



Decision of the European Ombudsman closing own initiative inquiry OI/7/2013/MHZ concerning the European Institute for Gender Equality (EIGE)

Decision

Case OI/7/2013/MHZ - **Opened on** 06/12/2013 - **Decision on** 04/03/2015 - **Institution concerned** European Institute for Gender Equality (No maladministration found) |

This inquiry arose in the context of the visit of the European Ombudsman to the European Institute for Gender Equality. The visit *formed part of the Ombudsman's programme of visits to EU agencies aimed at spreading good practice among the agencies in their relations with citizens. As part of the visit, the Ombudsman examined (i) the Institute's initial contacts with the public, (ii) transparency, dialogue and accountability, (iii) recruitment, (iv) tenders and contracts, (v) conflicts of interest and (vi) whistleblowing. The Ombudsman made six suggestions to the Institute to improve its performance in these areas. EIGE's response confirmed that it was taking action by, among other things, making information about its work available in all EU official languages and adopting more detailed provisions in relation to whistleblowing.*

As the Ombudsman's visit suggested that the Institute needed to do more to deal with, and indeed prevent, cases of harassment, she followed-up specifically on this issue and was encouraged by the determined action taken by the Institute in response. To promote further improvement, the Ombudsman has, among other things, suggested that EIGE regularly organise training in this area of central importance to the Institute's work.

The background to the inquiry

1. In May 2011 the Ombudsman launched a programme of visits to EU agencies with the aim of identifying and spreading best practices used by the agencies in their relations with citizens [1] . These visits are formally carried out on the basis of the Ombudsman's competence to conduct own-initiative inquiries. The visit to the European Institute for Gender Equality ('EIGE' or the 'Institute') took place on 13 December 2013.

2. EIGE was set up by Regulation (EC) No 1922/2006 [2] of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality (the 'Founding Regulation'). According to Article 2 of the Founding Regulation, the general objectives of EIGE are " *to contribute to and strengthen the promotion of gender equality, including gender mainstreaming in all [EU] policies and the resulting national policies, and the fight against discrimination based on sex, and to raise EU citizens' awareness of gender equality by providing technical assistance to the [EU] institutions, in particular the Commission, and the authorities of the Member States* ". EIGE is based in Vilnius, Lithuania.



3. Following the visit, the Ombudsman drew up a report [3] in which she made six suggestions. In addition, as the Ombudsman had become aware of concerns regarding alleged harassment at the Institute, she invited EIGE to reply to four questions (1) How does EIGE deal with allegations of psychological and sexual harassment internally? (2) How many requests for assistance pursuant to Article 24 of the Staff Regulations relating to issues of harassment did EIGE receive in 2012 and 2013? (3) How many complaints pursuant to Article 90(2) of the Staff Regulations relating to issues of harassment did EIGE receive in 2012 and 2013? (4) How are EIGE's confidential counsellors involved in the Agency's attempts to protect staff members from harassment?

4. The Director of EIGE replied to the Ombudsman's suggestions in detail [4]. She also replied to the Ombudsman's questions in relation to harassment. On 4 December 2014, the Ombudsman's services carried out an inspection of documents at EIGE. In the analysis below, the Ombudsman will examine EIGE's reply. The results of the inspection of documents will also be taken into account.

(1) Suggestion that EIGE could consider publishing the European Code of Good Administrative Behaviour (ECGAB) on its website

EIGE's reply

5. In its reply, EIGE stated that the ECGAB has now been published on the Institute's website [5].

The Ombudsman's assessment

6. The Ombudsman applauds EIGE's decision to publish the ECGAB on its website.

(2) Suggestion that EIGE could consider making its website homepage and information about what it does available in other official EU languages besides English and Lithuanian

EIGE's reply

7. In its reply, EIGE explained that its existing publication "EIGE in Brief" contains basic information about the Institute's activities. The publication is currently available in English,



Lithuanian, Portuguese, Italian, French, Greek, German, Latvian and Spanish. These language versions will be more visible on EIGE's website at the beginning of 2015. The Institute intends to make more language versions progressively available. The publication should be accessible in all official EU languages on EIGE's website by the end of 2015. EIGE added that its reports to the presidency of the Council of the European Union are translated into and published in five official languages (English, German, French, Italian and Spanish, as well as Lithuanian, the translation costs of which are covered by the Lithuanian government).

