



EUROJUST
P.O. Box: 16183
2500 BD The Hague
THE NETHERLANDS

DECISION OF EUROJUST

on the policy of Eurojust for protecting the dignity of the person and preventing psychological and sexual harassment

EUROJUST,

Having regard to the treaty on the functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Communities (hereinafter referred to as "Staff Regulations") and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as "CEOS") laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 and in particular Articles 1d, 12, 12a, 24 and 90 of the Staff Regulations and Article 11 of the CEOS,

Having regard to Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by Council Decision 2003/659/JHA of 18 June 2003 and by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and in particular Article 30 thereof,

After consultation with the Staff Committee of Eurojust and in agreement with the European Commission pursuant to Article 110 of the Staff Regulations,

Whereas:

(1) Psychological harassment and sexual harassment at work are serious problems that Eurojust strives to stamp out by promoting a culture free of all forms of violence in the workplace in which such harassment is unacceptable.

(2) Psychological harassment and sexual harassment stem from different issues but have certain similarities. An informal procedure common to these two forms of harassment should therefore be opened through the confidential counsellors or the employee relations officer and arrangements laid down applicable to the common formal procedure under Articles 24 and 90 of the Staff Regulations.

(3) Steps should therefore be taken to:

- introduce a common Eurojust policy for the prevention of psychological harassment and sexual harassment;



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- introduce an informal procedure and a formal one relating to psychological harassment,

- take appropriate action (if necessary disciplinary measures), in accordance with the Staff Regulations, against any person who is found guilty of psychological or sexual harassment at the end of a formal procedure.

(4) In the policy, any reference in these rules to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, unless the context clearly indicates otherwise.

HAS DECIDED AS FOLLOWS:

Article 1

The annex entitled "Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment" appended to this Decision is hereby adopted.

Article 2

This Decision shall enter into force on the day following that of its adoption.

Done at the Hague on 31 January 2012

For Eurojust

Klaus Rackwitz

Administrative Director



ANNEX

**EUROJUST POLICY ON PROTECTING THE DIGNITY OF THE PERSON
AND PREVENTING PSYCHOLOGICAL AND SEXUAL HARASSMENT**

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1. INTRODUCTION

As an employer and to protect its staff,¹ Eurojust must respect the dignity of persons in the workplace. It is thus committing itself wholeheartedly to preventing harassment and to condemning any behaviour that results in harassment. It is important to identify and put a stop to such situations as they always have a serious impact and cause grave distress.

All staff working for Eurojust must refrain from any form of psychological or sexual harassment. Managers (at both middle and senior level) play a key role: it is their job to cultivate a working environment that is not conducive to psychological or sexual harassment, or at least one in which either can be dealt with as swiftly as possible if it arises.

The purpose of this document is to set up a policy on the prevention of both psychological and sexual harassment by taking into account the relevant provisions set out in the Staff Regulations (Articles 1d, 12, 12a, 24 and 90) and the CEOS (Article 11). In particular, this policy gives any post-holder who feels himself to be the victim of harassment access to the informal procedure and gives details of the arrangements applicable to the formal procedure which may be initiated in the event of harassment. Post-holders are defined as national members, their deputies and assistants, Eurojust staff, interims, stagiaires, seconded national experts and any other person working for Eurojust.

2. SCOPE

The goals of the Eurojust harassment-prevention policy are:

- to promote a culture in which psychological harassment and sexual harassment, like any other forms of violence in the workplace, are considered unacceptable and are neither tolerated nor ignored;
- to introduce a policy that prevents psychological harassment or sexual harassment by raising awareness among staff and providing information, training and counselling;
- to introduce simple and effective procedures to protect the dignity of each post-holder working at Eurojust;
- to take appropriate action (if necessary disciplinary measures), in accordance with the Staff Regulations, against any post-holder who is found guilty of psychological or sexual harassment.

¹ According to Article 30 of the Eurojust Decision, the definition of staff also includes Seconded National Experts (SNEs).



3. DESCRIPTION

Psychological harassment and sexual harassment stem from different issues but have certain similarities. In some cases these two forms of harassment may be closely linked. Offensive conduct of this type often stems from abuse of power or maliciousness, and can be perpetrated by both individuals and groups. Harassment, be it psychological or sexual, may come from post-holders on an equal footing, as well as superiors and subordinates. The Staff Regulations explicitly condemn any form of psychological or sexual harassment by a staff member.

