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TRUSTWORTHY PERSON – AN ANTIDISCRIMINATION MECHANISM OR NOT?

Summary

Trustworthy person is a mechanism intended to ensure gender equality in the security sector. The introduction of such an person is provided for by the NAP for Implementing R1325 in Serbia. The introduction of an person who will mediate, provide counsel, and initiate action to settle gender equality and discrimination-related disputes was first planned in the Ministry of Interior, the Ministry of Finance's Customs Administration, the Administration for Execution of Criminal Sanctions, and the Security Information Agency.

Unfortunately, this mechanism has still not 'taken root' in our security and defence system, since 'trustworthy persons' have not yet been appointed in any of the above institutions with the exception of the SIA. The purpose of this paper is to inform the general public, as well as the professional community, about this mechanism and the reasons for its introduction. Moreover, the paper offers political decision-makers and prospective 'trustworthy persons' proposals for how this mechanism can be introduced and models for how to organise its functioning. Considering that no research on this matter has been conducted in Serbia, this paper is pilot research and its intention is to encourage further research on this matter and other related issues.

The paper primarily rests on the analysis of legal sources about gender equality and discrimination, the research on discrimination in the security sector, and the existing material about the 'peer support person' mechanism, which in our country is currently in place only in the Ministry of Interior. Finally, the paper includes recommendations intended, primarily, for security institutions.

Recommendations

1. Before creating the trustworthy person job description, it is necessary to perform an in-depth analysis, namely research to map out the openings for discrimination, the commonest aspects of discrimination, the major discriminators, the places in which it is manifested, and similar.
2. Trustworthy person should act in all the events of discrimination listed in the Law on the Prohibition of Discrimination, not only in the event of gender-based discrimination.
3. The criteria for trustworthy person selection should be adjusted to the organisational structure and the number of employees in each individual institution, and the current practice of selecting a trustworthy person for each 60 employees should be abolished.
4. It is necessary to establish coordination with other protective mechanisms within the system (e.g., harassment referral persons).

What is the ‘trustworthy person’ mechanism?

In the development of the National Action Plan for Implementing the UNSCR 1325 in Serbia, security sector institutions, based on the analysis of the current situation, identified a need to reinforce existing mechanisms for protecting employees from discrimination. Following the model of the mechanism for primary psychological support to employees – peer support persons in place in the Ministry of Interior – the NAP 1325 provided for the introduction of ‘trustworthy person’ in Serbian security sector institutions. This document states that a ‘trustworthy person’ provides primary peer support, namely **mediates, provides counsel, and takes action** to settle specific gender equality and discrimination-related disputes. As provided for in the NAP, a ‘trustworthy person’ should be a person whom employees may contact first if they believe they have been discriminated against in the workplace, namely if gender equality principles have been infringed upon. Trustworthy persons should perform the above role within the tasks inherent to the work positions to which they are regularly assigned.

The role of a ‘trustworthy person’ should be preventive, namely proactive. This means that, if noticing a problem, trustworthy persons may start an initiative for a dialogue without the request of the employee needing help. Depending on the circumstance, trustworthy persons may conduct individual or collective interviews. Moreover, the employee with a problem may seek their help or counsel at any time. In this way, the NAP actually provides for two-way assistance. Trustworthy persons are under obligation to keep confidential the interview and data they obtained while providing this kind of assistance, not including data related to the committal of a criminal offence. Considering that, according to law, discrimination is an offence for which legal sanctions are provided, no event of discrimination should be kept undisclosed; rather, it should be reported. Where they are not able to solve the problem by counselling or mediation, trustworthy persons shall be obligated to, with the consent of the employee suffering discrimination, refer the dispute settlement to competent professional services within the system (psychological, legal, and other services) or outside the system.

It is important to note that this mechanism is not a replacement for existing mechanisms used to control legal compliance and protect employees’ rights inside the system. Neither does it replace the provision of protection against harassment, or psychological support for which psychologists are in charge. Quite to the contrary, the ‘trustworthy person’ should **support** the existing internal system for the control of legal compliance and protection against the infringement of human rights of members of security institutions. At the same time, the ‘person’ should support the institutional authorities and bodies outside the security and defence system, such as the Commissioner for the Protection of Equality, the Ombudsman, the Ministries of Labour and Social Policy’s Administration for Gender Equality, and others. This mechanism may be seen as a corrective mechanism, since it is intended to remedy any irregularity in work and behaviour of the employees. The intention of this mechanism is also to ensure that the issue of (the prohibition of) discrimination is recognised within the system as an important matter and that an environment free of discrimination is created, namely the existence of the ‘spirit of law’ where any discriminatory conduct is punished.

