

6 October 2022
EMA/MB/259770/2022
Management Board - Adopted

Amendment to the Decision of the Management Board

On the EMA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment

THE MANAGEMENT BOARD OF THE EUROPEAN MEDICINES AGENCY,

HAVING REGARD to the Treaty on the Functioning of the European Union,

HAVING REGARD to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Articles 1d, 12 and 12a of the Staff Regulations concerning behaviour which may infringe human dignity and Articles 10, 11, 80 and 81 of the CEOS,

HAVING REGARD to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004, establishing the European Medicines Agency ('EMA' or 'the Agency'), and in particular articles 66 (h) and 75 thereof,

HAVING REGARD to the Communication C(2014)6543 final of 26 September 2014 from Vice- President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

HAVING REGARD to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2016) 6595 final of 20 October 2016,

HAVING REGARD to the Decision of the Management Board on the EMA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment of 15 June 2017, EMA/MB/854173/2016, and in particular Article 6.2 thereof concerning - among others - the appointment of confidential counsellors,

AFTER consulting the Staff Committee,

WHEREAS:

1. On 15 June 2017 the Management Board of EMA adopted the EMA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment, EMA/MB/854173/2016 following the agreement from the European Commission pursuant to Article 110(2) of the Staff Regulations C(2016) 6595 final of 20 October 2016.

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

2. Aforementioned Commission agreement offers the possibility to agencies in certain articles of the decision to be implemented, to choose the option best suited for the agency concerned at its own discretion.
3. With regards to chapter 6.2 (confidential counsellors) EMA opted in its decision of 15 June 2017 for the call for expression of interest for confidential counsellors to be done at an inter-agency level, therefore not opting for the possibility to launch a call for expression of interest for confidential counsellors internally.
4. Alignment with other agencies to implement an inter-agency network of confidential counsellors has proven very difficult so that no formal network of confidential counsellors has been active yet.
5. Based on the above, it is the intention of EMA to amend Article 6.2 of aforementioned decision with regards to the procedure of appointing confidential counsellors within the limits offered by aforementioned Commission agreement to enable the appointment of confidential counsellors based on an internal call for expression of interest (besides keeping the option to launch a call for expression of interest of confidential counsellors at inter-agency level).

HAS DECIDED AS FOLLOWS:

Article 1

Article 6.2 of the "Policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment" annexed to this Decision is hereby amended.

Article 2

This Decision amends the Decision of the Management Board on the EMA policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment of 15 June 2017, EMA/MB/854173/2016.

Article 3

This Decision shall take effect on the date of its signature.

Done at Amsterdam on 6 October 2022.

Signature on file.

Lorraine Nolan
Chair of the EMA Management Board

ANNEX

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

6. Parties involved

6.2. Confidential counsellors

The appointment of confidential counsellors is based on an open call for applications and selection criteria which will be published by the Agency *or* group of agencies in a call for expression of interests (prior training, necessary seniority, any exclusion criteria, etc.). Confidential counsellors are selected by a panel made up of representatives of Agency/ies entity/ies in charge of human resources, and the Staff Committees. The panel's choice is submitted to the Heads of the Agency/ies as referred to in the act(s) establishing the Agency/ies ('the Directors'²) who officially appoints the confidential counsellors. Agency/ies entity/ies in charge of human resources will ensure, as far as possible, a broad representation of the different categories of staff. It/they will also ensure a gender balance. Inter-agency appointments should help, as far as possible, to fulfil these requirements. Counsellors are to be appointed on a voluntary basis and, to ensure continuity within the network, appointments will be for two years, renewable. Before being appointed, counsellors will receive special training in targeted modules. They will subsequently receive ongoing training and appropriate supervision for such counselling work.

If, in the framework of the informal procedure the confidential counsellor finds appropriate to visit the person who feels a victim of harassment, that meeting shall be considered as a mission. To that effect, Agencies shall ensure the financing of these missions.

The confidential counsellors operate within the context of the informal procedure (see point 7.2.). The divisions/departments are advised to take account of the tasks of confidential counsellors and to help them carry out their work as far as possible (by giving them access to meeting rooms, for instance). The operational procedures for the network will be described in a Manual of procedures for confidential counsellors drawn up by the Staff Relations and Support department in consultation with the network of confidential counsellors. The arrangements for exchanges of information between confidential counsellors and the Staff Relations and Support Department will be laid down in this Manual.

In carrying out their function and mandate confidential counsellors may not suffer any prejudice from the Agency, provided that they have acted in good faith and in accordance with the Manual of procedures³.

² Executive Director as referred to in Regulation (EC) No 726/2004 establishing the European Medicines Agency.

³ The mandate of individual confidential counsellors may be withdrawn by the appointing authority in accordance with the procedures that will be laid down in the Manual.