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ZERO HARASSMENT IN THE WORKPLACE

A guide for Members of the European Parliament



European Parliament

ADVISORY COMMITTEE
DEALING WITH HARASSMENT COMPLAINTS
BETWEEN APAs AND MEMBERS

Members of the European Parliament, as directly elected representatives of European citizens, have a special responsibility which relates also to their irreproachable conduct in carrying out their duties. This entails that they must pay special attention to their conduct towards their staff ensuring that this is appropriate and respectful at all times. This brochure, entitled "Zero harassment in the workplace – a guide for Members in the European Parliament" can be an important tool in our collective effort to prevent and address harassment behaviour. The European Parliament, as an institution, can set an example and bring awareness to this issue and ensure that employers, including MEPs, make use of the resources available to them to develop their team management skills to prevent conflict and harassment in the workplace.

Antonio TAJANI

President

Having a good team to support his or her work allows a Member of the European Parliament to be a strong politician. Each Member manages a team with whom he or she must work in full trust. As Quaestor with responsibilities for harassment resolution and conciliation in dismissal procedures, I have been asked to solve a large number of conflict relationships between Members and their APAs. However, I believe that it can be avoided that these working relationships degenerate, creating poor working conditions for both sides, ultimately at the prejudice of the Member's work as a politician. I am convinced that the European Parliament should be a model employer for the benefit of all European citizens. I hope therefore that this guide will be useful for all Members to help them prevent and better manage conflict and harassment.

Elisabeth MORIN-CHARTIER

Quaestor

Chair of the Advisory Committee dealing with harassment complaints between APAs and Members

The aim of this flyer is, on the one hand, to inform you, as Member of the European Parliament, **how to avoid improper behaviour towards your staff that might escalate into a conflict situation** which may be perceived by your staff, including your accredited parliamentary assistants (APAs), as harassment and, on the other hand, **how to handle the situation should you be involved in a harassment procedure.**

This flyer was developed by the Advisory Committee dealing with harassment complaints between APAs and Members and its prevention at the workplace and was endorsed by the College of Quaestors on 13 December 2016.

YOUR ROLE AS A MEMBER IN CHARGE OF A TEAM

You, as a Member of the European Parliament, select staff, in particular APAs, to work for you in your office to provide support to fulfil your mandate in the European Parliament. Members enjoy substantial leeway in selecting their staff. The contract with the selected APAs is then concluded with the European Parliament. APAs therefore become staff of the European Parliament and enjoy the rights and have to respect the duties provided for in the Staff Regulations.

While Parliament is the formal employer of APAs, each Member is exclusively responsible to decide how to organise the work in his or her office and enjoys a large degree of autonomy in doing so. Therefore, the triangular contractual relationship between the European Parliament, the Member and the APA does not discharge the Member from the responsibility of properly managing his or her office. Even though some Members may prefer to delegate the staff management to a senior APA, **each Member remains fully responsible for the working conditions in his or her office.**

It is therefore important that you take your role of team manager seriously and adopt appropriate initiatives to ensure proper working conditions in your office and to **avoid improper behaviour** which might lead to conflict relationships.

The APAs enjoy the same rights as other staff members of the European Parliament and can therefore legitimately expect to **be treated with**

professionalism, dignity and respect when carrying out their work. The APAs also have the right to benefit from protection against harassment and Parliament, as the formal employer, has a duty of care and protection towards APAs in this regard.

In order to facilitate a ZERO harassment working environment, it is important to focus on prevention.

PREVENTING CONFLICT AND HARASSMENT

PREVENTING CONFLICT STARTS BY A PROPER RECRUITMENT PROCEDURE

It is important to do your utmost to select the right candidates in terms of experience and personality to suit your needs as a Member of the European Parliament. Therefore the methodology you choose for this selection procedure will have a significant impact on the result of the selection. Sharing the same political affiliation is not a guarantee that you will work well together.