The Ombudsman's assessment

8. The Ombudsman welcomes EIGE's decision to implement her suggestion by making its existing publication "EIGE in Brief" available in all official EU languages on its website by the end of 2015. Despite the long time frame, the Ombudsman trusts that EIGE will implement this suggestion. She thus ends her examination of the issue at present but will appreciate if EIGE informs her when this commitment has been met.

(3) Suggestion that EIGE could consider producing an annual report on its handling of requests for public access to documents and making it available to the public

EIGE's reply

9. EIGE stated that it is in the process of implementing Article 8.1 of its policy on public access to documents. To that effect, it will annex, to its Annual Activity Report, a report containing information about requests for access to documents including the document register and requests received via its web form. The Institute will also include in the report details of cases in which it refused to grant access to documents, the reasons for such refusals, and the number of sensitive documents that are not recorded in the register.

The Ombudsman's assessment

10. The Ombudsman welcomes the fact that EIGE intends to implement her suggestion by annexing a report on its handling of requests for public access to documents to its Annual Activity Report. The Ombudsman trusts that the first such report will form part of EIGE's Annual Activity Report for 2014.

(4) Suggestion that, in its recruitment procedures, EIGE could consider informing candidates on a



systematic basis about the possibility of complaining to the Ombudsman

EIGE's reply

11. EIGE explained that, since it received the Ombudsman's report, it has included information on the possibility of complaining to the Ombudsman on its website [6] . It added that, in future, it will also include more comprehensive information on the appeal procedure in each vacancy announcement.

The Ombudsman's assessment

12. The Ombudsman notes with satisfaction that EIGE has decided to implement her suggestion by starting to inform candidates about the possibility of complaining to the Ombudsman (i) on its website, and (ii) in vacancy notices.

(5) Suggestion that EIGE could consider adopting measures with a view to complying with the Ombudsman's guidelines

[7]

on the disclosure of names of members of selection boards

EIGE's reply

13. EIGE informed the Ombudsman that it will follow the Ombudsman's guidelines on the disclosure of names of members of selection boards. It will do so by announcing the members' names in the letters to candidates who are invited for an interview as from the last quarter of 2014.

The Ombudsman's assessment

14. The Ombudsman considers that EIGE's response fully implements her suggestion.

(6) Suggestion that EIGE could consider including more detailed provisions intended to facilitate the administrative investigations of OLAF within the



Agency and amending Decision MB/2011/022 accordingly

EIGE's reply

15. In its reply, EIGE stated that the relevant decision, that is to say, the Director's Decision on reporting improprieties, is already in place and has been applicable since March 2012. The decision lays down the procedure to be followed by the Institute's staff in order to comply with the obligation to notify any fact which gives rise to a presumption of the existence of serious wrongdoing. EIGE will amend the decision in order to comply with Article 22c of the Staff Regulations, with specific emphasis on the process for handling complaints. Furthermore, EIGE added that it has published on its intranet the guidelines on investigation procedures for OLAF staff and has developed a new anti-fraud strategy. It will present the strategy, as well as the amended decision, to all staff members in early 2015.

The Ombudsman's assessment

16. The Ombudsman notes with satisfaction that EIGE intends to adopt more detailed provisions with a view to complying with Article 22c of the Staff Regulations, as she suggested in her report. She trusts that EIGE will adopt the relevant decision as soon as possible.

G. Questions concerning harassment

EIGE's reply

17. EIGE replied that, prior to the Ombudsman's visit, no case of sexual or psychological harassment had been brought to the attention of the Institute's senior management. On 6 June 2012, EIGE's Management Board adopted internal rules on protecting the dignity of the person and preventing psychological and sexual harassment. In addition, a manual of informal procedures, developed with external support in the context of the internal rules, would be finalised by the end of 2014. The internal rules provide for a zero tolerance approach to any kind of harassment, by means of (i) an informal procedure supported by the Agency's confidential counsellors, and (ii) a formal procedure in accordance with the Staff Regulations.

18. EIGE further pointed out that, in 2012 and 2013, it received no requests for assistance under Article 24 of the Staff Regulations. Nor were any complaints made during that time under Article 90(2) of the Staff Regulations.

19. As regards training, EIGE explained that it organised a half-day training session on the prevention of any type of harassment for all staff members in May 2013. The management attended a further half-day training session on the same subject. The Institute's confidential



counsellors and their coordinator have completed a four-day course covering their role, communication skills, support, confidentiality and mediation. EIGE will also organise annual follow-up training for them. At the time it replied, the next session was scheduled for the end of 2014.