3.1. Psychological harassment – definition

Under Article 12a(3) of the Staff Regulations, 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."*

Psychological harassment can manifest itself in various forms, in particular by:

- threatening, unsettling or degrading physical behaviour and gestures;
- offensive or degrading comments - in particular in public -, bullying, antagonism, pressure, offensive behaviour, even refusal to communicate;
- insults relating to someone's personal or professional competence;
- insulting or threatening remarks, both oral and written;
- belittling someone's contributions and achievements;
- being isolated, set apart, excluded, rejected, ignored, disparaged or humiliated by post-holders;
- impairing social relations;
- setting manifestly unattainable working objectives;
- not giving someone any work, or systematically giving him work which does not meet his job description.

Such behaviour, while unacceptable, may in isolation appear of little consequence. When occurring on a regular basis, however, such conduct can cause serious harm to the post-holder to whom it is directed.

Some kinds of behaviour may hurt certain people without constituting psychological harassment. A remark, a dispute, a clash of personalities at work, a management decision which is difficult to accept (allocation of new tasks, for instance), a duly substantiated negative assessment, even repeated, cannot therefore necessarily be considered psychological harassment.



3.2. Sexual harassment – definition

Under Article 12a(4) of the Staff Regulations, 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 may take various forms (physical, verbal, written or other) and involve persons of the opposite sex or same sex. The essential characteristic of sexual harassment is that it is unwanted by the recipient; it is therefore for each individual to determine what behaviour is acceptable to him and what he regards as offensive. Sexual attention becomes sexual harassment if it is persisted in once it has been made clear that it is regarded by the recipient as offensive. Unlike psychological harassment, a single incident may however constitute sexual harassment if sufficiently serious. Anyone who behaves this way knows or should know that it affects the dignity of women and men in the workplace. Sexual harassment is also treated as discrimination based on gender (Article 12a (4) of the Staff Regulations).

Various types of behaviour can be considered sexual harassment, such as:

- promises of some kind of reward (favourable career moves, etc.) in return for sexual favours or threats of reprisals if such requests are turned down;
- repetition of coarse or suggestive remarks, or sexual innuendo;
- use of crude and obscene language and gestures;
- repeated and exaggerated compliments on the appearance of a colleague;
- physical contact, rubbing against someone, pinching, deliberate unwanted kisses;
- acts of voyeurism or exhibitionism;
- use of pornographic material.

3.3. Consequences of conduct constituting psychological or sexual harassment

Psychological harassment or sexual harassment might have various consequences for the post-holders who suffer from or feel subjected to either:

- they become isolated and social relationships tend to deteriorate;
- they make more and more mistakes, can no longer concentrate, become less productive, are demotivated, etc.;
- their professional development is hindered, career jeopardised, their very job put on the line;



- they suffer from mental and physical health problems such as stress, anxiety, shame, demoralisation, humiliation, disorientation, somatic disorders, depression or increasingly serious physical and psychological disorders, which may, in extreme cases, lead to suicide.

The adverse consequences do not just affect the victims, but also impact on other post-holders and the institution itself.

3.4. The concept of “victim” in the context of psychological or sexual harassment

Where the complaint of psychological harassment is dealt with at an informal level, the aim is to provide psychosocial assistance to alleged victims. Harassment is subjective and depends on the situation as perceived by the relevant person. The key characteristic of psychological harassment in this case is that the person subject to it considers it as undesirable conduct.

At a formal level, in line with the Staff Regulations, psychological harassment will however only be considered to occur if the conduct of the alleged harasser is regarded as abusive, intentional, repetitive, sustained or systematic and intended, for instance, to discredit or undermine the person concerned. These criteria are cumulative. Objective facts will help verify whether these criteria have actually been met, in which case the complainant will be considered a victim.

The formal definition of sexual harassment in the Staff Regulations covers the subjective perception of such behaviour (unwanted conduct).

A fundamental legal distinction must be drawn between a person who feels that he is the victim of harassment and one who has actually suffered harassment and is therefore recognised as a victim on the basis of proven facts, having gone through the formal procedure. No stage of the informal procedure may prejudice the outcome of the formal procedure.



