

WORK COMMUNITY COMMITTEE HANDBOOK

COLEGIO ALBANIA – FECEN

1. OBJECTIVE

The Work Community Committee aims to contribute with alternative mechanisms to those established in other regulations of Colegio Albania for the prevention and settlement of situations caused by conduct that would constitute workplace harassment of employees within its premises. The committee will seek to generate an awareness of healthy coexistence among the Work Community, in order to promote decent and fair working conditions, harmony and good workplace environment for all employees, protecting their privacy, honor, mental health and freedom.

2. COMPOSITION OF THE WORK COMMUNITY COMMITTEE

2.1 Of the Members of the Work Community Committee

2.1.1 Designation

This Committee shall be formed in a bipartisan manner, consisting of four (4) representatives of the employees (2 main and their respective alternates) and (4) representatives of the Employer (2 main and their respective alternates).

The foregoing representatives shall be appointed as follows:

2.1.1.1 Employee representatives: By open voting by popular choice.

2.1.1.2 Representatives of the employer: Appointed by the Director of the institution.

2.1.2 Of the Term

The term of the Committee shall be for two years, counted from the date of its installation.

2.1.3 Special Obligations

In addition to full compliance with contractual, legal and regulatory standards, the members of the Committee shall comply with the following obligations:

a) Attend scheduled meetings on time or present a valid excuse at least twenty four (24) hours prior to the meeting in order to be able to convene the alternate representative.

b) Maintain under strict confidentiality all information learned in the course of exercising their duties.

c) Establish and sign the appropriate confidentiality clause.

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- d) Contribute to achieving the necessary consensus for the decisions of the Committee.
- e) Undertake the necessary training commitments for the proper performance of their duties.
- f) Perform the tasks assigned by the Committee.

2.1.4 Inabilities

- Whenever a member of the Committee considers that there is some factor that prevents his / her performance with the necessary autonomy and impartiality, he/ she should disclose to the other members of the Committee so that they decide on the matter.
- In the event that the inability is accepted by the other members of the Committee, an alternate shall be appointed.
- If the person filing the complaint or any member of the Committee expresses (challenges), with valid reasons in the opinion of the other members of the Committee, reasons that affect the independence or impartiality of any of its members to decide on a specific case where the Committee acts, the Committee shall proceed in the same manner as stated in the previous point.

2.1.5 Grounds for removal

The grounds for removal/dismissal of Work Community Committee members are the following:

- Termination of employment contract.
- Having been subject of the imposition of disciplinary sanctions for misconduct, as an employee.
- Having violated the obligation of confidentiality as a member of the Committee.
- Being absent to more than three (3) consecutive meetings.
- Non-compliance repeatedly with the other obligations as a member of the Committee.
- Resignation submitted by the Committee Member.

- Paragraph: the decision to remove /dismiss in cases 2,3,4, and 5 shall be adopted by the other member of the Committee and reported to those who elected the Committee.

3. OPERATION OF THE WORK COMMUNITY COMMITTEE

3.1 Installation

Once the members of the Committee are elected there shall be the formal installation of the Committee and such installation shall be recorded in the minutes.

Likewise, in this act the following points shall be resolved:

- a) Appointment of the Chairman of the Committee

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- b) Signing of commitment clauses of confidentiality and reserve.
- c) Definition of meeting dates according to periodicity. The Work Community Committee shall normally meet at least once (1) per month; it will meet with half plus one of its members and extraordinarily when cases arise that require immediate intervention and may be called by any of its members.
- d) Adoption of the rules of procedure of the Committee
- e) Any other issues that members want to discuss.

Paragraph: The installation of the Committee shall be reported to the entire work community.

3.2 Duties of the President:

- a) Through the mechanism established, receive suggestions, proposals or communications in general, submitted by the working community on the issues of specific competence of the Committee.
- b) To convene meetings of the Committee and present the matters submitted to its consideration.
- c) To assume responsibility for filing the documents and proceedings of the Committee.
- d) To call the people that the Committee decides for purposes of compliance with their duties.
- e) To coordinate the drafting of the minutes of the meetings of the Committee, preserving due confidentiality.
- f) To moderate the meetings of the Committee, providing an orderly development of the issues as scheduled.
- g) Any other duties that the law, the regulations or the competent authorities assign.

