč pri izhodu iz nasilne situacije.

4. člen

Spolno in drugo nadlegovanje ter trpinčenje na delovnem mestu oziroma v zvezi z delom predstavljajo kršitev obveznosti iz delovnega razmerja, kar ima lahko za posledico odpoved pogodbe o zaposlitvi iz krivnih razlogov ali disciplinsko sankcijo v skladu z določili Zakona o delovnih razmerjih.

Opredelitev pojmov – spolno nadlegovanje

5. člen

Spolno nadlegovanje je kakršna koli oblika neželenega verbalnega, neverbalnega ali fizičnega ravnanja ali vedenja spolne narave z učinkom ali namenom prizadeti dostenjanstvo javnega uslužbenca, zlasti kadar gre za ustvarjanje zastraševalnega, sovražnega, ponižajočega, sramotilnega ali žaljivega okolja.

6. člen

Vedenja in ravnanja, ki pomenijo verbalno spolno nadlegovanje, kadar ustrezajo definiciji iz prejšnjega člena tega akta, so:

- predlogi v zvezi s spolnostjo ali siljenje k spolni dejavnosti,
- ponavljajoči se predlogi za druženje in zmenke,
- sugestivne pripombe in opazke, namigovanja,
- opolzki komentarji, ki se nanašajo na oblačenje, telo ali videz javnega uslužbenca,
- naslavljanje javnega uslužbenca s punči, bejba, srček, miška, cukrček, mucek ipd.,

Every civil servant has the right to appeal when his right to a work environment free of violence is violated, in particular without sexual and other harassment and workplace torment.

Article 3

All civil servants have an obligation to help the victim get out of a violent situation to the best of their ability.

Article 4

Sexual and other harassment and workplace torment or in connection with work constitute a breach of employment obligations, which may result in termination of the employment contract due to culpable cause or disciplinary sanction in accordance with the provisions of the Employment Relationships Act.

Definitions - sexual harassment

Article 5

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct or conduct of a sexual nature with the effect or intent to harm the dignity of a public servant, especially when creating an intimidating, hostile, degrading, humiliating or offensive environment

Article 6

Behaviours and conduct that constitute verbal sexual harassment, when they meet the definition from the previous article of this act, are:

- suggestions regarding sexuality or forced sexual activity,
- recurring suggestions for socializing and dating,
- suggestive remarks and comments, hints,
- obscene comments concerning the dress, body or appearance of civil servant
- addressing a civil servant with a baby, babe, sweetheart, honey, sugar, kitty, etc.,
- use of obscene language or gestures (eg

- uporaba obscenega jezika ali gest (npr. žvižganje),
- spremjanje poslovnih tem v spolne,
- zgodbe, šale ali sugestivni komentarji s spolno vsebino,
- bahanje s spolnimi podvigi,
- postavljanje osebnih vprašanj v zvezi z družabnim ali spolnim življenjem javnega uslužbenca,
- druga podobna verbalna vedenja ali ravnanja.

7. člen

Vedenja in ravnanja, ki pomenijo neverbalno spolno nadlegovanje, kadar ustrezano definiciji iz 5. člena tega akta, so:

- (raz)pošiljanje elektronskih sporočil, pisem in drugih materialov s spolno vsebino,
- kazanje pornografskih ali spolno sugestivnih slik ali besedil,
- pohotni pogledi ali žaljivo spogledovanje,
- spolno sugestivne geste ali strmenje v dele telesa javnega uslužbenca,
- tesno približevanje javnemu uslužbencu (npr. nagibanje čez hrbet sedečega javnega uslužbenca).

8. člen

Vedenja in ravnanja, ki pomenijo fizično spolno nadlegovanje, kadar ustrezano definiciji iz 5. člena tega akta, so:

- nepotrebno dotikanje ali trepljanje,
- ščipanje,
- drgnjenje ob telo javnega uslužbenca,
- dotikanje osebnih oblačil, las, telesa,
- masaža vratu, ramen,
- objemanje,
- poljubljanje,
- ponavljajoči se telesni stiki po koncu razmerja,
- spolni napad,
- vsiljeni spolni odnos,
- druga podobna fizična vedenja ali ravnanja.

