

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Policy on Respect and Dignity in the Council of Europe

Table of Contents

1. Introduction	3
2. Purpose and scope	3
3. Expected standards	3
4. Disrespectful behaviour	4
5. Roles and responsibilities	6
6. Available Support.....	8
7. Procedures	9
8. Information and Monitoring	13
9. Protection against retaliation	14
10. Final provisions	15

1. Introduction

1.1. The Council of Europe, both as an employer and as an international organisation which promotes human rights, places the utmost value on the inherent dignity of every person. Everyone has the right to be treated with respect and dignity and the right to expect a positive and harmonious working environment that is free of harassment or any other disrespectful behaviour. Everyone has the corollary obligation to treat others in the same manner, and to uphold the same working environment and culture. The Council of Europe's Staff Regulations enshrine the Organisation's duty to ensure the protection of human dignity at work, including the right to a workplace free of harassment. As such, the Council of Europe will not tolerate disrespectful behaviour between its staff; by any other person involved in its activities; or by or towards its staff.

2. Purpose and scope

2.1. The purpose of this Policy is to describe measures put in place by the Council of Europe to ensure respect for and protection of human dignity. It sets out the standards of conduct expected from Secretariat members (permanent and temporary staff; seconded officials; trainees; and study visitors) of the Council of Europe and all those involved in its activities, as well as the behaviour or actions which are considered to be unacceptable by the Organisation. It furthermore sets out the roles and responsibilities of all those concerned; the avenues of support available to those in need of them; and the procedures which may be followed in certain cases.

2.2. This Policy applies in all Council of Europe premises, as well as any other place in which Secretariat members may find themselves in connection with their work for the Organisation, and any place in which Council of Europe activities occur. It also applies to online activity, including the use of social media.

2.3. The Policy applies to Secretariat members of the Council of Europe, as well as to other relevant persons. For the purposes of this Policy, "other relevant persons" means: all members of the Council of Europe's organs, bodies, committees and working groups; all persons involved in the Organisation's activities, wherever they may be held; all consultants and other contractors; and all visitors to any of the Organisation's premises. All are expected to uphold the standards of conduct set out below. The Council of Europe will not tolerate any disrespectful behaviour by, or directed towards, any of the above-mentioned persons.

3. Expected standards

3.1. The standards of conduct which are expected of Secretariat members and other relevant persons by the Council of Europe, and which they have the right to expect of others with whom they interact in their professional life, whether colleagues or non-Secretariat members, are outlined below. These standards flow from the Council of Europe's Staff Regulations and its Code of Conduct, as well as the values – respect and integrity – which all Secretariat members and other relevant persons are expected to share and to uphold.

Secretariat members must:

3.2. Respect for others

- ❖ Be respectful of each other and refrain from disrespectful behaviour of any sort.
- ❖ Express themselves in a polite and tactful manner.
- ❖ Treat others fairly and equally, without discrimination on any ground.
- ❖ Respect and value others' diversity.

3.3. Teamwork

- ❖ Work in cooperation with others to achieve the Organisation's common goals.
- ❖ Keep in mind the interests of the Council of Europe, as a whole, in their professional life.
- ❖ Be supportive and understanding of each other.

3.4. Recognition of everyone's contribution

- ❖ Cooperate and share information with colleagues.
- ❖ Listen to and consider others' points of view.
- ❖ Recognise the contributions of others and give credit where it is due.

4. Disrespectful behaviour

4.1. Disrespectful behaviour, which will not be tolerated by the Organisation, is any form of conduct, whether physical, verbal or non-verbal, which takes place on- or off-line, including actions, words written or spoken, and gestures, which is abusive, offensive, humiliating, degrading, or intimidating towards another person and infringes upon their dignity. All Secretariat members should be aware that there is no impunity for disrespectful behaviour, in the context of their professional life, towards fellow members of the Secretariat or others. Secretariat members found to be in violation of this Policy will be liable to measures appropriate to the nature and severity of the violation, which in the case of staff members may include disciplinary sanctions, in accordance with Articles 1.5 and 12 of the Staff Regulations, up to and including dismissal. Other relevant persons who violate this Policy will be liable to actions appropriate to their status and the severity of the violation.

