

Regional Sport Initiative – Playing Together

Podgorica, Montenegro

**POLICY ON EQUAL TREATMENT AND PROTECTION
FROM DISCRIMINATION**

2022

General Assembly, Regional Sport Initiative – Playing Together regspo.me@gmail.com | www.regspo.me

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1. PURPOSE AND GUIDING PRINCIPLES

Regional Sport Initiative – Playing Together (hereinafter: REGSPO) is the first Montenegrin NGO that utilizes sports and sports-pedagogical methods to promote social cohesion, inclusion, and positive youth development. Active since 2017 and formally registered in 2021, we partner with primary schools, local CSOs, the Ministry of Education, the Ministry of Sport & Youth, the Institute of Education and the University of Montenegro to design and deliver school-based sports-pedagogical sessions, teacher trainings, and educational resources. Our work blends practical sport activities with non-formal education to address discrimination and strengthen life skills: we have piloted sessions in 14 schools across 7 municipalities, reaching roughly 5000 children and youth, co-created two educational kits (on gender equality and ethnic discrimination), and delivered multi-municipality teacher trainings that feed into pre-service teacher education. Through capacity building, advocacy, and long-term partnerships, REGSPO seeks to institutionalise inclusive practice in schools and scale sport-based approaches that promote equity, dialogue, and European values.

The fight against discrimination lies at the very core of our mission. This Policy is therefore not merely a formal document, as it reflects our values and our daily practice, the foundational framework that defines how the organization conducts itself internally and in relation to all persons with whom it comes into contact.

1.1 Guiding Principles

- Every person possesses equal dignity and worth, irrespective of their personal characteristics.
- Discrimination in any form is unacceptable and will not be tolerated.
- Equality does not mean identical treatment of all persons, but rather fair and adapted treatment that recognizes differences and special needs.
- An organization that advocates for the rights of marginalized social groups must itself serve as a model of inclusion and equity.
- Every complaint will be taken seriously, handled promptly and processed impartially.
- Persons who report discrimination or participate in proceedings are protected from any form of retaliation (victimization).

Legal basis: This Policy is harmonized with the Law on Prohibition of Discrimination of Montenegro (Official Gazette of Montenegro [OGM] No. 46/10, 40/11, 18/14), the Labor Law (OGM No. 74/19 and subsequent amendments through 2024), the Law on Prohibition of Workplace Harassment (Anti-Mobbing Law), the European Convention on Human Rights and Fundamental Freedoms, and the guidelines of the Council of Europe and ILGA-Europe.

2. SCOPE OF APPLICATION

This Policy applies to all persons who are in any capacity connected to REGPO, including:

- employees at all positions and levels within the organization (engaged under fixed-term and open-ended employment contracts)
- volunteers
- members of the organization
- consultants and external associates engaged under service contracts
- beneficiaries of the organization's services and programs
- donors, partners and partners organizations
- all visitors to the organization's premises and events.

The Policy applies in all contexts of the organization's work, including:

- the organization' premises
- field activities and outreach work
- events, gatherings and conferences
- written, oral and electronic communications
- social media and online platforms
- any situation in which a person acts on behalf of the organization.

Article 2 of the Labor Law (LL): The anti-discrimination provisions apply to all employees and persons engaged on any contractual basis.

Article 3 of the Law on Prohibition of Discrimination (LPD): The right to protection from discrimination belongs to all natural and legal persons to whom Montenegrin law applies.

3. PROTECTED CHARACTERISTICS

REGSPO prohibits discrimination, harassment and any unfavorable treatment on the basis of the following characteristics or any combination thereof (multiple discrimination):

3.1 Grounds for Protection

Protected Ground	Examples / Clarifications
Race, ethnicity and national origin	Color, ethnic origin, minority community affiliation
Religion, belief or conviction	Including atheism and agnosticism
Age	Discrimination against younger and older persons alike
Disability	Physical, mental, sensory and other forms
Health status	Including HIV/AIDS status
Marital, partnership and family status	Including same-sex couples
Socio-economic and financial status	Social origin, property status
Language and education	Mother tongue and other languages
Political and other convictions	Including trade union membership
Migrant or asylum-seeker status	Regardless of regularity of residence
Gender identity and gender expression	Trans, intersex, non-binary and gender-variant persons
Sex and gender	Including gender reassignment (Art. 7 LL)
Any other personal characteristic	Open-ended list pursuant to Art. 2 LPD

