

# Anti-discrimination and anti-harassment policy

Latest version: November 2022

## 1. Introduction

The European Society of Human Reproduction and Embryology (“ESHRE®”) embraces universal human rights including diversity and equality and opposes and condemns any act of discrimination, harassment, bigotry and intolerant and aggressive behavior, that would go against these principles (*which can be consulted more in detail in our [Equality and Diversity Statement](#)*).

As ESHRE® is committed to ensure a safe and secure environment that is free from any act or form of discrimination and harassment, this anti-discrimination and anti-harassment policy (“Policy”) reinforces the standards of respect and civility that are expected from participants to treat one another and aims to guarantee equal and inclusive access to all ESHRE®’s events, whether organized in person or taking place virtually.

This Policy sets forth guidance on addressing discrimination and harassment and establishes a procedure allowing victims or witnesses to file a complaint about incidents of harassment, discrimination, or stalking.

ESHRE® is entitled to update this Policy by posting a new version on its website, whereby ESHRE® will indicate the revision date. To make sure that each participant is aware of any changes, it is strongly recommended to regularly consult ESHRE®’s website and the Policy.

## 2. Definitions

### 2.1. *Annual Meeting*

The annual congress ESHRE® organizes with the aim to provide a platform for the presentation and discussion of all aspects of reproductive medicine and science. This congress normally takes place at the end of June or the beginning of July of each year.

### 2.2. *Committee(s)*

Umbrella term for all ESHRE®’s internal committees such as but not limited to the executive committee, the special interest group committee, the publications committee, the communications committee, the finance committee, the committee of national representatives, the EIM steering committee, the PGT consortium steering committee, the ethics committee, the research grant committee, the EU affairs committee, and the certification committee.

### **2.3. Discrimination**

Is where one person or group is treated less favorably based on a specific status (e.g., gender, race, religion, age, disability, gender identity, intersex, sexuality, etc.), or on the perceived basis that individuals of that status would either possess certain undesirable characteristics or not possess certain desirable characteristics. Discrimination can be either direct (i.e., where a specific individual or group is treated less favorably based on a specific status) or indirect (i.e., where the creation of a specific environment or practice would put persons of a specific status at a particular disadvantage compared with persons of another status).

### **2.4. ESHRE®**

An international non-profit organization named the “European Society of Human Reproduction and Embryology”, with its registered office at Belgium, 1853 Strombeek-Bever, Nijverheidslaan 3, VAT BE-0430.069.888, RPR Brussels.

### **2.5. Event**

Umbrella term for all events, whether in person or virtual, organized by ESHRE® including but not limited to the Annual Meeting, campus events (namely ad hoc live, virtual or hybrid educational events such as campus workshops, courses, lectures), expert meetings conducted by experts in the field of human reproduction and embryology, Committee Meetings, and all other related events and/or (social) activities.

### **2.6. Harassment**

Is unwanted conduct related to characteristics such as sex, gender, race, color, ethnic or social origin, genetic features, language, religion, belief, political or any other opinion, membership of a national minority, birth, health conditions including mental health, disability, age or sexual orientation with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment can either be direct (i.e., directed towards a specific individual or group) or indirect (i.e., in the creation of an environment in which harassment persists).

Such conduct includes offline as well as online harassment via social media and all forms of electronic communication.

Examples of Harassment can include, but are not limited to:

- Comment(s) or conduct that is known to be, or ought reasonably to be known, to be unwelcome, intimidating and/or humiliating, or where such behavior would likely be characterized as harassing by an objective individual, similarly situated.
- Distressing behavior, in the form of repeated, hostile, or unwanted conduct.
- Verbal comments, actions, or gestures, or demonstration of inappropriate images that affect a person’s dignity or psychological or physical integrity.