4.2. Behaviour which is not intended to be abusive, offensive, humiliating, degrading or intimidating may nonetheless amount to disrespectful behaviour where it is perceived as such by the recipient. For example, sexist comments or jokes may not be intended to cause offence, but are still disrespectful and will not be tolerated. Care must be taken and good judgment applied in order to avoid words or acts which could reasonably be expected to have the effect of offending, humiliating, upsetting or intimidating another person. It is the effect on the recipient rather than the intention of the person behaving in a particular way which determines whether such behaviour is acceptable or not. It must be borne in mind that everyone is different and may react differently to certain things, especially in a multicultural environment; some people are more sensitive than others and may be more affected by certain behaviour than their colleague would be.

4.3. In an international organisation such as the Council of Europe, a vast array of different nationalities and cultures are represented. While the cultural diversity of the Organisation is one of its assets, it can also lead to differences in communication style, sense of humour and expectations for interpersonal contact. Everyone should strive to be tolerant and accepting of others' differences; however, cultural diversity cannot be used as an explanation or an excuse for disrespectful behaviour. Nor do personal circumstances such as stress or pressure, whether at work or outside, excuse disrespectful behaviour.

4.4. The following do not amount to disrespectful behaviour: legitimate application of the Organisation's policies; fair and reasonable management practices; or justified and constructive criticism of a person's work.

4.5. Disrespectful behaviour ranges from unacceptable conduct to harassment, including sexual harassment. Harassment is the most egregious form of disrespectful behaviour and is considered by the Organisation as gross misconduct which can, if established, be sanctioned by termination of contract. Harassment by a manager of a person under their authority is an aggravating circumstance and the sanction imposed in such a case will reflect this.

Harassment

4.6. Harassment is any unwanted, offensive, or abusive conduct or behaviour (including methods of work organisation) which is repeated, sustained or systematic and which, intentionally or unintentionally, is prejudicial to the dignity, integrity, well-being or job security of the person to whom it is directed, and/or creates a humiliating, intimidating or hostile work environment.

Sexual harassment

4.7. Sexual harassment is any unwanted, offensive, or abusive conduct, behaviour or advances of a sexual nature which, intentionally or unintentionally, are prejudicial to the dignity, integrity, well-being or job security of the person to whom it is directed, and/or creates a humiliating, intimidating or hostile work environment. Sexual harassment need not necessarily be repeated, sustained or systematic to qualify as such; a single incident, if sufficiently serious, can constitute sexual harassment.

Other unacceptable conduct

4.8. Unacceptable conduct is the failure to meet the basic standards of civility, that can reasonably be expected from everyone. Failure to abide by the "Expected standards" set out above can constitute unacceptable conduct, which includes: being rude; insulting, denigrating or disparaging another person; using obscene, profane or derogatory language; spreading malicious or defamatory rumours; inappropriate touching or other physical conduct which does not rise to the level of harassment, as defined above; isolated incidents of disrespectful behaviour which, if repeated, sustained or systematic, might amount to harassment, as defined above.

5. Roles and responsibilities

All Secretariat members

5.1. All Secretariat members are expected to be aware of this Policy and must abide by it. No Secretariat members should tolerate disrespectful behaviour on the part of others, whether it is directed against them or third persons.

5.2. All Secretariat members must treat all those with whom they are in contact in the course of their working life with respect and dignity at all times. This entails ensuring that they communicate in a polite and respectful manner and behave in a way that is consistent with the “Expected standards” set out above.

5.3. Witnesses to what they consider to be disrespectful behaviour should let the person who is behaving inappropriately know that their behaviour is considered unacceptable. They should also provide support to the person against whom the behaviour is directed, first and foremost by letting them know that they consider the behaviour directed against them to be disrespectful and by encouraging them to report it. Similarly, if a person confides in a Secretariat member that they consider themselves to have been subject to disrespectful behaviour, the Secretariat member in whom they confide is not expected to break their confidence by reporting this, unless there is a genuine concern that the person is at real and imminent risk of harm, either from themselves or another person. In such circumstances, the situation must be brought to the attention of the Director of Human Resources as a matter of urgency. In all other circumstances, the person confiding in another should either be encouraged to report the disrespectful behaviour themselves, or directed to the persons listed below under “Sources of advice” if they feel that they need advice, or both. Those who are unsure whether something that they have witnessed constituted disrespectful behaviour or not should also feel free to contact these persons for advice if they feel the need.