Opredelitev pojmov – nadlegovanje

- whistling),
- changing business topics into sexual,
- stories, jokes or suggestive comments with sexual content,
- bragging about sexual exploits,
- asking personal questions about the social or sexual life of a civil servant
- other similar verbal behaviours or conducts.

Article 7

Behaviours and conduct that constitute non-verbal sexual harassment, when they meet the definition from Article 5 of this act, are:

- (re)sending e-mails, letters and other material with sexual content,
- showing pornographic or sexually suggestive images or texts,
- horny looks or insulting flirtations,
- sexually suggestive gestures or staring at body parts of a civil servant
- close approaching to a civil servant (eg leaning over the back of a seated civil servant).

Article 8

Behaviours and conduct that constitute physical sexual harassment, when they meet the definition from Article 5 of this act, are:

- unnecessary touching or patting,
- pinching,
- rubbing against the body of a civil servant,
- touching personal clothing, hair, body, neck or shoulder massage
- hugging,
- kissing
- repeated physical contact after the end of the relationship,
- sexual assault,
- forced sexual intercourse,
- other similar physical behaviours or conducts.

Definitions - harassment

9. člen

Nadlegovanje je vsako neželeno vedenje, povezano s katero koli osebno okoliščino, z učinkom ali namenom prizadeti dostojanstvo javnega uslužbenca ali ustvariti zastraševalno, sovražno, ponižajoče, sramotilno ali žaljivo okolje.

Osebne okoliščine iz prejšnjega odstavka tega člena so spol, narodnost, rasa ali etnično poreklo, vera ali prepričanje, invalidnost, starost, spolna usmerjenost in druge.

10. člen

Vedenja in ravnanja, ki pomenijo nadlegovanje, kadar ustrezajo definiciji iz prejšnjega člena tega akta, so vsa tista dejanja, ki temeljijo na družbeni in / ali organizacijski moči v odnosu do žrtve in sicer:

- posmehovanje,
- poniževanje,
- zastraševanje,
- fizična napadalnost,
- sramotilno obrekovanje ali črnjenje,
- žaljenje zaradi osebne okoliščine javnega uslužbenca,
- seksistične šale,
- druga podobna vedenja ali ravnanja.

Article 9

Harassment is any unwanted conduct related to any personal circumstance, with the effect or intent of affecting the dignity of a civil servant or creating an intimidating, hostile, degrading, humiliating or offensive environment.

Personal circumstances referred to in the previous paragraph of this Article are gender, nationality, race or ethnic origin, religion or belief, disability, age, sexual orientation and others.

Article 10

Behaviours and actions that constitute harassment, when they meet the definition from the previous article of this act, are all those actions that are based on social and / or organizational strength in relation to the victim, namely:

- mockery,
- humiliation,
- intimidation,
- physical aggression,
- shameful slander or defamation,
- insult due to the personal circumstances of a civil servant,
- sexist jokes,
- other similar behaviour or conduct.

Opredelitev pojmov – trpinčenje**11. člen**

Trpinčenje na delovnem mestu je vsako ponavljajoče se ali sistematično, graje vredno ali očitno negativno in žaljivo ravnanje ali vedenje, usmerjeno proti posameznim javnim uslužbencem na delovnem mestu ali v zvezi z delom.

12. člen

Vedenja ali ravnanja, ki pomenijo trpinčenje, kadar ustrezajo definiciji iz prejšnjega člena tega akta, so:

- takšna, ki vplivajo na samo izražanje in na način komunikacije (nadrejena oseba žrtvi omejuje možnost, da bi se izražala;

Definitions – workplace torment**Article 11**

Workplace torment is any repetitive or systematic, reprehensible or obviously negative and offensive conduct or behaviour directed against individual civil servant in the workplace or in connection with work.