For this reason, it is essential to precisely regulate the scope of work and the competence of the trustworthy person, as well as the communication and reporting channels with other entities within and outside the system. With this, any possibility of overlapping of competences is avoided, a responsibility level for acting in specific situations is established, and the space for any ambiguities and abuses is diminished.

Reasons to introduce a 'trustworthy person'

In 2002, the Republic of Serbia improved its regulatory framework for the protection of equality by adopting a set of anti-discrimination laws[1] and strategic documents[2] that incriminate many aspects of gender-based violence (e.g., domestic violence, all aspects of human trafficking, rape, and other aspects of sexual violence, as well as infringement of equality between women and men). Due to the belated adoption of the legislative and strategic framework and given the inadequately long period of its implementation, however, governmental authorities and relevant institutions often do not provide effective legal protection and adequate psycho-social support to female victims of discrimination and gender-based violence.

With the appointment of the Commissionaire for the Protection of Equality in May 2009, there commenced the process of establishing an autonomous and independent institution, which was assigned a key role in the prevention of discrimination and promotion of protection against discrimination (Annual Report of the Commissioner, 2010). Because of a lacking human and material capacity necessary to function, the Lady Commissionaire for the Protection of Equality did not start receiving and following up on the complaints arising from the infringement to the Law on Prohibition of Discrimination before 2010. With regard to the complaints referring to the security sector institutions, the Lady Commissionaire has thus far acted only on a complaint about gender-based discrimination in the Serbian Armed Forces.[3]

Because of all the above flaws and current weakness of the system for protection against discrimination, the establishment of a trustworthy person in the security and defence system would facilitate the strengthening of institutional capacity for efficient and effective application of legal regulations and other measures adopted by the Republic of Serbia; namely, improved protection against discrimination would be provided to all persons employed in the security sector.

The other argument in favour of the introduction of such a mechanism in Serbian security sector institutions is the fact that discrimination is present in public administration bodies and the most widely spread form is gender-based discrimination, despite the fact that, at the regulatory level, women and men have equal rights (Commissionaire's Annual Report for 2010: 25). Data from reports by independent governmental agencies[4], CSOs[5], and public opinion polls[6] suggests that discrimination is very much present in the employment process and at the workplace, but that it is obviously also present in economic life, education, media, etc. Moreover, according to the available statistical data of the Commissionaire for the Protection of Equality, public administration bodies are major discriminators in Serbia, accounting for as much as 41% of all cases.

In Serbian security sector institutions, such as the police and military, the most widely spread form of discrimination is gender-based discrimination. This is confirmed by different, although not numerous, surveys.[7] This is the case because security institutions are still dominantly male institutions in view of the representation of men vs. women. In a dominantly masculine environment, most men exhibit, at least sporadically, extreme hostility towards women, manifested through inhospitality, deprivation of information, sabotage, workplace harassment, sexual harassment, etc (Tomić and Spasić, 2010). Or, hostility is manifested in a different manner and with different intensity, such as paternalising women so that they suffer negative effects of subordination. This means that, although they do the same jobs as men, although they have the same skills as men, and although they make the same effort and invest the same knowledge into their jobs as men, the masculinity does not allow

1 The Law on Prohibition of Discrimination and the Law on Gender Equality (2009), the Criminal Code (2009), the Law on Preventing Harassment at Workplace, and the Rulebook adopted based on this Law (2010)

2 The Strategy for Improving the Position of Women and Promotion of Gender Equality (2009-2015), the Strategy against Domestic Violence, the National Action Plan for Implementing the UN SC Resolution 1325 in Serbia – Women, Peace, and Security (2010)

3 B. I.'s complaint against P. J. because of the discrimination committed by sexual harassment at workplace (Reg. No. 548/2011 dated 6 May 2011)

