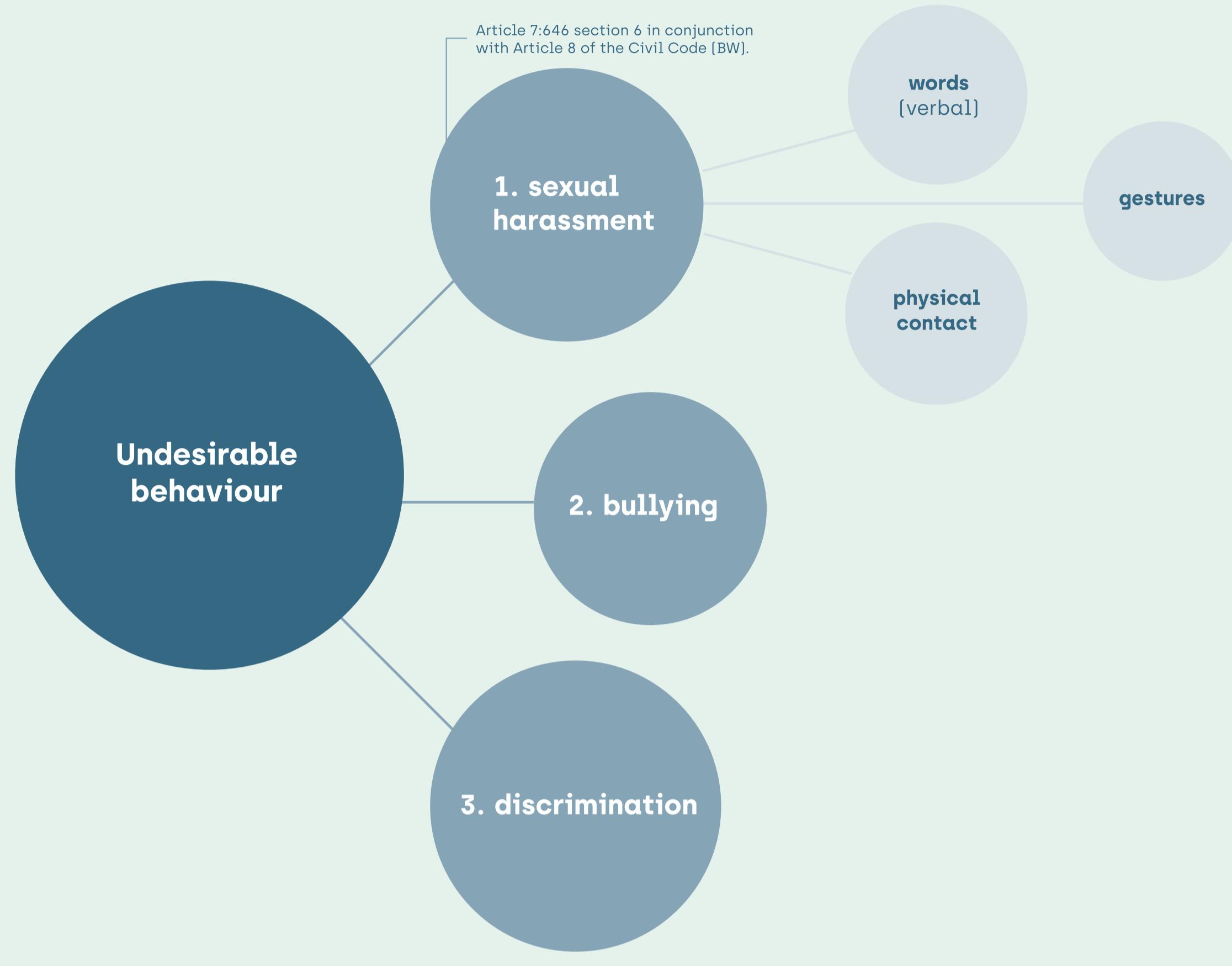


# ➤ Undesirable behaviour in the workplace

## What is undesirable behaviour?



### Notes:

The term 'undesirable behaviour' is not explicitly mentioned in the law. Undesirable behaviour in the workplace often involves one of the three categories mentioned above.

## Which legislation is relevant?

- Section 7:611 of the Dutch Civil Code (good employment)
- Section 7:658 of the Dutch Civil Code (employer's liability)
- Working conditions legislation
- Equal treatment legislation

## What is the role of the employer?

An employer has a duty of care, which includes:

- Treating employees equally
- Implement a PSA policy (RI&E, Action Plan, keep policy up to date, monitor compliance with instructions and policy)

## Preventive measures

- Make undesirable behaviour negotiable
- Establish an internal code of conduct
- Educate staff
- Establish a complaints procedure
- Appoint an internal or external confidential advisor

## Report?

- Listen to the complaint
- Map the report and its context
- Inform the accused and consider temporary measures
- Careful investigation (internal or external)
- Communicate with stakeholders
- Possibly: intervention
- Possibly: disciplinary sanction

## Do's

- Having a code of conduct
- Following internal procedures
- Investigate: consider an external investigator
- At least investigate if the accused is a manager
- Ensure both sides (applicant and accused) are heard
- Record everything in writing (also applies to process decisions)
- Seeking legal advice
- Acting decisively

## Don'ts

- Immediately suspended or dismiss the accused employee
- Internal/external communication
- Treating employees unequally (implementing inconsistent policy)
- Making disruptive decisions based on rumours
- Waiting to record statements until dismissal proceedings
- Letting too much time pass