European Agency for Safety and Health at Work

Last update: December 2024

GOOD PRACTICES FOR THE MANAGEMENT BOARD AND ITS MEMBERS

1 Background

These good practices are based on the applicable regulatory framework and do not create rights, obligations or expectations additional to the ones already included in the Agency's Founding Regulation, Financial Regulation, the European Code of Good Administrative Behaviour, the Management and Executive Boards Rules of Procedure, EU-OSHA policy on prevention and management of conflicts of interests, and EU-OSHA's Anti-fraud Strategy 2022-2026.

They aim at providing guidance on the role and responsibilities of the Management Board of the European Agency for Safety and Health at Work and its members, clarifying the ethical and integrity standards as well as benchmarks for the Management Board and its members.

2 Principles

- The Management Board and its members are expected to adhere to the generally accepted principles of ethical conduct that apply to public organisations. In particular, they act independently in the public interest guided by and in observance of the following principles of conduct: integrity, diligence, discretion, honesty, and accountability.
- The Management Board is a collegial body and assumes collective responsibility for its decisions. This, obviously, does not have any impact on the individual responsibility of each Management Board member, where a member acts against relevant rules, such as a breach of confidentiality.
- Individually, Management Board members:
    - comply with the relevant regulations, policies, and procedures insofar as they contain specific obligations for them, notably about declaring interests that could potentially conflict with the Agency;
    - take into account the public character of their function and act in a way that maintains and promotes the public's trust in the Agency;
    - do not behave in a way that is detrimental to the reputation and interests of the Agency. This does not include constructive criticism or legitimate concerns with regard to the Agency's work.
    - respect the professional standing of the other Management Board members;
    - refrain from any improper behaviour or conduct that may infringe human dignity.

3 Tasks

- The Management Board supervises an effective and efficient functioning of the Agency by providing strategic direction against the background of the applicable regulatory and policy frameworks and holding the Executive Director accountable. The Management Board also establishes the framework, so that the Agency operates within the limits of its statutory remit, including having due regard to good practices regarding sound financial management.
- The Management Board takes decisions with diligence, based on careful and evidence-based analysis and discussions. The monitoring and evaluation framework adopted by the Management Board support such analysis and discussions.

4 Relations with stakeholders and the general public

- Management Board members are the ambassadors of EU-OSHA and set an exemplary conduct in all their activities linked to the Agency. The 'ambassador' function of the Management Board members entails the promotion of EU-OSHA to its stakeholders and to the general public, their engagement with the OSH network in their respective Member States and also their accountability for the decisions of the Management Board.
- If Management Board members wish to respond to a media query regarding EU-OSHA or otherwise communicate on EU-OSHA's work, but in a non-EU-OSHA capacity, they make it clear to the journalist or requestor in which capacity they are speaking, and whenever possible and relevant, inform the Secretariat of the Management Board about the matter.
- Management Board members, when expressing their own personal view on the work of EU-OSHA, ensure that their views are not being understood as official Management Board positions, in particular if these don't represent an official Management Board position.

5 The role of the Chairperson and the Deputy Chairpersons

The Chairperson and the Deputy Chairpersons of the Management Board, in particular:

- facilitate that the Management Board fulfils its main role, i.e. to supervise an effective and efficient functioning of the Agency;
- endeavour that the Management Board is properly managed, addressing its key tasks and devoting sufficient time to address each of them properly.

6 Professional secrecy and confidentiality

- Management Board members do not, even after their duties have ceased, disclose information of the kind covered by the duty of professional secrecy, and in particular, that of a confidential nature.
- The above is, unless otherwise stated, without prejudice to the sharing of documents with persons assisting the members in the discharge of their duties as Management Board members, provided that those persons are subject to an equivalent duty of confidentiality. Management Board members take all necessary measures to ensure that persons having access to their information comply with the above obligations.
- Management Board members undertake not to use, to the advantage of their personal benefit, any facts or information covered by the duty of professional secrecy and confidentiality and coming to their knowledge during the performance of their duties.

