

Approved by Rector's directive No 40 of 22.10.2024

In force from: 22.10.2024

CONCILIATION PROCEDURE

1. GENERAL PROVISIONS

- 1.1 The Conciliation Procedure (hereinafter referred to as "Procedure") lays down the rules for resolving conflicts between the employees of Tallinn University of Technology (hereinafter referred to as "the university").
- 1.2 The purpose of the conciliation proceedings is to resolve conflicts and to avoid disruption of work. First and foremost, conciliation between the parties is pursued through negotiations.
- 1.3 The procedure also applies to persons working or providing services at the university under any form or type of contract.
- 1.4 Conciliation proceedings are governed by the legislation in force in the Republic of Estonia, as well as the university's regulations on employment relations, studies and academic ethics, and other relevant documents, including but not limited to:
 - 1.4.1 the Employment Contracts Act;
 - 1.4.2 the Law of Obligations Act;
 - 1.4.3 the Work Procedure Rules;
 - 1.4.4 the Collective Agreement;
 - 1.4.5 the Guidelines for Equal Treatment.
- 1.5 Conciliation proceedings are conducted only if no other proceedings on the same matter are being conducted under any other legislation applicable at the university.

2. A CONFLICT AND PARTIES INVOLVED IN CONCILIATION

- 2.1 A conflict is a clash of interests, needs or values, in particular a disagreement between the opposing requests or wishes of two persons or groups, e.g.;
 - 2.1.1 where the purpose of the conduct is to damage another person;
 - 2.1.2 blaming, insulting, disparaging, humiliating, mocking, discriminating of another person;
 - 2.1.3 suspected violation of work procedure rules or laws;
 - 2.1.4 disruption of work.
- 2.2 The parties to the conflict, the first and second stage conciliators, the persons involved and the persons possessing information on the conflict shall participate in the conciliation proceedings.
- 2.3 The persons involved in the conciliation proceedings are obliged not to disclose or forward any confidential information received in the course of the proceedings. For the purposes of this Procedure, confidential information means any information regarding the parties to the proceedings and the conflict between them, which is not available to the public. This also includes data and information that must be kept confidential pursuant to law and that can be accessed only by subjects who have the corresponding right of access.
- 2.4 The university has the right to disclose information about conflicts to prevent recurrence of unacceptable conduct. Anonymity is guaranteed upon disclosure and, if this is not possible, information is disclosed only with the consent of the parties.

3. CONCILIATION PROCEEDINGS

- 3.1 If necessary, conciliation proceedings shall be conducted in two stages. At the first stage, proceedings are conducted within the structural unit. Second-stage conciliation proceedings are initiated when the outcome of the first-stage proceedings is unsatisfactory for the parties involved. The conciliator at the second stage of conciliation proceedings is the Conciliation Committee.
- 3.2 At the first stage, the conciliation proceedings are initiated based on a free-format notification submitted by an employee and, at the second stage, based on a petition for conciliation filed in a

format that can be reproduced in writing, which must include a description of the circumstances, evidence or a description thereof and a request.