Special protection to protecting children and young people from abuse, preventing harm and promoting their wellbeing. This means having:

- *effective safeguarding policies and procedures*
- *codes of conduct for sport*
- *safe recruitment processes*
- *relevant training for staff and volunteers.*

4. PROHIBITED FORMS OF DISCRIMINATION AND HARASSMENT

4.1 Direct Discrimination

Direct discrimination occurs when a person is treated less favorably than another person in a comparable situation, and the basis for that treatment is a protected characteristic.

Articles 7 and 8 of the Labor Law; Article 2(3) of the Law on Prohibition of Discrimination

4.2 Indirect Discrimination

Indirect discrimination occurs when an apparently neutral provision, criterion or practice puts or would put a person at a particular disadvantage compared with other persons on account of a protected characteristic — unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim is appropriate and necessary.

Article 8(2) of the Labor Law; Article 2(4) of the Law on Prohibition of Discrimination

4.3 Harassment

Harassment is any unwanted conduct (verbal, non-verbal or physical) related to a protected characteristic, the purpose or effect of which is to violate the dignity of a person and to create an intimidating, hostile, degrading, humiliating or offensive environment. Harassment includes conduct carried out through audio and video surveillance, mobile devices, social networks and the internet.

Article 10(2) of the Labor Law

4.4 Sexual Harassment

Sexual harassment is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, the purpose or effect of which is to violate the dignity of a person, and in particular when such conduct creates an intimidating, hostile, degrading, humiliating or offensive environment.

Article 10(3) of the Labor Law

4.5 Workplace Harassment (Mobbing)

Workplace harassment (mobbing) is any repeated conduct directed at an employee or group of employees which is intended to, or has the effect of, violating their dignity, reputation and personal and professional integrity, or which creates an intimidating, hostile or offensive environment, worsens working conditions or leads to the isolation of an employee or induces them to terminate their employment on their own initiative.

Article 14 of the Labor Law; Law on Prohibition of Workplace Harassment (Anti-Mobbing Law)

4.6 Victimization

Victimization is any adverse treatment of, or detrimental consequence for, a person who has reported discrimination, participated in proceedings as a witness, or otherwise supported a person who has filed a complaint. No employee shall suffer any adverse consequence as a result of reporting or giving evidence in cases of harassment or sexual harassment.

Article 10(4) of the Labor Law; Article 4 of the Law on Prohibition of Discrimination

4.7 Instruction to Discriminate

An instruction to another person to engage in discriminatory conduct on any ground is prohibited. An instruction to discriminate shall constitute discrimination regardless of whether it is carried out.

Article 2(5) of the Law on Prohibition of Discrimination

4.8 Hate Speech

Any form of expression — including ideas, statements, information and opinions — that disseminates, incites, promotes or justifies discrimination, hatred or violence against persons or groups of persons on account of a personal characteristic is prohibited. This includes xenophobia, racial hatred, antisemitism and all other forms of hatred based on intolerance, including intolerance expressed in the form of nationalism, discrimination and hostility against minorities.

Article 9a of the Law on Prohibition of Discrimination

4.9 Specific Examples of Prohibited Conduct

The Policy expressly prohibits, without limitation, the following conduct:

- discriminatory jokes, comments, insults or humiliations based on protected characteristics
- unequal treatment of job applicants or prospective volunteers during recruitment and selection
- unequal access to the organizations' programs, services and resources
- outing — the unauthorized disclosure of a person's sexual orientation, gender identity or health status without their consent
- displaying or distributing offensive, discriminatory or pornographic material
- excluding persons from activities on account of their personal characteristics
- coercing or conditioning access to benefits upon acceptance of discriminatory conduct
- online harassment and harassment through digital platforms (cyberbullying).