Article 12

Behaviors and conduct that constitute workplace torment, when they meet the definition from the previous article of this act, are:

- those that affect the self-expression and the way of communication (the superior limits the victim's ability to express

- nenehno prekinjanje govora žrtve; sodelavci žrtvi omejujejo možnost izražanja; kričanje na žrtev in zmerjanje žrtve; nenehno kritiziranje žrtvinega zasebnega življenja; telefonsko zastraševanje; ustne grožnje; pisne grožnje; onemogočanje stikov s pogledi ali gestami; onemogočanje stikov z zbadanjem);
- takšna, ki pomenijo omejevanje in preprečevanje žrtvinih družabnih stikov (onemogočen ji je dostop do drugih; sodelavcem je prepovedano govoriti z žrtvijo; z žrtvijo ravnajo, kot da je nevidna);
 - takšna, ki knjijo žrtvin ugled (blatenje žrtve za njenim hrbtom; kroženje neutemeljenih govoric; posmehovanje; obravnavanje žrtve kot duševno bolne; zasmehovanje žrtvine oviranosti oziroma hendikepiranosti; oponašanje žrtvinih gest, hoje, glasu z namenom zasmehovanja; zasmehovanje žrtvinega političnega prepričanja ali verske pripadnosti; zasmehovanje žrtvinega zasebnega življenja; zasmehovanje žrtvine nacionalnosti; žrtvina prizadevanja se ocenjujejo napačno in na ponižajoč način; žrtvine odločitve so vedno postavljene pod vprašaj; žrtev kličejo s ponižajočimi imeni; spolne zbadljivke);
 - napadi na kakovost žrtvinega poklicnega in življenjskega položaja (žrtev dobiva naloge, ki so daleč nad ali pod stopnjo njene strokovne usposobljenosti z namenom, da se jo osramoti);
 - ponavljače dodeljevanje delovnih nalog in opravil žrtvi na način oziroma z namenom, da to vpliva na kakovost žrtvinega zasebnega življenja, kadar delovni proces ali organizacija dela tega ne zahtevata (npr. nalaganje dela tik pred odhodom iz službe, neodobritev dopusta brez utemeljenega razloga, ki bi izhaljal iz delovnega procesa);
 - neposredni napadi na zdravje javnega uslužbenca.
- himself; constant interruption of the victim's speech; co-workers limit the victim's ability to express themselves; shouting at the victim and insulting the victim; constant criticism of the victim's private life; telephone intimidation; verbal threats; written threats; disabling contact with looks or gestures; disabling contact with provocation);
- those that mean restricting and preventing the victim's social contacts (he is denied access to others; co-workers are forbidden to speak to the victim; the victim is treated as if she were invisible);
 - those that tarnish the victim's reputation (slandering the victim behind her back; circulating unfounded rumours; mockery; treating the victim as mentally ill; mocking the victims' disability, imitation of the victim's gestures, walking, voice for the purpose of ridicule; ridicule of the victim's political beliefs or religious affiliation; mockery of the victim's private life; mockery of the victim's nationality; the victim's efforts are assessed incorrectly and in a degrading way; victims' decisions are always called into question; the victim is called by derogatory names; sexual teasers);
 - attacks on the quality of the victim's professional and life situation (the victim is given tasks that are far above or below the level of his professional competence in order to embarrass him);
 - repeated assignment of work tasks and duties to the victim in a way or with the intention that it affects the quality of the victim's private life, when the work process or work organization does not require it (eg loading work just before leaving work, not granting leave without good reason arising from the work process);
 - direct attacks on the health of a civil servant.