The Ombudsman's inspection of documents and her conclusions

20. The Ombudsman's services inspected the documents adopted by EIGE aimed at preventing and reacting to harassment at the workplace, in particular, the "Manual of informal procedures within the framework of EIGE's Policy on protecting the dignity of the person and preventing psychological and sexual harassment", dated 15 October 2014, and "The policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment", approved by the European Commission in March 2012 and by EIGE's Management Board in June 2012. In the Ombudsman's view, the rules contained in these documents make it possible for EIGE's staff and management to deal properly with situations of harassment or bullying. However, the inspected documents showed that no specific training on harassment for all EIGE employees was held in 2014. The implementation of these rules would be facilitated if EIGE offered regular training on preventing harassment at the workplace for all its employees. In this respect, the Ombudsman will make a further remark below.

21. The Ombudsman further notes that the inspected documents revealed that, in 2014, three harassment complaints were submitted to EIGE (one followed by a complaint under Article 90(2) of the Staff Regulations [8]). Two of these complaints triggered an independent external investigation, and, in all three cases, EIGE initiated disciplinary proceedings against the alleged perpetrators. At the time of the inspection, two of these proceedings were still ongoing. The documents showed, in particular, that the inquiry conducted by the independent external investigator is consistent with the best standards, and that EIGE's management promptly reacted to the investigator's findings.

22. An issue emerged also regarding the situation of trainees. The Ombudsman notes with approval that EIGE has adopted rules to improve the situation of trainees (in particular, a new decision on the EIGE's Traineeship Policy, dated 27 June 2014, and "Recommendations to Supervisors of Traineeships", dated September 2014). However, when her services inspected these documents, it became clear that these rules do not clearly establish the exact length of the traineeships that EIGE offers. The Ombudsman therefore encourages EIGE to consider offering fixed-term traineeships. In this respect, she will make a second further remark below.

23. Finally, the Ombudsman's services inspected documents related to EIGE's actions at the time of the change of the staff committee in early 2014. It is clear from these documents that members of management took part in the election of the staff committee and that concerns were expressed that this could lead to confusion about the committee's role. The Ombudsman notes that managers are members of staff and thus entitled to take part in the



election of the staff committee. In some circumstances, however it may be advisable and in line with good administrative practice for senior managers to consider abstaining from exercising their right to vote, in the interests of ensuring that the staff committee is able to carry out its functions effectively. In this respect, she will make a third further remark below. The Ombudsman also takes this opportunity to thank the former EIGE staff committee for the constructive discussion it had with her during her visit and to wish the new staff committee every success.

Conclusion

On the basis of her inquiry, the Ombudsman closes it with the following conclusions:

The Ombudsman welcomes the measures taken by EIGE to implement the suggestions that she made after her visit to the Agency.

EIGE will be informed of this decision.

Further remarks

1. The Ombudsman encourages EIGE, in view of its very specific mandate in this area, regularly to organise training for its entire staff on preventing harassment.

2. The Ombudsman encourages EIGE to consider offering fixed-term traineeships.

3. The Ombudsman points out that it is important to avoid confusion about the role of the Institute's staff committee. While managers are also members of staff and thus entitled to take part in the election of the staff committee, it may be advisable and in line with good administrative practice for senior managers to consider abstaining from exercising this right, in the interests of ensuring that the staff committee is able to carry out its functions effectively.

Emily O'Reilly

European Ombudsman

Strasbourg, 04/03/2015

[1] Information on the visits to the EU agencies can be found at:
www.ombudsman.europa.eu/activities/visits.faces

[2] Regulation (EC) No 1922/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a European Institute for Gender Equality, OJ 2006 L 403, p. 9.

[3]
<http://www.ombudsman.europa.eu/en/activities/visitreport.faces/en/54603/html.bookmark>



[4]
<http://www.ombudsman.europa.eu/en/activities/visitreport.faces/en/58093/html.bookmark>

[5]
<http://eige.europa.eu/content/document/the-european-code-of-good-administrativebehaviour>

[6] <http://eige.europa.eu/content/selection-procedure-appeals-further-details>

[7] The guidelines issued by the Ombudsman in the framework of her own-initiative inquiry OI/4/2013/CK may be found at:
<http://www.ombudsman.europa.eu/en/cases/correspondence.faces/en/54361/html.bookmark>

[8] The Ombudsman received an individual complaint in this respect. Her inquiry is ongoing.