4. GENERAL PRINCIPLES FOR DEALING WITH REQUESTS FOR ASSISTANCE

4.1. Principle of prevention

The policy on psychological and sexual harassment is based on an overall plan of preventive measures, comprising a number of different stages.

Specific prevention consists of developing a strategy of information and training, both individual and collective, to avoid or reduce the risk of psychological or sexual harassment, notably by detecting recurrent cases.

4.2. Principle of equal treatment

As an employer and pursuant to the duty to have regard to the welfare of staff, Eurojust must guarantee that its staff members are treated in all circumstances with respect and dignity.

Each and every post-holder working at Eurojust, regardless of grade or contract of employment (this includes the stagiaires and all those working on a contract under national law),² has the right to point out a situation of harassment, where he considers himself to be the victim or to which he was witness, to a confidential counsellor, the employee relations officer or his hierarchical superior.

4.3. Principle of protection of the alleged victim and the possible witness

The policy to combat harassment is a protection tool for persons employed within Eurojust. In this context, the alleged victims and the possible witnesses will benefit from Eurojust's protection, provided for by Article 24 of the Staff Regulations and Article 11 of the CEOS.

Moreover, Article 12a of the Staff Regulations and Article 11 of the CEOS foresee that: *"An official who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution. An official who has given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution, provided the official has acted honestly."*³

² The decision shall apply to visitors by analogy.

³ Regarding the practical implementation of the principle, please see paragraph 6.4. below.



4.4. Principle of confidentiality

The Administration of Eurojust guarantees confidentiality during and after the informal procedure as well as during and after the formal procedure. Compliance with the legislation on the protection of personal data⁴ applies to both the formal and informal procedures.

In particular, all the information provided to the employee relations officer, confidential counsellors, Heads of Units, line managers, National Members and post-holders in general shall be considered and treated as confidential, even after the informal or formal procedure has been closed.

4.5. Principle of the presumption of innocence

The presumption of innocence is fully guaranteed to alleged harassers all along the procedure.

4.6. Principle of promptness

In both the formal and informal procedures, all requests for assistance by a post-holder complaining of psychological or sexual harassment will be dealt with as expeditiously as possible. However, if an administrative inquiry is opened as part of the formal procedure, the timeframes for handling the request will be longer.

4.7. Principle of precaution

Where there are signs of psychological or sexual harassment, Eurojust may separate the parties in conflict for precautionary reasons, either in the case of a formal procedure, or at the request of the counsellor or the immediate superior, according to the conditions foreseen in point 6.4.

4.8. Principle of information and training

Information to staff shall consist of:

- awareness campaigns, including talks, discussions, workshops, brochures and posters explaining to staff the policy of Eurojust on preventing

⁴ Articles 14, 17 and 19 to 24 of the Eurojust Decision as amended by the Council Decision 2009/426/JHA of 16 December 2008; Rules of Procedure on the Processing and Protection of Personal Data at Eurojust of 24 February 2005 (OJ C68/01 of 19.3.2005); and Additional Rules defining some specific aspects of the application of the rules on the processing and protection of personal data at Eurojust to non case-related operations (adopted by the College of Eurojust on 27 June 2006).



- psychological and sexual harassment (understanding the various forms of violence at work, spotting problem behaviour, etc.);
- the provision of clear and precise information to assist staff in finding out quickly and easily how to obtain support, advice and guidance and how to lodge a complaint.

The training plan to support a policy of prevention of psychological and sexual harassment includes:

- raising the staff's awareness of psychological and sexual harassment issues when they join the service;
- the management's participation in specific training and seminars to improve the awareness of psychological and sexual harassment issues and to assist it in managing such situations. Heads of Units are strongly encouraged to attend such courses;
- specific training courses on psychological and sexual harassment issues for staff and particular target groups as and when required;
- specific training courses, in the interest of the service, for all confidential counsellors.

5. PARTIES INVOLVED

5.1. Human Resources Unit

The Human Resources Unit is responsible for drawing up and monitoring the implementation of the policy on psychological and sexual harassment.

