



Harassment or sexual harassment at work: what we propose

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At the beginning of the year, we began a social dialogue with the other staff representative organisations and the administration on a new decision being prepared on the subject of moral or sexual harassment at work.

As a reminder, the notion of "harassment" does not cover all difficult situations at work (conflicts, etc.) but refers in particular to situations defined in Article 12a of the Staff Regulations.

Moral harassment is defined as "any abusive conduct manifested in a lasting, repetitive or systematic way by behaviour, words, acts, gestures and writings that are intentional and that undermine the personality, dignity or physical or psychological integrity of a person.

Sexual harassment refers to "conduct with sexual connotations unwanted by the person to whom it is directed and having the purpose or effect of violating that person's dignity or creating an intimidating, hostile, offensive or embarrassing environment.

It should be remembered that, in the case of both mobbing and sexual harassment, the harassment may be perpetrated by the hierarchy, colleagues or even subordinates of the person concerned.

As we can see, these two notions are far from covering all the difficult, harmful or dangerous situations that one may encounter in the context of one's relations with colleagues or hierarchy.

The draft decision proposed by the administration is not lacking in interesting innovations, the most important of which is the creation of a post of "Senior Counsellor" (level equivalent to that of a Director General) within DG HR with the title of "Chief Confidential Counsellor".

Its role, according to what the administration told us, would be not only to coordinate the network of confidential counsellors but also to direct victims of harassment to the bodies capable of helping them, to contact senior management on harassment issues if necessary and to ensure that information on preventing and combating harassment is widely and directly accessible.

This post would be placed under the direct authority of the Commissioner in charge of

human resources (and the incumbent would therefore work independently of the hierarchy of the DG to which he/she reports).

As the aim of social dialogue is to allow trade unions to put forward their proposals or demands to improve the proposed texts, we would like to share with you now, in order to allow you to react and debate, the points that have caught our attention.

This will enable us to take your comments into account during our discussions with the administration and with the other representative organisations.

The areas we propose to improve as a priority are the following:

1. The content of the function of the Chief Confidential Counsellor and the means that will be made available to him/her.

If this role is to be effective, it is essential that its scope for action be as broad as possible. For example, it could make recommendations on the situation in certain departments or even conduct audits on the prevention of harassment. It is also important to provide it with a team and sufficient resources.

2. The integration of anti-harassment into a broader organisational and systemic perspective, with a strong focus on prevention actions.

Harassment concerns a limited number of situations described in Article 12a of the Staff Regulations and which, at least for moral harassment, require an "intentional" character (intention to harm the personality, dignity or physical or psychological integrity of a person). However, it will not escape anyone's notice that what leads to harassment is very often situations of pressure or poor organisation of work which, although not "intentional", contribute to creating a climate that generates an increased risk of the emergence of genuine harassment behaviour. An effective anti-harassment policy cannot therefore avoid, at least in terms of prevention, taking into account issues related to the organisation of work, the layout of the physical space, management and objective-setting methods, etc.

3. Support for victims, irrespective of considerations relating to disciplinary investigations and respect for the rights of the defence and the presumption of innocence.

Conducting an investigation takes time. However, victims of harassment do not have this time and there is often an urgent need to provide immediate support, while being clear that this support does not amount to a declaration of guilt of those accused of harassment.

4. The protection of victims against all kinds of pressure or against any element that could have a dissuasive effect on their efforts to denounce the facts.

Our organisations are regularly approached by people who are afraid to report harassment. The question of their protection against the "reprisals" they fear must be

taken into consideration.

5. The possibility of intervention by "whistleblowers", also in the field of harassment.

In addition to complaints from victims, who sometimes do not dare to come forward, a "whistleblower" procedure should also be put in place, for example through the "Chief Confidential Counsellor".

6. Simplification of the steps to be taken by victims to assert their rights in court.

Victims of harassment have the possibility to request assistance from the institution via the procedure provided for in Article 24 of the Staff Regulations. However, this procedure is perceived as cumbersome and burdensome. A simplified procedure, or even an automatic triggering of the right to assistance by the institution (in particular in the event of recourse to criminal justice) could be put in place. This would also ensure better protection of the right of fellow witnesses to give their testimony freely without being unnecessarily hindered by Article 19 of the Staff Regulations (which prohibits giving evidence in court without the authorisation of the Appointing Authority)

7. Taking into account the diversity and inclusion dimension in dealing with the issue of harassment.

Victims of harassment are of different genders, backgrounds, languages, cultures and status. This diversity should be reflected in the whole harassment policy and, in particular, in the composition of the "support person" teams.

8. Strengthening the independence and means of the investigating authorities.

It is of utmost importance that the procedures are not only conducted independently but also perceived as such. This is a necessary condition to ensure the confidence of the staff. It is therefore necessary to strengthen IDOC's resources in this area and to offer certain investigators specialised training in this field, or even to create a corps of specialised investigators/inspectors within this service. The possibility of involving specialised external investigators in this type of investigation should also be considered.

9. A strengthening of the role and means of the CPPT (Committee for Prevention and Protection at Work) in the fight against harassment

10. Easier access for elected staff representatives and staff representative organisations to detailed statistics on harassment and psychosocial risks Finally, in addition to the various points for discussion and improvement listed above, U4U would also like to see the enhanced anti-harassment approach extended to bodies with a strong link to the Commission, namely the executive and regulatory agencies. We will work towards this, and we want the administration to do the same.