

## GOOD PRACTICES FOR THE MANAGEMENT BOARD AND ITS MEMBERS

### Background

These good practices are based on the applicable regulatory framework and do not create rights and obligations additional to the ones already included in the Agency's Founding Regulation<sup>1</sup>, Financial Regulation<sup>2</sup>, the European Code of Good Administrative Behaviour<sup>3</sup>, the Management and Executive Boards Rules of Procedure<sup>4</sup>, EU-OSHA policy on prevention and management of conflicts of interests<sup>5</sup> and EU-OSHA policy on preventing psychological and sexual harassment<sup>6</sup>.

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.

### Principles

1. 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.
2. 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.
3. Individually, Management Board members:
  - respect the professional standing of the other Management Board members;
  - 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.
  - refrain from any improper behaviour or conduct that may infringe human dignity.

### Tasks

1. 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.
2. 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.

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<sup>1</sup> [Regulation \(EU\) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work \(EU-OSHA\), and repealing Council Regulation \(EC\) No 2062/94](#)

<sup>2</sup> [Financial Regulation of the European Agency for Safety and Health at Work, 2019 \(EU-OSHA\)](#)

<sup>3</sup> [The European Code of Good Administrative Behaviour, 2002](#)

<sup>4</sup> [Rules of Procedure of the Management Board and the Executive Board of the European Agency for Safety and Health at Work, 2020](#)

<sup>5</sup> [EU-OSHA policy on prevention and management of conflict of interests, 2020](#)

<sup>6</sup> [EU-OSHA policy protecting the dignity of the person and preventing psychological harassment and sexual harassment, 2017](#)

## **Relations with stakeholders and the general public**

1. 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.
2. 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.
3. 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 if they don't represent an official Management Board position.

## **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.

## **Professional secrecy and confidentiality**

1. 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.
2. 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.
3. 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.

## **Gifts and hospitality**

1. 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.
2. 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.
3. Any such gifts offered by a Management Board member in this capacity is reported to the Chairperson and the deputy Chairpersons of the Management Board, who decide on their acceptance.
4. Any gifts of the value of EUR 50 or more offered received by 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.

## Conflicts of interests and independence

1. 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.
2. Management Board members shall submit a general declaration of interests and absence of conflict of interests and a brief *curriculum vitae* upon taking up their duties as Management Board members and renew it every four years, upon renewal of their mandate, if applicable. Management Board members shall inform the Chairperson and the Management Board Secretariat without undue delay, of any changes to their declared interests and update their general declaration or CV accordingly. Further details regarding the declaration and the process on its review and validation are set out in the Agency's Policy on prevention and management of conflicts of interests. Members who have not submitted the declaration of interests and declaration of absence of conflict of interests, would not comply with the provision of the policy and their obligations under the Founding and Financial Regulations of the Agency. As a result, the Chairperson of the Management Board takes the necessary remedial actions and may refer the issue to the Appointing Authority<sup>7</sup>.
3. Management Board members shall declare at each meeting, any interests which could be considered to be prejudicial to their independence with respect to any of the points on the agenda.
4. Should the circumstances so require, the Chairperson of the Management Board may request specific *ad hoc* declaration of interests or absence of conflict of interests to be submitted by the members of the Management Board.
5. Management Board members will make the Chairperson aware if they themselves become aware of any irregular or illegal activity or decision within the Agency, including the Management Board.

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<sup>7</sup> The appointing authority is the Council of the European Union for Management Board members from the three interest groups (Governments, Employers and Workers); the European Commission for the Commission representatives; the European Parliament for the Parliament representative; for any other observer members, it is the authority responsible for their appointment.