

CEMR CODE OF CONDUCT

Council of European Municipalities and Regions

Revised in 2022

About CEMR

The Council of European Municipalities and Regions (CEMR) is the broadest organisation of local and regional authorities in Europe. Its members are over 60 national associations of municipalities and regions from 40 European countries. Together these associations represent some 100,000 local and regional governments.

CEMR's objectives are twofold: to influence European legislation on behalf of local and regional governments and to provide a platform for exchange between its member associations and their elected officials and experts.

Moreover, CEMR is the European section of United Cities and Local Governments (UCLG), the worldwide organisation of local government.

Code of conduct

A. Introduction

Whereas professional, respectful, courteous and sensitive behaviour is the norm at CEMR events and activities, CEMR recognises that there is a broad range of potential circumstances where harassment, violence and discrimination may occur.

Harassment, violence and discrimination can be committed by, towards or between:

- CEMR staff
- Member association staff
- Elected representatives
- Third parties¹

CEMR has a duty of care and vigilance towards all of the above at its events or external events where members and/or staff are representing CEMR. For this reason, CEMR has a responsibility to develop a zero-tolerance culture toward harassing, violent, or discriminatory behaviours. Whereas the rights of secretariat staff in the workplace are covered under Belgian law², the CEMR Code of Conduct aims to cover potential gaps in the provisions of Belgian law and is tailored to contexts wherein an increased risk has been identified, including – but not limited to – conferences, celebrations, meals, and meetings, considering that the causes of harassment, violence and discrimination are varied and can be linked to power structures, power differentials and attitudes.

The CEMR Code of Conduct is a statement of desired behaviour to be observed by CEMR staff, member association staff, elected representatives and third parties when participating in events or activities organised by CEMR or in which CEMR is represented. It also sets out a procedure for: i) reporting and addressing incidents in situ; ii) investigating reports of alleged breaches of the code; iii) ensuring the protection of individual rights during the course of an investigation; iv) follow-up and possible remedies and/or sanctions. Moreover, CEMR felt the necessity of and decided to add some specific provisions specifically dedicated to gender-based violence and sexual harassment.

The CEMR Code of Conduct may be complemented in the future by additional measures to reduce, prevent and mitigate problems of harassment, violence, and discrimination.

¹ Third-party violence and harassment refer to such abuses which staff may experience in the workplace which is not at the hands of a co-worker. This covers cases such as a teacher attacked by a pupil or their parents, a nurse sexually harassed by a patient or a municipal employee targeted by cyber-bullying. Related to this, we refer to the “Multi-sectoral guidelines to tackle third-party violence and harassment related to work” which were developed in the framework of the European Social Dialogue Committee in 2010: <https://ec.europa.eu/social/main.jsp?catId=521&langId=en&agreementId=5175>

² Law of 4 August 1996 relating to the well-being of workers during the performance of their work; Articles 101 and 119 of the Social Penal Code; the General Law of 10 May 2007 to combat certain forms of discrimination; the Law of 10 May 2007 to Combat Discrimination Between Men and Women; the Law of 30 July 1981 aimed at repressing certain acts inspired by racism and xenophobia; Law of 10 January 2007 amending several provisions relating to the well-being of workers during the performance of their work, including those relating to protection against violence and moral or sexual harassment at work; the performance of their work in relation to legal proceedings; Law of 6 February 2007 amending the law of 4 August 1996 relating to the well-being of workers during the performance of their work with regard to legal proceedings

B. Introduction

The Council of European Municipalities and Regions (CEMR) is dedicated to providing a professional environment free from harassment, violence, and discrimination for everyone, regardless of, among others: gender, colour, ethnic and social origin, genetic features, language, religion, or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, sexual orientation or socio-economic status³.

CEMR does not tolerate harassment, violence, or discrimination in any form.

Harassment, violence, and discrimination can take many forms. It could:

- a) Be physical, psychological, verbal and/or sexual (including deliberate intimidation, stalking, or following, unwelcome photography or recording, inappropriate physical contact);
- b) Be one-off incidents or more systematic patterns of behaviour, by an individual or group;
- c) Originate from the actions or behaviour of CEMR or member associations' personnel, elected representatives, or third parties;
- d) Range from cases of disrespect to more serious threats and physical assault;
- e) Constitute criminal offences which require the intervention of public authorities;
- f) Deeply affect the personality, dignity, and integrity of the victim;
- g) Occur at the workplace, in the public space or in a private environment, and is work-related;
- h) Occur as cyber-bullying/cyber-harassment through a wide range of information and communication technologies (ICT).

Individuals asked to stop any harassing, violent or discriminatory behaviour are expected to comply immediately.

³ Grounds of discrimination taken from the European Charter for Equality of Women and Men in Local Life, Principle 2 and Article 10. These are also enshrined in the Charter of Fundamental Rights of the European Union (Article 21. Non-discrimination).