13. člen

Pri nudenu pomoči žrtvam veljajo naslednja načela in dejstva:

- žrtev ni in ne more biti odgovorna za ravnanje storilke oziroma storilca (v nadalnjem besedilu: storilca),
- žrtev in storilcev se pri preiskovanju ali obravnavi prijave storitve spolnega nadlegovanja ne sooča,
- pri obravnavi primerov spolnega in drugega nadlegovanja ter trpinčenja velja prepoved viktimizacije žrtve zaradi pritožbe,
- žrtev mora biti obveščena o dejavnostih, ki sledijo njeni pritožbi.

Article 13

The following principles and facts apply to the provision of assistance to victims:

- the victim is not and cannot be responsible for the conduct of the perpetrator (hereinafter: the perpetrator),
- victims and perpetrators are not confronted when investigating or dealing with a report of sexual harassment,
- in dealing with cases of sexual and other harassment and torment, it is forbidden victimization of the victim because of the appeal,
- the victim must be informed of the activities following her complaint.

Dolžnosti in odgovornosti javnih uslužbencev
14. člen

Dolžnost vseh javnih uslužbencev je, da pomagajo ustvarjati delovno okolje brez nasilja, v katerem se varujeta in spoštujeta dostojanstvo in integriteta javnih uslužbencev na delovnem mestu.

Article 14

It is the duty of all civil servants to help create a non-violent work environment in which the dignity and integrity of civil servants in the workplace are protected and respected.

15. člen

Vodstveni in vodilni kader ima dolžnost nuditi podporo vsakomur, ki se pritoži zaradi spolnega ali drugega nadlegovanja ali trpinčenja na delovnem mestu ali v zvezi z delom.

Management and leading personnel have a duty to provide support to anyone who complains of sexual or other harassment or workplace torment or work-connected violence.

Vodstveni in vodilni kader ima odgovornost, da se prijavljeni primeri spolnega ali drugega nadlegovanja ali trpinčenja rešijo hitro, učinkovito ter pravično.

Management and leading personnel have a responsibility to resolve reported cases of sexual or other harassment or torment quickly, efficiently and fairly.

Postopek neformalnega reševanja spolnega in drugega nadlegovanja ter trpinčenja
16. člen

Kadar je to možno in ko se problem pojavi prvič, naj skušajo žrtve problem rešiti neformalno.

The process of informal resolution of sexual and other harassment and torment**Article 16**

Whenever possible and when the problem first arises, victims should try to solve the problem informally.

17. člen

Neformalno reševanje spolnega in drugega nadlegovanja ter trpinčenja pomeni, da žrtev od nadlegovalca neposredno zahteva, naj z neželenim vedenjem ali ravnanjem preneha.

Postopek formalnega reševanja spolnega in drugega nadlegovanja ter trpinčenja
18. člen

Za formalno reševanje primerov spolnega in drugega nadlegovanja ter trpinčenja izberejo zaposleni dva zaupnika, ki opravita predhodno notranjo preiskavo.

Zaupnika imata petletni mandat, z možnostjo podaljševanja.

Zaupnik ne more biti javni uslužbenec, ki je domnevni nadlegovalec ali domnevno izvaja trpinčenje. V tem primeru delodajalec imenuje nadomestnega zaupnika.

Delodajalec je dolžan omogočiti potrebno usposabljanje zaupnikov iz prvega odstavka tega člena za obravnavo primerov spolnega in drugega nadlegovanja ter trpinčenja na delovnem mestu.

19. člen

Vsakdo, ki meni, da je žrtev spolnega ali drugega nadlegovanja ali trpinčenja na delovnem mestu ali v zvezi z delom ima pravico podati pritožbo.

Pritožba se poda pisno, v elektronski ali v tiskani obliki. Naslovi se na zaupnika.

Pritožba mora vsebovati najmanj naslednje podatke: kdo je domnevni storilec, opis nasilnega dogodka oziroma dogodkov ter kdaj so se zgodili.

Pritožbo iz prvega odstavka tega člena lahko poda žrtev sama, v njenem imenu pa tudi sindikalni zaupnik oziroma katera koli oseba, ki jo žrtev pisno pooblasti.