The employee relations officer is the contact person in the Human Resources Unit. All post-holders can approach the employee relations officer for information, policy and procedures on psychological or sexual harassment, and to contact the confidential counsellors (see point 6.2. for details).

The employee relations officer shall, throughout the procedure, be strictly bound by the duty of confidentiality, not reporting any detail to any colleague.

The employee relations officer will oversee initiatives allowing the implementation of the informal procedure and various aspects associated with the operation of the confidential counsellors, including allocating the cases of psychological or sexual harassment submitted to him to specific confidential counsellors. He will provide an overview of cases submitted to confidential counsellors, in accordance with the relevant manual of procedure.



Subject to the agreement of the alleged victim, the employee relations officer is entitled to contact any relevant service (e.g. the Eurojust medical service) to deal with a submitted case. The employee relations officer is also entitled to deal with any relevant sector such as the Training sector and the Press Office to prepare for the development and the implementation of this policy (including but not limited to: training measures, information campaigns and co-ordination of the prevention plan).

5.2. Confidential counsellors

Confidential counsellors are in principle Eurojust staff but may exceptionally be outsiders. In light of the anonymous information provided by the internal confidential counsellor to the employee relations officer, the latter may decide that the seriousness of the situation justifies the use of an external confidential counsellor.

The confidential counsellors operate within the context of the informal procedure (see point 6.2.). They are available to both complainants and alleged harassers.

The confidential counsellors cannot act without the consent of the alleged victim or harasser except in cases of emergency or serious health risk for one of the parties involved.

The Units and National Desks are advised to take account of the tasks of the confidential counsellors and to assist them in carrying out their duties to the greatest possible extent (for instance, by giving access to meeting rooms).

The appointment of internal confidential counsellors is based on an open call for applications that includes selection criteria (e.g. prior training, necessary seniority, any exclusion criteria, etc.) that will be advertised to all staff. Confidential counsellors are selected by a panel composed of the Head of the HR Unit, the employee relations officer and two members of the Staff Committee. The panel's choice is submitted to the Appointing Authority who officially appoints the confidential counsellors.

The employee relations officer will ensure, if the organisation of Eurojust so permits, a broad representation of the various categories of post-holders. It will also ensure a gender balance. Counsellors are to be appointed on a voluntary basis and their appointment will last two years, renewable once, to ensure continuity. Before being appointed, counsellors will receive special training in targeted modules. They will subsequently receive ongoing training and appropriate supervision for such counselling work.

The role of confidential counsellors may exceptionally be outsourced to a specialised private company, which ensures confidentiality and the



perception of professionalism and objectivity in light of the seriousness of the situation. When selecting this company, gender balance will be ensured.

5.3. Heads of Units and line managers, and National Members

Heads of Units and line managers and National Members are in principle the first people who may be contacted by anyone encountering psychological or sexual harassment. Responsibility for actively promoting and applying this policy lies with them, since they represent the tier of management that is in direct contact with staff. It is up to them to take steps to prevent psychological or sexual harassment, raise awareness and inform their staff of existing procedures, and play a role in any transfer of staff that may be required. In case they are informed of a case of harassment, they must also, in close collaboration with the various parties, ensure the rapid and fair handling of any incident or complaint.

5.4. Post-holders

Each and every post-holder working at Eurojust, regardless of his function group, grade or contract of employment may, if he feels that he is the victim of psychological or sexual harassment by another post-holder of Eurojust, initiate an informal procedure. However, only staff members covered by the Staff Regulations⁵ and Seconded National Experts have access to the formal procedure, as described by point 6.3.

Any person not covered by the Staff Regulations, working on a contract under national law (e.g. interims) and wishing to lodge a complaint concerning psychological or sexual harassment against a staff member may do so under the national legislation. However, they may also bring the events which are the subject of their complaint to the attention of the Appointing Authority. If the information provided is sufficiently serious, an administrative inquiry may be opened. This paragraph also applies to stagiaires at Eurojust.

Any post-holder who is made aware of, or is a witness to, conduct which appears to be improper according to the above descriptions has both the right and the duty to so inform whichever of the above-mentioned parties mentioned (the employee relations officer, confidential counsellors, Heads of Units, line managers or National Members). They are also obliged to cooperate in the smooth running of all enquiries carried out as part of the formal procedure.

