



EUROPEAN MEDICINES AGENCY  
SCIENCE MEDICINES HEALTH

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Executive Director

## Policy on support to staff subject to external accusations and attacks

Policy/0056  
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### 1. Introduction and purpose

This policy is about support to be made available to staff who, in the course of their work or by virtue of their position at the European Medicines Agency ('the Agency' or 'EMA'), may be subject to external accusations and attacks and the action that the Agency would take in such a situation. If the family member of the staff member would be subject to such accusations or attacks as a result of the staff member's work support would likewise be provided. The Staff Regulations in Article 24 provides for this assistance to staff.

### 2. Scope

This policy applies to all EMA staff. The Staff Committee has been consulted on this policy and has provided its opinion.

### 3. Definitions

EMA staff is defined as staff employed under the Staff Regulations. For the purpose of this policy staff is also understood to include national experts on secondment, interims and trainees. For the purposes of this policy 'family member' is defined as in the Decision on rules relating to Articles 11a and 13 of the Staff Regulations concerning the handling of declared interests of employees of the European Medicines Agency.



## 4. Policy statement

Article 24 relates to the EMA's duty to provide assistance to its staff, in particular in proceedings against any person perpetrating attacks on person or property to which a staff member or a member of his family is subjected **by reason of his position or duties**. In carrying out their duties EMA staff may also run the risk of being at the receiving end of threats and insulting or defamatory acts or utterances; they may also be subject to harassment.

Article 24 also provides that the Agency may compensate the staff member for reasonable legal costs, in so far as the staff member did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who caused it.

It should be noted that the duty to provide assistance relates to the defence of staff members, by the Agency, against the actions of third parties and not against the acts of the EMA itself, monitoring of which is governed by other provisions of the Staff Regulations.

The duty to protect EMA staff exists only if the facts in question have been clearly established. Hence, while the Agency must act, in the face of an incident which is incompatible with the order and security of the service, with due diligence to establish the facts and to draw appropriate conclusions in full knowledge of the facts, it is not obliged to engage in investigative measures solely on the basis of allegations by a staff member. A staff member who requests the protection to which he/she is entitled must provide, at the very least, **prima facie evidence** of the reality of the attacks to which he/she asserts he has been subjected. Only if such evidence exists is the Agency concerned required to take appropriate steps, by holding an inquiry, to establish the facts at the origin of the request in cooperation with the author of that request.

If serious accusations are made concerning the professional integrity of an EMA staff member in carrying out his/her duties, the Agency, which has a discretionary power in selecting the measures and resources to be deployed, is required to take all the necessary steps to verify whether the accusations are founded. If not, it must refute those accusations and do everything in its power to restore the good name of the staff member concerned.

Examples:

In the event of the public and personal defamation of an EMA staff member, the Agency, upon request of the staff member and in co-ordination with the staff member, must defend its staff member publicly and by name, and cannot make its action dependent on the staff member's having first instituted proceedings on his/her own initiative against the author of the attack on him/her. Where the nature of the defamation concerns work undertaken by an EMA staff member at a time prior to his/her employment by the Agency, it shall consider the nature of the previous work and any possible linkage to the EMA and the impact on the EMA's reputation and proper functioning that such attacks may cause.

In the event of a problem within the Agency it must, when faced with an incident which is incompatible with the good order and tranquillity of the service, intervene with all the necessary vigour and respond with the rapidity and solicitude required by the circumstances of the case with a view to ascertaining the facts and, consequently, taking the appropriate action in full knowledge of the facts. However, requests addressed to an EMA staff member by his/her hierarchical superiors in order to ensure the smooth running of the service cannot contain either serious accusations likely to harm his/her professional integrity, defamatory comments or attacks on his/her character.

In the event of harassment, the prima facie evidence must demonstrate sustained abusive behaviour, whether this be repetitive or systematic conduct, words, acts, gestures or writing which undermine the personality, dignity or physical or psychological well-being of a person so that the Agency may, where

necessary, take the appropriate steps, by holding an inquiry. However, psychological harassment will only be considered to exist if the behaviour of the alleged harasser is considered to be intentional and repetitive, and to have the aim of discrediting or disparaging the member of staff concerned.

#### **4.1. Requests for assistance**

Before submitting a request, staff should first approach their hierarchical superiors (Heads of Unit or Sector) and/or in the case of harassment a member of the network of listening points (see "Psychological harassment and sexual harassment" below). In certain cases, a number of measures may prevent the staff member submitting a request which involves implementing an administrative procedure in which the response may take several months.

HR in conjunction with the Legal Service is responsible for examining requests for assistance under Article 24 of the Staff Regulations. The time scales for making such requests are the same as for requests or complaints under Article 90.

The request should indicate the type of assistance sought. In the event of harassment, a duly completed "complementary information form" should be attached to the request for assistance.

If the addressee of a decision has not received a formal decision on his/her request for assistance within four months of submitting that request, he/she may submit a complaint against the implicit rejection of that request. However, such a complaint is unfounded if the Agency has taken the appropriate steps, in particular by holding an enquiry, to establish the facts at the origin of the request in cooperation with author of that request.

## **5. Related documents**

The Agency's policy on protecting the dignity of the person and preventing any form of psychological or sexual harassment 1 May 2012 is relevant (policy 0042).

The Decision on rules relating to Articles 11a and 13 of the Staff Regulations concerning the handling of declared interests of employees of the European Medicines Agency, 1 February 2012, EMA/5000408/2011 is also relevant.

## **6. Changes since last revision**

New policy.

London, 21 May 2013

*Signature on file*

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