



## EUROPEAN CENTRAL BANK

DIRECTORATE GENERAL HUMAN RESOURCES, BUDGET AND ORGANISATION  
(06) 589b CSR SJ/bk EQUAL

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### ***DIGNITY AT WORK***

#### **Introduction**

The ECB is a knowledge-based organisation and therefore highly dependent on its human capital. To ensure that the ECB maximises the contribution of all staff and that staff are able to perform to the level requested, the ECB encourages staff to work together towards the mission of the Bank in a culture of understanding, respect, support and co-operation.

The Dignity at Work Policy (*the Policy*) is an important follow-up on the strategy statement on Diversity. It complements Article 4(a) of the Conditions of Employment, and the corresponding article of the Conditions of Short-Term Employment (jointly the *Conditions of Employment*) that require members of staff to conduct themselves in a manner befitting their position and the character of the ECB as a Community body. It implements Article 2.1 of the Code of Conduct and the Value Circle, which give guidance on professional ethics and behaviour in a broader context. The Policy covers all forms of inappropriate behaviour such as harassment, sexual harassment, discrimination or bullying.

Because our diversity is such an important and positive element in our culture, incidents and complaints regarding infringements on the dignity or respect of others must be taken seriously by the ECB. Unacceptable behaviour, in whichever form it takes, should be addressed promptly to ensure a timely resolution with the highest possible degree of confidentiality and impartiality.

The Executive Board is fully committed to the principles enshrining Dignity at Work and to the creation of a working environment based on dialogue and respect.

The aim of this Policy is:

- to build a common understanding of what respect and dignity mean in everyday work;
- to inform about informal ways of addressing inappropriate behaviour; and
- to raise awareness on the existing formal and disciplinary measures<sup>1</sup> in order to challenge, stop and, where appropriate, to sanction the non-respect of the Dignity at Work principles.

#### **POLICY STATEMENT**

*The ECB does not tolerate discrimination of any kind, any form of sexual harassment nor psychological or physical bullying.*

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<sup>1</sup> E.g. a written reprimand, reduction in salary or rank or dismissal, depending upon the gravity of the circumstances.

*All ECB staff need to show sensitivity to and respect for others, and to avoid any behaviour that can be seen as offensive by another person.*

## **1. Scope**

The Policy applies to all permanent and temporary staff members, who are subject to the Conditions of Employment and its implementing legal instruments.

The Policy clarifies standards of behaviour. Infringements of these standards will, if at all possible, be remedied through the informal means described below. In the case of serious incidents in relation to the principles set out in the Policy and the [Code of Conduct](#) or if the informal resolution process was unsuccessful, reference is made in this Policy to the existing formal (AC on administrative inquiries) and disciplinary procedures, to challenge and stop such behaviour.

## **2. Definitions and examples**

Dignity at Work means the absence of inappropriate behaviour in the ECB's work environment. Inappropriate behaviour may occur in many forms, which may undermine the dignity and the respect other staff members are entitled to: physical harassment, sexual harassment, discrimination, bullying or mobbing. Inappropriate behaviour thus can be of a physical, verbal or psychological form. It can occur as a result of any act or conduct, which is unwanted by and unreasonable to the recipient and which the recipient finds intimidating, humiliating or offensive.

Inappropriate behaviour can target a variety of personal characteristics (gender, age, sexual orientation, racial/ethnic origin, disability, religion or belief or any other characteristic of an individual) and can be as a result of acts or conducts addressed directly or indirectly to an individual or at a group of persons. It can occur as a one-off incident or as repeated behaviour; it can include an overt abuse of power or take more subtle forms.

