

## Code of Conduct of

### FCiências.ID – Associação para a Investigação e Desenvolvimento de Ciências

#### *[FCiências.ID - Association for the Research and Development of Science]*

Approved by the Executive Committee - V1.2 - 29 July 2020

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#### Preamble

According to its Statutes, FCIências.ID shall undertake its activities in compliance with the highest legal, ethical and moral standards. This Code of Conduct (hereinafter referred to as Code) aims to substantiate the framework of values that underpins the life of FCIências.ID through the action of all individual entities falling under the functional categories set forth in Article 1, and of their related corporate entities, namely, its Associates.

This Code seeks to embody the main values and references that shape the activity of FCIências.ID, which shall be applied by the latter to all its employees and collaborators in varying degrees, according to the need to comply with applicable legislation, namely, with respect to situations of harassment<sup>1</sup>.

In view of the sensitive nature of this subject, and considering the absence, to date, of any situation potentially covered by the provisions of the Code, this document shall be updated whenever deemed necessary.

Therefore, in its meeting of 15 June 2020, the Executive Committee of FCIências.ID hereby approves this version of the Code of Conduct, in accordance with the provisions of the articles hereunder:

#### Article 1. - Scope

1. The Code shall apply to the following functional categories of *individual* entities of FCIências.ID, in accordance with the provisions of Articles 2 and 3, namely:
  - a. Members of governing bodies;

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<sup>1</sup> See, in particular, [Law no. 73/2017](#) which amended, inter alia, Article 127 of the Labour Code, and addresses situations of harassment.

- b. Executives;
  - c. Employees
    - i. Of the core structure
    - ii. Researchers
    - iii. Science and Technology Managers
  - d. Fellows.
2. Pursuant to the provisions of Article 4, the Code shall also apply to *corporate* entities, through their employees with the status of *collaborator* of FCIências.ID.

#### Article 2. -General Principles

1. FCIências.ID shall undertake to ensure:
  - a. A safe environment for all its employees, namely in terms of protection against any type of harassment to which they may be subject, in any location where they perform their duties;
  - b. Accessible communication among all employees, executives and governing body members;
  - c. Information channels with Associates that ensure the communication, analysis and intervention of the latter, in any situation that constitutes unlawful behaviour or which may be interpreted as such;
  - d. Sound analysis and decision-making, in any situation deemed unlawful, or which may be interpreted as such, identified directly or by means of complaint, and involving its employees or collaborators, in any location where such acts may have occurred;
  - e. Transparency in the specification of findings of inquiries that adequately demonstrate the presence of unlawful behaviour and of decisions taken.
2. FCIências.ID shall assume the strict compliance of all its individual employees and collaborators with the following general principles of conduct:
  - a. Sound management of resources placed at their disposal;
  - b. Integrity and honesty;
  - c. Transparency;
  - d. Impartiality;
  - e. Urbanity;
  - f. Inter-institutional respect;
  - g. Guarantee of confidentiality with respect to confidential information of which they may become aware in the performance of their duties.
  - h. Absolute respect for the human person, irrespective of sex, age, beliefs or social or employment status.
3. The principles laid down in Section 1 of the Annex (General principles and requirements applicable to researchers) to the European Commission Recommendation of 11 March 2005<sup>2</sup> shall also apply, in varying degrees, to employees with R&D duties (postdoctoral researchers, junior researchers and research fellows with different qualification levels).
4. FCIências.ID shall hold as an **absolute requirement** that its employees, in the performance of their activities and duties:

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<sup>2</sup> <https://eur-lex.europa.eu/legal-content/PT/TXT/PDF/?uri=CELEX:32005H0251&from=EN>