5. RIGHTS AND RESPONSIBILITIES

5.1 Rights of All Persons to Whom This Policy Applies

- The right to equal treatment and dignity in all circumstances
- The right to submit a complaint without fear of retaliation or victimization
- The right to confidential and impartial handling of the complaint
- The right to support and accompaniment (by a trusted support person or legal representative) throughout the proceedings
- The right to be informed in a timely manner of the progress and outcome of the proceedings
- The right to appeal a decision
- The right to submit a complaint to external institutions, independently of and concurrently with internal proceedings.

5.2 Responsibilities of Management and the General Secretariat

The General Secretary and the General Secretariat are responsible for:

- establishing, implementing and regularly reviewing this Policy
- appointing the members of the Disciplinary Commission
- creating a safe and inclusive working environment
- providing regular training for employees, volunteers and members
- responding to every reported case of discrimination in a prompt, impartial and consistent manner
- ensuring adequate resources for the implementation of this Policy
- protecting complainants and witnesses from victimization.

Article 19 of the Labor Law — employer obligations

5.3 Responsibilities of Employees, Volunteers and Members

- To comply with this Policy and adhere to its provisions
- To report any instance of discrimination they witness or experience
- To actively contribute to an inclusive organizational culture
- To participate in training provided by the organization
- To maintain confidentiality regarding information obtained through disciplinary proceedings
- To refrain from exerting pressure on the parties to the proceedings or on witnesses.

6. DISCIPLINARY COMMISSION

6.1 Composition of the Disciplinary Commission

The Disciplinary Commission is a standing body of REGSPO responsible for conducting proceedings on complaints and imposing measures. The Commission shall consist of three (3) members:

Position on the Commission	Holder of the Role	Notes
Chairperson	Person appointed by the General Assembly	Conducts proceedings; signs decisions
Member 1	Employee representative	Elected by employees by vote
Member 2	Person appointed by the General Secretariat	May be an external expert

6.2 Term of Office

- The term of office of Commission members shall be two (2) years, with the possibility of one renewal.
- The Commission shall be appointed by decision of the General Secretariat within thirty (30) days of the adoption of this Policy.
- In the event of the resignation, removal or incapacity of a member, the General Secretariat shall appoint a replacement within fifteen (15) days.

6.3 Recusal from Proceedings

A member of the Commission is obliged to recuse themselves from proceedings where:

- they are in a close personal or professional relationship with any party to the proceedings
- they are themselves the complainant or the respondent
- they have a direct personal interest in the outcome of the proceedings
- there exist other circumstances that give rise to reasonable doubt as to their impartiality.

An application for recusal may also be submitted by any party to the proceedings. Recusal applications shall be decided by the General Assembly within three (3) working days.

6.4 Jurisdiction of the Disciplinary Commission

The Disciplinary Commission shall have jurisdiction to:

- receive and process complaints in accordance with this Policy
- conduct a preliminary assessment of the admissibility and merits of a complaint
- conduct fact-finding proceedings
- issue a written reasoned decision
- recommend and impose measures in accordance with this Policy
- maintain a register of all cases

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- submit an annual report to the General Assembly on the number and nature of cases handled

6.5 Working Arrangements of the Commission

- The Commission shall take decisions by consensus or, where that is not possible, by simple majority vote.
- Sessions are closed to the public.
- Minutes shall be taken at each session and signed by all members present.
- The Commission may engage an external expert (e.g. a legal adviser or psychologist) in an advisory capacity, without voting rights.

Articles 147 and 148 of the Labor Law — disciplinary proceedings procedure

7. COMPLAINTS PROCEDURE

7.1 Who May Submit a Complaint?

A complaint may be submitted by:

- any person who considers that they have been subjected to discrimination, harassment or victimization in the context of the organizations' activities;
- a witness who has directly observed discriminatory conduct (with the consent of the person who considers themselves to have been discriminated against, or anonymously).

7.2 Channels for Submitting a Complaint

Channel	Details	Receipt
Email	regspo.me@gmail.com (subject line: 'Complaint — Confidential')	Immediate upon sending
Post / Written	Organization's address, marked 'Confidential — Disciplinary Commission'	Upon postal delivery
In person (oral)	Directly to the Chairperson of the Commission or General Secretary	Immediate; recorded in writing
Telephone		Immediate; written confirmation follows
Anonymous	Via anonymous email or letter	Commission acts to the extent possible

7.3 To Whom Should a Complaint Be Addressed?

- The Disciplinary Commission — as the primary channel
- The General Secretary — where the complaint does not implicate them
- The Chairperson of the General Assembly — where the complaint is directed against the General Secretary or where the complainant does not wish to approach the General Secretary
- The General Assembly — where the complaint concerns the governing bodies or where there are multiple complaints against the same persons.

