

[REDACTED] (JUST)

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**From:** [REDACTED] (CAB-REDING)  
**Sent:** 11 July 2012 11:05  
**To:** [REDACTED] (JUST)  
**Cc:** [REDACTED] (CAB-REDING); NEMITZ Paul (JUST); [REDACTED] (JUST); [REDACTED] (JUST); [REDACTED] (JUST)  
**Subject:** FW: new draft - FRA (different case)- FW: Claim for compensation for constructive dismissal and harassment  
**Attachments:** R- Watkins - draft reply by P-NEMITZ.doc

Dear [REDACTED],  
this is fine (I corrected a spelling mistake in Martin's name).  
Thanks.  
[REDACTED]

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**From:** [REDACTED] (JUST)  
**Sent:** Tuesday, July 10, 2012 11:20 AM  
**To:** [REDACTED] (CAB-REDING); [REDACTED] (CAB-REDING)  
**Cc:** NEMITZ Paul (JUST); [REDACTED] (JUST); [REDACTED] (JUST); [REDACTED] (JUST)  
**Subject:** new draft - FRA (different case)- FW: Claim for compensation for constructive dismissal and harassment

Dear [REDACTED],  
as agreed, we spoke with DG HR to get further information on the applicable procedures. Pls see below a summary of what HR advised us upon.  
Attached is a new draft for Paul's signature. On harassment, I understand that this might not sound very helpful to the complainant, but these are the rules/procedures and we need to be hyper-careful not to  
1.) mix-up the different cases or  
2.) give the impression that we would be in a position to change or circumvent the applicable rules.  
On whistleblowing, OLAF has closed the case after two years of investigation. The complainants' complaint against OLAF on this is currently under investigation by the Omubdsman.  
Best wishes, [REDACTED]

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**From:** [REDACTED] (JUST)  
**Sent:** Monday, July 09, 2012 11:10 PM  
**To:** [REDACTED] (JUST)  
**Cc:** [REDACTED] (JUST); NEMITZ Paul (JUST)  
**Subject:** FW: FRA (different case)- FW: Claim for compensation for constructive dismissal and harassment

[REDACTED],

We had further consultations with DG HR (HR.D.2 - Recours et suivi des cas) as regards the questions raised by the Cabinet on this case. They have confirmed that the Director of FRA is competent for handling this case, also in the specific situation where one staff member is still in office. The general rule is that the Director is the Appointing authority for all staff matters in the Agency, except when the complaint is against him. This is not the case here, as Morten Kjaerum was not yet the Director of FRA when the alleged harassment occurred.

We made some amendments to the text of the letter (see word document) to clarify that it is for Morten Kjaerum to examine this case. As advised by DG HR, we would also propose to send a blind copy of this reply to Morten Kjaerum, such that he is aware of our response.

As regards the whistle blowing aspect, this has already been looked into by OLAF in 2007. OLAF's examination of the allegations brought by the complainant lasted almost two years and concluded that there was no fraud committed by FRA. The complainant contacted the European Ombudsman against OLAF's decision and the examination of this case is apparently still on-going.

Could you please consult the cabinet on the basis of this further guidance received from DG HR such that the letter can be sent out by Paul still this week?

Many thanks!

[REDACTED]

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**From:** [REDACTED] (JUST)  
**Sent:** Monday, June 25, 2012 3:10 PM  
**To:** [REDACTED] (JUST)  
**Cc:** [REDACTED] (JUST); NEMITZ Paul (JUST); [REDACTED] (JUST)  
**Subject:** FW: FRA (different case)- FW: Claim for compensation for constructive dismissal and harassment

[REDACTED],  
As requested by the Cabinet, you will find attached a draft reply from Paul to RW (approved by Paul). The facts date back to the period 2005-2007 (see background below). The draft letter inform RW that we took note he sent a complaint to FRA on 19.06.2012 and recalling that Morten is the AIPN for staff matters (see attached). [REDACTED] asked to be consulted on the draft reply. If it is ok for you, could you send it to [REDACTED]?

Many thanks again to [REDACTED]  
[REDACTED]

#### Background

The complainant (RW) is a former staff member of the EUMC/FRA who resigned on [REDACTED]. His complaint was sent on 19.06.2012 to the Director of FRA (Morten Kjaerum), who is the appointing authority for staff matters.

RW alleges that he has suffered psychological and physical harassment due to fact that he raised issues of alleged mismanagement, nepotism and fraud in his quality as Internal Auditor for FRA (IAC) and acted as whistle blower. His complaint concerns the Head of Administration, the former Personnel Manager and the former Director. The facts date back to the period 2005-2007.