The intention of an alleged wrongdoer is not the only or even the main issue, the behaviour may even be unintentional on the alleged wrongdoer's part. It is very much also the impact of the behaviour on the recipient that is important in determining whether the behaviour is inappropriate. Everyone should carefully assess the situation of alleged inappropriate behaviour before taking further action. Unfounded allegations with the intent to discredit other persons will not be acceptable. To avoid misunderstandings, it is important for everyone to be aware that particular words, ways of speaking, and actions may be acceptable behaviour in one's own culture, but may be upsetting or offensive to others and may contravene the ECB's values. In Annex 1 you will find examples that describe the ways in which inappropriate behaviour can occur, although this is not an exhaustive list and is purely for illustrative purposes.

Giving feedback to staff member belongs to the main responsibilities of managers when managing and developing their staff. Negative feedback on or criticising a staff member's performance or behaviour at

work is appropriate as long as it is fair and constructive, directly addressed to the staff member, and the staff member is treated throughout with dignity and respect.

Inappropriate behaviour undermines the self-confidence of the recipient. It may impact on their capacity to carry out their role to the best of their abilities. It may also impact on their health and well-being. Inappropriate behaviour can thus affect the productivity of the ECB.

### **3. Responsibilities**

#### a) The Executive Board

The Executive Board is responsible for defining and reviewing the Policy. The members of the Executive Board are responsible for ensuring that their own behaviour is of the highest standard and that they act as role models in accordance with the principles of the Policy.

#### b) The Directorate General Human Resources, Budget and Organisation

DG-H is responsible for monitoring the consistent application of the Policy. It shall support all managers in their responsibility for promoting that staff at all levels act according to the principles of the Policy and the expected behaviour. It will make every effort possible, using the processes outlined herein, to ensure that cases are dealt with and that situations do not repeat or escalate.

#### c) Area and line managers

Area and line managers have a responsibility to act as role models for their staff. They should recognise and be alert to inappropriate behaviour and take the relevant action to ensure compliance with the Policy throughout their area. They should be open and responsive to staff members who feel they are being treated inappropriately.

#### d) All staff members

Everybody is responsible and accountable for showing sensitivity to and respect for others and for avoiding any behaviour reasonably seen as offensive by another person. In practical terms this means that staff members should:

- contribute to the creation of an environment of Dignity at Work by respecting the fundamental principles of equal treatment and non-discrimination;
- respond sensitively to anyone who complains of inappropriate behaviour;
- avoid engaging in or tolerating behaviour that may cause offence to other staff or could be considered harassment or bullying;
- speak out against inappropriate behaviour that you have witnessed to the appropriate parties;
- get acquainted with the means for dealing with a situation of inappropriate behaviour;

- be alert for signs of inappropriate behaviour around you and take appropriate action, e.g. address the colleague and give information on the possibilities for dealing with the behaviour according to the Policy.

