

Decision of the European Ombudsman concerning complaint 1483/2019/MMO on how the European Commission dealt with an infringement complaint against the United Kingdom concerning failure to investigate sexual harassment at the workplace - CHAP(2019)00508

Decision

Case 1483/2019/MMO - Opened on 02/09/2019 - Decision on 02/09/2019 - Institution concerned European Commission (No maladministration found) |

Dear Ms X,

On 30 July 2019, you filed a complaint [1] with the European Ombudsman against the European Commission concerning its alleged failure to deal adequately with the infringement complaints you submitted against the United Kingdom (UK) concerning discrimination and harassment at the workplace.

Your infringement complaints concerned an alleged breach of the EU legal framework of discrimination and harassment at the workplace. You claimed that you had been the victim of such an incident yourself but also that your case was not an isolated one in the UK.

In your complaint to the Ombudsman, you argue that the Commission did not handle properly your infringement complaints. In particular, you contend that the Commission downplayed the importance of your complaints, it did not request further information and it dismissed the case as an isolated and insignificant one.

After a careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion:

The European Commission's replies are reasonable. The information and evidence provided in the complaint do not give reason for concluding that the European Commission acted with maladministration.

We note, first, that the Commission has wide discretion in dealing with complaints alleging a violation of EU law ("infringement complaints"). The European Ombudsman can, as a matter of good administration, seek to ensure that the Commission explains properly how and why it has



exercised its discretion. The Commission should make available complete and clear information on the position it takes regarding an infringement complaint, gives complainants the opportunity to present their views on its position, and carefully considers those views. Our inquiries seek to ensure that this is the case.

As regards whether the explanation provided to you meets this standard, I note that the Commission has sufficiently explained to you why it will not pursue an infringement case against the UK. As the Commission informed you, the UK has transposed correctly *Directive 2006/54/EC on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast)* [2] into its national legal order [3], and thus harassment at the workplace is explicitly prohibited in the national legislation. In those circumstances, the Commission referred you to national means of redress.

We note thus that the Commission has fully informed you why it intended to close your infringement complaints and gave you the opportunity to comment on its position and its intention to close the case.

Moreover, the Commission also replied to the complaint you submitted based on the European Code of Good Administrative Behaviour concerning the handling of your infringement complaints. The Commission's explanations in this respect are also reasonable and well-founded.

On this basis, we find that there is no evidence of maladministration by the Commission. For that reason we have closed the case.

While you might be disappointed with this outcome, we hope that you will find these explanations helpful [4]. You are welcome to turn to the Ombudsman again should you encounter problems with an EU institution, body, office or agency.

Yours sincerely,

Marta Hirsch-Ziembińska

Head of Inquiries and ICT - Unit 1

Strasbourg, 02/09/2019

[1] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link] Information on the review



procedure can be found on the Ombudsman's [website \[Link\]](http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/70669/html.bookmark):
<http://www.ombudsman.europa.eu/en/resources/otherdocument.faces/en/70669/html.bookmark>
[Link]

[2] <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006L0054> [Link]

[3] In particular, Section 26 of the Equality Act.

[4] Full information on the procedure and rights pertaining to complaints can be found at
<https://www.ombudsman.europa.eu/en/document/70707> [Link]