Paragraph: In case of temporary or permanent absence of the coordinator, the Committee shall provide its replacement.

3.3 Duties of the Secretary: The Work Community Committee shall elect from among its members a Secretary, by mutual agreement, who shall have the following duties:

1. Receive and process complaints in writing describing the situations that may constitute harassment, and the evidence that supports it.
2. Send by physical or electronic means to the members the call made by the President to the ordinary and extraordinary sessions, indicating the date, time and place of the meeting.
3. Convene individually each of the parties involved in the complaint, in order to hear the facts that gave rise to it.
4. Convene jointly the employees involved in the complaints in order to establish cohabitation commitments.

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5. Responsible for filing the complaints, supporting documentation and ensuring the reserve, custody and confidentiality of the information.
6. Prepare the agenda and the minutes of each Committee meeting.
7. Send communications with the recommendations given by the Committee to the different units of FECEN- Colegio Albania.
8. Convene meetings and request the supports required to monitor compliance with the commitments made by each of the parties involved.
9. Prepare quarterly reports on the management of the Committee including complaints statistics, follow-up of cases and recommendations, which will be presented to senior management of FECEN- Colegio Albania.

3.4 Training for members of the Committee:

The Committee will set a date for a joint training of all its members in the most relevant aspects of Act 1010 of 2006 (harassment), Resolution 2646 of 2008 (Psychosocial Risk), Resolutions 652 and 1356 of 2012 (Work Community Committee).

Whenever a new member becomes part of the Committee, he / she shall receive such training to ensure ideal performance in the Committee.

3.5 Interdisciplinary Support

For purposes of carrying out its functions, the Committee may request support of specialists in different disciplines, such as psychology and law, among others, always guaranteeing the confidentiality of the subjects treated there by subscription of the relevant contractual clauses.

4. METHODOLOGY OF COMMITTEE MEETINGS

4.1. Classification of meetings

➤ Regular meetings

The Committee shall meet regularly every three (3) months and shall meet with the half plus one of the members, attended by the main members, as provided in art. 9 of Resolution 1356 of 2012.

➤ Extraordinary Meetings:

When there are cases that require immediate intervention and may be called by any of its members (art. 9 of Resolution 1356, 2012).

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4.2 Of the Minutes

Minutes will be drafted and filed of each meeting specifying the nature of the meeting, the date and place of the meeting and the matters discussed. All minutes shall be signed by the members of the Committee who attended the meeting in question.

In order to keep record of the Minutes, a special confidential filing system will be implemented, which shall be freely consulted by the Members of the Committee. This file will be under the custody of the Secretary of the Committee.

4.3 Decisions of the Committee

The Committee shall adopt decisions in principle by way of consensus. However, if consensus is not reached, decisions shall be made by the simple majority system. In case of a tie, an alternate member of the Committee shall be called, in accordance with the voting order, so that his/her vote will settle the tie.

5. RESPONSIBILITIES OF THE WORK COMMUNITY COMMITTEE

5.1 The Work Community Committee shall only have the following responsibilities:

1. Receive and process complaints describing situations which may constitute harassment, and the evidence that supports it.
2. Confidentially examine specific or concrete cases where complaint or claim is made that could imply criminal conduct or circumstances of harassment, within FECEN-Colegio Albania.
3. Listen to the parties individually on the facts that gave rise to the complaint.
4. Hold meetings in order to create a space for dialogue between the parties involved, promoting mutual commitments to reach an effective conflict resolution.
5. Develop an improvement plan agreed between the parties, to build, renovate and promote a work community, ensuring in all cases the principle of confidentiality.
6. Follow up the commitments made by the parties involved in the complaint, verifying compliance in accordance with the agreement.
7. In those cases where no agreement is reached by the parties, recommendations are not met or behavior persists, the Work Community Committee, shall refer the complaint to the senior Management of FECEN- Colegio Albania, it shall close the case and the employee may file a complaint with the labor inspector or before the competent Court.
8. Submit to Senior Management of FECEN- Colegio Albania recommendations for the effective development of preventive and corrective measures of workplace harassment, as well as the annual performance management report of the Work Community Committee and the reports required by control agencies.