⁵ Staff covered by the Staff Regulations refers to staff covered by the Staff Regulations and the CEOS (temporary and contract agents).



6. PROCEDURES FOR DEALING WITH PSYCHOLOGICAL AND SEXUAL HARASSMENT CASES

6.1. General advice

Some people are not always aware of the impact of their behaviour. If a certain type of conduct is felt to be inappropriate or embarrassing, it is advisable to make this clear. In the event of sexual harassment in particular, ambiguous behaviour should be set straight. It is important to react immediately, setting limits politely but firmly. In some cases, simply making it clear that the victim of such conduct finds it offensive and liable to undermine his performance at work or even health could be sufficient to put an end to the situation.

If unwanted behaviour continues, a written record should be kept of all incidents: dates, circumstances, description of events, potential witnesses, personal reactions at the time and afterwards, any psychosomatic consequences.

Any person who feels that he is the victim of psychological or sexual harassment is entitled to submit a request for assistance either informally (all post-holders) or formally (staff members only). As a first step, staff is strongly advised to seek resolution of the problem through conciliation, via the informal procedure, with the assistance of a confidential counsellor. Anyone who feels that he is the victim of psychological or sexual harassment is, however, free from the outset to initiate a formal procedure under the Staff Regulations involving longer timeframes.

The informal procedure can also lead to a formal procedure if finding a solution proves impossible.

Development into the formal procedure is understood to automatically involve closure of any informal procedure underway. The advantage of the informal procedure over the formal procedure lies in the possibility of finding an amicable solution and possibly avoiding a formal procedure. The advantage of the formal procedure is that it establishes the facts and, on the basis thereof, ends in the potential adoption of a penalty against a person found guilty of psychological or sexual harassment at the end of a disciplinary procedure.

Any post-holder accused of psychological or sexual harassment may at all stages request information (e.g. on current policy or procedures to be followed) or advice from the employee relations officer who may usefully advise the alleged harasser of the options for resolving the conflict, depending on the seriousness of the accusations.



6.2. Informal procedure

Post-holders who feel they are victims of harassment may go through the informal procedure with the assistance of confidential counsellors. Depending on the case, emergency measures may be considered.

The informal procedure allows monitoring and may lead to an amicable resolution. However, it does not involve formal establishing of the facts or the application of penalties; this is done in the formal procedure.

Any post-holder who feels that he is the victim of psychological or sexual harassment may contact a confidential counsellor by:

- contacting the employee relations officer, in one of two ways:
 - either calling the telephone number published on the Eurojust intranet, or
 - sending an e-mail to the address published on the Eurojust intranet, only accessible to the employee relations officer.
- contacting the internal confidential counsellor of his choice directly by consulting the list published on the Eurojust intranet

The employee relations officer may first inform the post-holder about his rights, explain the procedure and direct the alleged victim towards a confidential counsellor who possibly meets the key criteria (such as language and gender) to the extent possible.

The first objective of the confidential counsellor is to recognise and alleviate the alleged victim's suffering by meeting and listening to him without preconceptions and without passing judgment.

The confidential counsellor will therefore:

1. inform the alleged victim of the existing procedure and of his rights;
2. accompany and guide the alleged victim, examining with him the various options and structures which will assist in finding a satisfactory solution to the problem (directing him towards and placing him in contact with the Eurojust doctor, for instance), via the employee relations officer.

Any action taken by confidential counsellors in the informal procedure may only be carried out with the prior agreement of the alleged victim and must remain within the framework of the mandate given to them. Confidential counsellors provide anonymous information about the nature of the situation to the employee relations officer who shall convey it to the Administrative Director.



The confidential counsellor may meet the other party - with the prior consent of the alleged victim - and play a conciliatory role in an attempt to reach an amicable solution.

In all cases, confidential counsellors shall strive to listen carefully to the two parties, remain objective, clarify the facts and ensure good communication.

Confidential counsellors must deal with the problem within one month of being consulted. This period may be extended to two months if necessary. If no solution can be found within this period, the "case" shall be closed. Counsellors may propose that the alleged victim lodge a formal complaint (see point 6.3.).