Article 17

Informal resolution of sexual and other harassment and torment means that the victim directly demands that the harasser stops the unwanted behaviour or conduct.

The process of formal resolution of sexual and other harassment and torment
Article 18

To formally resolve cases of sexual and other harassment and torment, employees choose two trustees who conduct a preliminary internal investigation.

The trustees have a five-year term, with the possibility of extension.

A trustee cannot be a civil servant who is an alleged harasser or alleged perpetrator. In this case, the employer appoints a replacement trustee.

The employer is obliged to enable the necessary training of trustees referred in the first paragraph of this Article to deal with cases of sexual and other harassment and torment in the workplace.

Article 19

Anyone who considers himself a victim of sexual or other harassment and torment at work or in connection with work has the right to lodge a complaint.

The complaint shall be submitted in writing, electronically or in printed form. It should address the trustee.

The complaint must contain at least the following information: who is the alleged perpetrator, a description of the violent event or events and when they occurred.

The complaint referred to in the first paragraph of this Article may be filed by the victim himself, or on his behalf also by the union trustee or any person authorized by the victim in writing.

Pritožbo iz prvega odstavka tega člena se v primeru spolnega ali drugega nadlegovanja ali trpinčenja poda kar najhitreje po kritičnem dogodku oziroma dogodkih, praviloma najkasneje v roku trideset (30) dni od zadnjega dogodka.

20. člen

Zaupnik svoje ugotovitve in predloge za rešitev problema v pisni obliki predloži direktorju delodajalca čim prej po prejemu pritožbe, najkasneje pa v roku 30 dni.

Direktor delodajalca čim prej po prejemu ugotovitev zaupnika, najkasneje pa v roku 15 dni, sproži ustrezne postopke in ukrepe oziroma izreče sankcije storilcu v skladu z 21. členom tega akta oziroma izreče sankcije zlonamernemu prijavitelju v skladu z 22. členom tega akta.

21. člen

Sankcije, ki jih storilcem lahko izreče delodajalec, so naslednje:

- odpoved pogodbe o zaposlitvi v skladu z določbami Zakona o delovnih razmerjih,
- disciplinske sankcije v skladu s 175. členom Zakona o delovnih razmerjih.

22. člen

Javnemu uslužbencu, ki vloži pritožbo zaradi spolnega ali drugega nadlegovanja ali trpinčenja na delovnem mestu ali v zvezi z delom zato, da bi škodoval drugemu javnemu uslužbencu ali tretji osebi, je mogoče izreči sankcije, določene v prejšnjem členu.

Končno določilo

23. člen

Ta akt se objavi na internem spletnem portalu Zavoda za gradbeništvo Slovenije in prične veljati naslednji dan po objavi.

In the case of sexual or other harassment or torment, the complaint referred to in the first paragraph of this Article shall be lodged as soon as possible after the critical event or events, as a rule no later than thirty (30) days after the last event.

Article 20

The trustee shall submit his findings and proposals for resolving the problem in writing to the director as soon as possible after receiving the complaint, and within 30 days at the latest.

The director of the employer shall, as soon as possible after receiving the trustee's findings, and within 15 days at the latest, initiate appropriate procedures and measures or impose sanctions on the perpetrator in accordance with Article 21 of this Act or impose sanctions on the malicious applicant in accordance with Article 22 of this Act.

Article 21

The sanctions that may be imposed on the perpetrators by the employer are as follows:

- termination of the employment contract in accordance with the provisions of the Employment Relationships Act
- disciplinary sanctions in accordance with Article 175 of the Employment Relationships Act.

Article 22

A civil servant who lodges a complaint of sexual or other harassment or workplace torment or work-connected violence in order to harm another civil servant or a third party may be subject to the sanctions provided for in the preceding Article.

Final provision

Article 23

This act is published on the internal web portal of the Slovenian national building and civil engineering institute and enters into force on the day following its publication.