

# THE EQUAL TREATMENT OF EMPLOYEES

- **What is the equal treatment of employees?**
- **What are the measures adopted by the authorities to enforce the equal treatment of employees?**
- **What measures are in place at INCDMTM to ensure the equal treatment of employees?**

This brochure aims to present the answers to the questions above and to inform INCDMTM employees about the rights they benefit from, and that are aimed to protect their interests and ensure a favorable working climate, from the perspective of the law.

## INTRODUCTION

The Romanian authorities - by means of Law 202/2002 on equal opportunities and treatment of women and men - aim to implement measures to ensure the best possible working climate and to adopt provisions to combat the practices and behaviors that generate discrimination based on numerous criteria, and that are displayed in a work context.

Therefore, in each organization with more than 50 employees, the law above states the obligation to appoint an equal opportunities officer, who will take the necessary steps to prevent and combat abuse and harassment and who will inform the employees about their rights from the perspective of the law. At INCDMTM, this person is:

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**In the event you experience any form of discrimination or of harassment of the kind described in this brochure, please contact the Equal Opportunities Officer.**

On the back of this brochure, you can find out more about discrimination and harassment from the perspective of Law 202/2002, as well as the measures proposed to prevent these unwanted behaviours.



## TYPES OF BEHAVIORS THAT NEED TO BE AVOIDED, ESPECIALLY AT WORK

### DIRECT AND INDIRECT DISCRIMINATION

A **direct discrimination\*** is defined as the situation in which a person is treated less favourably than is, was, or would be treated than another person in a similar situation, while an **indirect discrimination\*** is the situation in which an apparently neutral provision, criterion or practice would make a certain person be at a disadvantage, unless that provision, criterion or practice is objectively justified by a legitimate aim, and the means of achieving that aim are appropriate and necessary.

### HARASSMENT

The term **harassment\*** describes a situation in which an unwanted behaviour occurs, with the object or effect of violating the dignity of the person concerned and creating an intimidating, hostile, degrading, humiliating, or offensive environment. It can take many forms: **sexual, psychological, based on family status, marital status, disability, physical appearance, race, gender, and others, but also multiple (involving harassment on several criteria).**

*If, in a work context, you are the victim of a type of behaviour as those described above, please contact the Equal Opportunities Officer. This person will initiate measures aimed at solving the problem internally, and in the event this would not be possible, the officer will guide you to turn to the state authorities empowered by the law to intervene in such situations.*

### A peculiar case

A peculiar case of harassment is the **sexual harassment**, defined as an act involving unwanted behaviour of a sexual nature, expressed physically, verbally or non-verbally, whose purpose or effect is to violate the dignity of a person, in particular to create an intimidating, hostile, degrading, humiliating, or offensive environment.

### OTHER SUPPORTING MEASURES DIRECTED AT EMPLOYEES AND RECOMMENDED BY THE LAW

Upon the request of the employees, the **equal opportunities officer** will deliver a **time management training** recommended to the persons returning to work after completing the parental leave, a **training on developing a career plan**, and respectively a **training on advancing in one's career**.

The law also recommends employers to implement **flexible working hours\***, whenever possible. This includes the possibility for employees to choose their working hours, including to opt for remote working arrangements, flexible working hours, or short-time work schedules.

In this regard, you have the legal right to send a request for analysis of your particular options to the management of the institution, which will have to analyze your request.

Additionally, you can benefit from a **caregiver leave\*** with a duration of five working days (if there are no internal documents in place specifying a longer period), if you have to care for a relative with whom you live and who is in poor health. These days off shall not be deducted from your annual leave. Below is the provision of the law specifying this right.

**Paragraph 152 of the Labor Code: "The employer has the obligation to grant the employee a caregiver leave for he or she to be able to provide personal care or support to a relative or a person living in the same household as the employee and who needs care or support because of a serious medical problem, over a duration of 5 working days in a calendar year, as per the written request of the employee".**



Apart from gender-based harassment, other types of harassment, such as **gender-based harassment**, are also considered. To differentiate between the two, we present below the definitions of these concepts, from a legal perspective.

**Sex\*** = the set of biological and physiological traits according to which women and men are defined;

**Gen\*** = the set of roles, behaviours, traits and activities that society considers appropriate for women and men.

To avoid sexual or gender-based harassment in the workplace, we strongly recommend avoiding **the use of gender stereotypes and gender violence**, while in order to promote equal opportunities between women and men, we recommend an **equal pay for work of equal value**. These concepts are defined in the following column.

**Gender stereotypes\*** are organised systems of consensual beliefs and opinions, perceptions and prejudices about duties and characteristics, as well as the roles that women and men have or should fulfil.

**Gender violence\*** is the act of violence directed against a woman or, as the case may be, a man, motivated by her or his sex. Gender-based violence against women is a form of violence that affects women disproportionately. Gender-based violence includes, but is not limited to, domestic violence, sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilisation, sexual harassment, trafficking in human beings and forced prostitution.

**Equal pay for work of equal value\*** consists of the paid work which, after comparison on the basis of the same indicators and units of measurement with another activity, reflects the use of similar or equal professional knowledge and skills, and performing an equal or similar amount of intellectual and/or physical effort.

**Note: all terms marked with the symbol \* are defined in this brochure according to Law 202/2002.**