Based on previous experience of Members in the European Parliament and considering some widely accepted best practices on management, you could consider the following procedure when selecting your team, in particular your APAs:



- **prepare a non-exhaustive job description:** of course you do not know at the beginning what your mandate will require you to deliver and any staff job description will have to be flexible to adapt to your evolving needs; however, certain tasks will always be needed (such as certain administrative tasks like managing the Member's agenda and travel arrangements); **some APAs start with unrealistic expectations about what their job entails and this can create problems subsequently, as they feel disappointed** with the tasks they have to perform; a non-exhaustive job description can set more realistic expectations; ask DG PERS¹ for the existing sample functions exercised by APAs which you can adapt to your needs;
- **organise a call for applications:** publicise your vacancy where you deem relevant to get as many candidates as possible for you to choose from; **the more candidates you have to choose from, the higher your chances to find someone who will suit you** in terms of experience and personality;
- **hold job interviews personally:** once you have selected a short list of candidates on paper, **take the time to meet them personally; it is important to check whether the personality and attitude of the potential staff member will suit your personal needs** and character; it is important also to let them know what you expect from them in terms of work (non-exhaustive job description), in terms of availability and in terms of attitude;
- **provide in the beginning for a 12- month only contract:** although you are free to request Parliament's administration to establish from the beginning a contract for your staff covering your full term of office, it might be wise to provide for a 12-month only contract in the beginning; once the contract has been signed for a certain period, **you need to invoke substantial reasons, supported by evidence, to put an end to the contract before the end of that period;** in fact, according to settled case law, you need proper grounds for dismissing an APA; therefore, consider providing for a short contract at the beginning where you will be able to check whether this person is, in practice, right for you.

1 Please contact: AssistantsMEPRecruit@europarl.europa.eu.

PREVENTION CONTINUES WITH GOOD MANAGEMENT OF YOUR TEAM THROUGHOUT YOUR MANDATE

You have been elected for your political skills and expertise in specific policy areas. However, **you will also have to develop team management skills**. If necessary, consider attending the specific in-house training on “Management skills for Members of the European Parliament” which could prove extremely useful for you. Since you are also entitled to a training budget, you could also enrol in an external training.

You will find below some hints on how to properly manage your office. Think about them throughout your mandate:

- **always use a decent and civilised language** to speak with your staff; while the level of familiarity used might depend on nationalities and even political affiliation, always aim for a language acceptable to all and do not assume that vulgar or sexist language is acceptable; in doubt, remain conservative in the language used; **mutual respect is always appropriate irrespective of your nationality and political affiliation;**
- **do not use rude language or insults** towards your staff, do not shout at your staff: it is never acceptable;
- **avoid comments on your staff’s physical appearance**, whether positive or negative: it might not be well interpreted or perceived;



- **avoid negative comments, cynicism and sarcasm** on your staff's intellectual capacities: it will not be well perceived and even if it makes you feel good on the spot, you will lose in the medium and long term;
- **inform your staff** from the outset and regularly about how you want the work to be organised in your office, what your working methods are and the values to want to be respected; this could be done in a team meeting and individually with each staff member;
- **have a clear vision of how work is shared among the staff** and, if possible, a competence list for each staff member; while you are free to distribute the tasks among your staff as you prefer, do not take away high-profile duties from a staff member in a way that might be perceived as an unjustified downgrading; keep the communication rolling and explain why you are changing the task attribution;
- your parliamentary staff is here to support you in your parliamentary work: **do not give your parliamentary staff duties lying outside the scope of your mandate**;
- **be clear, concise and specific when requesting work** from your staff; allow for - and even stimulate - questions to be asked; check in a non-patronising way whether the request has been understood;
- think about whether your orders given to one staff member might be perceived as contradictory to any others given before and explain possible links between the tasks;
- **do not give contradictory orders** to several staff members to put them in competition with one another;
- **give feedback regularly** to each staff member individually and in private; if it is negative, do not give it in front of the others to shame the person; allow for questions to be asked; avoid criticism in public;
- **be careful with the workload of your staff**: as a Member of Parliament, you will have a lot of work; do not put an excessive workload on your staff, respect meal breaks and do not require excessively long working hours on a regular basis; systematically requesting availability 24/7 is not admissible; contacting your staff after their working hours should remain exceptional;

- **have clear guidelines about taking holidays**, be fair with each staff member and do not refuse leave without a proper justification;
- **respect your staff's private life**: how your staff spends their evenings, weekends and holidays or what they write on social networks is not your business, as long as it does not affect your work and reputation; consider preventively establishing guidelines for your office about what is appropriate and not to share on their private social media accounts about work-related matters;
- **respect your staff's medical appointments and sick leave** by not requesting them work-related questions during these periods; if you suspect a staff member's sick leave is not medically justified, you can ask the Medical Leave Service (MLS) to check²; if the MLS doctor confirms the sick leave is justified, it is not acceptable to question it further;
- **be open to discuss existing problems** with your staff and to suggest concrete solutions to conflicts; it is not a waste of your time, it is an investment in getting your work well-done;
- **if a staff member lets you know that he or she is perceiving your behaviour as offensive, take it seriously** and attempt to resolve the problem; communicate actively with the staff member concerned and make him or her understand that you take the problem seriously; propose concrete suggestions for a solution and monitor how the situation evolves over time;

