

2.3.4.

INTERNAL RULES ON HARASSMENT AND ITS PREVENTION AT THE WORKPLACE AND ON HARASSMENT COMPLAINTS INVOLVING ACCREDITED PARLIAMENTARY ASSISTANTS AND MEMBERS OF THE EUROPEAN PARLIAMENT

BUREAU DECISION

OF 14 APRIL 2014¹

THE BUREAU OF THE EUROPEAN PARLIAMENT,

- having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 and last amended by Parliament and Council Regulation (EU, Euratom) No 1023/2013 of 22 October 2013, and in particular Article 12a thereof,
 - having regard to the Resolution of the European Parliament of 13 March 2003 on gender mainstreaming in the European Parliament, and in particular paragraph 22 thereof,
 - having regard to Rule 25(2) and (3) of the European Parliament's Rules of Procedure,
- (1) whereas it is in the interest of Parliament to create a working atmosphere which respects the dignity of the individual and promotes the professional and personal fulfilment of its staff,
 - (2) whereas Parliament's existing health promotion network should be strengthened,
 - (3) 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 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions,
 - (4) whereas the Committee has a purely advisory in-house role in preparing the President's decision as to whether harassment has occurred, whereas it is essential for complaints to be considered with the utmost discretion and in full confidentiality, and whereas it is warranted to hear Accredited Parliamentary Assistants and Members alone except where they arrange to be accompanied by a member of the European Parliament's Medical Service,

HAS ADOPTED THIS DECISION:

¹ Amended by the Bureau on 6 July 2015.

Chapter 1

Composition and meetings of the Committee

Article 1

1. An 'Advisory Committee dealing with harassment complaints between Accredited Parliamentary Assistants and Members of the European Parliament and its prevention at the workplace' (hereinafter referred to as 'the Committee') shall be established.
2. The Committee shall comprise five members, nominated by the President of the European Parliament. The chair of the Committee and two other members shall be nominated among the Quaestors. The APA Committee shall appoint a member and the Administration shall be represented by the Chair of the Advisory Committee on Harassment and its Prevention at the Workplace. At least one of the members shall have expertise in equal opportunities and both genders shall be represented within the Committee.
3. The Committee shall be assisted in its work by the Bureau Secretariat. Additionally, two observers shall be appointed by the Medical Service and by the Legal Service respectively.

Article 2

The Committee shall meet when convened by its chair or one of the other Quaestors. It shall be chaired by the chair or, in his/her absence, by one of the other Quaestors. Three or more members of the Committee, including two Quaestors and the member appointed by the APA Committee, shall constitute a quorum.

Chapter 2

Definitions

Article 3

1. '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.
2. '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.

Chapter 3

Tasks of the Committee

Article 4

1. The principal tasks of the Committee shall be to:
 - prevent and/or stop any harassment of APAs of the European Parliament, and
 - play a role of mediation and information
2. In carrying out these tasks, the Committee may report to the President of Parliament at any time and propose prevention, information or training measures.

Article 5

The Committee shall listen sympathetically to any APA 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 6

The Committee shall work with complete autonomy, independence and confidentiality. Its deliberations shall be secret.

Chapter 4

Procedure for resolving cases of harassment

Article 7

Any APA who is experiencing a problem which might constitute harassment as defined in Article 3 above or who considers that a problem of this kind exists in his/her working environment and whose source is an alleged behaviour of a Member of the European Parliament may report the matter to the Committee.

Article 8

The Committee shall hear the APA alone. It may hear other staff members or Members of the European Parliament where considered appropriate for the elucidation of the complaint. The Committee shall also ensure that the Member of the European Parliament against whom a complaint of harassment has been made is heard alone and has an opportunity to put his/her case.

Any person heard may ask for a member of the European Parliament's Medical Service to be present.

Article 9

The APA who feels subjected to harassment must be seen by the Committee within a reasonable period of time after his/her request was sent. If the Committee considers that other staff members or Members of the European Parliament should be heard, it must endeavour to arrange these interviews within a month of its initial meeting.

Chapter 5 Report to the President

Article 10

The Committee shall forward a confidential report to the President containing:

- a description of the allegations,
- the content of the proceedings,
- the conclusions reached, and
- proposals on the action to be taken, where appropriate asking him for instructions to conduct a detailed investigation.

Article 11

If it is instructed to conduct such an investigation, the Committee shall forward its findings and any recommendations to the President.

Article 12

1. In the light of the opinion delivered by the Committee, the President shall take a reasoned decision as to whether or not it has been proven that harassment has occurred. He shall indicate in writing to the Committee the measures he intends to take. He shall inform the parties concerned accordingly. Before taking any decision establishing that harassment has occurred, the President shall hear the Member concerned.
2. Exceptions may be made to this obligation to inform all the parties concerned if the Committee or the President considers that confidentiality is essential to protect one or other of the parties.

3. Where appropriate, the President of Parliament shall impose a penalty on the Member concerned in accordance with Rules 11 and 166 of the European Parliament's Rules of Procedure. The hearing referred to in paragraph 1 shall be deemed to be a hearing within the meaning of Rule 166(1) of Parliament's Rules of Procedure.

Chapter 6 **Amendments to the rules**

Article 13

The committee is responsible for assessing the effectiveness of the procedure defined in this decision. The Chair of the Committee shall regularly inform the College of Quaestors about the functioning of the Committee. On the basis of the experience gained, the Committee may propose amendments to this Bureau Decision.

Chapter 7 **Entry into force**

Article 14

This decision shall enter into force on 6 July 2015. It shall apply to procedures already initiated.