7 Gifts and hospitality

- Management Board members neither apply for, nor receive from any third party any advantage, direct or indirect (e.g. as a gift or in form of hospitality, entertainment, travel) of a value of EUR 50 or more, from one source per year, which is in any way connected to their role as members of the Management Board.
- However, in exceptional circumstances, they may be allowed to accept gifts or hospitality of EUR 50 or more, if: the acceptance of the gift or hospitality is not counter to the interest of the Agency and is not presenting a real or perceived conflict of interest for the Management Board member concerned, and such acceptance would be in accordance with diplomatic and courtesy usage.
- Any such gifts offered by a Management Board member in this capacity are reported to the Chairperson and the deputy Chairpersons of the Management Board, who decide on their acceptance.
- Any gifts of the value of EUR 50 or more offered to the Chairperson, or the Deputy Chairpersons are equally assessed and reported to the Management Board. For transparency reasons, the nature of the gift and the source is recorded in the Management Board minutes.

8 Conflicts of interests and independence

- A conflict of interests refers to a situation where the impartiality and objectivity of a decision, opinion or recommendation is or might be perceived as being compromised by a personal interest held or entrusted to an individual. Not only actual impartiality and objectivity is important, but also perception of impartiality and objectivity. Appearance of conflict of interest can constitute a reputational risk for the Agency.

- All Management Board members refrain from involving themselves or being involved in any activity that could result in a conflict of interests or is likely to provoke the perception of an existing conflict of interests within the general public.

9 Data Protection

- Management Board members typically process or encounter personal data during the exercise of their function as Management Board members. Such personal data are, for example, email addresses of EU-OSHA's staff and other Management Board members, pictures of persons attending Management Board meeting or other events organized by EU-OSHA, and information processed in the context of the recruitment of the Executive Director. All Management Board members process these personal data in line with the relevant data protection requirements. In particular, personal data must be processed lawfully, securely, and only as far as necessary for the performance of tasks carried out in the public interest, i.e., the functioning of EU-OSHA. In practice, this means that such data shall only be processed for the specific purposes related to EU-OSHA's work for which they have been shared with the members of the Management Board.

- When Management Board members are processing personal data, they shall do so using secure IT equipment and working in a secure IT environment. This means that personal data shall only be processed on devices such as computers, laptops or mobile phones which are password protected. Typically, this will be the case for computers, laptops or mobile phones which are provided by the employer/institution the Management Board member works for.

- The Regulation (EU) 2018/1725 obliges EU-OSHA to notify the European Data Protection Supervisor of personal data breaches under certain circumstances. To enable EU-OSHA to fulfil this obligation, any member of the Management Board who becomes aware of facts that might qualify as a personal data breach related to the member's work with EU-OSHA reports these facts to the functional mailbox databreach@osha.europa.eu. Personal data breach in this sense means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, personal data transmitted, stored, or otherwise processed. Personal data breaches are, for example: loss or theft of laptops or mobile devices that contain unencrypted personal data, using unauthorized (i.e., private) channels for exchanging personal data, or access of personal data by unauthorized persons.

- If members of the Management Board have questions or need guidance related to data protection, they can contact EU-OSHA's Data Protection Officer at dpo@osha.europa.eu

10 Fraud Prevention

- Fraud is a deliberate act of deception intended for personal gain or to cause a loss to another party. The concept of fraud in this sense encompasses not only acts or omissions that infringe the EU financial interests but also misconduct that may not have a direct impact on the EU financial interests. Fraud can involve a reputational risk and, therefore, instances of fraud may be considered as critical risks even where the financial impact is low.

- Management Bord members refrain from any fraudulent act or behaviour.

- EU-OSHA is committed to the prevention and detection of fraud. In line with the Agency's Founding and Financial Regulation, and the Anti-Fraud Strategy 2022-2026, the Management Board carries out an oversight responsibility for the anti-fraud activities of the Agency. Based on the Anti-Fraud Strategy, EU-OSHA develops an annual anti-fraud action plan that is reviewed and updated quarterly. EU-OSHA reports annually to the Management Board on the implementation of the Strategy and the anti-fraud action plan.

- Members of the Management Board who, in the course of or in connection with their work for EU-OSHA, discover or encounter facts that may qualify as fraud or other serious irregularity report these facts to either the Executive Director of the Agency, the Chairperson of the Management Board, or directly to the European Anti-Fraud Office OLAF at: https://anti-fraud.ec.europa.eu/olaf-and-you/report-fraud_en