



Spotlight on Parliaments in Europe

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A minority of Parliaments and Chambers have specific regulation to prevent harassment in the workplace

On 22nd of November 2017, upon request of an MP, the Hungarian National Assembly submitted a question to the ECPRD (N. 3580) concerning the 28 National Parliament's internal regulations to prevent employees from harassment and violence in the workplace. The request focused on three main aspects: 1) whether it is legally observed to set up protocols and to appoint an officer responsible for preventing harassment, 2) Whether National Parliaments have any formal protocol on how to prevent harassment and 3) whether the National Parliaments have an officer responsible for preventing harassment. Amongst the 22 respondents, only two (Austria and Sweden) have a legal obligation for workplaces to set up specific protocols and/or appoint an officer responsible for preventing harassment. The rest refer to their legal systems and internal law, which provide generic prohibitions against harassment, violence and any kind of discrimination. However, despite the absence of a legal obligation for a protocol, some of the respondent Chambers rely on either a protocol or an Officer responsible for preventing harassment. The present document aims to provide a summary of the responses given by the National Parliaments/Chambers, and it will be structured in three separated parts corresponding to the questions posed by the Hungarian National Assembly.

Legal obligations for workplaces to set up protocols and/or appoint an officer responsible for preventing harassment and violence: Only two of the respondent Parliaments/Chambers (Austrian and Swedish) have a specific legal obligation of setting up a protocol and/or appointing a responsible for preventing/exploring harassment. In the Austrian case, the law obliges public administrations to have an Equal Treatment Officer for each Federal Ministry - which is extensive for the rest of public administrations. In Sweden, the law obliges the public administration to have a protocol or a policy against harassment and sexual harassment in workplaces. Despite not having a legal obligation of setting up a protocol to prevent workers from harassment, the rest of the Parliaments or Chambers, refer to their internal rules, Code of Ethics and constitutional frameworks defining what constitutes an act of harassment and specifying its punishment. Harassment is therefore subsumed within their Criminal Codes or Labour Laws. That is the case of the Romanian Chamber of Deputies refers to the constitutionally protected right to equality and right of measures of social protection and the constitutional prohibition of discrimination and acts of exclusion. On the Croatian case, the responding Parliament refers to their Civil Servants Law and their Gender Equality Law, which defines and regulates the ways of protection against discrimination based on gender.

Actual existence of a formal protocol on how to prevent and report harassment and violence: The number of Parliaments/Chambers which, despite the absence of a legal obligation, have a protocol on how to prevent harassment, is higher than two. At least eight of the respondents have concrete rules on how to proceed when cases of harassment and violence occur. This is the case for Croatia, the Spanish Chamber of Deputies, Finland, France, the Polish Senate, Sweden, the British House of Commons and Slovenia. Some of the respondents specify their rules of procedure when it comes to the prevention of harassment and violence; that is the case for Finland, France and Spain. In this respect, all the Chambers and Parliaments, which specify how they proceed against a case of harassment, have in common the guarantee of deontology and confidentiality towards the victims and whistle-blowers. Moreover, it can be noted that, when specified, all legislation was approved after 2010.

Officer responsible for preventing harassment and violence: Nine of the respondent parliaments do count with an officer responsible for preventing or exploring harassment and violence. This is the case for Austria, Croatia, the German Bundesrat, The Spanish Chamber of Deputies, Finland and France, the Polish Senate, the UK House of Commons and the Slovenian chamber. The title of the Officer differs from one country to another. In the French case, it is an independent 'Déontologue' who fulfils the role of the Officer; and he or she is proposed by the President of the National Assembly and approved by 3/5 of the members of the Bureau. On the other hand, their Finnish counterparts have an 'industrial safety officer', elected by the trade unions and industrial safety commission. In the Spanish case, it is the Human Resources and Internal Government Directorate who is responsible for dealing with harassment cases. Their British counterpart on the other hand has a "senior responsible owner", who is a member of the House of Commons Executive Board. Furthermore, and despite not having a specific protocol to prevent and address sexual harassment, the Secretary of the Croatian Parliament has appointed a counsellor of trust to receive and settle complaints related to the protection of dignity