4 The 2010 Report of the Commissionaire for the Protection of Equality and 2009-2011 Reports of the Ombudsman.

5 The 2011 Report of the Coalition for the Prohibition of Discrimination, for example.

6 Public Opinion on Discrimination in Serbia, Ipsos Strategic Marketing, October 2010.

7 Tomić, M., Spasić, Danijela. (2010) Masculinity in Professions), Anthropology: journal of the Centre for Ethnological and Anthropological Research, Vol. 10, No 1, pp. 95-110; Novović, Snežana at all. (2010) Establishment of Women Police Officers Network in SEE. Sofia: SEPCA; Bilandžić, Vladimir at all (ur.) Women in the Armed Forces. Compilation of Papers from the International Conference. Belgrade: MoD and the OSCE Mission to Serbia.

women to advance in their careers because it sees them as less capable and less worthy (Ibid). In a paternalistic relationship in a male-dominated work environment, women are commonly treated through a prism of latent sexual insinuations, either verbally or by openly subjecting them to specific conditions if they want to assert themselves in their jobs or get a promotion. Besides these, other aspects of discrimination were also identified in the security sector, including suggestive remarks from male peer workers, verbal disparaging of women's personal skills, not recognising women's work capabilities, etc. (Novović, 2010: 53-57).

Even though gender-based discrimination is the most common form of discrimination, trustworthy persons should not deal with this exclusively; rather, they should act upon the discrimination cases recognised by the Law on the Prohibition of Discrimination Articles 4-14, i.e., cases of direct discrimination, indirect discrimination, infringement to the principle of equal rights and obligations, calls for accountability, organising to commit discrimination, hate speech, and degrading treatment.

Although the research and reports made by various institutions state that different aspects of discrimination are present in governmental institutions, discrimination in the security sector is still not 'visible' since instances of discrimination of women and men are not reported. Except for one complaint filed with the Commissionaire's Office and a complaint made by an employee of the Security-Information Agency because of workplace harassment[8], no case of discrimination of women or men has been reported, or registered, in any of the institutions. This, in a sufficiently illustrative and indirect way, suggests not that discrimination is absent but rather that employees still 'keep silent' about discrimination cases, considering that institutions have yet to develop additional antidiscrimination policies and mechanisms to give employees the confidence and support to report discrimination cases. This is why the introduction of trustworthy persons is of critical importance for creating an environment in which employees are more ready to present the problems they face, and in which trustworthy persons ensure that the protection system starts to function and that discriminatory conduct is sanctioned. In addition to providing counselling and assisting the employees, based on the acquired information about the level of discrimination in the work environment, trustworthy persons will be able to issue recommendations to their superiors, as well as to gender advisors, about the preferable measures to effectively deal with discrimination cases.

Existing mechanisms for protection of employees in the security sector

The laws on police, armed forces, civilian security services, customs, and other institutions, define and establish specific bodies that are used for oversight and control of government enforcement apparatuses. These are bodies for internal control, most commonly called inspectorates, general inspector, or simply internal control. They are responsible, among other things, for controlling legal compliance of the above actors and protecting human rights in them. These bodies and agencies did not exist in Serbia before the overthrow of the 5th of October and today they are a *novum* in security sector institutions established with the aim to make internal control more effective (Petrović, 2012). A significant obstacle for a more effective performance of internal control bodies is that the employees in statutory agencies are too reluctant to report the irregularities they note in the work of their peers. Namely, the BCSP research on the oversight and control function of the executive indicates that employees would report a case of legal incompliance by their peers, including that by their superiors, only if they deem that they would personally suffer more consequences if they fail to report such a case. With this employees also showed that they do not sufficiently trust the mechanism for legal compliance control and protection that exists within the institutions in which they work (ibid).

8 This information was provided in the answer to the questionnaire that BCBP forwarded to SIA and other security sector institutions with the aim to implement a research about the accomplishments of security sector reform in Serbia, in 2008-2011. The research included the following institutions: the Ministry of Defence and the Serbian Armed Forces, the Ministries of Interior, Finances (including the Customs Administration, Tax Administration, Anti-Money Laundering Administration, Treasury Directorate), Justice (and the Administration for Execution of Penal Sanctions), SIA, independent governmental agencies.