C. Compliance and procedures

Scope

The CEMR Code of Conduct is a public document and it can be adopted and adapted by other organisations who wish to implement a code of conduct. It shall be provided to CEMR staff, member association staff, elected representatives, and third parties participating in CEMR activities or events – including those taking place online – to ensure that the policy is well-known and understood by all concerned parties. Agreement to respect the provisions of the CEMR Code of Conduct is implied by participating in a CEMR activity or event; participants will also be invited to acknowledge their adherence to the Code of Conduct in registration forms and service contracts.

Investigative Committee

A small investigative committee shall be created to follow up allegations of misconduct, assess the facts, and propose remedies or sanctions. Allegations of misconduct must be investigated within 30 days of the original report. The investigative committee shall be composed of one senior CEMR staff member, one representative from a CEMR member association, one member of the CEMR Standing Committee for Equality, and the CEMR policy officer/adviser for gender equality and diversity; the group must include at least one man and one woman.

The investigative committee shall be nominated by the Secretary General or the President and/or a member of the Executive Bureau should there be a conflict of interest (for example, if the CEMR Secretary General is directly involved in the complaint).

Confidentiality

In order to ensure confidentiality and impartiality, should one of the parties to the complaint (injured or accused) be a CEMR staff member, a senior staff member (e.g. Secretary General/Director) of a member association would replace the CEMR staff member in the investigative committee. Similarly, should the representative(s) of the member association be involved in the complaint, a senior staff of another member association would replace them in the investigative committee.

Procedure

In the event of an alleged breach of the CEMR Code of Conduct the following procedures have been introduced:

A. Requirements regarding reporting of incidents of misconduct (immediate / in situ)

All incidents concerning a breach of the CEMR Code of Conduct shall be reported by the injured party to the CEMR Secretary General, or to a senior CEMR staff member as soon as possible either verbally or by email. Although CEMR encourages the immediate reporting of misconduct, it does not set a time limit to such reporting, considering the good reasons why injured parties may delay reporting, such as being manipulated or feeling afraid of their perpetrator or feeling anxious about the investigative process.

Without prejudice to the possibilities stated by the Belgian Law for dealing with such incidents, the CEMR Secretary General (or their representative) receiving the report in situ shall inform the Secretary General/Director of the organisation, enterprise or association(s) concerned (the association of the accused and accusing parties) or their representative present at the time and the CEMR Secretary General (or their representative) will immediately take action to stop the misconduct using their best judgement. The CEMR Secretary General shall subsequently inform, in writing, the Secretary General/Director of the organisation(s), enterprise(s) or association(s) involved (of the complainant and accused parties) and refer the matter to the investigative committee for review.

B. Requirements regarding investigation of reports of misconduct

During the course of an investigation of a report of misconduct, CEMR will seek to protect individual rights and privacy by respecting the following points:

- Individuals who are subject of an investigation must be given all information in regard to the allegations brought against them and an opportunity to respond.
- Any individual who alleges a breach of the code must not be disadvantaged because of such an action. Individuals need to be able to report instances of misconduct in security, without fear of reprisal and with the expectation that confidentiality will be respected.
- All deliberations in regard to the alleged breaches of the code should be conducted in confidence.

Breaches of this Code of conduct shall be dealt with internally. In the case that alleged misconduct could constitute illegal behaviour, i.e. situations where legislation determines hearing/consideration of a matter, CEMR's Secretary General or the investigative committee will refer the matter to relevant authorities and inform the Secretary General/Director of the relevant organisation(s), enterprise(s) or member association(s).

This does not preclude the rights of the persons concerned to refer the matter to relevant authorities themselves.

C. Ensuring compliance

If, following the review and evaluation of the report of misconduct, the investigative committee finds there was no breach of the CEMR Code of Conduct, the injured party and the accused party will be informed of the conclusion and a report provided to the CEMR Presidency outlining the date, location, parties involved, complaint and conclusion.

If, following the review and evaluation of the report of misconduct, the investigative committee finds there was a breach of the CEMR Code of Conduct, the injured party and the accused party will be informed of the conclusion and, depending on the gravity of the situation, the investigate committee will recommend an appropriate remedy or sanctions, such as:

- When possible, informal conciliation will be privileged (e.g. through an apology, and/or issuance of a warning).
- The investigate committee may recommend, depending on the severity of the breach and if it is a repeated occurrence, to expel the perpetrator from the event and inform the Secretary General/Director - or in case a politician is involved, the President - of the relevant association by letter asking to take disciplinary action under its own code, including not sending the perpetrator to future meetings.

D. Trustworthy persons

CEMR has trained two of its staff for the role of “trustworthy person”. These dedicated colleagues are entry points in the event of conflict and mental problems at work, for example stress, fear of failure, conflict, emotional problems, or abusive behaviour. These dedicated members of staff are the first points of contact for the organisation in case of problems/tension between colleagues.

Their training has given them the practical knowledge to react and act correctly in situations of mental stress at work. They have learned to mediate through the Belgian legal framework and develop skills to recognise emerging mental problems more quickly in colleagues. In the case of situations described above, they will be the first contact for the report of misconduct and will act as facilitators between the colleagues involved and the CEMR Directors to find solutions to move forward.



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