- a. Shall not engage in discriminatory behaviours towards co-workers, collaborators and third-parties, namely on grounds of race or ethnicity, sex, sexual orientation, age, physical or mental disability, political opinion, religion or faith;
  - b. Shall guide their actions and decisions exclusively in defence of the institution's own interests, without any direct or indirect pecuniary benefit, for their own or third-party gain, or any undue reward by virtue of the position they hold or the duties they perform.
  - c. Shall commit to not engaging in harassment towards other co-workers, collaborators or third parties, in any of the following forms:
    - i. *Harassing Behaviours*, with the purpose or effect of disturbing or embarrassing the person, affecting his/her dignity or creating an intimidating, hostile, degrading or destabilising environment.
    - ii. Harassment of a *sexual* nature, in verbal, non-verbal or physical form.
    - iii. *Moral* harassment where the unwanted behaviour is not based on a discriminatory factor but, by virtue of its connotation and deceptiveness, has the same effects and seeks to remove the employee from FCIências.ID.
  - d. Shall uphold a duty of care and proactivity in the prevention and identification of any situation or forms of corruption, unlawful favouritism, economic and financial crimes, money laundering, traffic of influence, maladministration, embezzlement, economic participation in business, abuse of power or breach of the duty of secrecy, inter alia, during the performance of their duties.
  - e. Shall uphold the duty to immediately inform their hierarchical superior, or coordinator, of any gifts, benefits or advantages or invitations to institutional or cultural social events, or other similar benefits that may undermine impartiality and integrity in the performance of duties and that are not merely symbolic and shall adopt subsequent behaviour according to the hierarchical decision.
5. A FCIências.ID shall **expect** of all its employees:
- a. The general duty to inform of any accumulation of other private duties or activities that may interfere with the performance of their duties.
  - b. The duty to directly inform the Secretary-General of situations that constitute harassment of any type, among co-workers or with subordinates, of a sexual, moral, work, religious, political, coercive nature or which undermine human dignity.
6. Situations related to a breach of the principles set forth in paragraph 4 shall be subject to the zero tolerance policies of FCIências.ID.

### Article 3. - Principles Applicable to Executives

1. In addition to the provisions laid down in Article 2, all FCIências.ID Executives and Coordinators shall be expected to:
  - a. Ensure the application of the Internal Regulations and other operational regulations of the Association, and to promptly identify poorly covered areas or those not consistent with reality;
  - b. Assume co-responsibility for constant compliance with and clarification of the provisions of this Code;
  - c. Be sensitive to any potential violations of personal data protection and harassment situations (e.g., offence against physical, sexual or moral dignity) they may witness or of which they may become aware, and shall report them to their superiors.

- d. Be particularly diligent in all phases of invitations to tender, ensuring the intervention of the most suitable employees in such tenders, and in relation to which no potential situation of a conflict of interests is envisioned.

#### Article 4. - Principles Applicable to Corporate Entities

1. It shall be assumed that all FCIências.ID Associates, collectively and by means of their employees who are FCIências.ID collaborators:
  - a. Shall ensure strict confidentiality of the information received;
  - b. Shall inform other Associates, in a timely manner, of any events that are relevant to the operation of FCIências.ID;
  - c. Shall not create deadlock situations for the Association's governing bodies;
  - d. Shall enhance the awareness of their employees, who are FCIências.ID collaborators, as to the need for strict compliance with the principles set forth in this Code of Conduct , alerting them to potential disciplinary procedures which shall, in the case of wrongful conduct, be set in motion, namely, but not exclusively, in the context of:
    - i. Intervention in juries for the selection of fellows and researchers;
    - ii. Intervention in evaluation juries in public tenders under the responsibility of FCIências.ID;
    - iii. Authorisation for expenditure within the strict frame of R&D activities.
2. With a view to conducting activities related to the management of their regular business, all contracted entities and/or with an outsourcing or retainer fee arrangement with FCIências.ID, shall proactively undertake to:
  - a. Ensure strict confidentiality of the information received;
  - b. Refrain from concentrating duties related to competing entities of FCIências.ID with the same collaborator;
  - c. Guarantee stability of the team responsible for communication with FCIências.ID, within normal market determinants;
  - d. Immediately inform FCIências.ID of any facts that constitute unlawful behaviour, and which may jeopardise the good public standing of FCIências.ID and the effectiveness of its action.

#### Article 5. - Conflict of interest<sup>3</sup>

1. A conflict of interest shall be deemed to exist where a situation arises as a result of which it is reasonably possible to have serious doubts as to the impartiality of the conduct or decision of an employee or corporate entity or where such situation may reasonably be perceived as such by third parties.
2. Without prejudice to the legal provisions, it shall be at the initiative of the employee or corporate entity to communicate such situation to their hierarchical superior or coordinator, or directly to the Chairman of the Board of Directors in the case of corporate bodies, or to the Chairman of the General Meeting, should the matter concern the Chairman of the Board of Directors himself.

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<sup>3</sup> The definitions of the GUIDE FOR THE PREPARATION OF A CODE OF GOOD CONDUCT TO PREVENT AND FIGHT HARASSMENT IN THE WORKPLACE, prepared by the Commission for Equality in Labour and Employment (CITE), together with CIEG and ISCSP ([http://cite.gov.pt/asstscite/downloads/publics/Guia\\_Cite.pdf](http://cite.gov.pt/asstscite/downloads/publics/Guia_Cite.pdf)) are closely followed.