Besides the internal control bodies, the psychological services, and trade unions, the persons appointed under the remit of the Law on Preventing Workplace Harassment (2010) also constitute the first-line entities for supporting the employees, but also for protecting the rights of members of the security sector. Some mechanisms, such as the harassment referral person, are a recent development and have not yet taken root in practical life. This is confirmed by the fact that they have only rarely been asked for help since they were put in place. Considering their poor performance, the institutions should find a way to make these and other mechanisms more effective.

MoI	• Legal & Compliance Dept., Internal Control Dept., • psychology and prevention services, • peer support mechanism, • harassment referral persons, • trade unions,
MoD	• defence inspectorate, • general director for Military Security Agency and Military Intelligence Agency • support person, and persons playing the role of mediators, intended to conduct the mediation process within the procedure for protection against workplace harassment.
SIA	• internal and budgetary control, • support persons (psychologists), • trustworthy person, • prevention and healthcare-psychology dept.
CA	• internal control dept., • harassment referral persons, • trade union.
AEPS	• oversight dept., • psychological support – accessible only to convicted persons, • trade union.

Table 1: Overview of existing mechanisms for the protection of employees in Serbian security sector

Challenges of introducing and functioning of 'trustworthy persons'

Challenges in the process of establishing this mechanism, as well as potential challenges in the future functioning of trustworthy persons, may be manifold. The first challenge may be presented by the lack of understanding of the purpose of this mechanisms and non-acceptance of its introduction into the security and defence system. Persons employed in these systems may have a perception that the introduction of these mechanisms doubles the capacity and thus prevents full exploitation of existing mechanisms for protection of employees, such as internal control, inspectorates, disciplinary commission, and other entities responsible for ensuring legal compliance, as well as receiving and considering employees' complaints. There could also be resistance if the 'trustworthy person' is seen as a mechanism accessible only to one group of employees, namely to women, rather than to all employees. This resistance can appear if the belief prevails that the trustworthy person is being introduced only with the purpose of implementing the NAP that concerns women, peace, and security, rather than an effort made by the institutions to create an anti-discrimination environment for all employees. The non-existence of a 'foreign' model or mechanism whose experience could be 'borrowed', namely the lack of experience and knowledge to have this mechanism internalised in the system may be yet another in a series of challenges. This specific challenge may be overcome through the deployment of existing expert knowledge in the civil sector, e.g. to conduct relevant and related research.

Considering that NAP 1325 states that trustworthy persons should perform the above role within the tasks inherent to the work position in which they are regularly assigned, a huge challenge in their work may be that they are overburdened with new tasks and duties. A consequence of this can be a lack of time, as well as lack

of motivation on the part of these persons to devote themselves to discrimination cases. Likewise, since there is no mention anywhere that trustworthy persons will get any remuneration for their efforts, there is a possibility that this economic factor will make candidates selected to be trustworthy persons reject their new duties.

A challenge in the coming period can be that financial resources are insufficient to implement the training of appointed trustworthy persons. This challenge can be overcome if training was implemented in cooperation with representatives of the civil sector and international organisations, who may be able to provide financial support for the implementation of this training.

Potential challenges in the work of trustworthy persons may be personal in nature, but they can also arise from the immediate work environment. A presumption is that, if trustworthy persons do not have personal integrity and do not enjoy the trust of all employees in their respective places of work (although this person is elected by a majority), this situation can adversely affect their future communication with the employees and superiors, as well as their support of the latter. Another challenge important for (un)acceptance of this mechanism includes the employees not knowing what they should do. This could be resolved with the introduction of a precise procedure to regulate the competence of the trustworthy person and continuous provision of information for employees about what is precisely within the remit of these persons and what is not. The problems that trustworthy persons may face include difficulties in noticing the discrimination cases, and particularly in proving that they happened. The employees could ignore or refuse to talk with trustworthy persons about topics such as discrimination, if they do not want to receive counselling or worry about the confidentiality of their mutual communication, namely expressing fear that their case will be discovered. It may happen that the employees, fearing to report a discrimination case, try to present what has happened in a less serious light and give the trustworthy person false reassurances. Trustworthy persons need to prepare themselves for all these challenges during the training and they should be provided with the knowledge and skills they need to determine what to do in such situations.