5.4. There may be circumstances in which a Secretariat member needs to report disrespectful behaviour directed towards someone other than themselves, either because they have witnessed behaviour which they believe to amount to harassment, or because they have witnessed any sort of disrespectful behaviour by another relevant person. In such cases, the report is to be made to the Director of Human Resources, with the names of the alleged victim and perpetrator and a description of the disrespectful behaviour and the circumstances in which it occurred. In the event that behaviour which endangers any person, such as a physical or sexual assault, is witnessed, the witness must immediately call the emergency services, in line with the procedures which apply in their location.

5.5. The Organisation stresses the importance of preventive action and encourages Secretariat members to report disrespectful behaviour as soon as possible to avoid situations escalating. Reporting incidents in a timely manner also ensures that the facts can be established more easily and more accurately and enables the Organisation to fulfil its duty to investigate any behaviour that may amount to harassment.

5.6. Finally, Secretariat members must cooperate fully with any investigation in which they are asked to participate, and must respect the confidentiality of any such investigation or any other procedure covered by this Policy in which they are involved, in whatever capacity.

Managers

5.7. Managers have the duty to ensure that this Policy is implemented and that all those in their team are aware of it.

5.8. As well as the duties incumbent upon all Secretariat members, managers have specific additional responsibilities by virtue of their position. They should promote a harmonious working environment within their team and set an example by means of their own conduct. They should also prevent and challenge disrespectful behaviour within their team and deal promptly with any issues that may arise, if necessary by intervening should they witness disrespectful behaviour among their team members. They should monitor interpersonal relations within their team and intervene, in a fair and impartial manner, in any conflictual situations that may occur in order to help resolve them and prevent them from deteriorating. They should also offer support to the colleagues under their responsibility, which means listening to any team member who brings an allegation to them or otherwise wishes to consult them on any matter concerning interpersonal relations, but also means taking the initiative to speak with one or more of their team members where they notice that there may be a problematic situation. Furthermore, managers may be asked to arrange and lead a “meeting with a manager” in cases of disrespectful behaviour, as described under “Procedures,” below.

5.9. As stated above, the Organisation views any harassment by a manager of a person under their authority as particularly egregious, since it constitutes not only a violation of the enhanced responsibilities incumbent upon all managers but also an abuse of their position of power. Moreover, a manager may also be liable to disciplinary sanctions if they condone or knowingly tolerate harassment or other abusive behaviour amongst their team.

Directorate of Human Resources

5.10. The Directorate of Human Resources has the responsibility to ensure that this Policy is applied fairly and consistently. The duties of the Directorate of Human Resources also include advising and supporting all Secretariat members, whether they are the victim of or witness to disrespectful behaviour; accused of disrespectful behaviour; or simply in need of further information on any of the topics covered by this Policy. The Directorate of Human Resources is also responsible for providing support and advice to managers in their implementation of this Policy and furthermore plays a key role in the procedures which are described in more detail below.

Director of Human Resources

5.11. In addition to overseeing the actions of the Directorate of Human Resources, as described above, the Director is the contact person for reports and complaints under this Policy.

5.12. If the Director of Human Resources receives a report alleging disrespectful behaviour, from anyone other than the person alleged to have been the target of such behaviour, they will contact the alleged victim in order to ascertain whether they consider themselves to have been the victim of disrespectful behaviour and, if so, what they wish to do about it. The Director of Human Resources will set out the available options and the ramifications of each and, in the event that the person confirms that they feel that they are being or have been harassed, encourage them to lodge a formal complaint. It must be stressed that no action will be taken without the express consent of the alleged victim. Nonetheless, in the event that the alleged victim is not willing to lodge a formal complaint, or to pursue any of the other procedures set out below but authorises the Director of Human Resources to approach their alleged harasser, then this can be done on a confidential basis. The Director of Human Resources will not disclose the identity of the alleged victim but may share with the alleged harasser the fact that an allegation has been made concerning their behaviour and offer training, counselling or any other intervention that is appropriate in the circumstances.

