

INTERNAL RULES FOR THE ADVISORY COMMITTEE ON HARASSMENT AND ITS PREVENTION AT THE WORKPLACE

(ARTICLE 12a OF THE STAFF REGULATIONS)

THE SECRETARY-GENERAL,

- HAVING REGARD TO** the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, last amended by Council Regulation (EEC, Euratom) No 73/2004² and in particular Article 12a of the Staff Regulations,
- HAVING REGARD TO** the Bureau decision of 29 March 2004 delegating to the Secretary-General powers in respect of all the issues which, in connection with the implementation of the Staff Regulations, involve technical provisions derived from statutory texts,
- HAVING REGARD TO** the Bureau decision of 3 May 2004 determining the powers of the appointing authorities,
- HAVING REGARD TO** the resolution of the European Parliament of 13 March 2003 on gender mainstreaming, and in particular paragraph 22 thereof,
- HAVING REGARD TO** the rules adopted by the Secretary-General on 21 May 2003 concerning the Advisory Committee on Psychological Harassment,
- AFTER** consultation of the Staff Committee and the Committee on Equal Opportunities,
- WHEREAS** it is in the interests of Parliament to create a working atmosphere which respects the dignity of the individual and promotes the professional and personal fulfilment of its staff,

¹ OJ L 56, 04.03.1968

² OJ L 124, 27.04.2004

- WHEREAS** Parliament's existing health promotion network should be strengthened,
- WHEREAS** it is advisable to create channels for conciliation and mediation in the event of disputes,
- WHEREAS** the concept of harassment is recognised by law in several Member States of the Union and by Directive 2002/73/EC of the European Parliament and the Council of 23 September 2002,
- WHEREAS** the role of the Advisory Committee on Psychological Harassment set up by decision of the Secretary-General of 27 November 2000 should be widened and more clearly defined,

HAS DECIDED

Article 1

The Advisory Committee on Psychological Harassment shall in future be called the 'Advisory committee on harassment and its prevention at the workplace' (hereinafter referred to as 'the Committee').

Composition and meetings of the Committee

Article 2

The Committee shall comprise six members, one of them the chairman. Two members must be appointed by the Staff Committee; a third member shall be appointed by the Medical Service. At least one of the members shall have expertise in equal opportunities (COPEC, Equal Opportunities Unit or Equal opportunities correspondents) and the composition of the Committee shall be balanced in terms of gender. The Committee shall be assisted in its work by a secretary.

Article 3

The Committee shall meet when convened by one or more of its members. It shall be chaired by the chairman or, in his/her absence, by one of its members on a rotational basis. Three or more members of the Committee, including one member appointed by the Staff Committee, shall constitute a quorum.

Definitions

Article 4

Psychological harassment means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, 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.

Sexual harassment means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

Tasks of the Committee

Article 5

The principal tasks of the Committee shall be to :

- promote a peaceful and productive working environment
- prevent and/or stop any harassment of staff (officials and other servants) of the European Parliament
- play a role of conciliation and mediation, training and information
- play an active role within Parliament's existing health promotion network.

In carrying out these tasks, the Committee may report to the Secretary-General at any time and propose prevention, information or training measures.

Article 6

The Committee shall listen sympathetically to any person who considers that he/she is the victim of harassment and shall give him/her all the necessary time and attention, ensuring that it maintains an unbiased and objective approach and an awareness of the multicultural environment in which it is working.

Article 7

The Committee shall work with complete autonomy, independence and confidentiality. Its deliberations shall be secret. The Committee must not, unless its members unanimously decide otherwise, forward any document, or provide any information, to third parties concerning cases with which it is dealing.

Article 8

The members of the Committee shall take specific and continuing training courses with a view to enhancing their specialist knowledge and preparing them more effectively for their role at both a professional and a human level.

Procedure for resolving cases of harassment

Article 9

Any staff member of the European Parliament who is experiencing a problem which might constitute harassment as defined in Article 4 above or who considers that a problem of this kind exists in his/her working environment may report the matter to the Committee.

Article 10

The Committee shall hear the staff member and, possibly, other staff members concerned and is authorised, where appropriate, to contact the various levels of the hierarchy to advise them of the existence of a problem.

The Committee shall also ensure that a staff member against whom a complaint of harassment has been made is heard and has an opportunity to put his/her case. Exceptions may be made to this rule if the Committee considers it justified in the interests of one or other of the parties.

Article 11

A staff member who feels that he/she is being subjected to harassment must be seen by the Committee within ten working days of his/her request. If the Committee considers that other staff members should be heard, it must arrange these interviews within a month of its initial meeting.

Article 12

The Committee may, if it deems it advisable, make recommendations to management staff with a view to resolving the problem. It shall notify all the interested parties of these recommendations.

Article 13

In order to ensure follow-up, the Committee shall remain in contact with the staff member concerned and, if necessary, with his or her superiors.

Report to the Secretary-General

Article 14

If the problem persists, the Committee shall forward a confidential report to the Secretary-General containing proposals on the action to be taken, where appropriate asking him for instructions to conduct a detailed investigation.

Article 15

If it is instructed to carry out such an investigation, the Committee shall forward its findings and any recommendations to the Secretary-General.

Article 16

The Secretary-General shall notify the Committee in writing of the measures he intends to take. The Committee shall inform the parties concerned accordingly; in the case of an investigation pursuant to Article 14 above, the Secretary-General shall notify the parties concerned directly.

Exceptions may be made to this obligation to inform all the parties concerned if the Committee, or the Secretary-General, considers that confidentiality is essential to protect one or other of the parties.

Final provision

Article 17

These rules cancel and replace the rules of 12 July 2004 concerning the Advisory Committee on Psychological Harassment.

Luxembourg, 21 February 2006

Julian PRIESTLEY