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Harassment and the development of a dignity policy at the EPO



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Definitions

- Our working definition: Any behaviour which is systematically offensive, intimidating, hostile, or undermines the dignity of a person or a group. Includes bullying, mobbing
- Types: Administrative, sexual, racial and cultural

Effects

- Suffering
- Sickness
- Invalidity
- Loss of incentive, of morale
- Loss of productivity, of quality
- Loss of "human resource"

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Agenda



- Definitions, effects
- Context: increasing awareness, legislation
- At the EPO
 - Motivation
 - Chronology
 - Approach
 - Proposed policy
 - Present situation
- Lessons
- Discussion (at end of session)

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Context



International organisations

- ILO, CERN, WHO, EUROCONTROL have specific policies in place
- NATO, ICTY, ESTEC (ESA)...have policy elements in place (committee, guidelines, declaration of intent)
- EUROPOL, UN, EPO... being developed

European countries

- Specific legislation: e.g. Sweden, The Netherlands, UK...
- "Duty of care" (implied protection): e.g. NL, UK, Germany, Ireland...

ATILO (recent decisions)

- Cases 2324, 2373 (OPCW) 2370, 2371 (ILO) ... damages of up to Euro 25000 for harassment, lack of respect

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Google gives 1 090 000 hits for (harassment and work) not school

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EUROPEAN PATENT OFFICE (EPO) MOTIVATION




- Few tens of cases known to Staff Representation, Office doctors, social workers and psychologists, some with very serious consequences. Many more suspected
- HCS (February '04) showed that:
 - > Q: "In the last year, subjected to any behaviour imposing on your sense of dignity?"
 - A: 19% occasionally; and 4% several times.
 - > Q: "...to behaviour which you would classify as harassment or mobbing?"
 - A: 7% occasionally; 2% several times.
 - > Proportion consistent with literature
- Examples from other IO, national law

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Chronology




- February 2003: SR request President to implement policy; he answers that he still has to be convinced, by survey etc
- March 2003: CSC agrees on importance, and approach
- April 2003: CSC supports principle of cooperative approach with management- if possible
- September 2003: parity WG set up (3+3)
- September 2003: publication by CSC to staff (information, advice)
- November/December 2003: WG decides to base work on Eurocontrol policy. 1st draft presidential circular
- March 2004: Joint Communiqué on dignity policy to be implemented in 2004
- April 2004: meeting between WG and representative managers and legal department
- June 2004: 12th draft generated, meeting substantially all observations made
- June 2004: presentation to MAC; President does not accept draft (too long, too complicated, too costly, do we really have such a problem?)
- July 2004: CSC decides on principle of subsidiarity if needed
- August 2004: 13th draft generated (3 year trial: reduced staff, simplified)
- Thereafter: opposition? cooperation?

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Balance and Transparency



- Confidential Councillors are specially trained, are nominated in equal numbers by staff representation and administration
- People are free to choose
- Confidential Investigators are specially trained, nominated in equal numbers by staff representation and administration
- Selected by their own group when needed
- Work in twos (Staff + Administration nominated)
- Sanctions under existing Disciplinary Committee
- Right of appeal (ILO)

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Approach




- Paritary WG (3+3)
- Based on Eurocontrol's Dignity policy
- In the light of:
 - Their experience (management + staff)
 - Best practice elsewhere
 - EPO culture and Codex
- Basis:
 - o prevention;
 - o balance between Staff Representation and Administration;
 - o transparency;
 - o decisions by President
 - o innocent until proven guilty
 - o malicious complaints punishable

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Prevention




- Primary prevention
 - Information and prevention programme
 - Policy (circular)/brochure
 - Presentations
 - Training key persons
- Secondary prevention
 - Designed to address and solve underlying conflict
 - Trained Confidential Counsellors
 - Advice and support
- Tertiary prevention
 - Impartial investigation under authority of President by trained Confidential Investigators
 - Administrative/disciplinary action if required (by existing Disciplinary Committee)
 - Strict time limits
 - Well-defined procedure

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LESSONS



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