Other relevant persons

5.13. Other relevant persons are expected to conduct themselves in accordance with the Policy and, in particular, to abide by the “Expected standards” set out above at all times during their involvement in the activities of the Council of Europe and in their interactions with its Secretariat members. Violations of this Policy by other relevant persons will lead to actions appropriate to the severity of the violation and the status of the other relevant person and may include termination of contract. In the case of another relevant person who is a member of a Council of Europe organ, body or committee, allegations of harassment which are established by an investigation will be brought to the attention of the ethics board of the respective organ, body or committee or, in the absence of such a board, with the chairperson or president of that organ, body or committee for follow-up pursuant to the applicable legal framework.

5.14. Any relevant person who considers that they have been subject to disrespectful behaviour by a Secretariat member of the Council of Europe, or by another relevant person in the context of the Council of Europe’s activities or on its premises, should immediately report such behaviour to the Director of Human Resources, so that appropriate action can be taken.

6. Available Support

6.1 Any Secretariat member or other relevant person who requires advice regarding a possible situation of harassment or other disrespectful behaviour, or wishes to talk about any matter that affects them concerning interpersonal relations in the context of the Council of Europe, should feel free to consult any of the following persons for advice:

- ❖ A Human Resources Advisor;
- ❖ The Welfare Officer;
- ❖ The Equal Opportunities Officer;
- ❖ A Confidential Counsellor;
- ❖ The Mediators; or
- ❖ The staff of the Medical Service.

6.2. All of the above-listed persons will listen; offer confidential advice and support; and explain clearly the available options and the ramifications of each. Seeking advice will not automatically result in any action being taken, but the possible courses of action will be set out. The person advising may, if the person seeking advice is willing and gives their express consent, report cases of harassment to the Director of Human Resources. It must be stressed that, even where harassment is reported to the Director of Human Resources, no further action will be taken without the prior agreement of the person alleged to have been harassed.

6.3. It should also be noted that, while the Medical Service, the Mediators and the Welfare Officer are bound by professional confidentiality and the other persons listed above will also respect the confidentiality of anything told to them, an exception will be made if there appears to be an imminent risk of harm to any person. In such cases, the Organisation’s doctor and the Director of Human Resources will be notified of the situation as a matter of urgency.

7. Procedures

7.1. Choice of options

7.1.1. All of the procedures listed below are available to Secretariat members who feel that they have been subject to disrespectful behaviour, and they should feel free to speak to the person with whom they feel most comfortable and to pursue the procedure which they feel is best adapted to their situation. All procedures are entirely voluntary and optional, and the aim of all of them is to put an end to disrespectful behaviour or a conflictual situation, as quickly as possible and before it can escalate. However, for those who consider themselves to be the victim of harassment, or who have been advised by a person listed above under “Available support” that they may have been the victim of harassment, the most appropriate procedure to pursue is a formal complaint. Harassment is not a situation or conduct that can be “nipped in the bud” by early intervention. The Organisation does not tolerate harassment and will not permit harassers to continue with such behaviour; that is why a formal complaint, which will – if harassment is established – lead to sanctions against the perpetrator, is the most appropriate recourse in cases of harassment. Any person who considers themselves to be a victim of harassment is strongly encouraged to lodge such a complaint.

7.2. Obligation to cooperate

7.2.1. Where an allegation of disrespectful behaviour has been made, and the person who has made the allegation has opted to lodge a formal complaint, cooperation with any ensuing investigation is mandatory for the person accused of disrespectful behaviour as well as any witnesses. Where the person who has made an allegation of disrespectful behaviour has instead opted for any of the procedures seeking an amicable resolution, it is up to the person accused of disrespectful behaviour whether or not to participate in the procedure chosen. However, it should be borne in mind that it is in the best interests of all those involved to cooperate with whatever procedure is pursued, since the more informal procedures seeking an amicable resolution are intended to resolve a conflictual situation before it can deteriorate further; and since, should the alleged perpetrator refuse to cooperate with an informal procedure, the person who has made the allegation may feel that they are left with no choice but to lodge a formal complaint, which could lead to disciplinary proceedings.