RW is asking for:

- The recognition by the Agency that he was a victim of harassment conducted by the HoA and the Director and the necessary disciplinary consequences.
- Compensation associated with constructive dismissal.
- Compensation of his material prejudice including reduced earnings both real and potential; and costs associated with the enforced separation from my partner.
- Compensation of his moral prejudice resulting from the way the entire treatment of me was conducted.
- Compensation following the decision of the EDPS that EUMC/FRA violated Article 4.1(c) of Regulation (EC) 45/2001.

#### Other complaints submitted by RW

OLAF examined the allegations of irregularities brought forward by RW and decided in 2010 that no action should be undertaken. RW submitted a complaint to the European Ombudsman against OLAF's decision, the examination of this case is ongoing according to the information provided by RW.

The EDPS reviewed a complaint submitted by RW in 2008 and decided in his favour (*breach of article 4.1 (c) of Regulation 45/2001 following the communication to the media consultancy of certain personal data relating to RW*).

The European Ombudsman informed RW that his complaints against FRA could not be assessed due to the statute of limitations

Further to informal consultations, DG HR informed that the current Director of FRA is the Appointing Authority to handle the complaint on harassment against the former Director, the Head of Administration and the personnel Manager.

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**From:** [REDACTED] (CAB-REDING)  
**Sent:** Wednesday, June 20, 2012 5:18 PM  
**To:** [REDACTED] (JUST)  
**Cc:** [REDACTED] (CAB-REDING)  
**Subject:** FW: Claim for compensation for constructive dismissal and harassment

Dear [REDACTED],



fraud in EUMC/FRA to OLAF. I met with the Director General of OLAF in July 2007 and with an OLAF task force in September 2007 who agreed, on the evidence provided, to open an investigation.

After an investigation lasting almost two years, OLAF decided to take no action and I was informed of this by the shortest of letters. No explanation has been given to me by OLAF as to why they consider the points I raised as no more than poor administration (including backdating and pre-dating contracts, which is clearly fraud). Although now retired, I have been an auditor with the UK's Supreme Audit Institution for more than 40 years and have gained sufficient experience to recognise fraud.

I have registered a further complaint with the European Ombudsman concerning OLAF and the reply to me. The Ombudsman at first dismissed the complaint for being out of time but has now agreed to reconsider. One issue with OLAF staff and internal investigations - I consider that the staff should be more independent. I believe many of them are European Commission officials who may eventually return to work in the European Commission or in one of the many institutions or agencies. There is a risk that they may consider it is not always in their best interests to criticise senior officials with whom they might work in the future.

Yours sincerely

Ray Watkins

**From:** Ray Watkins  
<raywatkins51@yahoo.co.uk>  
**To:** [REDACTED]

t-

[REDACTED]; "paul.nemitz@ec.europa.eu"

<paul.nemitz@ec.europa.eu>;

[REDACTED]  
[REDACTED]  
[REDACTED]  
"martin.selmayr@ec.europa.eu"

<martin.selmayr@ec.europa.eu>;

[REDACTED]  
[REDACTED]  
Cc: [REDACTED]  
[REDACTED]

**Sent:** Tuesday, 19 June 2012, 15:50

**Subject:** Fw: Claim for compensation for  
constructive dismissal and harassment

Dear All

As the former Internal Audit Capability  
(2004 to 2007) at the European  
Fundamental Rights Agency who  
suffered intense harassment leading to  
enforced resignation I recently raised  
two complaints with the European  
Ombudsman - the first against the FRA  
and the second against OLAF.

I was out of time with my complaint re  
the FRA but the Ombudsman advised  
me to take the complaint up with the  
FRA which I have now done by the  
attached e-mail to the Director. The case  
against OLAF concerning my  
whistleblowing activity at the FRA is  
still pending.

Hopefully there is some logic to the  
people I am sending this to but I may  
have missed some people who are  
interested in this topic, or included some  
who are not.

Yours sincerely

Ray Watkins

----- Forwarded Message -----

**From:** Ray Watkins

<raywatkins51@yahoo.co.uk>

**To:** "morten.kjaerum@fra.europa.eu"

<morten.kjaerum@fra.europa.eu>

**Sent:** Tuesday, 19 June 2012, 15:25

**Subject:** Claim for compensation for  
constructive dismissal and harassment

Dear Mr Kjaerum,

It has been some time since I was the Internal Audit Capability at the FRA but it has taken me all this time to prepare a complaint against the FRA with the European Ombudsman. You have no idea how long it has taken me to recover from the treatment I received at the FRA. However I am out of time with the Ombudsman but he advised to raise the case with you and I attach the basis of my complaint. As you are aware the EDPS has already decided in my favour that the Agency breached my rights.

I am so disappointed that an Agency based on protecting fundamental rights can treat its staff in such a way.

I look forward to hearing from you.

Ray Watkins