However, the biggest among the above challenges is ensuring the effectiveness of this mechanism and building trust in their work. This is a challenge because the 'trustworthy person' mechanism is part of the existing protection system which, considering the fact that employees have not reported any discrimination cases, does not enjoy sufficient trust. An indicator of distrust in the internal system of protection is that the only registered case of workplace harassment in the Serbian Armed Forces was reported to the independent governmental agency – the Commissionaire for the Protection of Equality.

Six steps towards the ideal profile of the 'trustworthy person'

Procedure to establish the trustworthy person

The first necessary step is to make this mechanism 'enter the procedure' within the institutions. Namely, a bylaw should be passed in the form of instructions, guidelines, or rules of procedure that would regulate the competences of this person and vest onto him/her the powers they need to act in cases of workplace discrimination.

Grounds for introducing this mechanism in our country arise from the above mentioned document of the Government of Serbia – the National Action Plan 1325 that was adopted in December 2010. The justifiability of introducing this mechanism, however, can also be found in such pieces of legislation as the Law on the Prohibition of Discrimination and the Law on Gender Equality that were adopted in 2009. Based on the Law on the Prohibition of Discrimination, all ministries are under obligation to harmonise their respective policies with antidiscrimination policies and on an annual basis report their performance. To this end, the ministries should develop a reporting mechanism or designate a contact person to perform these tasks. Moreover, the Law on Gender Equality regulates the creation of equal opportunities for exercise of rights and fulfilment of obligations, undertaking specific measures to prevent and eliminate sex-based and gender-based discrimination, and the procedure for legal protection of persons exposed to discrimination. The Law provides for the introduction of a gender equality person in organisations with more than 50 employees for an unlimited time period. Considering

the above statement, this institutional mechanism complements the existing antidiscrimination strategic and legislative framework in Serbia.

Considering that this mechanism is introduced into the system for the first time, the trustworthy person's place in the hierarchy needs to receive particular attention. This means that it is essential to define whether this person will be introduced at all managerial levels, and what the source is of his/her authority and competence for doing his/her job. For example, a trustworthy person who enjoys the trust of all peer workers but is positioned low in the hierarchy will not be able, from such a marginalised position, to do enough to 'put the system into motion' and thus protect the person suffering discrimination. And in the opposite scenario, if a trustworthy person is highly positioned (e.g., manager of a sector/department, etc), a feeling of solidarity with other superiors may be created, or he/she may be unconsciously 'alienated' from those who needs his/her help and protection.

Selecting the trustworthy person

Since the 'trustworthy person' mechanism was introduced after the model of the peer support mechanism, the same selection method was provided. According to NAP, the 'trustworthy person' is selected by a secret vote held for every 60 employees. This means that a trustworthy person is selected at a level of an organisational unit (e.g., the ranks of a department, service, group, etc.) of the ministry/administration/agency. Anonymous voting takes place in such a way that the number before the name of the candidate for 'trustworthy person' on the offered list is encircled, by secret vote, in accordance with the bylaw on selection. Candidates for 'trustworthy person' are nominated publicly by all employees, and the 'trustworthy person' discharges his/her duties in the period of four years. In addition to anonymous voting, an element of voluntarism is essential in the election of the trustworthy person; namely, the elected person voluntarily accepts to perform the relevant tasks. Nobody should ever be imposed these duties without his/her will.

It should be taken into account that this criterion for the selection of the trustworthy person cannot be applied to all systems considering that security sectors institutions do not all have the same number of employees. The selection of a 'trustworthy person' for every 60 employees may apply to 'large' systems such as MoI or MoD or VS, but in the case of other institutions, such as the Customs Administration, the Administration of the Execution of Penal Sanctions, or SIA, it is necessary to take into account their specific character and the selection should be adjusted to suit their respective organisational structure and number of employees. SIA has thus far selected 23 persons (women and men) who will, in the coming period, after they complete their training, offer peer support with the aim of dealing with specific gender equality and discrimination-related disputes.

What kind of training is necessary?