7.3. Procedures seeking an amicable resolution

7.3.1. The ultimate aim of all of the options below is to reach a mutually agreed-upon amicable resolution between the person who considers that they have been subjected to disrespectful behaviour and the alleged perpetrator of such behaviour. The type of amicable resolution that may be reached by way of these procedures includes (but is not limited to): an agreement between the two parties to move on from the conflictual situation and leave it behind them; a verbal or written apology by one or both parties; a written agreement between the two parties as to their future relationship and conduct; transfer of either party to another service; a written undertaking by a person who has behaved in a disrespectful manner as to future conduct; the establishment of a personal development plan for one or more of the parties, which may include training, such as training in constructive communication techniques, coaching, or mentoring; an agreement to future monitoring of the situation by a manager or the person who conducted the procedure. The amicable resolution reached might comprise one or more different elements and will only be put in place if both parties agree to it. No mention of any procedure seeking an amicable resolution, whether one is reached or not, will be placed in the personal administrative file of either party.

7.3.2. An unsuccessful attempt to resolve the matter informally does not preclude the lodging of a formal complaint.

7.3.3. It is important to note that no sanction can be imposed on the alleged perpetrator as a result of the procedures set out in this section. A sanction can only be imposed following a formal complaint. For more details of the formal procedure, see section 7.4 below.

Direct approach

7.3.4. One option is to raise the issue directly, either in person, by telephone or by mail, with the person considered to have acted in a disrespectful manner. This can be the quickest and simplest means of resolving a situation, particularly where the person who has acted in a disrespectful manner may not have meant to offend or been aware of the effect of their behaviour. The person who feels that they have been subject to disrespectful behaviour is free to raise the subject directly and explain why the behaviour in question is considered to be disrespectful and what its effect was, with a view to resolving the conflictual situation and moving on. The person making the direct approach may ask another person to accompany them to any in-person meeting in order to provide them with moral support. However, nobody is under any obligation to pursue this avenue if it makes them uncomfortable or they do not, for any reason, feel able to do so. If the direct approach is attempted but it does not result in a resolution of the problem, all of the other procedures remain open.

Meeting with a manager

7.3.5. Another option available is to speak to a manager about behaviour which is considered to be disrespectful. This can be the manager of the person who has been subject to the behaviour or the manager of the person alleged to have acted disrespectfully, if different. The manager spoken to can then arrange a tripartite meeting with the aim of discussing the issue and reaching a resolution.

7.3.6. Alternatively, the person who feels that they have been subject to disrespectful behaviour can, if they prefer, ask the manager to speak separately to the person who is considered to have behaved disrespectfully, in order to let them know how their behaviour was perceived and has affected the person on the receiving end; to hear their side of story; and to encourage a better working relationship going forward. It is also possible to first ask the manager to speak to the other person in the absence of the person seeking the intervention and, if this does not have the desired effect, to then request a tripartite meeting, or vice versa. However, it is not obligatory to pursue both aspects of the manager-led procedure. Furthermore, if a resolution of the problem cannot be reached through this procedure, the other procedures remain open.

7.3.7. Whichever option is chosen, the manager must act as swiftly as possible after the problem has been raised with them.

Meeting with a Human Resources Advisor

7.3.8. A further avenue is to speak to a Human Resources Advisor, which can be done if speaking to any manager about the problems being experienced does not feel like an option. This could be because the manager is the person considered to have acted disrespectfully, or because the person seeking the amicable resolution does not feel that their manager would deal with the situation in the manner they would wish for. A meeting with a Human Resources Advisor can also be sought if the direct approach and/or a meeting with a manager has already been tried but has not led to a resolution of the problem.

7.3.9. A meeting with a Human Resources Advisor must take place as swiftly as possible after it is requested and will involve the person who is considered to have behaved in a disrespectful manner as well as the person who has been subject to such behaviour. The Human Resources Advisor's role is to enable constructive discussion with the aim of reaching a resolution of the problem. Their role is also to ensure that the meeting takes place in a safe, confidential and supportive manner.

