



EFN Policy on Bullying and Harassment

The European Federation of Nurses Associations (EFN) is committed to providing a working environment that is free of harassment and bullying, and where everyone is treated, and treats others, with dignity and respect. The EFN will not permit or tolerate any form of bullying or harassment towards its employees, nor the EFN as organisation.

This policy covers bullying or harassment of or by anyone engaged to work at the EFN (e.g.: employees, interns, secondment, etc.) and with the EFN (e.g.: EFN members, other organisations, experts, etc.). This policy encompasses bullying or harassment that occurs in the workplace, and/or out of the workplace, such as on business trips or at work-related social events, etc. This policy does not form part of the employment contract and may be amended at any time.

A. Definition

- ➔ **Bullying** is a sustained form of psychological abuse. It is a repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, that is either: offensive, intimidating, malicious or insulting, an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

- ➔ **Harassment** (other than sexual harassment) is any form of unwanted physical, verbal or non-verbal conduct related to any of the discriminatory grounds covered by the Employment Equality Acts 1998 to 2008: gender, marital status, family status, sexual orientation, religion, age, disability, race, membership of the traveller community, that has the purpose or effect of violating a person's dignity and/or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person. The unwanted conduct may include acts, requests, spoken words (e.g.: jokes, comments, etc.), gestures or the production, display or circulation of written words, pictures or other material (e.g.: offensive e-mails, text messages, social media content, publications, etc). Harassment may be targeted to on employee or a group of employees, and may consist of a single incident or repeated inappropriate behaviour.

B. What does the law say:

In Belgium, bullying/Harassment is criminalised in Article 442bis of the Penal Code (from 30 October 1998), specifically stating that *"anyone who harasses a person while knowing or should have known that their behaviour would seriously disturb that person's peace"* is punishable. This article can be applied to harassment in the workplace, alongside internal company procedures and civil procedures.

C. Is Motive Relevant?

It is important to note that harassment occurs even if the harasser perceives his/her behaviour as being harmless and without malice, or 'just a bit of fun'. The intention of the person engaging in the unwelcomed behaviour is irrelevant. What matters is how the behaviour makes the recipient feel, and not what the perpetrator's intentions were.

D. Bullying/Harassment by Non-Employees

This policy protects the EFN employees, and EFN as organisation, from bullying/harassment done by a supplier, visitor, or any other person with whom EFN employees may come into contact during their work. Bullying/Harassment by non-employees may result in the termination/non-renewal of business, services, exclusion from the premises or the imposition of other appropriate sanctions.

If an employee feels that he/she has been subjected to inappropriate behaviour by a non-employee, he/she should bring the matter to the attention of EFN External Occupational Health Service – Mensura, so that the matter can be investigated, and appropriate action taken.

E. Roles & Responsibilities

Employer's responsibilities

The EFN will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of bullying and harassment. A support contact person will be appointed to provide confidential information and support to employees who feel they are being subjected to bullying or harassment. As main contact person in EFN, the CEO will deal promptly and effectively with any incidents of bullying or harassment of which employees, or EFN as an organisation, would be confronted to. He will monitor and follow up the situation after a complaint is made to EFN External Occupational Health Service – Mensura, so that the situation does not occur again.

Employees' responsibilities

All employees have a responsibility to help maintain a working environment in which the dignity of all individuals is respected, and must comply with this policy and ensure that their behaviour does not cause offence to fellow workers or any person with whom they come into contact during their work. Employees should discourage bullying and harassment by objecting to inappropriate behaviour. Employees should inform the employer if they are concerned that a colleague is being bullied or harassed.

F. Procedure for dealing with allegations of Bullying/Harassment*

** The following points apply not only for employees, but also for the EFN as organisation that could be bullied/harassed by other organisations/individuals.*

Informal approach

The person engaging in the unwelcome behaviour may be unaware of the effects of his/her actions. So, an informal discussion may help him/her understand the effects of his/her behaviour and agree to change it.

Any employee who feels that he/she is being subjected to behaviour which undermines his/her dignity should let his/her objections be known. The employee may either approach the alleged perpetrator directly and make the person aware that the behaviour in question is unwelcome, or request the EFN contact person on this matter (EFN CEO) to approach the person on his/her behalf. An informal discussion is often enough to alert the person concerned to the effects of his/her behaviour and can lead to greater understanding and agreement that the behaviour will stop.

The employee should keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues and you wish to make a formal complaint.

If the informal approach is not appropriate, or has not been successful, the employee should raise a formal complaint.

Formal procedure

When an employee feels that he/she needs to deal with an issue of harassment or bullying formally, he/she should do so according to the complaint procedure as set out by the EFN External Occupational Health Service – Mensura (*see below*).

The alleged perpetrator will be advised that the complaint is the subject of a formal investigation. He/she will be given a copy of the complaint and invited to respond to the allegations in writing within 2 weeks. A copy of the response will be forwarded to the complainant. Both parties will be offered the opportunity to avail of in-house counselling and support services.

The complaint will be investigated in a timely, confidential and sensitive manner. The investigation will be conducted where possible by someone with appropriate seniority and experience, and no prior involvement in the complaint. Details of the investigation, and the names of the people involved, will only be disclosed on a 'need to know' basis. Once the investigation is complete, the employer will inform both parties (separately) of the decision taken. Whether or not the complaint is upheld, the employer will consider how best to manage any ongoing working relationship between the employee and the person concerned.

The employer should continue to monitor the situation to ensure that there is no recurrence of the behaviour or victimisation of the complainant, e.g.: hostile treatment from the colleagues. The employer will keep records of all the complaints, the action taken to resolve the complaints and the outcomes. To ensure confidentiality, these records should be retained in a separate file from the employee's main personnel file.

➔ **Formal complaints are to be made through EFN External Occupational Health Service - Mensura:**

Mensura Reporting Process:

To report a situation of bullying/harassment, EFN External Occupational Health Service - Mensura - Prevention Advisor for psychosocial aspects, must be contacted, through the following phone numbers:

Prevention advisor for psychosocial aspects:

Tel : +32 (0)2 549 71 48 (*French*)

+32 (0)2 549 71 57 (*Dutch*)

Email : info.sepp@mensura.be



The adviser will take note of the situation/complaint, and inform you on the next steps to be taken.