The training programme should be designed in a way that ensures that trustworthy persons acquire the knowledge and skills, which will allow them to identify cases of workplace discrimination and, as soon as possible, contact the employee in need of assistance. The training should address the following:

- what is gender equality and why it is important; what is discrimination and how to recognise discriminatory conduct in everyday work; what are the mechanisms for equality promotion
- general antidiscrimination legislative framework in Serbia, and international standards
- monitoring and evaluating of the progress made in discrimination prevention and equality protection

To be effective in performing their duties, the first two areas – recognising workplace discrimination and understanding legislative framework in Serbia - are critical for trustworthy persons. In addition to specific matters related to gender equality, prohibition of discrimination, and human rights protection, the training should also teach different interviewing skills and mediation techniques. The acquisition of these particular skills will enable the trustworthy person to better access the employee in need of support, and to present and report the case of discrimination.

Ideally, future training will include, in addition to theoretical lectures, personal experience and/or examples of discrimination in everyday life and work. Involvement of employees who can best present their own experience with discrimination in the workplace will be particularly valuable for the participants of the training. If transfer of

actual experience is not possible, regardless of the reason, the trustworthy person should have an opportunity to, through different scenarios, practice mediation techniques, communication skills, and acting in potential cases of discrimination.

If the security and defence system lacks sufficient expert knowledge, the institutions should, in designing and performing the training programme for trustworthy persons, make use of the expert knowledge and skills existing in the civil sector, namely in CSOs, scientific institutions, or independent experts (both men and women). Previous practice indicates that these parts of civil society have a high level of antidiscrimination-related expertise.

The training should ensure that the relevant person is capable of acting autonomously when noticing that an individual or a group in his/her surroundings is discriminated against. After a well designed and performed training, a trustworthy person should know their limits with regard to what they can offer and do, the degree of their responsibility, and the events in which they need to contact professional services or individuals to deal with a problem. The training also emphasises the need to maintain strict confidentiality of communication with the discriminated employee. Trustworthy persons should be trained to know when to discontinue further dialogue with the employee and explain the confidentiality of what information he/she may not be able to keep. Considering that discriminatory conduct is punishable by law and that the law provides sanctions for it, no case of discrimination should remain undisclosed and needs to be reported. This is to some extent in collision with the level of secrecy and confidentiality of the dialogue between the discriminated employee and the trustworthy person, namely with what is provided for by NAP.

Regardless of the level of training trustworthy persons receive for performing their tasks, major progress in the improvement of the protection of employees against discrimination can only be seen if, in addition to the continuous education of trustworthy persons, education is implemented for other employees, and particularly managers and the public in general, and if a suitable approach to monitoring the effectiveness of anti-discrimination legislation is built.

Personal characteristics of 'trustworthy persons' and the knowledge they need to perform their job

- The tasks of trustworthy person should and can be performed by both men and women.
- A person performing the duty of a trustworthy person should have professional and personal integrity, and enjoy the trust of his/her superiors, as well as peer workers. It is understood that the trustworthy person never exhibited discriminatory conduct towards his/her peer workers.
- Trustworthy persons should have knowledge in the fields of gender equality, discrimination, and human rights protection. Since this kind of knowledge is insufficiently developed in the security sector, it is necessary that trustworthy persons go through the training so as to acquire relevant knowledge and practice necessary for performing this job. The training programme and implementation may be arranged in cooperation with the Government of Serbia's HRM Department, the Administration for Gender Equality, CSO, academic institutions, and/or independent experts (both men and women).
- It is preferable that this person has specific work experience (minimum 5 years of service) in a security sector institution, namely it is preferable that he/she is familiar with the organisational structure and culture of the institution. This criterion is important because a person who has more work experience is more familiar with the facts, such as to what jobs and positions women and men are assigned; what are potential sources or causes of the unequal position of women and men; what services receive and follow up on complaints filed by employees; such a person knows well the entire HRM cycle, beginning with recruiting, training, promotion, and knows the 'most critical' segments from the perspective of introducing gender equality policy, etc.
- Trustworthy persons should be familiar with the scope of work and competences of other institutions dealing, in the political system of Serbia, with gender equality and discrimination, such as the Commissioner for the Protection of Equality, the Ombudsman, the Department for Gender Equality, the Department for Human and Minority Rights, the Gender Equality Council, and others, such as the Ministry of Justice, the Republic of Serbia's Prosecutors Office, etc.
- In addition, trustworthy persons should be strongly motivated to perform this job and develop different communication skills. Strong motivation is particularly important since the intention is for these tasks to be performed in addition to the regular ones.