3. The burden of responsibility to overcome conflict of interest situations shall fall on the Chairman of the Board of Directors or Chairman of the General Meeting, in accordance with the provisions of paragraph 2.

#### Article 6. - Harassment – FCIências.ID commitment and liabilities

1. All forms of harassment - according to the general understanding of the concepts set forth in the Annex to this Code - undermine the promotion of decent working conditions and are contrary to the policy endorsed by FCIências.ID, which should ensure that all employees benefit from a working environment that is free of behavioural, sexual or moral harassment and potential retaliation.
2. Harassing behaviour jeopardises work relations and is contrary to the principles of FCIências.ID. Such behaviour shall not be tolerated and shall give rise to accountability procedures.
3. FCIências.ID has established an internal zero tolerance policy for harassment in the workplace.
4. The burden of responsibility for compliance with the zero tolerance policy for harassment practices shall fall on the Secretary-General and members of the Executive Committee, who shall ensure the:
  - a. Trustworthiness and suitability of inquiry mechanisms until their completion;
  - b. Anonymity of those involved, in any capacity;
  - c. Absence of retaliatory behaviours.
5. Any violation of the principles and rules established in this Code shall be subject to sanctioning procedures, implemented by the Secretary-General and/or members of the Executive Committee, who, to such end, shall use all the mechanisms provided for or compatible with the statutes and operating regulations of FCIências.ID, without prejudice to full use of the general legal framework in recourse to civil and/or criminal justice.
6. Any person covered by this Code of Conduct who has been the target of harassment or has become aware of a situation of harassment should report the incident to:
  - a. Ombudsman Office: [provedor@ciencias.ulisboa.pt](mailto:provedor@ciencias.ulisboa.pt)
  - b. [codigoconduta@fciencias-id.pt](mailto:codigoconduta@fciencias-id.pt).

#### Article 7. - Liability

1. Violation of the principles or recommendations of this Code shall imply disciplinary or any other applicable liability, in accordance with the law, and may lead to termination of the contractual relationship under the Labour Code, in the case of proven facts that breach the zero tolerance policy of FCIências.ID
2. Disciplinary liability shall be determined by means of a *disciplinary inquiry*.
3. In the case of corporate entities, the practice and attempt of harassment, in any of its forms, and retaliation on the part of/ suppliers/ or users of FCIências.ID shall give rise to the immediate termination of agreements for the supply of goods or services

#### Article 8. - Omissions

The burden of responsibility to analyse and decide on omitted situations, as well as to settle any doubts concerning the interpretation and application of the Code shall fall on the Board of Directors of FCIências.ID, with the possibility of delegation to the Executive Committee.

## Article 9. - Entry into force

The Code of Conduct of FCIências.ID, and all its revisions, shall enter into force on the day following its approval by the Board of Directors.

### Annex – Concepts: Unlawful behaviour

1. **Harassing behaviour** means unwanted behaviours, perceived as abusive, of a physical, verbal or non-verbal nature, with the aim or effect of obtaining advantages, blackmailing and even the use of force or strategies to coerce another person against their will. They are usually repeated and may also be unique and/or of an explicit and threatening nature.
2. **Sexual harassment** means the foregoing unwanted behaviours, perceived as having a sexual nature and may be characterised according to four dimensions:
  - a. Sexual insinuations (e.g., observations, jokes, offensive remarks);
  - b. Unwelcome sexual attention (e.g., recurring and unwelcome invitations or proposals, written or verbal messages of an offensive nature, intrusive questions into one's private life);
  - c. Physical contact and sexual aggression (e.g., intentional and unsolicited excessive physical advances);
  - d. Enticement (e.g., requests for sexual favours related to promises of employment, improved working conditions or career advancement).
3. **Moral harassment** means unwanted behaviours perceived as abusive, practised persistently and repeatedly, which may consist of a verbal attack with offensive or degrading content or subtle acts, which may include psychological violence. It aims to lower the self-esteem of the targeted person/s and ultimately to undermine his/her/their attachment to the workplace. Moral harassment may be seen in four dimensions:
  - a. Social isolation (e.g., direct or indirect promotion of social isolation in relation to co-workers and/or superiors);
  - b. Professional persecution (e.g., setting unattainable goals, unsuitable duties, systematic devaluing of one's work, systematic appropriation of third-party ideas, proposals and work, without identifying the author);
  - c. Intimidation (threats of dismissal, intentional creation of stressful situations with a view to undermining a co-worker/subordinate);
  - d. Personal humiliation (actions that systematically devalue physical, psychological or other characteristics or that impact the employee's social isolation).