



Harassment Framework

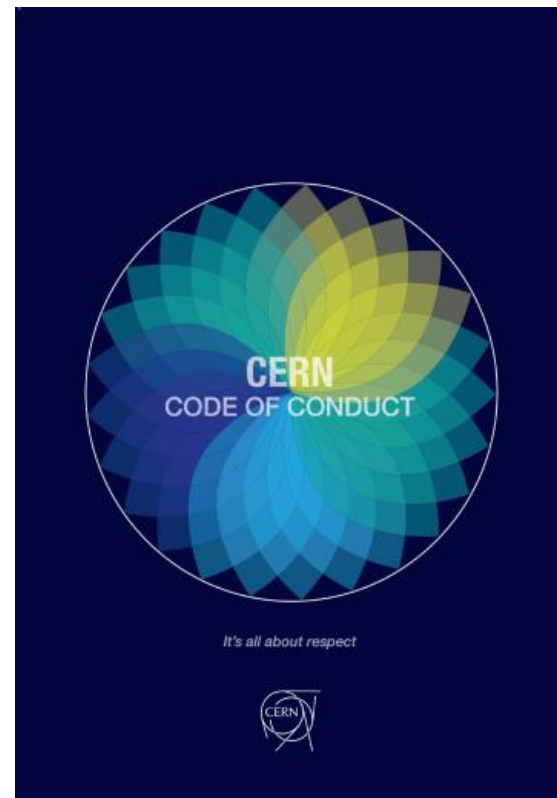
prevention, detection, investigation



Louise Z. Carvalho
Legal Adviser, HR Department
19 May 2020

Overview

- I. Legal and Policy framework
 - A. Staff Rules & Operational Circular 9
 - B. Code of Conduct
- II. Complaint and Investigation
 - A. Response channels
 - B. Investigation and due process
 - C. Statistics
- III. Prevention and Communication



Duty of Care



Obligation

Safe work environment

Transparent framework

Timely response

Accountability

* Applies to all CERN contributors *

Impact

Trust in framework

=

Improved individual performance

=

Improved team performance

=

Better results

II. Legal Framework

Staff Rules & Regulations, Chapter 1, Section 3: Conduct

S I 3.01: “Members of the personnel shall **conduct** themselves with due regard to the interests and proper functioning of the Organization.”

S I 3.02: “Employed members of the personnel shall perform the functions entrusted to them with **integrity...**”

Operational Circular No.9: «Principles and Procedures Governing Complaints of Harassment»

§3: Harassment is “contrary to the principles of equal opportunity, non-discrimination and mutual respect”;

“the Organization does not tolerate harassment”

§4: Sexual harassment: offensive jokes, unwelcome physical contact, suggestive remarks
Moral harassment: bullying, seeking to discredit, discriminatory behaviour

§9: All persons with knowledge of potential cases should inform their hierarchy

Policy: Code of Conduct




- ❖ Treat others with tact, courtesy and respect (*diversity*)
- ❖ Statements not intended to be offensive may be perceived as such (*diversity*)
- ❖ Abstain from and actively discourage all forms of harassment (*professionalism*)


Inappropriate behaviour? Misconduct? Harassment?

CERN's Response Channels

Handling your concern in <u>full confidentiality</u>	Contact Information Building-floor-office location	Listening	Mediation	Advice &/or Guidance	Receipt of formal complaint; Investigation; Disciplinary action
Ombud's Office	ombuds@cern.ch 500-1-04	✓	✓	✓	
Social Affairs Service	social.affairs@cern.ch 33-1-38	✓		✓	
Medical Service	medical.service@cern.ch 57-1	✓		✓	
HR Adviser (Staff) or HR Coordinator (Fellows, Trainees, Students)	cern.ch/hr/hr-key-contacts 5-1 & 5-2	✓	✓	✓	
Staff Association	staff.association@cern.ch 64-R-010	✓		✓	
Your Department Head, or Head, Human Resources	(name)@cern.ch, or hr-dept.head@cern.ch	✓		✓	✓
Harassment Investigation Panel (HIP)	HIP Chairperson HIP.Chair@cern.ch			✓	✓



 All members of personnel
(incl. Users)

 Staff, Fellows, Trainees,
Students*

*Students: TECH, ADMIN, DOCT, Short-Term
Internship programmes coordinated by CERN HR