- Abusive or unacceptable comments or conduct by or against a person related to Discrimination (as set out above) that is known, or ought reasonably to be known, to be unacceptable. It can be expressed in several ways, including but not limited to, unwanted advances, suggestive remarks, aggressive and/or derogatory comments, or jokes, which result in humiliation.
- Receiving unwanted phone calls, written messages, or visits.
- The use of physical violence.

Harassment also includes sexual harassment, psychological harassment and bullying and stalking as defined hereafter:

### Sexual harassment

Is where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, when creating an intimidating, hostile, degrading, humiliating or offensive environment. Sexual harassment can be either intentional or unintentional, direct (i.e., directed towards a specific individual or group) or indirect (i.e., by the creation of an environment in which sexual harassment persists).

Examples of sexual harassment can include, but are not limited to:

- Physical or sexual contact and advances.
- A demand or request for sexual favors.
- Making sexually colored remarks, jokes or gestures.
- Showing pornographic material.
- Using abusive names or words (e.g., “slut” or “whore”).
- Sharing and disseminating sexual images or videos.
- Unwanted sexual communication by means of e-mail, text message, social media posts.
- Pressuring someone to engage in sexual conduct or offering something in exchange for sex.
- Any other unwelcome physical, verbal, or non-verbal conduct of sexual nature.

### Psychological harassment and bullying

Is any improper conduct that is usually repetitive or systematic, and involves physical behavior, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity, or physical or psychological integrity of any person. Such conduct includes electronic communications and social media publications.

### Stalking

Is the intentional conduct of repeatedly engaging in threatening conduct directed at another person whereby the peace of this person is seriously disturbed (this includes the offence of “stalking” as defined in Article 442bis of the Belgian Penal Code).

Stalking also consists of Cyber Stalking which includes:

- persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that the person fears for own safety or that the person fears for safety of dependents.
- placing another person under continuous surveillance and monitoring, without that person’s consent or legal authorization to do so, by means of information and communication technologies, to track or monitor that person’s movements and activities.
- making material containing the personal data of another person, without that person’s consent, accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person.

### **2.7. Participants**

All natural persons who attend or participate in (virtual or in person) Events organized by ESHRE®, including but not limited to all ESHRE® members, and participants of ESHRE®’s Committees, speakers and session chairs, healthcare professionals (scientists and medical professionals alike), Event contractors and exhibitors and Event sponsors.

### **2.8. Privacy Legislation**

Under “Privacy Legislation” the following is to be understood: (i) the Belgian Privacy Act of July 30, 2018, and/or (ii) the General Data Protection Regulation of 27 April 2016 (“the Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing directive 95/46/EC”); and/or (iii) all (future) Belgian laws regarding the implementation of this Regulation.

## **3. SCOPE**

This Policy applies to all Participants of Events organized by ESHRE® who explicitly agree not to engage in Discrimination and/or Harassment and acknowledge that ESHRE® has the right to take additional steps, as explained more in detail in this Policy, to put an end to the inappropriate behavior with the goal to once again create a safe and secure environment that is free from any act or form of Discrimination and Harassment.

By registering for an Event, the Participant acknowledges to have read this Policy and explicitly accepts it.

#### 4. REPORTING OF AN INCIDENT

Any person who believes to have experienced or witnessed any form or act of Discrimination and/or Harassment can, without fear of retaliation, report the incident as follows (the “**Complaint**”):

- (i) Proceed to the Event’s organizer’s office or registration desk and request an interview with ESHRE®’s Managing Director to report the incident in a confidential and discrete way, or
- (ii) Submit the online anti-discrimination and anti-harassment form, or
- (iii) Send an e-mail to ESHRE®’s Managing Director ([bruno@eshre.eu](mailto:bruno@eshre.eu)).

The Complaint should contain the following items:

- Name and surname of the victim.
- Data and (approximate) time of the incident.
- Location of the incident.
- Nature of the incident.
- Potential witnesses.
- Short description of the incident.