7.4 Contents of a Complaint

A complaint should contain:

1. Name and contact details of the complainant (except in the case of anonymous complaints)
2. Name or description of the respondent (the person against whom the complaint is made)
3. A description of the specific conduct or incident, including date, location and circumstances
4. The protected ground on which the alleged discrimination is based
5. Any available evidence (correspondence, witnesses, photographs, recordings, etc.)
6. The remedy or outcome sought by the complainant.

7.5 Time Limit for Submitting a Complaint

A complaint may be submitted within one (1) year of the complainant becoming aware of the alleged discrimination, and in any event no later than three (3) years from the date on which the discriminatory act occurred.

Article 27 of the Law on Prohibition of Discrimination — time limit for bringing an action (applied by analogy to internal complaints)

8. DISCIPLINARY COMMISSION PROCEEDINGS

8.1 Overview of the Proceedings

Step	Action	Responsible Party	Time Limit
1	Receipt of complaint and written acknowledgement to the complainant	Chairperson of the Commission	3 working days
2	Preliminary assessment of the admissibility and merits of the complaint	Commission	10 working days
3	Notification of the respondent and service of written warning	Commission	5 working days from admissibility decision
4	Respondent's written or oral reply	Respondent	15 working days
5	Fact-finding: interviews, documents, witness evidence	Commission	20 working days
6	Issue of written reasoned decision with notice of right of appeal	Commission	15 working days from close of investigation
7	Service of decision on all parties	Chairperson of the Commission	8 working days from decision
8	Time limit to appeal to the General Secretariat	Any party to the proceedings	15 days from receipt of decision
9	Final decision of the General Secretariat on the appeal	General Secretariat	30 days from receipt of appeal

8.2 Preliminary Assessment

During the preliminary assessment phase, the Commission shall determine:

- whether the complaint contains sufficient information to proceed
- whether the conduct complained of falls within the scope of this Policy
- whether there are circumstances indicating the need for urgent action (e.g. an ongoing threat to the well-being of a person).

Where the complaint is inadmissible or falls outside the Commission's jurisdiction, the complainant shall be notified in writing with reasons and directed to the appropriate external institutions.

8.3 Written Warning and Right of Reply

The respondent shall be served with a written warning containing:

- personal details and position within the organization
- a description of the alleged conduct with relevant dates and circumstances;

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- notice that they have the right to submit a written or oral reply
- the time limit for reply (15 working days).

The respondent has the right to request an oral hearing and to attend accompanied by an authorized trade union representative or a legal representative.

Article 147(4)-(9) of the Labor Law — content of the written warning and right of reply

8.4 Fact-Finding Investigation

During the investigation, the Commission may:

- interview the complainant, respondent and witnesses
- gather written documentation, electronic correspondence, recordings and other evidence
- engage an external expert (e.g. psychologist, legal counsel) in an advisory capacity, without voting rights
- request the opinion of a trade union.

All parties have the right to be accompanied throughout the proceedings by a support person or legal representative. The proceedings shall be conducted on an urgent and confidential basis.

8.5 Burden of Proof

Where the complainant establishes facts from which discrimination may be presumed, the burden of proof shifts to the respondent to demonstrate that no breach of the principle of equal treatment has occurred.

Article 142(2) of the Labor Law; Article 29 of the Law on Prohibition of Discrimination — reversal of the burden of proof

8.6 Decision

The Commission shall issue one of the following decisions:

- The complaint is well-founded — specifying the established violations and the measure imposed
- The complaint is partially well-founded — specifying the established and unestablished allegations
- The complaint is not well-founded — with detailed reasons.

The decision shall contain: an introductory part, an operative part (dispositif), a statement of reasons and a notice of the right of appeal to the General Secretariat

Article 148 of the Labor Law — content and service of the decision

8.7 Confidentiality

All information obtained in the course of the proceedings shall be treated as strictly confidential. The identity of the complainant and all participants in the proceedings shall be protected to the greatest extent possible. Personal data shall be processed and stored in accordance with the Law on Personal Data Protection of Montenegro (OGM No. 79/08, 70/09, 44/12, 22/17).