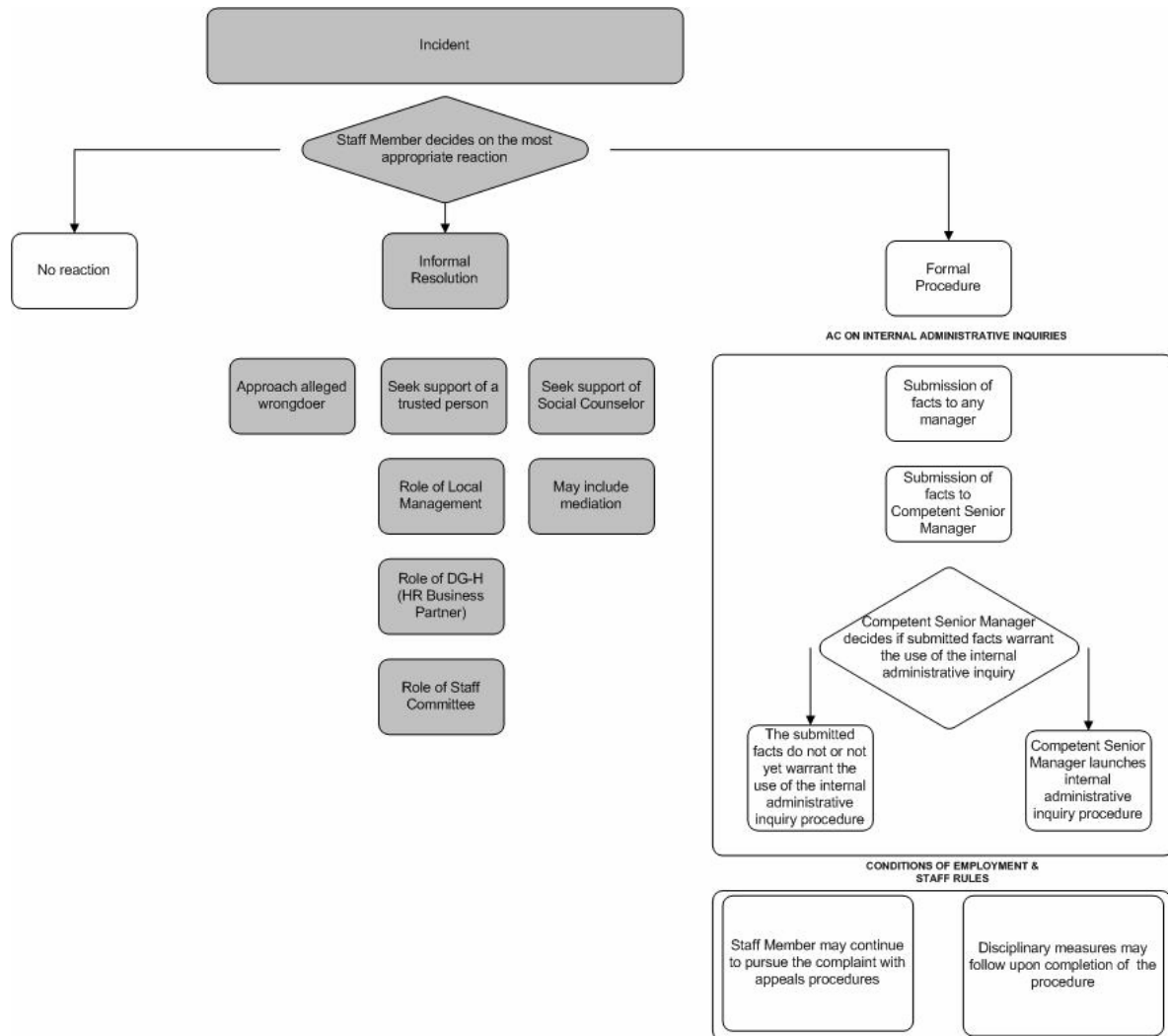
#### **4. The processes**

If you feel that you may have been the target of inappropriate behaviour or behaviour that is unacceptable to you, you should be aware of the following principles:

- Experience has shown that most people who complain of inappropriate behaviour want this unwanted behaviour to cease and that most situations are resolved informally.
- Anonymous complaints are, by nature, difficult to follow up.
- Staff members will not be victimised for making a complaint in good faith or for assisting with solving the complaint, however unfounded allegations with the intent to discredit other persons are not acceptable and may lead to disciplinary measures.
- All parties should maintain confidentiality and act with discretion so that only those who need to know at a certain stage of the process know.
- At all times, during the informal processes, the alleged complaint remains confidential and is not recorded on the personal file of any party involved.

The diagram overleaf gives you an overview of the informal possibilities for addressing inappropriate behaviour, and refers to other actions that you may chose to take in case of more serious incidents.

**Figure 1: Overview of informal resolution process and formal procedure**



**NO REACTION**

**You may decide not to react** on the behaviour although you feel uncomfortable with the situation. This is your choice; however, there is a risk of repetition as the other person may not be aware that you feel that the behaviour is inappropriate.

**INFORMAL RESOLUTION**

**1 Approach the alleged wrongdoer yourself**

Should you decide to deal with the matter on your own in the first instance, you should make your disapproval of the kind of behaviour that is not acceptable to you clear to the person who conducted it. Be as precise as possible and describe to the person what effect his or her behaviour has on you and that you want this person not to continue treating you in that way.