6.3. Formal procedure

Any Eurojust staff member who feels that he is the victim of psychological or sexual harassment is entitled under the Staff Regulations to initiate a formal procedure. This can be done (a) immediately, without first going through the informal procedure, or (b) in the course of⁶ or at the end of the informal procedure.⁷

A formal procedure can be initiated on the basis of a request for assistance under Article 24 of the Staff Regulations (concerning the obligation to assist the staff). Requests for assistance must be submitted to the Appointing Authority.⁸

Any person who feels that he is the victim of sexual or psychological harassment bears the onus of proving it. He shall provide all details which might support his allegations. A degree of evidence is required. It is however enough for the complainant to establish at least *prima facie* evidence of the reality of attacks of which he claims to have been the subject.⁹

The Appointing Authority may then instruct that an administrative inquiry be carried out to determine the facts of the case and apportion any responsibility. If a formal procedure is opened and if it is in the interests of

⁶ Proceeding to the formal procedure implies the automatic closure of any pending informal procedure.

⁷ All post-holders can also appeal to the applicable national law, in which case Article 25 of Annex IX to the Staff Regulations applies.

⁸ See appended annex III.

⁹ *Marcuccio v. Commission* [2009], Case F-86/07, para. 47; *Campogrande v. Commission* [2000], Case T-136/98, para. 42, *L. v. Commission* [2005], Case T-254/02, para. 84 ; *Lo Giudice v. Commission* [2007], Case T-203/03, para. 136; *Klug v. EMEA* [2008], Case F-35/07, para. 76.



the service, the employee relations officer may inform the relevant Units/line managers or National Desks.

The request is presumed to be implicitly rejected if the complainant does not receive a reply after four months from the date of its notification.¹⁰

If the request is rejected, either explicitly or implicitly, the complainant can, where appropriate, lodge a complaint under Article 90(2) of the Staff Regulations and – if this is also rejected – submit an appeal to the Civil Service Tribunal.

If the Administration has ordered/instructed that an administrative inquiry be carried out to determine the facts at the basis of the request in collaboration with the complainant, such request shall be deemed to have been followed up on and not implicitly rejected.

The staff member bringing a complaint of psychological or sexual harassment may be accompanied at the hearings by a person of his choice, provided that such person will not be called as a witness in the course of the inquiry.

At the end of the administrative inquiry, a report shall be presented, proposing either that the case be closed without further action or that disciplinary proceedings be opened. In the latter case, the Appointing Authority may decide, once it has heard the relevant persons, to open disciplinary proceedings and apply the ensuing penalties if it finds a wrongful act.¹¹

If the misconduct involves repeated action or behaviour, this will be taken into account in determining the seriousness of the misconduct and deciding on the appropriate disciplinary measure.¹² In case the harasser holds a hierarchically superior post to the victim, this factor should also be considered for the same purposes.

If the procedure results in the recognition of psychological or sexual harassment, the victim(s) will receive compensation for the damage suffered under the terms set out in Article 24(2) of the Staff Regulations, where appropriate.

If the procedure ends in no action, all those who have been interviewed shall be informed. If the complaint proves to have been formulated in an abusive manner or in bad faith, the Appointing Authority may take disciplinary

¹⁰ See Court judgment in Case T-254/02 L v Commission, point 105 and other references.

¹¹ See Article 86 and Annex IX to the Staff Regulations.

¹² See Article 10(h) of Annex IX to the Staff Regulations.



measures, either on its own initiative or at the request of the wrongfully accused person.

The role of the confidential counsellors is limited to providing support to the alleged victim. Under this procedure and depending on the requirements of the inquiry, confidential counsellors may also be called as witnesses to testify to facts relevant to the inquiry of which they have been informed during the informal procedure.

6.4. Emergency measures

The main concern of any victim of psychological or sexual harassment is to stop the harassment as expeditiously as possible. Where there are signs of psychological or sexual harassment, one option which may be envisaged as an emergency measure is to transfer one of the parties (within the Unit or National Desk or to another Unit or National Desk). This measure may take the form of a transfer in the interests of the service and involve the victim (preferably with his agreement) or the alleged harasser (following an interview with the Appointing Authority). The aim of such measure is to separate the two parties. This may be suggested to the Appointing Authority by confidential counsellors or requested directly by one of the parties.