Mediation

7.3.10. It is also possible to seek mediation by the Council of Europe's mediators. Mediation is an entirely voluntary and confidential process conducted by a neutral third party, the mediator, who is completely independent and impartial and has been specially trained in this form of alternative dispute management and resolution. The aim of mediation is to re-establish dialogue and enable a better understanding of the other's point of view between two or more persons. If needed, the mediator will assist the parties to reach a solution which is mutually acceptable to them, with a view to restoring a better working relationship between them.

7.3.11. Mediation, where requested by one party to a dispute and agreed to by the other party or parties, will be conducted by one of the Council of Europe's mediators. They can be contacted directly by any of the persons involved.

7.3.12. Given that the aim of mediation is to permit the persons involved to move forward from the issues they have had in the past and not to allocate blame, it is most appropriate where there is a conflictual relationship or dispute between two or more parties. It is generally not appropriate where there is an allegation of harassment, due to the power imbalance between the parties. It also cannot lead to any disciplinary sanction being imposed. If in doubt, the Mediators can be contacted for advice as to whether mediation is likely to be appropriate in the particular circumstances.

7.4. Formal complaint

7.4.1. Where a person considers that they are or have been the victim of harassment, the options mentioned above will generally not be sufficient to address this. The most appropriate option available is to lodge a formal complaint with the Director of Human Resources, and anyone who believes that they are the victim of harassment is strongly encouraged to pursue this course of action. In order to enable the Organisation to properly and efficiently investigate facts that may constitute harassment, a formal complaint should be made as soon as possible, and in any event must be lodged at the latest within two years of the last instance of the alleged acts of harassment. Complaints must be made in writing and substantiated to the fullest extent possible.

7.4.2. It is also possible to lodge a formal complaint regarding disrespectful behaviour which falls short of harassment. However, in such cases, consideration should be given to first trying one of the less formal options listed above, which may be more effective in resolving the problematic situation or behaviour and less stressful for all involved. It should also be borne in mind that the Director of Human Resources has discretion in deciding whether or not to take forward a formal complaint and may decline to do so where the disrespectful behaviour alleged does not appear to merit formal action.

7.4.3. In the event that a person considers that they have been harassed by the Secretary General, Deputy Secretary General, Director General of Administration or the Director of Human Resources, the appropriate reporting channel is to the Directorate of Internal Oversight, rather than the Director of Human Resources, as set out in *Speak Up: Council of Europe Policy on reporting wrongdoing and protection from retaliation*.

7.4.4. The above-mentioned *Speak Up Policy* also applies where harassment is alleged which is retaliatory in nature, that is, which results from a report of wrongdoing on the part of another person. In such a situation the appropriate course of action will also be a formal complaint to the Directorate of Internal Oversight.

Procedure following a formal complaint

7.4.5. Where an allegation of harassment reaches the Director of Human Resources, either directly by way of a formal complaint from the alleged victim, or via another person where the alleged victim has confirmed to the Director of Human Resources their wish to pursue a formal complaint, the Director of Human Resources will consider whether the allegations justify and require ordering an investigation to be carried out. Where the allegation is of sexual harassment or harassment by the victim's hierarchical superior, then the Director of Human Resources does not have discretion and must order an investigation. In circumstances where the Director of Human Resources is or becomes aware of more than one complaint in respect of the same alleged perpetrator, a single investigation may be ordered, or an investigation already underway may be expanded, where appropriate. The Director of the Directorate of Internal Oversight shall be informed prior to the Director of Human Resources ordering an investigation into allegations of harassment.

7.4.6. Where an investigation is ordered, it will be conducted by investigators external to the Organisation with relevant experience and expertise. Allegations will be investigated in an impartial, thorough, and timely manner, which is fair to all parties concerned and in which the rights of all parties are fully protected, in particular the due process rights of the accused person. Investigations will be conducted in line with the Organisation's legal framework governing the conduct of investigations; the Council of Europe Regulations on the Protection of Personal Data; and all other relevant confidentiality requirements.