2 Please contact the Medical Leave Service : absencesmedicales@europarl.europa.eu.



- **intervene immediately if you identify any inappropriate behaviour among your staff** (sexist jokes, vulgar acts, insults, gestures, etc.). You are ultimately responsible for ensuring each staff member behaves well towards the others; make an effort to be alert to the existing atmosphere in your office, **do not try to run away from your responsibilities by ignoring a situation.**

IF YOU FEEL THE WORKING ATMOSPHERE IS TENSE OR YOU ARE ACCUSED OF HARASSMENT, ASK FOR HELP

You are not alone if you feel the working atmosphere in your office is deteriorating and you want to do something to improve this situation.

Often conflict relationships and the feeling of being harassed lead to psychological suffering and even physical symptoms. You can always **turn to the Medical Service³** which has doctors, nurses, psychologists and social workers experienced in professional-related illnesses and loss of well-being for advice.

If you are confronted with rumours or accusations of inappropriate behaviour and harassment from your staff and you feel unable to resolve the problem alone, **you may seek help from one of the members of the Advisory Committee dealing with harassment complaints between APAs and Members** of the European Parliament and its prevention at the workplace⁴.



3 Please contact the Brussels Medical Service:
bmedical@europarl.europa.eu.

4 Please see the contact on the last page.

BUT WHAT EXACTLY IS HARASSMENT?

The legal definition of harassment is very precise. There are two types of harassment: psychological harassment and sexual harassment.

WHAT IS PSYCHOLOGICAL HARASSMENT?

« 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 » - Staff regulations, article 12a / article 3 of the Bureau decision of 14 April 2014.

Psychological harassment always involves persistent and repetitive actions and has serious impact on the victim in terms of physical and mental health.

Psychological harassment can take various forms ([non-exhaustive list](#)):

- offensive or degrading comments, particularly in public, bullying, antagonism, pressure, offensive behaviour, even refusal to communicate;
- insults relating to your staff's personal or professional competence;
- abusing or threatening remarks, both oral and written;



- belittling your staff's contributions and achievements;
- isolating, setting apart, excluding, rejecting, ignoring, disparaging or humiliating a staff member;
- impairing your staff's social relations;
- stalking;
- not allocating tasks corresponding to the job description.

WHAT IS SEXUAL HARASSMENT?

« 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 » - Staff regulations, Article 12a / article 3 of the Bureau decision of 14 April 2014.

The following behaviour may constitute sexual harassment

(**non-exhaustive list**):

- 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 or obscene language and gestures;
- repeated and exaggerated compliments on the appearance of a staff member;
- physical contact, rubbing against someone, pinching, deliberate unwanted kisses;
- acts of voyeurism or exhibitionism;
- use of pornographic material.

Only unwelcome conduct is considered sexual harassment. Consensual dating is not considered harassment if not unwelcome or offensive. **Consent has to be expressed in a free-willing manner and cannot be forced** by using your influence or power.

BEWARE OF THE FOLLOWING SIGNS: THERE MAY BE HARASSMENT IN YOUR OFFICE WHEN...

- there is an increased absenteeism;
- there is a noticeable decline in productivity;
- there is a decline in the communication between the staff member and you;
- one or several staff members express concern about the working conditions;
- there is an increase in petty criticism or blaming at meetings or social events;
- there is increased or systematic absence from social events (coffee breaks or informal gatherings).

HAVING RECOURSE TO YOUR MANAGERIAL RIGHTS AND DUTIES DOES NOT GENERALLY CONSTITUTE HARASSMENT

Managerial rights and duties, such as the ones listed below, are not, as such, acts of harassment:

- allocating work and requiring performance to job standards;
- following up on work absences;
- taking disciplinary measures;



- a commanding style which is not necessarily motivated by an intention to destabilise anyone and does not target one person in particular.

However, these actions might appear to qualify as harassment if they are repetitive or systematic and carried out in a manner that is offensive, humiliating or embarrassing rather than in a constructive and sensitive manner.