A breach of confidentiality by a Commission member or participant in the proceedings shall constitute a serious breach of professional obligations and shall give rise to liability in accordance with this Policy.

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Article 10(4) of the Labour Law — prohibition of detrimental consequences for reporting

9. MEASURES AND SANCTIONS

A breach of this Policy constitutes a serious violation of the internal rules of NGO LGBT Forum Progress. Depending on the gravity and circumstances of the specific case, and in accordance with the principle of proportionality, one or more of the following measures may be applied.

9.1 For Employees — Minor Violations

- Written reprimand specifying the nature of the breach
- Mandatory participation in training or a workshop
- Financial penalty of up to 20% of monthly salary for a period of one to three months.

Article 146(1) of the Labor Law

9.2 For Employees — Serious Violations

- Financial penalty of 20%–30% of monthly salary for a period of one to four months
- Temporary withdrawal of specific responsibilities or authority
- Conditional termination of employment — activated where a further serious violation occurs within six (6) months
- Termination of employment (dismissal), where the violation is particularly serious, intentional, systematic or has caused significant harm.

Article 146(2) and (3) of the Labor Law; Article 172 LL — grounds for individual dismissal

9.3 For Volunteers and Members

- Written reprimand
- Temporary suspension of volunteering engagement (up to six months)
- Permanent suspension of volunteering engagement
- Expulsion from membership, in accordance with the Statute of the organization

9.4 For External Associates and Partners

- Written reprimand or warning
- Temporary suspension of the collaborative relationship
- Termination of the contractual relationship, with notification to the relevant donor or partner body where appropriate

9.5 Interim Measures

Where circumstances indicate a serious and imminent risk to the dignity, safety or well-being of any person, the Commission may recommend — and the General Secretary or General Secretariat may immediately impose — interim measures to separate the parties pending the conclusion of proceedings (e.g. temporary remote working arrangements, reassignment of responsibilities).

Article 154 of the Labor Law — discretionary suspension from work; Article 28 of the Law on Prohibition of Discrimination — interim measures

9.6 Vexatious and Bad-Faith Complaints

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Complaints that are deliberately false and submitted in the knowledge that the allegations are untrue, with the intention of causing harm to another person, shall themselves constitute a serious violation of this Policy and may give rise to the same disciplinary measures as a breach thereof.

Note: The initiation of internal disciplinary proceedings does not affect or limit the complainant's right to simultaneously or subsequently refer the matter to external protection bodies (the Protector of Human Rights and Freedoms, courts, the Labor Inspectorate) — this right is absolute and inalienable.

10. PREVENTION, EDUCATION AND PROMOTION OF INCLUSION

REGSPO takes an active role in preventing discrimination and fostering an inclusive organizational culture through the following measures:

10.1 Training and Capacity Building

- Mandatory induction training on this anti-discrimination Policy for all new employees, volunteers and members — prior to the commencement of work or engagement
- Periodic refresher training and additional capacity building, at minimum once per year
- Specialized training for members of the Disciplinary Commission on procedural aspects and victim protection.

10.2 Inclusive Organizational Culture

- Adoption of inclusive and gender-sensitive language in all internal and external communications
- Regular assessment of the organizations' internal culture and climate through an anonymous annual survey
- Promotion of diversity in recruitment, volunteer engagement and selection of external associates
- Availability of this Policy to all interested persons on the organizations' website (lgbtprogres.me) and in printed form on the premises.

10.3 Reasonable Accommodation and Removal of Barriers

The organization commits to actively removing barriers that prevent the full participation of persons with disabilities, persons in financial hardship and persons in marginalized situations. This includes provision of accessible communication formats, ensuring accessibility of premises and offering flexible forms of engagement.