Trustworthy person's job description

Before defining the job description, it is necessary to conduct in-depth research to map out opportunities for discrimination, such as the places in which it is manifested, the most common aspects of discrimination, the largest discriminators, etc. Only after the openings for discrimination are identified can the tasks be defined in each individual institution.

The tasks, which trustworthy persons should perform within their four-year term in office, need to be defined precisely and unambiguously in the act by which this mechanism is constituted. The potential list of tasks to be vested onto a trustworthy person may include:

- Mediate, counsel, and take action to settle specific gender equality and discrimination-related disputes
- Identify the problems, namely the cases of workplace discrimination. This can be done on one's own initiative or through collective dialogue with employees. Moreover, this can be done by collecting research data from analytical groups or from expert services, based on the employees' existing complaints about workplace discrimination.
- After analysing the baseline situation and interviewing the employees and superiors, a trustworthy person may make a report (or reports) offering recommendations for improving the current state of affairs
- One of the initial tasks should be to increase one's own visibility in the system and explain, namely inform employees about the job of a trustworthy person
- It is essential that the trustworthy persons act as sensibilisers to their peer workers on the issue. Research shows that people in general do not know what discrimination is, what its manifestations are, and possible ways to counteract it. That is why it is important that trustworthy persons inform their peer workers about this problem and how to recognise it, as well as to raise their awareness about protection mechanisms.
- Design, for employees, relevant training programmes or informal forms of education, in cooperation with the gender equality mechanisms within the system
- Establish and maintain communication with other gender equality mechanisms within the system (male/female gender advisors, analytical groups), with psychological services, internal control department, inspectorate and similar organisational units, as well as with institutions and organisations outside the system which are involved in gender equality issues
- Improve the channels for collection of data about cases of discrimination.

Taking into account the above listed tasks, the priorities of the 'trustworthy person' should, within the first year, justify the trust his peer workers have vested into him/her, raise awareness about the importance of the issue, point at the systemic flaws that lead to irregularities in the micro context, and offer recommendations to improve the current state of affairs.

What kind of support is necessary, and from whom?

Trustworthy persons should support the existing system for the protection of employees and the control of legal compliance. To effectively perform the tasks they were assigned, however, they need to be supported by the management and their peer workers, as well as have the support of expert services, other gender equality mechanisms, trade union organisations, and other associations.

The support that is necessary initially is the support of political decision-makers in the security and defence system, reflected in the willingness to have this mechanism introduced, recognition of the importance of this mechanism, and the provision of necessary authorisations and instruments trustworthy persons need for their work.

Secondly, to be successful in their work, trustworthy persons need the cooperation and support of the other two gender equality mechanisms provided for by NAP – the gender advisor, as well as the analytical groups and research teams. Analytical groups and research teams can provide support for trustworthy persons by providing them with access to gender sensitive statistics and different analyses and reports, whilst trustworthy persons may draw their attention to 'critical' problems in the system that contribute to the occurrence of cases of discrimination and propose possible ways of dealing with them. Gender advisors within the minister's or director's

cabinet may, based on the trustworthy persons' initial insight into the level of discrimination and based on their recommendations, advocate for the change of policies so as to reach a higher level of gender equality and protect it.

Moreover, mutual support among trustworthy persons within an institution, sharing of experience, and coordination of work, are also elements of success of individual trustworthy persons. Besides, it is necessary to enable horizontal cooperation and exchange of experience among trustworthy persons from different institutions. In this way, their capacity for further work is strengthened.

Since it is necessary for trustworthy persons to continually attend further training and keep up with the changes to the regulations governing antidiscrimination issues, governmental institutions involved in the issues of gender equality and protection against discrimination are important partners, but so are the representatives of civil society who have extensive expertise with regard to these issues. Regular exchange of experience and best practices in the implementation of antidiscrimination policies may be accomplished through participation at domestic and international conferences, round tables, training, exchange of publications, etc.

"Trustworthy person" vs. other mechanisms for support and protection of employees

Two mechanisms may be distinguished in security sector institutions – the harassment referral person and the mechanism of primary psychological support. Whilst the harassment referral person is in place in almost all institution, the mechanism of 'peer support person' now exists only in the MoI.