7.4.7. The investigation report, once complete, will be transmitted to the Director of Human Resources, who will redact it if necessary and then transmit it to the accused person to enable them to provide their comments. If the investigation report does not disclose any disrespectful behaviour, both the person who made the complaint and the accused person will be notified of the Director of Human Resources' decision not to pursue the matter further. In such cases, no mention of the investigation will be included in the personal administrative files of any staff member concerned. If, on the other hand, the investigation report discloses behaviour in violation of this Policy, the report will be transmitted, together with the accused person's comments, to the Secretary General. The Secretary General will then proceed in accordance with Article 12 of the Staff Regulations and the implementing Staff Rules.

7.4.8. Once triggered by a formal complaint, the procedure set out above will ensue and will not be prematurely ended by, for example, the withdrawal of the complaint.

Protective measures

7.4.9. In cases of alleged harassment, where the alleged victim opts to lodge a formal complaint, there is the possibility of protective measures. Such measures aim to protect the alleged victim and prevent them from suffering further harm, whether as a result of further harassment; the stress involved in having to interact with their alleged harasser; or the risk of detrimental action in retaliation for having made a complaint. Protective measures can include (but are not limited to) paid leave for the victim; transfer of the victim to a different service; and monitoring of the victim's situation by a Human Resources Advisor. Where the alleged perpetrator is not a Secretariat member but another relevant person, protective measures may also include barring the alleged perpetrator from accessing the Organisation's premises.

7.4.10. Protective measures may be ordered by the Director of Human Resources, if appropriate, at the request of the victim; the suggestion of one of the persons listed above under "Available support"; or on the Director of Human Resources' own initiative, where there is *prima facie* evidence of harassment.

7.4.11. No protective measure which impacts upon the alleged victim will be imposed without first seeking their views.

Compensation

7.4.12. In cases where a formal complaint has resulted in a finding that harassment has occurred, and the responsibility of the Organisation is engaged for harm suffered by the victim of such harassment, a decision will be taken by the Secretary General to pay compensation to the victim. Such compensation is intended as reparations for the harm suffered, particularly the pain and suffering of the victim. In some cases, compensation can also cover financial harm incurred.

7.4.13. The Secretary General reserves the right to seek full or partial reimbursement of any compensation paid from the harasser.

8. Information and Monitoring

Awareness-raising

8.1. The Directorate of Human Resources will ensure that new Secretariat members, including newly arrived secondees and new intakes of trainees, are made aware of this policy and that awareness-raising is regularly conducted amongst all staff on the issues covered by the policy and the importance of respect, dignity and well-being in the workplace.

8.2. This Policy must be brought to the attention of other relevant persons, for example, in the contract or terms of reference defining their relationship with the Council of Europe or, in the case of visitors, upon their entry onto Council of Europe premises.

Discretion

8.3. All those involved in an allegation of disrespectful behaviour have the obligation to respect the privacy of the persons concerned. Moreover, alleged victims, alleged perpetrators and witnesses involved in one of the informal procedures or an investigation following a formal complaint must not divulge any information relating to the procedure to any person who is not involved.

8.4. The Directorate of Human Resources and senior management will handle the matter as discreetly as possible and divulge information on a strict need-to-know basis only. Absolute confidentiality cannot, however, be guaranteed as these persons may need to divulge information in order to resolve the allegation or to protect those involved. Furthermore, as mentioned above, even those subject to the strictest duty of confidentiality, such as the Organisation's doctor, the Welfare Officer and the Mediators, must raise the alert where they consider that a person is at real and imminent risk of harm.

8.5. A person who feels that they have been the victim of, or witness to, disrespectful behaviour is under no obligation to keep this to themselves but should, on the contrary, report it without delay.

Provision of information

8.6. Where a person has alleged that they have been the victim of disrespectful behaviour, they will be kept apprised of further developments relating to that allegation. If the allegation has given rise to an informal procedure, then the person will be fully aware of all steps of that procedure and of the outcome, through their involvement in the procedure. If the person has lodged a formal complaint, then they will be informed as appropriate of the

progress of the investigation and its outcome. The complainant will also be notified whether or not their formal complaint results in a sanction being imposed.