11. RELATIONSHIP WITH EXTERNAL INSTITUTIONS

Persons who consider that they have been subjected to discrimination may — in addition to the internal protection mechanism established by this Policy — also address the following institutions:

Institution	Jurisdiction	Contact / Notes
Protector of Human Rights and Freedoms (Ombudsperson)	Protection from discrimination; complaint handling; conciliation; initiating court proceedings	ombudsman.co.me
Labor Inspectorate	Supervision of compliance with the Labor Law and anti-discrimination provisions in employment	Ministry of Labor, Montenegro
Agency for Peaceful Resolution of Labor Disputes	Alternative dispute resolution in employment matters	amrrs.me — mandatory prior to court (Art. 140 LL)
Competent Court	Judicial protection from discrimination; damages	Action within 1 year of becoming aware of discrimination
Police / State Prosecutor's Office	Criminal complaint (for serious violations and criminal offences)	Urgent referral in cases of violence

REGSPO may provide legal support to individuals through advisory services, referral to a lawyer or legal representative appearing before the above-mentioned institutions.

Article 16 of the Labor Law; Articles 21 and 24 of the Law on Prohibition of Discrimination — jurisdiction of the Protector of Human Rights and Freedoms and judicial protection

12. LEGAL FRAMEWORK

This Policy is applied in conformity with the following Montenegrin legislation and international standards:

12.1 Domestic Legislation

- Law on Prohibition of Discrimination of Montenegro (Official Gazette of Montenegro No. 46/10, 40/11, 18/14)
- Labor Law of Montenegro (OGM No. 74/19, 08/21, 59/21, 68/21, 145/21, 77/24, 84/24, 86/24)
- Law on Prohibition of Workplace Harassment (Anti-Mobbing Law)
- Law on Personal Data Protection of Montenegro (OGM No. 79/08, 70/09, 44/12, 22/17)
- Criminal Code of Montenegro (offences of discrimination and harassment)
- Law on Protection from Domestic Violence
- Statute of REGSPO

12.2 International Standards and Instruments

- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), notably Article 14 (Prohibition of Discrimination)
- Charter of Fundamental Rights of the European Union;
- Council of Europe Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity
- ILGA-Europe standards for civil society organizations
- The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2006) and the Yogyakarta Principles Plus 10 (2017)
- United Nations Universal Declaration of Human Rights, Article 7 (Equality before the Law and Non-discrimination).

13. REVIEW AND AMENDMENT

This Policy is subject to regular review. A review shall be conducted at least once per year, or on an extraordinary basis — in the event of material changes to the legislative framework, the internal structure of the organization, or lessons learned from the application of the Policy.

Proposals for amendment may be initiated by:

- the General Secretary
- any employee, volunteer or member of the organization
- the Disciplinary Commission
- the General Assembly

Amendments to this Policy shall be adopted by the General Assembly. All amendments shall enter into force upon adoption and shall be communicated in a timely manner to all persons to whom the Policy applies.

14. ENTRY INTO FORCE

The Policy shall enter into force on the date of its adoption by General Assembly.

By signing the Acknowledgment of Receipt and Compliance Declaration (Annex B), all natural persons to whom this Policy applies, employees and volunteers confirms that they read, understood and undertaken appropriate actions to comply with this Policy.

Date of adoption
February 2022

Approved by

Marina Tomović
General Secretary



ANNEX A: COMPLAINT SUBMISSION FORM

This form is strictly confidential. Please complete it as fully as possible and submit it to the Disciplinary Commission of REGSPO.

Details of the Complainant

(complete or mark 'Anonymous')

Full name

Contact details (email or phone)

Status within the organization

Employee

Volunteer

Member

Beneficiary

Other

Details of the Complaint

Respondent (person against whom complaint is made)

Date / period of the alleged violation

Location

Protected ground (characteristic at issue)

Description of the alleged conduct (please be as specific as possible)

Evidence / witnesses (please specify)

Remedy or outcome sought

Signature and date

ANNEX B: ACKNOWLEDGEMENT OF RECEIPT AND COMPLIANCE DECLARATION

I, the undersigned, declare that I have read, understood and accept the Policy on Equal Treatment and Protection from Discrimination of REGSPO.

I undertake to comply with the provisions of this Policy in all situations in which I act on behalf of or in the context of the organizations' activities, and to report any breach of the Policy that I witness or experience.

Full name

Status within the organization

Employee

Volunteer

Member

Other

Date

Signature