- 3.3 A petition for conciliation shall be registered. The registration shall be arranged by the Head of the Internal Audit Office, to whom all relevant materials relating to the conciliation procedure must be forwarded. The Head of the Internal Audit Office shall assign the access rights in each conciliation proceedings and shall notify the members of the Committee thereof.
- 3.4 In conciliation proceedings, the conciliator issues a decision that may include a summary of the conciliation, an agreement of the parties, identification of any infringements along with applicable legal remedies, termination of the proceedings with the consent of the parties, or another resolution to the conflict.
- 3.5 The head of the structural unit shall organise the implementation of the decision in force.
- 3.6 Evidence in a case refers to any information upon which facts and claims can be established, whereas:
- 3.6.1 each party shall prove the facts on which his/her claims and objections are based;
- 3.6.2 a fact that the conciliator considers to be a matter of common knowledge, i.e. a fact for which reliable information is available from independent sources, does not need to be proved;
- 3.6.3 an argument made concerning a fact need not be proven if the opposing party admits the fact. Admission means express agreement to an allegation, made in a written document addressed to the conciliator, or entered in the minutes of the conciliation proceedings;
- 3.6.4 the conciliator has the right to request from the parties any evidence necessary for the resolution of the dispute as well as a response to the position of the other party.
- 3.7 At the first stage of the conciliation proceedings, the conciliator is either the direct superior or his/her superior if the conflict involves the direct superior.
- 3.8 At first stage of the conciliation proceedings, the conciliator:
- 3.8.1 collects and evaluates the evidence provided, hears the parties concerned, involves experts and other persons, if necessary;
- 3.8.2 resolves the conflict and reconciles the parties;
- 3.8.3 shall make a decision as soon as possible but no later than within 15 days;
- 3.8.4 shall inform the parties of the decision in a form that can be reproduced in writing within 5 days at the latest;
- 3.8.5 shall inform the Human Resources Office of all the cases involving elements of an offence (misdemeanour or criminal offence) or a potential risk to the reputation of the university.
- 3.9 An appeal against a decision made at the first stage can be filed at the second stage by notifying the decision-maker within 5 working days at the latest and submitting the appeal within 20 working days.
- 3.10 At the second stage of conciliation proceedings, the conciliator is the Conciliation Committee (hereinafter referred to as "the Committee").
- 3.11 The Committee includes the Head of the Internal Audit Office, the Chief Legal Officer and the Head of the Human Resources Office (in their absence, their substitutes), a representative of the academic staff who is not related to the parties and whom the Committee invites to participate in the particular proceedings. The Committee shall be chaired by the Head of the Internal Audit Office.
- 3.12 Persons who have any direct or indirect personal interest in the conciliation proceedings must not participate in the Committee's work. In this case the member of the Committee shall withdraw himself/herself from the proceedings. The Committee has the right to involve other persons it considers necessary in its work.
- 3.13 The Committee:
- 3.13.1 shall, after receiving and registering the petition, if it has not already been registered in accordance with clause 3.3 of this Procedure, make a preliminary decision on whether the dispute falls within its competence;

- 3.13.2 shall request the opinion of the Academic Ethics Committee if it becomes apparent upon commencement or during the proceedings that the matter may involve academic ethics, and shall cooperate fully and actively with the Academic Ethics Committee, if necessary;
- 3.13.3 collects and evaluates the provided evidence, hears the parties concerned, involves experts and other related parties, if necessary;
- 3.13.4 resolves the conflict and reconciles the parties;
- 3.13.5 shall make a decision as soon as possible but no later than within 15 days. If it is not possible to make a decision within 15 days, the Committee has the right to extend the period for making the decision up to a total of 60 working days;
- 3.13.6 shall inform the parties of the decision in a form that can be reproduced in writing within 5 days at the latest;
- 3.13.7 shall communicate its decision to the first instance and, if necessary, to the employer's representative for implementation;
- 3.13.8 shall, if elements of a criminal offence are identified, forward the information to the Chief Legal Officer or his/her substitute for the submission of a report on the criminal offence to the investigative body or Prosecutor's Office.

4. TRUSTEE

- 4.1 The Committee may recommend that a party to the conciliation proceedings involve a trustee elected from among the university members, who may participate in the conciliation proceedings, as long as this does not compromise the interests of the party seeking the trustee's assistance.
- 4.2 A trustee is a person who has been elected by a party to serve as his/her representative in communication during conciliation proceedings. The main task of a trustee is to act as a mediator between the represented party, the other party and the person conducting the proceedings, to communicate important information and proposals, to assist in finding solutions to any problems that have emerged.
- 4.3 A trustee is obliged to keep secret all confidential information received in the course of the conciliation proceedings. The Chief Legal Officer has the authority to establish preconditions for a trustee engaged from outside the university to participate in conciliation proceedings (such as the requirement to sign a confidentiality agreement).
- 4.4 A trustee must not be a person in conflict with the other party or a person not accepted by the other party as a trustee.

5. OTHER TERMS AND CONDITIONS

- 5.1 Any person referred to in clause 1.3 of the Procedure has the right to turn to the Committee for information on who to contact if the person is uncertain how to proceed.
- 5.2 At the request of a party to the conciliation proceedings, the university shall provide psychological counselling to the party at the university's expense.