You can do this either orally or in writing.

It is recommended that you keep a record of the details of what has happened, details of the behaviour which has been judged to be inappropriate or unwanted and the effect it has on you, as this could be helpful at a later stage. Any witnesses that may be of help in further steps should also be noted down.

or

## **2      **Involve a trusted person****

You (this includes the complainant, the alleged wrongdoer, any manager, any witnesses) may want to contact a person whom you trust on a confidential basis to share your concerns regarding an incidence of inappropriate behaviour. In the first instance you may want to contact your manager for support. You may also wish to contact the HR Business Partner for your business area, a member of the Staff Committee, or a colleague. Their role is to:

- listen;
- be impartial;
- discuss the various options available to deal with the alleged incident;
- maintain confidentiality and discretion.

This informal step is meant to create a situation in which concerns and feelings can be expressed in confidence and does not require the trusted person to approach the alleged wrongdoer or to investigate or resolve the complaint directly.

If you seek support of the local management or a HR Business Partner, the following principles apply to their roles:

### **2(i)      *The role of local management:***

*As well as listening, being impartial, maintaining confidentiality and outlining the options available, local management should act as a role model. They may also offer their support to approach the alleged wrongdoer to assist in dealing with the complaint in an informal way.*

*Upon approaching the alleged wrongdoer, they should explain to the alleged wrongdoer the impact of their behaviour on the complainant and the possible consequences of engaging in this type of behaviour. They may facilitate a discussion between the complainant and the alleged wrongdoer with a view to solving the complaint.*

*Where a satisfactory outcome does not result, they may recommend alternative courses of action.*

### **2(ii)      *The role of the HR Business Partner:***

*The role of the HR Business Partner is to offer support to all parties and to advice on the most suitable process for dealing with the complaint in an impartial, confidential, non-confrontational manner with a view to discussing the complaint and resolving it for all parties in an informal manner.*

**2(iii) The role of the Staff Committee**

*Members of the Staff Committee represent the general interest of all staff regarding working conditions and may be contacted by individual staff members. Their role is to remain impartial and inform and support staff members on the processes.*

or

**3 Seek support of the Social Counsellor**

The Social Counsellor has been appointed to provide the professional services of an independent and impartial adviser and mediator to address employment-related and private problems which have an impact on the work situation. The principal aim is to provide assistance in resolving these problems and, as a result, to support in this way the improvement of the overall working environment at the ECB. The Social Counsellor is to provide counselling upon individual request and to explore, in situations of tension between staff members or between management and staff, the possibilities of reaching mutually acceptable solutions and to avoid the escalation of problems. The meetings with the Social Counsellor are confidential and will not be reported to anybody unless the staff member asks for it.

The Social Counsellor can offer a mediation (please refer to Annex 2 for the principles for mediation) between the involved parties.

**FORMAL PROCEDURE**

**Approach any manager**

Should you feel that the informal resolution is not appropriate (e.g. because of the seriousness of the incident) or if the informal process has not worked, you may approach the issue in a more formal way according to the [AC on internal administrative inquiries](#).

According to the AC on internal administrative inquiries, any ECB manager to whom a member of staff has submitted facts, either orally or in writing, in relation to the infringements of the principles set out in the Policy and the [Code of Conduct](#) shall inform the competent senior manager. Upon receipt of the required information, the competent senior manager has to establish whether the submitted facts justify the use of the internal inquiry procedure as described by the aforementioned administrative circular. If this is not the case, the competent senior manager shall take a decision taking into account the submitted facts by fully respecting the extensive safeguard principles set out in the AC on internal administrative inquiries.

## APPEALS AND DISCIPLINARY PROCEDURES

If, following completion of the formal procedure, there is insufficient evidence to support your complaint, you will be informed thereof.

In this case, and if appropriate, you may wish to continue pursuing your complaint with the appeals procedures as laid down by the Conditions of Employment and the respective Staff Rules/Rules for Short-Term Employment (see [Staff regulations](#)). If your complaint is founded, you will be informed thereof.