Harassment Investigation Panel

I Informal Resolution:

1. Early communication
2. Ombuds

II Formal Resolution:

HIP investigation



II Formal resolution



Disciplinary Action

“The Director-General may take disciplinary action taken against MPs who...are guilty of a breach of the SRR or of misconduct that is to the detriment of the Organization.” (S VI 2.01)

Potential disciplinary actions (S VI 2.02):

Warning - Reprimand - Suspension without remuneration – Downward adjustment salary - Demotion - Dismissal



Less serious actions: taken by Department Head

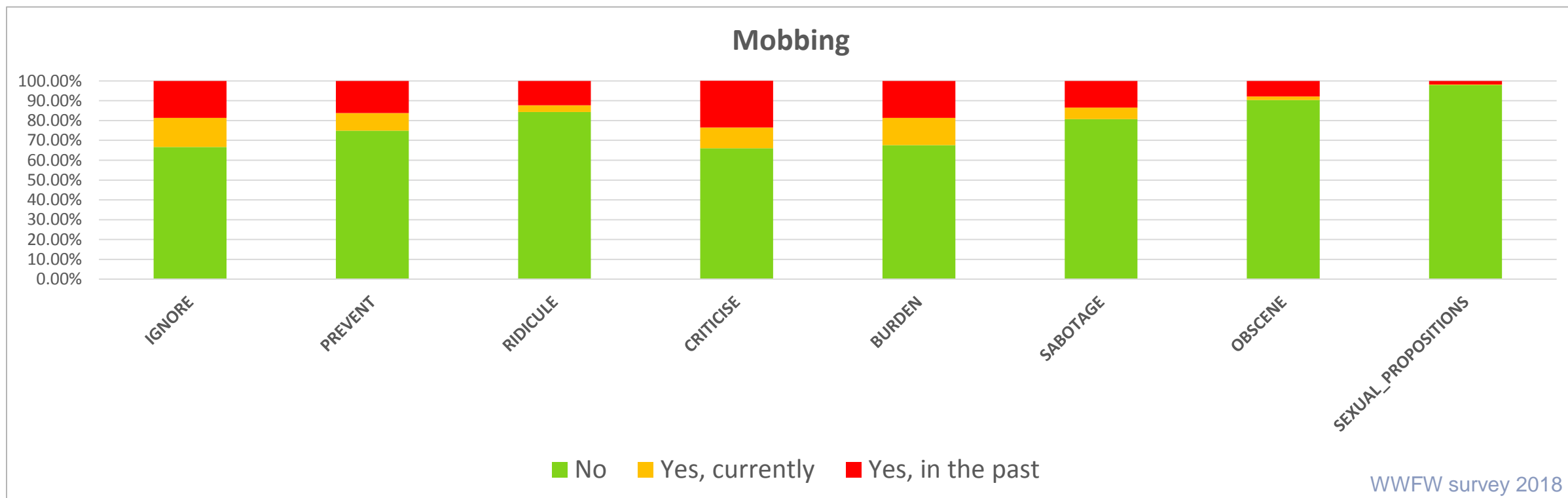
More serious actions: taken by DG after consultation with Joint Advisory Disciplinary Board (JADB).

“Particularly serious misconduct”: DG may dismiss without notice and without JADB (S VI 2.05)

Staff Survey self-declarations:

One or more persons behave(s) systematically with you in the following way:

- **Ignore** you, pretend you're not there
- **Prevent** you from expressing yourself
- **Ridicule** you in public
- Unfairly **criticise** your work
- **Burden** you with unnecessary tasks
- **Sabotage** your work, prevent you from working properly
- Say **obscene** or degrading things to you
- Make insistent **sexual propositions**