#### 5. PRIVACY

ESHRE® respects your privacy and undertakes to process personal data included in the report of the incident and/or included in the further investigation (“**Personal Data**”) with the utmost discretion in a proper and careful way, as well as in accordance with the Privacy Legislation and ESHRE®’s Privacy Declaration.

As this Personal Data may be of a specific sensitive nature, ESHRE® wishes to explain in detail in which way it collects, stores, and processes this Personal Data in addition to the Privacy Declaration.

Considering the Privacy Legislation, ESHRE® will act as the data controller of the Personal Data which means it is in control (and thus responsible) for the Personal Data.

By filing a report of an incident or participating in the investigation, ESHRE® will collect, store, and process the Personal Data as follows:

- *Purpose*: to investigate and to be able to impose disciplinary actions
- *Personal data*:
  - ✓ Name and surname of the complainant.
  - ✓ Name and surname of the victim.

- ✓ Name and surname of the perpetrator.
- ✓ (work) e-mail address of the complainant.
- ✓ Voluntarily provided information.
- *Legal ground*: performance of a task carried out in the public interest / to protect the vital interest of the data subject or of another natural person
- *Retention period*: Until one (1) year following the termination of the investigation procedure.

## 6. INVESTIGATION

ESHRE® shall process the Complaint as soon as reasonably possible with the utmost discretion and confidentiality. ESHRE® may commission an investigation and appoint an investigator to assess the Complaint and reach a decision.

The investigator will be appointed based on a set of personal and professional competencies and the ability to work with sensitivity and integrity. The investigator shall be guaranteed autonomy and independency in their function.

The complainant and the alleged victim will be given reasonable opportunities to clarify their Complaint and to produce supporting evidence. On the other hand, the alleged perpetrator will also be given a reasonable opportunity to understand the Complaint and to respond by providing relevant evidence. All parties should refrain from discussing the Complaint and the procured evidence with third parties.

The investigator will report the outcome of their investigation and any recommendations to ESHRE®, who has the right to, at its sole discretion, either take no further actions or impose disciplinary actions (cf. **Article 7**).

If a criminal procedure is initiated by law enforcement authorities in Belgium or elsewhere, ESHRE's® internal investigation procedure under this Policy shall be suspended. If a timely decision by law enforcement authorities in Belgium or elsewhere cannot be expected, ESHRE® is authorized to order protective interim measures at its own discretion (e.g., verbal warning or immediate expulsion from the Event).

## 7. DISCIPLINARY ACTIONS

Any Participant who commits an act of Discrimination, Harassment (including Sexual or Psychological Harassment) or Stalking (including Cyber Stalking), submits malicious Complaints, as well as commits retaliatory conduct, may be subject to a disciplinary action which can be imposed by ESHRE® at its own discretion.

Depending on the gravity of the incident, these disciplinary actions may range from verbal warnings to an official and immediate expulsion of the perpetrator from the Event. Repeated unwanted incidents could lead to a permanent exclusion from all



future Events or Committee(s) and the immediate termination of ESHRE®'s membership.

ESHRE® shall in no event be liable for the imposed disciplinary actions, or the lack thereof. ESHRE®'s liability – regardless of the cause – shall furthermore be limited to cases of gross negligence and willful misconduct.

## **8. RETALIATION**

ESHRE® does not tolerate retaliation against any person who has made a Complaint or provided information regarding an incident in good faith.

Retaliation includes, but is not limited to:

- Acts of reprisal that occur because a person has complained of, or provided information about, an incident of Harassment or Discrimination.
- Pressuring a person to ignore or not report an incident of Harassment or Discrimination.
- Pressuring a person to lie or provide less than full cooperation with an investigation of an incident of Harassment or Discrimination.

## **9. LEGAL REMEDIES**

Any person is free to seek further legal remedies if he/she is not satisfied with the way ESHRE® has handled the Complaint.

ESHRE® will provide all reasonable assistance to the authorized authorities to investigate the Complaint upon request.