Emergency measures, which must be adapted to each particular situation, can be taken immediately. These are precautionary measures designed to put an end to a given situation. They are also intended to give the victim a chance to recover. These measures may also be taken within the framework of the formal procedure, at the request of the alleged victim or at the initiative of the Appointing Authority.

6.5. Recurrent cases

Requests for assistance from several post-holders involving the same person are to be considered alarming. Requests for assistance from the same post-holder involving various persons are also to be handled with particular attention. These will be brought to the knowledge of the Appointing Authority by the employee relations officer and only with the consent of the alleged victims. The Appointing Authority will decide on the most appropriate action to be taken, including launching the procedures provided for in Annex IX to the Staff Regulations.



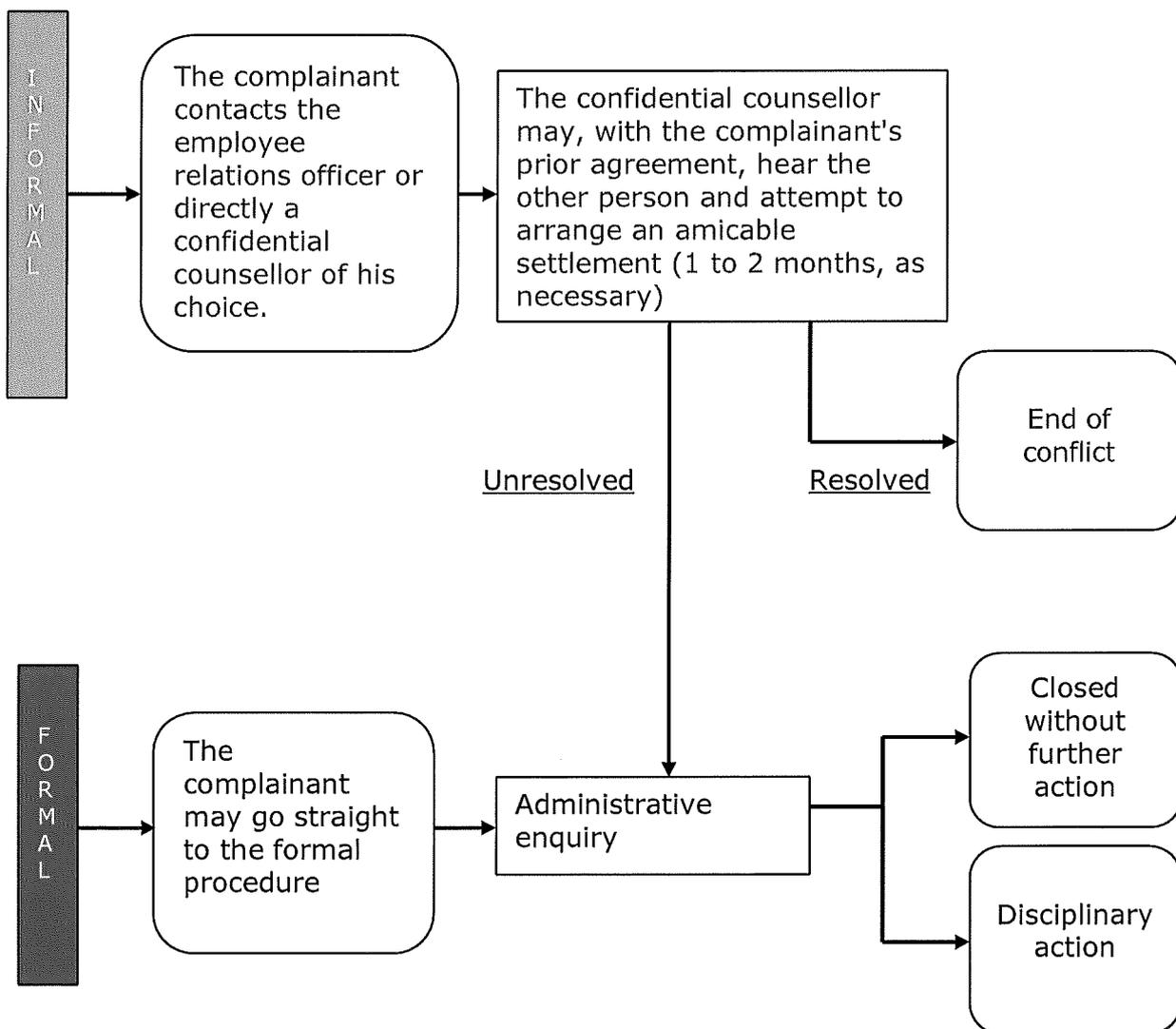
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7. EVALUATION AND INDUCTION MATERIAL