To determine whether the conduct is offensive, you could ask yourself

“Would a reasonable person placed in this situation have perceived the conduct as offensive?” or alternatively “**Would I accept similar treatment from a direct supervisor**” ?

DISTINCTION BETWEEN HARASSMENT AND CONFLICT

A conflict usually takes place at just one point in time. It is a disagreement between two persons where neither moves from their position. Each party tries to defend their position and expresses their views.

In cases of harassment, there is often a relationship of subordination and power. This is typically the case in a Member/APA relationship. The victim usually has no way to defend him- or herself and often remains isolated and quiet. Harassment may last for months and, in general, only gets worse.

DISTINCTION BETWEEN HARASSMENT AND INAPPROPRIATE BEHAVIOUR

Isolated incidents and occasional inappropriate behaviour do not, strictly speaking, constitute harassment, because in a harassment pattern, there is a prolongation of this type of behaviour over time. **All inappropriate behaviour must nevertheless be avoided.**

THE FORMAL HARASSMENT PROCEDURE IN PARLIAMENT

The Bureau decided to establish an **Advisory Committee dealing with harassment complaints between APAs and Members** and its prevention at the workplace on 14 April 2014⁵. According to this decision, the main tasks of the Committee are twofold:

- play a role in the prevention of harassment of APAs by Members, and
- act as a consultative body for the President of Parliament in enquiring and issuing a recommendation on formal harassment complaints from APAs against Members of Parliament⁶.

The **formal internal harassment procedure** provided for in this Bureau decision starts with a **formal complaint of psychological or sexual harassment** by an APA against a Member. The Committee hears the APA who considers that he or she is a victim of harassment and, if there is enough evidence, opens an investigation. The Committee may then invite the Member concerned for a hearing and may hear any relevant witnesses. **Both parties are invited to submit any relevant evidence supporting their case and the Committee may request all necessary evidence to Parliament's administration.**

Once the investigation is concluded, the Committee issues a recommendation with its findings to the President, who makes the final decision on the case. If the President believes harassment to be established, he or she may impose a penalty on the Member concerned under Rule 166 of the Rules of Procedure, after having heard the Member. The Member may appeal against this decision to the Bureau.

The Committee works with full autonomy, independence and confidentiality and its deliberations are secret. This procedure is of an administrative nature and is subject to judicial review.

5 Bureau Decision of 14 April 2014 on the Internal Rules on Harassment and its Prevention at the Workplace and on Harassment Complaints Involving Accredited Parliamentary Assistants and Members of the European Parliament - link: <https://epintranet.in.ep.europa.eu/home/parliamentary-life/political-groups-bodies/bureau/compendium-of-rules.html>

6 For harassment complaints against a member of staff, the Advisory Committee on Harassment and its Prevention at the Workplace for staff is competent.

Therefore if a formal harassment complaint is lodged against you and the Committee believes there is enough evidence to investigate the case, you will probably be contacted to submit evidence and to be heard by the Committee. **You should take this procedure seriously, as the consequences of having harassment deemed established by the President can be severe:** the lightest sanction imposed by the President, under Rule 166, is already **a public reprimand in Plenary, announcing to the world that you have been harassing your staff.** Needless to say, **this can have serious consequences on your political career, as journalists and political opponents will certainly use this against you.**

A photograph showing a white document with the word "HARASSMENT" printed in large, bold, black capital letters. The document is placed on a brown cardboard surface. A silver paperclip is attached to the top left corner of the document. A wooden gavel with a dark red head and a light brown handle is positioned diagonally across the bottom right corner of the document.

HARASSMENT

If you have any doubts on the procedure, you can contact any member of the Committee or its secretariat.

The current members of the Committee are:

- **Ms Elisabeth MORIN-CHARTIER**, Chair, Quaestor,
- **Mr Vladimír MAŇKA**, Quaestor,
- **Ms Catherine BEARDER**, Quaestor,
- **Mr Olivier PLUMANDON**, APA Committee representative,
- **Mr Poul RUNGE NIELSEN**, as representative of Parliament's administration, Chair of the Advisory Committee on Harassment and its Prevention at the Workplace for staff.

You can contact the secretariat at harassmentAPAs@europarl.europa.eu.⁷



⁷ For the Advisory Committee on Harassment and its Prevention at the Workplace for staff, please contact one of its members:

<https://epintranet.in.ep.europa.eu/home/browse-as/human-resources/rules-rights/advisory-com-staff-rep/advisory-committees/ac-committee-harassment.html>