Peer support is part of the primary psychological support system. The reason why this mechanism is now, for the first time, introduced into the MoI is to alleviate the stress which employees face at work, as well as their exposure to different risk factors in the performance of tasks. Peer support is equally accessible to women and men in the system and, when facing a problem, employees may turn to it first, before going to see a psychiatrist. Essentially, the difference between this mechanism and a trustworthy person is that the former mechanism was originally designed and introduced with the purpose of providing primary psychological support, rather than as part of the system of antidiscrimination protection of employees in the security sector. The reasons for establishing these mechanisms are therefore different.

For this reason, persons who will, within their work tasks, provide support to their peer workers do not undergo any training related to the knowledge of antidiscrimination regulations, gender equality, and similar; rather, their training is focused on developing skills for active listening, recognising and assessing problems, identifying the need for referral to professionals, and selecting suitable recommendations for further expert assistance. Training may cover topics such as: post-traumatic stress, crisis situations, addictive diseases, depressions, introduction to peer violence, sadness and sorrow, etc. (*Training Manual*, San Bernardino Counselling Centre). The training for members of MoI currently lasts for 5 working days and comprises 32 lessons addressing issues such as stress, crisis, post-traumatic stress, etc. Besides the theoretical programme, trainees go through a practical programme in which they practice how to conduct individual and group interviews, etc.

Another significant difference is that the task of a peer support person is to recognise a crisis situation and, as soon as possible, contact the person in need of support. The desirable timeline to establish contact with the peer worker is 2 – 48 hours from the crisis situation. His/her task is to alleviate and diminish the problem. If this is impossible, he/she has the duty to make a referral to a professional or psychologist, upon the consent of the employee. A peer support person does not deal with the problem, whereas trustworthy persons are entrusted greater responsibility, namely to mediate, counsel, and take action to settle specific gender equality and discrimination-related disputes.

Although the manner in which they are selected is similar, the peer support person's term of office is not limited to four years as it is for the trustworthy person. Other differences between these two mechanisms concern communication with others in the system. Whilst NAP does not clearly say with whom and how trustworthy persons should communicate, MoI procedures and practices show that communication takes place in a triangle: managers – coordinators – peer support person. Coordinators are a link between psychological and professional services on one hand, and managers on the other. They are chosen by managers to coordinate the support programme. Coordinators do not need to know the details of the interview or the name of interviewed person. The obligation of a peer support person is to report to the coordinators statistical indicators only, namely only the numbers of professional and personal problems, such as how many interviews he had in a month, did they concern professional or personal problems, etc. Considering that this mechanism 'does not communicate with the outside', it is essential that this type of communication is established when the trustworthy person is put in place.

All persons employed in governmental institutions, in accordance with Art. 7 and 37 of the Law on Preventing the Workplace Harassment (Official Gazette of RS, No 36/2010) and Article 4 of the Rules concerning the employers' and employees' conduct related to prevention from and protection against workplace harassment (Official Gazette of RS, No 62/2010), received the Notification about the prohibition of workplace harassment and the rights, obligations, and duties of the employee and the employer with regard to the prohibition of harassment. In this regard and with a purpose of implementing the above Law and Rules, the harassment referral person and support person were appointed, as well as a person to play a role of a mediator with the purpose of conducting the mediation procedure within the process of protection against workplace harassment.

Employees may contact the support person (a person whom an employee, suspecting that he/she is exposed to harassment, may contact for counsel and support) or the harassment referral person either orally or in writing. The above persons were designated to perform their duties within a command, unit, or institution. Pursuant to Article 15 of the Law on Preventing the Workplace Harassment (including sexual harassment at workplace), the employee who believes that he/she is exposed to harassment, the employee suspected of harassment, and the representative of the employer consensually designate or select an person to conduct the mediation procedure, within three days after receiving the employer's proposal. Moreover, account should be taken of the provision of Article 16 of the Law on Preventing the Workplace Harassment which provides that a person appointed, or elected, to be the mediator needs to be a person enjoying trust of the disputed parties. The mediator may be selected from a list of mediators kept with the employer - in accordance with law. The names of mediators with the employer are listed in the above written notification that all employees received.

In addition, employees have the option to exercise their right to be protected against harassment in front of the competent court.

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