8.7. Where a person has made an allegation of disrespectful behaviour directed towards someone other than themselves, the person who made the allegation will be notified of any further stages in the procedure and once it has reached its conclusion, as well as whether or not the allegation has resulted in a sanction being imposed.

8.8. Where a person is the subject of an allegation of disrespectful behaviour and the person making the allegation wishes to pursue one of the procedures set out above, the accused person will be informed as follows. If the alleged victim opts for a meeting with a manager or a Human Resources Advisor, the person alleged to have behaved disrespectfully will be invited to a meeting as soon as possible; if they opt to lodge a formal complaint, the person alleged to have behaved disrespectfully will be notified if and when the Director of Human Resources orders an investigation. The accused person will subsequently be kept informed of progress, regardless of the procedure followed, and will be given a copy of the investigation report, where applicable. In exceptional cases and where duly justified, this may be redacted in order to protect the identity of certain witnesses.

Statistics

8.9. The Directorate of Human Resources is responsible for publishing periodic statistics detailing the number of formal complaints it has received and the number of sanctions that have been imposed. These reports will not contain any details which could serve to identify the perpetrators or victims of disrespectful behaviour.

9. Protection against retaliation

9.1. Anyone who makes, in good faith, an allegation of harassment, whether against them or another person, will be protected by the Organisation. Specifically, protection will be given against retaliatory action or the risk thereof by, or on behalf of, the person against whom the allegations were made. It is strictly prohibited to commit or threaten any detrimental action in retaliation against a person who has made an allegation of harassment or other disrespectful behaviour and doing so may lead to disciplinary sanctions.

9.2. A person who reports harassment to the Director of Human Resources, whether or not they are the victim of such harassment, will be treated as a “reporting person” for the purposes of *Speak Up: Council of Europe Policy on reporting wrongdoing and protection from retaliation*, and will be protected in line with that policy. This means that they may ask the Directorate of Internal Oversight to recommend that steps be taken to mitigate the risk of retaliatory action against them, where they feel that such a risk exists. A person who has reported harassment or other disrespectful behaviour may also, in the event that they consider that they have been subject to retaliation, lodge a formal complaint with the Director of Internal Oversight, which will be looked into and may lead to a disciplinary sanction against the person who has carried out the retaliatory action.

9.3. In addition, where a person has reported harassment of which they are the victim, protective measures as described above under “Protective measures” may be put in place, if considered necessary by the Director of Human Resources, to protect them not only from the risk of retaliation but from suffering any further harm as a result of the harassment. Such protective measures are likely to include close monitoring of the situation by a Human Resources Advisor once the complaint has been made and for an appropriate period of time thereafter and may also include putting the complainant on paid leave; transferring them to another service; or changing their appraiser(s), as appropriate.

9.4. The names and identifying details of any witnesses in an investigation following a formal complaint of harassment may be redacted from the version of the report provided to the alleged perpetrator by the Director of Human Resources, in order to protect their identity. The need for redaction will be evaluated on a case-by-case basis and the person concerned will be notified whether or not their identity has been withheld from the investigation subject.

9.5. More information as to what constitutes retaliatory action and how it is dealt with in the Organisation can be found in *Speak Up: Council of Europe Policy on reporting wrongdoing and protection from retaliation*.

10. Final provisions

10.1. This Policy will enter into force on 1 January 2023. Any proceedings which are pending at the time of the Policy's entry into force will not be affected but will continue to be governed by the rules which applied on the date on which the proceedings were initiated.

10.2. This Policy applies to acts which occur after its entry into force. In addition, recourse may be had to the procedures set out at section 7 above in respect of acts which occurred prior to that date, where such acts form part of a pattern of behaviour or sequence of events which continues after the Policy's entry into force, subject to the limitation period set out at paragraph 7.4.1 above.

10.3. Complaints in respect of alleged acts of harassment that occurred entirely prior to the entry into force of this Policy must be lodged at the latest within two years of the date of entry into force of the Policy and will be dealt with in accordance with the procedures set down herein.

10.4. This Policy will be kept under regular review by the Directorate of Human Resources and may be amended by the Secretary General.

Marija PEJČINOVIĆ BURIĆ
Secretary General of the Council of Europe
21 December 2022