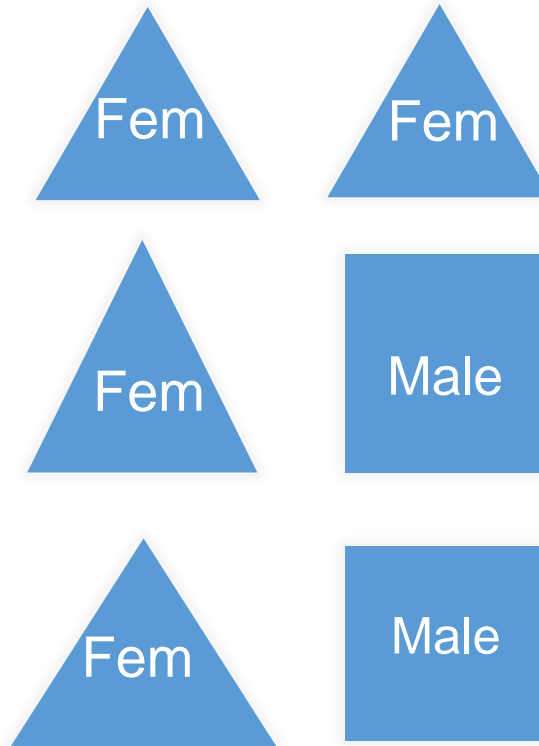
HIP case tracking

2019:

HIP Chair receives
6 individuals



Alleged victims:

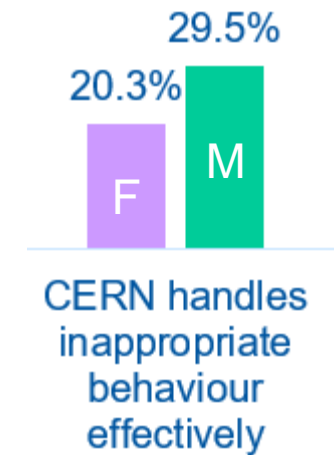


Alleged harassers: Male

Formal complaint ✗	Formal complaint ■
Formal complaint ■	Formal complaint 2020 ✗
Did not proceed	Did not proceed

V. Prevention and Communication

- ✓ Staff Rules & Regs
 - ✓ Sent to all new joiners; available on HR page
- ✓ DG annual address
- ✓ Code of Conduct (booklets, posters, FAQ)
- ✓ Presentations
- ✓ HR annual report of (anonymised) disciplinary matters



Staff Survey 2019

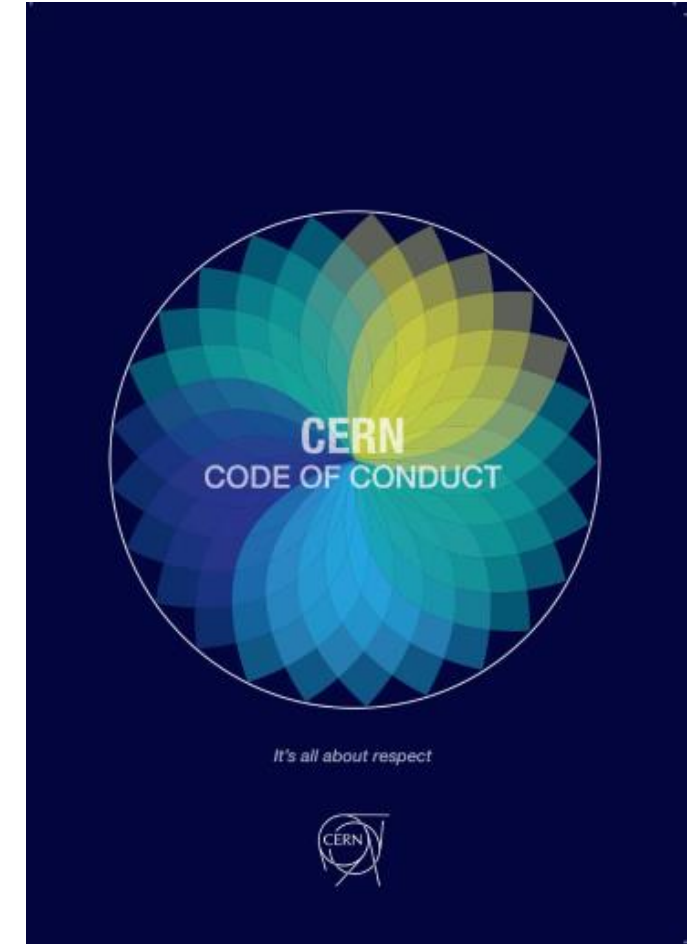
Harassment Framework

Robust

Far-reaching

Fair

Accessible





Thank you

Louise Z. Carvalho
Legal Adviser, HR Department