



**REGISTERED WITH THE
DIRECTORATE GENERAL FOR
HUMAN RESOURCES AND
ORGANISATION
MIN. DEC. no. 029/128/BIS**

Ministry of Foreign Affairs

Directorate General for Human Resources and Organisation

THE DIRECTOR-GENERAL

M.D. no. 029/128 BIS of 29.05.2009 concerning the adoption of the code of conduct for the prevention and fight against mobbing.

HAVING REGARD TO art. 6 of the National Labour Collective Agreement (CCNL) concerning the Ministries employees for the regulatory four-year period 2002/2005, and art. 11 of the CCNL concerning Area I managerial personnel for the same regulatory four-year period, and in particular paragraph 3, lett. d);

HAVING REGARD TO the resolution of the European Parliament no. A5-0283/2001 of 20 September 2001;

HAVING REGARD TO Pres. Dec. no. 18 of 5 January 1967, concerning the organisation of the foreign affairs Administration, and subsequent amendments and integrations;

HAVING REGARD TO Legislative Decree no. 165 of 30 March 2001, containing the general rules on the organisation of work for public administrations;

HAVING REGARD TO art. 2,087 of the Italian Civil Code, which establishes that: "The entrepreneur shall, during business operations, adopt the measures that, according to the task specific characteristics, expertise and technique, are deemed necessary to safeguard the physical integrity and the moral personality of employees";

HAVING REGARD TO Legislative Decree no. 196 of 30 June 2003, containing the "Code on personal data protection";

HAVING REGARD TO the directive of the Ministry of Public Administration of 24 March 2004;

HAVING REGARD TO the ministerial decree no. 969 bis of 7/10/2003 (and subsequent amendments), establishing the Joint Committee against mobbing, as well as the ministerial decree no. 64 bis of 29 February 2008 concerning the activities of the mobbing support service;

HAVING REGARD TO the need to promote a work environment devoted to mutual respect and appropriate interpersonal relations, which are essential elements to improve the work environment, employees safety and their performance;

HAVING REGARD TO the merely corroborating and explanatory nature of this code, aimed at facilitating the safeguard of the psychophysical well-being of workers through the implementation of measures aimed at preventing and fighting mobbing phenomena and, more generally, any behaviour detrimental to the individual dignity in the workplace;

HAVING REGARD TO the proposal formulated by the “Joint Committee against mobbing” of this Ministry, for the adoption of a code of conduct for the prevention and fight against mobbing;

DECREES THE FOLLOWING

Art. 1
(Principles)

The safeguard of the psychophysical well-being in the workplace represents a right of the workers deemed essential also for the organisation and management of human resources.

The Administration undertakes to adopt all the necessary measures to protect the employees’ moral personality and their psychophysical well-being. Therefore, the Administration promotes initiatives aimed at achieving and maintaining a work environment that facilitates the development of interpersonal relations based on principles of mutual respect, transparency and fairness, preventing and opposing any form of psychological persecution and moral violence, also through the use of the appropriate disciplinary instruments offered by current regulations against those having a conduct opposed to the principles contained in this code.

Each worker shall cooperate with the Administration to promote and maintain a work environment in which everybody’s dignity is respected and appropriate interpersonal relations are favoured. Systematic and repeated aggressive, hostile and derogatory acts/ways of behaving having the form of moral violence and/or psychological persecution against another employee are also contrary to office duties and, therefore, can be disciplined pursuant to Legislative Decree no. 165/2001 and the National Labour Collective Agreements.

Art. 2
Scope of application

Employees of the Ministry of Foreign Affairs and personnel working in different capacities for the central Administration and its offices abroad are responsible for observing this code.

Office and structure managers shall supervise the observance of this code and prevent the occurrence of mobbing phenomena within the work environment.

Art. 3
(Definition)

The term mobbing indicates a form of psychological persecution and moral violence systematically exercised within the work environment against an employee by the employer and/or other employees, through ways of behaving (both active and passive) or unfair acts (possibly even lawful, if considered singularly), repeated and prolonged over time, which together result in damaging the psychophysical balance of the worker and, ultimately, in his/her alienation from the work context.

Art. 4

(Behaviour contrary to the principles of the code of conduct)

As a non-exhaustive example, the acts and ways of behaving referred to by art. 3 can consist of:

- slander or defamation, offences, verbal abuse, threats or attitudes aimed at unjustly intimidating or disheartening the worker, even in a veiled and indirect form;
- delegitimisation or impoverishment of the professional identity, also in relation to subjects unrelated to the Administration;
- unmotivated and unjustified exclusion or marginalisation of the employee from the specific work activity entrusted to him/her, unmotivated and unjustified attribution of clearly excessive workloads or - vice versa - negligible and/or irrelevant workloads, unmotivated and unjustified removal from already assigned positions;
- unjustified impediment to access to information or resources necessary for carrying out the assigned tasks or release of incorrect, incomplete, insufficient information;
- unjustified denials or deliberately obstructive behaviour towards requests made by the employee in relation to his/her rights and/or legitimate interests, such as, for example, leave, holidays, transfers and training initiatives.

The legitimate exercise of the power of the Administration to organise its activities, in relation to the characteristics of the place where the service is carried out and the needs of the Office, for the pursuit of its institutional purposes, also making use, where necessary, of its power to control and discipline, cannot be interpreted in itself as a symptom of persecutory will. In any case, the natural exchange of views in the context of a work relationship does not represent mobbing in itself, where the characteristics described in art. 3 are not present.

Art. 5

(Joint bodies for prevention and support)

In order to prevent and fight against the mobbing phenomenon, as well as to ensure the psychophysical well-being of workers, a Joint Committee focused on mobbing and a support service operate within the Administration and, also through the trusted counsellor, act according to the current provisions on this matter.

The support service represents the first support structure for anyone, at any moment, who thinks to be victim of mobbing. It operates cooperating with the trusted counsellor and informs the Committee to facilitate the resolution of discomfort situations. The Committee, in the context of the competences entrusted by the law, activates the most suitable procedure to resolve the issue, informing the Administration in order to allow the adoption of the most suitable organisational and/or disciplinary measures. The Administration, in turn, informs the Committee on the actions taken following the reports made.

Art. 6
(Confidentiality)

In observance of the provisions of Leg. Dec. no. 196 of 30 June 2003, all subjects involved in any capacity in the handling of mobbing cases, in particular those who operate within structures established for this purpose, shall observe the utmost confidentiality regarding the personal data, facts, information and events which they become aware of during their operations.

Those who consider themselves victims of mobbing and contact the competent authorities have also the right to the absolute confidentiality of their personal data, and to request the omission of their name in any document subject for any reason to dissemination.

Art. 7
(Information and training)

This code will be widely disseminated through publication on the Intranet page and transmission to every office of the Ministry of Foreign Affairs, both at the Headquarters and abroad, for the purpose of posting it in the office Register.

The Administration prepares suitable training and refresher modules (ensuring their availability to the personnel in service both at the headquarters and abroad), in order to spread a culture of prevention and opposition to the mobbing phenomenon and to improve the quality and safety of the work environment, as well as the efficiency of work performance.

Art. 8
(Supervision)

The Administration, also using the information received by the Joint Committee against mobbing, supervises the application of this code and verifies its effectiveness, also in order to proceed with its possible integration or amendment.

This decree will be published on the Ministry of Foreign Affairs bulletin.

Rome, 29 May 2009

The Human Resources and Organisation
Director-General
GIACOMO SANFELICE DI MONTEFORTE