



Decision in case 2084/2018/NH on how the European External Action Service and its mediation service handled a complaint from a staff member about alleged harassment

Decision

Case 2084/2018/NH - Opened on 10/01/2019 - Decision on 22/04/2020 - Institution concerned European External Action Service (No maladministration found) |

The case concerned how the EEAS handled an e-mail with harassment allegations, sent to its Mediation Service by a staff member in an EU Delegation. In the course of the Ombudsman's inquiry, the EEAS explained how the Mediation Service had dealt with the complainant's concerns and why the file had been closed.

The Ombudsman found that the explanations given by the EEAS were reasonable. The EEAS Mediation Service handled the complainant's harassment claim in an informal way, in line with its mandate. The Ombudsman closed the inquiry with the finding that there was no maladministration by the EEAS.

Background to the complaint

1. The complainant is a former staff member of the European External Action Service (EEAS) who worked in an EU Delegation to an African country. Her contract with the EEAS ended in October 2017.

2. While working in the Delegation, the complainant sent an e-mail to the EEAS Mediation Service, [1] in which she said that she wanted to make a harassment complaint against her superior. She also described that she had problems to get reimbursement from the Delegation of various costs linked to her move to the African country in question.

3. When the complainant's contract with the EEAS ended, she wrote again to the EEAS Mediation Service, asking for information about her harassment complaint and its registration number. The EEAS Mediation Service did not reply to her.

4. Dissatisfied with the way in which the EEAS had handled the matter, the complainant turned to the European Ombudsman in December 2018.

The inquiry

5. The Ombudsman opened an inquiry to obtain clarifications on how the EEAS and its Mediation Service had dealt with the complainant's harassment complaint.

6. In the course of the inquiry, the EEAS Mediation Service provided the complainant with the



registration number of her complaint regarding the " *conflict with her superior* " as well as the registration number of her complaint concerning the reimbursement of various expenses. The EEAS Mediation Service explained that it had closed the case regarding conflict when the complainant stopped working for the Delegation.

7. Following an additional request for clarifications from the Ombudsman's inquiry team, the EEAS further explained that the complaint had not been registered as a formal harassment complaint. There are specific rules in place in Delegations on how to make formal harassment complaints under the EU Staff Regulations. [2] Relevant information can be found on the EEAS Intranet. The role of the EEAS Mediation Service is to handle conflicts between staff members through an informal procedure, which aims at resuming dialogue and finding an amicable solution. The complaint in question was thus dealt with as a request for advice from the complainant concerning the professional conflict she had with her superior. As the work relationship between the complainant and her superior ended in 2017, the file was closed. This is in line with the standard procedure of the EEAS Mediation Service. The EEAS recognised that it could have informed the complainant sooner about the fact that her file had been closed.

8. Further to the explanations provided by the EEAS, the Ombudsman's inquiry team also met with the EEAS and inspected the EEAS file on this case. During the inspection, the EEAS provided the Ombudsman with the e-mail that the complainant sent to the EEAS Mediation Service in May 2017. In her e-mail, the complainant wrote that she wanted to make a harassment complaint. She also described problems with obtaining reimbursement of various costs. The inspection showed that the EEAS Mediation Service followed up on the e-mail with at least two telephone conversations with the complainant. The EEAS Mediation Service said that it informed the complainant orally about the right and possibility to make a formal harassment complaint. The EEAS Mediation Service also stated that, in her further contacts with the Mediation Service, the complainant did not put emphasis on her harassment allegations. The EEAS Mediation Service said that it thus focused on resolving the complainant's problems with the reimbursement of expenses.

9. The complainant sent the Ombudsman her comments on the inspection report drawn up by the Ombudsman's inquiry team. She contended, in summary, that the EEAS Mediation Service never informed her about the further steps that she had to take to pursue her harassment complaint.

The Ombudsman's assessment

10. The Ombudsman's role in harassment cases is to examine how the institution or body concerned dealt with the harassment complaint. In particular, the Ombudsman checks whether adequate procedures were in place and whether the body acted in accordance with those procedures. The Ombudsman **does not seek to establish whether harassment occurred in a specific case** .

11. The Ombudsman's 'Best Practices' on preventing and dealing with harassment cite the importance of informal procedures which usually involve confidential counsellors or external mediators, who can help find effective solutions at an early stage. [3]



12. As described in paragraph 7 above, the work of the EEAS Mediation Service is of such an informal nature. The role of the EEAS Mediation Service is described on the EEAS Intranet and thereby made available to all staff, including staff in Delegations. The work of the Mediation Service does not replace the formal harassment procedure. The formal procedure is also described on the EEAS Intranet.

13. The EEAS Mediation Service says that, in one of its telephone conversations with the complainant, it informed her about her rights to make a formal harassment complaint. The complainant says that she was not informed of this possibility. As there are no recordings of the telephone conversations between the complainant and the EEAS Mediation Service (due to its informal and confidential nature), it is not possible for the Ombudsman to establish whether the Mediation Service gave the complainant this information. However, as set out above, the role of the EEAS Mediation Service, as well as information on how to make a formal harassment complaint, is set out on the EEAS Intranet.

14. The EEAS Mediation Service contends that the complainant did not insist further on her harassment allegations. There is nothing in the file inspected by the Ombudsman's inquiry team that would suggest otherwise. It was thus reasonable for the Mediation Service to focus on helping the complainant with the problems that she had as regards reimbursement of various costs.

15. In this context, it is understandable that the complainant was not informed that her complaint had been closed at the end of her contract. However, it would appear useful for the Mediation Service to consider updating staff who have turned to it about the status of their file. The Ombudsman trusts that the Mediation Service will do so in the future.

16. Based on the above, the Ombudsman finds no maladministration in how the EEAS handled the complainant's approaches to the Mediation Service.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

There was no maladministration by the EEAS.

The complainant and the EEAS will be informed of this decision .

Emily O'Reilly

European Ombudsman

Strasbourg, 22/04/2020

[1] The EEAS Mediation Service is an independent service available to all staff working in the



EEAS with the role of helping to find amicable solutions to conflict situations, including harassment allegations, in the work environment.

[2] A complaint about harassment should be submitted under Article 24 of the Staff Regulations as a 'request for assistance'. Given the particular situation of staff working in EU Delegations, the EEAS has signed an agreement with the European Commission for it to handle such complaints. Staff in EU Delegations should thus make their formal harassment complaints to the Commission.

[3] See the Report of the European Ombudsman on dignity at work in the EU institutions and agencies: SI/2/2018/AMF; available at:
<https://www.ombudsman.europa.eu/en/report/en/107799>