The Human Resources Unit will monitor this policy. In this context, an annual activity report containing statistics will be prepared with the support of the confidential counsellors and co-ordinated by the employee relations officer. It will be submitted to the Human Resources Unit and the Administrative Director. Two years after the implementation of this policy, an ex-post evaluation and a survey of staff will be carried out.

This policy will form part of the induction material provided to new post-holders at Eurojust and an awareness session shall be included in the information sessions to new staff.

ANNEX I: Outline of procedures on psychological and sexual harassment





ANNEX II: Your rights and responsibilities

A. If you feel you are the victim of psychological or sexual harassment

YOU ARE ENTITLED

- to be heard within the informal procedure by contacting the employee relations officer or a confidential counsellor of your choice, uncritically and under the strictest confidentiality;
- to be certain that the confidential counsellor will not take any steps without your agreement;
- within the context of the formal procedure, to submit a request for assistance to the Appointing Authority without embarrassment or fear of reprisals or indiscretions;
- to be accompanied by a person of your choice during meetings with investigators;
- to be assured of a fair and impartial investigation;
- to be informed of the result of the investigation and, where applicable, of the measures that will be taken.

YOU MUST

- within a reasonable period of time, make the person you are accusing aware of your disapproval or unease, where necessary with the assistance of a confidential counsellor;
- keep a written record of all incidents;
- co-operate with those in charge of the investigation into your complaint.

B. If you have been accused of psychological or sexual harassment

YOU ARE ENTITLED

- to contact, if necessary at the informal procedure stage, the employee relations officer or your hierarchical superior to advise you and assist you uncritically and under the strictest confidentiality;
- to be informed that an official complaint has been lodged against you, receive a copy of that complaint and have the opportunity to comment on it;
- to be accompanied by a person of your choice during meetings with investigators;
- to be assured of a fair and impartial investigation;
- to be informed of the result of the investigation and, where applicable, of any measures taken.

YOU MUST

- keep a written record of all incidents;
- co-operate with those in charge of the investigation into the complaint against you.



ANNEX III: Complementary information form to be attached to the request for assistance

Subject: Your request for assistance pursuant to Article 24 of the Staff Regulations regarding alleged psychological harassment

1. Article 12a of the Staff Regulations provides the following definition of psychological harassment: *'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.'*

Does the request that you submitted on 00/00/00 fit this definition? If so, please explain why and identify the facts which, in your opinion, meet this definition (in particular with regard to the persistent, repetitive or systematic nature of the alleged behaviour).

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2. Does your request for assistance refer to the dealings of a person or of a group of persons? Please identify the authors in as far as these persons or this group are not clearly identified in your request.

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3. Since when do you consider to have been harassed?

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4. Which form did the harassment of which you were allegedly a victim take? Please identify the attitudes or behaviour which, in your view, would amount to harassment against you (for instance, to be denigrated systematically in the presence of colleagues, to be overburdened with work or to have all assignments taken away from you, to receive unrealistic objectives, to be given constantly changing deadlines or priorities, etc.).



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5. Do you consider yourself to be the only person in your Unit to have been the target of the same behaviour that you complain about? If not, could you please identify the other victim(s) and state whether (s)he/they might be prepared to corroborate your allegations?

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6. Please provide solid evidence of the behaviour or attitude that you complain about (for instance, notes, e-mail messages, persons who are in a position to corroborate your statements, etc.).

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7. Is there any other element which you deem to be useful in dealing with your request for assistance?

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8. Before lodging your request for assistance, did you informally contact one or several colleagues who is/are member(s) of the 'network of confidential counsellors'? If you did, are there any elements in that connection which you deem to be useful for dealing with your request for assistance? Do you wish that this/these colleague(s) be contacted for the sake of better assessing your current request for assistance?

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