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9. Monitor compliance of the recommendations made by the Community Committee to Human Resources' Management and Occupational Health of FECEN- Colegio Albania.

10. Prepare quarterly reports on the management of the Committee including complaint statistics, case follow-up and recommendations, which shall be submitted to the senior management of FECEN- Colegio Albania.

5.2 Preventive Responsibilities

In terms of prevention, the Committee shall have the following responsibilities:

5.1.1 In terms of training, the Committee may conduct the following activities:

- Preventive outreach campaigns on harassment.
- Training on relevant regulations and legislation.

5.2.1 In terms of training spaces, the Committee may organize participation circles or similar groups whose objectives are:

- Provide space for periodic assessment of life at work within the School in terms of dignity and respect.
- Promote joint construction of values and habits that promote good treatment at work.

5.2.2 In terms of channels of communication,

- Allow employees to express ideas, suggestions or concerns about life at work.
- Promote operational consistency and functional harmony to facilitate and encourage good treatment at work within the School.

5.2.3 In terms of assessment of the work environment, the Committee may propose or make recommendations.

5.3 Corrective Responsibilities: (Resolution 652 of 2012).

First Phase: Receiving the Complaint

The Committee shall receive the complaints filed by employees of the School, through any of the following mechanisms, which tend to ensure the confidentiality in the process:

- a) Through the processing of the form designed for this purpose, which makes part of the Regulations (Annex No.1), and delivered to any member of the Committee.
- b) At the express request of any member of the Committee when intervention in a particular issue is required.

Second Phase: Pre-Qualification

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The Committee shall verify the information in the complaint, checking if the behaviors fit into the provisions of Articles 2 to 7 of Act 1010 of 2006.

To fulfill the responsibility previously stated, the Committee may rely on the concept of the legal adviser of the School (Cerrejón labor lawyer), who in this case will act in the capacity of an expert.

If the Committee's conclusion is that the case does not fit the legislation regarding harassment at the workplace it will let the person concerned know by means of a confidential letter.

If, on the contrary, the conclusion is that the case fits within the theme of workplace harassment, the Committee shall proceed to the next stage of the process, which is the verification of facts.

Third Stage: Evidentiary Aspects

The members of the Committee shall perform activities to verify, with the evidence of the case, the circumstances in which the events have occurred.

Evidentiary sessions shall take place letting both the employee who filed the complaint as well as the alleged harasser, know that this is a scenario in which in the first instance they shall seek negotiated solutions to build a good working environment in the school.

Fourth stage: Decisions

Committee members shall build the compromise formula or decision that they deem appropriate to overcome the situations that were submitted to their consideration, and communicate it in writing to the parties and to the competent authorities of the School, when appropriate.

The Committee shall have a maximum term of one (1) month to respond to a complaint of harassment, counted from the date on which it was submitted. The School's collective vacations will suspend such term.

6. RELATIONSHIP OF THE COMMITTEE WITH THE AUTHORITIES

6.1 Relationship with management authorities

Receiving and handling, through the coordinator of the Committee, the injunctions formulated by administrative authorities:

- Accrediting the process regarding complaints
- Committing to begin the process, if the complaint has not been previously received
- Accrediting educational activities carried out to prevent workplace harassment
- Accrediting group therapies or institutional strategies to improve the working environment.

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6.2 Relationship with legal authorities

Accredit before the judge who is carrying out the sanctioning process, promoted by a Former employee (resignation due to workplace harassment) or by an employee (lawsuit for harassment in the workplace) the following:

- Precautionary procedures performed in the specific case
- Corrective procedures performed in the specific case
- The lack of knowledge of the case, if applicable

7. TERM AND AMENDMENTS

7.1 This regulation applies from its publication and may be amended with the intervention of member of the Committee by decision adopted through a special meeting.