Vis-à-vis the wrongdoer, the Administration will take appropriate measures that may include supportive (e.g. in the form of coaching or counselling) and/or disciplinary measures according to the Conditions of Employment.

### **5. Advice for the alleged ‘wrongdoer’**

If you are the addressee of a complaint of having allegedly treated someone in an inappropriate manner, please be aware that the ECB takes such incidents seriously. You will always be given the opportunity to explain your own view on the incident, as the case may be, and, where appropriate, during the informal resolution process, the formal and/or disciplinary procedure. You will be presumed to be innocent until evidence of the contrary is provided. You may also wish to talk to a person of your trust. To clarify the situation and for your own interests, co-operation with the Social Counsellor within the informal process is encouraged.

You may also seek the support of the HR Business Partner on ways to solve the situation yourself or on the mentioned rules and processes.

### **6. Disclosure of information**

The parties involved in the process may in certain circumstances reasonably disclose facts and the identity of the complainant if necessary for further action. Such circumstances, for example, could be when they have been made aware of an incident that can be classified as a criminal offence, such as assault, or when they believe that the complainant is under extreme distress and their health and well-being is being severely affected as a result of the alleged incident(s). In such circumstances, the complainant should be made aware that the disclosure of facts and identity is determined to be an appropriate course of action. Disclosure in such circumstances will involve the Director General Human Resources, Budget and Organisation.



## **7. Awareness**

Everyone should have a clear understanding of:

- what constitutes inappropriate behaviour, and what does not;
- how inappropriate behaviour can occur in the workplace;
- the impact it can have on the individual and the organisation.

Staff should familiarise itself with the Policy and understand how they can contribute to the creation of a culture of understanding, respect, support and co-operation and avoid inappropriate behaviour. Training will be organised in order to facilitate this process.

Managers will receive additional guidance to familiarise themselves with the scope of their role and the skills needed. HR Business Partners who act as contact for the business areas will be trained to consolidate their understanding of the messages contained in the Policy. They should be completely familiar with the applicable processes/procedures including a thorough understanding of the roles of all the parties involved.

## **8. Review of the Policy**

The Policy will be subject to a periodic review. The review will cover the effectiveness of the Policy as well as the supporting processes.

The Directorate General Human Resources, Budget and Organisation will report on an annual basis on the practical operation of the Policy and will invite feedback from all the parties that have been involved.

## **ANNEX 1**

### **Examples of inappropriate behaviour**

This list describes behaviour to give examples in which way inappropriate behaviour can occur, however, this list is non-exhaustive.

- Offensive or inappropriate jokes related to gender, race etc.
- Offensive language in words and volume
- Visual displays of offensive material on posters, via e-mail etc.
- Intimidating, aggressive or humiliating behaviour
- Unwelcome physical contact
- Assault

## ANNEX 2

### Principles of mediation

- Mediation is a voluntary structured process, in which the mediator as an impartial person (at all times) supports the involved parties to find an appropriate solution.
- Irrespective of whom suggested mediation as a suitable course of action to deal with the alleged incident(s) both the complainant and the alleged wrongdoer must agree to participation in the process in order for it to begin.
- Each person will be invited for an individual meeting before the mediation starts.
- If there are more than two parties involved, an agreement has to be reached upfront regarding who should participate in the mediation.
- The role of the mediator is to facilitate communication between the complainant and the alleged wrongdoer in order to promote reconciliation and help the parties to reach an agreed resolution.
- The role is not to judge the situation, but to support the involved parties, as an impartial person, to let them find their own solutions in a safe environment.

The mediator should agree with the parties upfront who is to be involved in the mediation. Confidentiality should be emphasised to all those involved. If the fact of an ongoing mediation is already known to DG-H or the management, the mediator will only report whether a satisfactory outcome was achieved or not. The mediator cannot get involved in a formal internal administrative inquiry procedure should this arise following the informal mediation.