



NEGOTIATIONS ON THE NEW HARASSEMENT DECISION

Luxembourg, 26/01/2023

The negotiations between the staff representatives and the Administration on the new Decision against sexual and psychological harassment have started.

Union Syndicale Fédérale Luxembourg notes that the Administration's proposal is far from the framework intended for by the implementing laws in the Member States:

The text meets the new working conditions under Directive 89/391, which is the reference in the Member States. However, this Directive calls for a new analysis of occupational health and safety risks. This analysis should be based on the plan for preventing psychological and sexual harassment which the Administration should have drawn up for a long time (Decision C 2006 1624). However, there is neither a risk analysis nor a prevention plan at the Commission.

The proposal text also gives rise to the following comments:

There are still too many actors (Ombudsman, network of Confidential Counsellors, the new Chief Confidential Counsellor, ...)

- The role of the actors in the decision-making process is not always clear.
- The large number of actors will make those who experience harassment to refrain from appealing.

The procedures are complex

- Procedures need to be simplified and anonymity ensured. The structures in place should offer guarantees equivalent to those established at national level.

The role of a new Chief Confidential Counsellor should be clarified

- We note the concentration on this role of too many functions – prevention and individual case management – with a segmentation of powers for the above mentioned actors and a lack of independence (he/she would be chosen by DG HR and attached to this one).

A general concern for consistency and coordination

- There are also operating procedures and tools in place which will interact with each other, in particular in the management of burnout or other "Be well" policy tools.
- The solution is centred on the line manager, while he/she is often at the source of the problem.

Partitioning of the national internal and legal procedure

- The harassed person or witnesses who wish to address/speak to the national courts are obliged to obtain permission from the AIPN.

Union Syndicale Fédérale Luxembourg considers that:

- a risk analysis and prevention plan must be made/established,
- the Commission's harassment management rules must reflect the best national legislation in this area (e.g. the one at headquarters) and implement all the tasks and structures provided for therein and in particular: a prevention adviser on psychosocial risks; counsellors on the prevention of sexual and psychological harassment with adequate training; a Labour Inspector as stipulated by an ILO Convention of 1947 and which appears to be applicable within the Commission,
- in case of a Chief Confidential Counsellor, recruitment must be submitted to the Staff Committee and his independence ensured by reporting to the Secretariat-General,
- OLAF, which is responsible for any serious malfunction (in particular psychological or sexual harassment), should be included in the Decision,
- Access to national courts should be facilitated,
- The assistance procedure provided for in Article 24 should also be simplified/facilitated. The same applies to Article 22a, which covers whistle-blowers.

Basically, a project to be reviewed in depth!

Need help? Contact us:

REP-PERS-OSP-USF-LUXEMBOURG@ec.europa.eu

Your representatives:

BECH et T2: N. MAVRAGANIS, C-A POPESCU A KYRAMARIOS	Gasperich: N. FETTAH C. PALADINO S. KARDARAS P. VAKONDIOS P. ALMA	OP: I. WOLFF, M. COLLIGNON
--	--	----------------------------------



UNION SYNDICALE FEDERALE LUXEMBOURG

REP-PERS-OSP-USF-LUXEMBOURG@ec.europa.eu

www.usf-luxembourg.eu

