



Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

JCC Circular 31 of 2017

Ref: CS/LS

19 July 2017

Attachments: EuroCOP Rights of Police Officers Resolution

Dear Colleague

EuroCOP – Rights of Police Officers – Consultation

The European Confederation of Police (EuroCOP) passed the attached resolution on the rights of Police Officers in November 2011.

The EuroCOP Executive Committee is keen to ensure this document remains relevant and has asked member organisations for their views on refreshing the resolution.

Can I ask that you review this resolution and if you have any suggestions for revisions please notify them to lesley.stevenson@spf.org.uk no later than **Friday 18th August 2017**.

Yours sincerely

Calum Steele
General Secretary

EuroCOP

Congress

Meeting: Barcelona

Date: 21-23 November 2011

Reference: Motions in relation to Agenda Item IX A (EuroCOP Action Plan)

Motion 6
Verband Schweizerischer Polizeibeamter, Switzerland Sindicat de Polícies de Catalunya, Catalonia / Spain
Subject: Rights of police officers
Congress is asked to <ul style="list-style-type: none">• approve this resolution and authorize the Executive Committee to put these legislative goals into action.
Reasoning:
<p>The European Social Charter establishes that all workers have a right to collective negotiation. Article 6 of the European Social Chart collects and recognizes this right of all workers, without distinction. Besides, the conventions of the International office of the Work of Geneva recognize that they cannot restrict the civil rights of the public civil servants and, on the other hand, the statement of Fundamental Rights approved by the European Union in December of 2002 in Nice, recognizes in article 12.1 the fundamental rights for the European Union citizens, without discrimination, and in article 28 also recognizes the right to collective negotiation and the adoption of collective conflict measures. Therefore, to favour the full integration of the policemen in the democratic society, it is necessary that there is a full assimilation regarding rights and duties. The fact that the members of the police forces do not have of the same rights as the rest of the citizens constitutes a clear discrimination in our society, destroying the basis of any democracy: the equality of all the citizens in front of the law. Therefore, it cannot have any kind of justification to restrict the rights of the policemen in the current democratic society.</p> <p>The Spanish SPC and the Swiss FSFP have prepared this document within various discussions about police officers' rights and the duties incumbent on employers, and present this proposal for a resolution to the EuroCOP Congress. The intention is to state and strengthen those rights. It is a priority concern for us that EuroCOP will declare the content of this resolution to be legislative goals for the period 2011 to 2014. We know that certain aspects of this paper are also contained in the Action Plan 2012 / 2015 from EuroCOP Ex-Com. However, we also believe that the specific details provided by us are absolutely necessary.</p>

THE RIGHTS OF POLICE OFFICERS

1.
 - Remuneration appropriate to the job difficulties
 - Correct pension age
 - Occupational insurance plans for retirement
 - Appropriate rest time
 - Social working hours and part time work
 - Free legal protection
 - Free health and psychological support
 - Specific assistance as the victims of a crime right in the event of violence against police
 - Equal footing participation in any disciplinary or administrative investigations
 - Selection and promotion
 - Appropriate professional training and continuing education
 - Protection measures
 - Trade union rights

These elements have to be categorized according to seven different points and worded as follows:

1. Social and economic rights

2. Police officers, since they are public servants (employed in the public service) enjoy the most extensive social and economic rights. In particular, given the specific nature and difficulties of police work, they should be entitled to:
3.
 - a. for personal dignity and because of their function, have the right to receive a salary and appropriate social conditions with the consideration and the respect that is deserved, without any shape of maltreatment of word nor act, and to receive public support to their task as a public service
4.
 - b. special assistance and full access to all forms of support provided for the victims of crimes in the event of sudden violence resulting from duties carried out within the State
5.
 - c. professional insurance for an equitable and dignified retirement in view of professional specificities and higher risks to life, limb and soul

6. d. adequate rest time given the difficulties of the missions performed and at least 6 weeks of paid holiday a year
7. e. social and sustainable working hours and shifts and the right to part time work, that allow them the conciliation of family and work life.

2. Rights by disciplinary and administrative proceedings

8. Disciplinary or administrative proceedings brought against police officers are subject to the control of an independent body or a Court. The staff representative body, trade union or the designated trade union representative is entitled to an equal right of participation in the analysis and appraisal of the case and in the final decision.

3. Selection, basic and lifelong training

9. PART 1:
The members of police forces have to be selected with exact fulfilment of the principles of equality, advertising, merit and capacity. As a consequence, they are headlines of the right to the equality and non-discrimination in the access, the provision of charges and the professional promotion.
10. PART 2:
 - a. Right to comprehensive basic training appropriate for their missions with acknowledgement as fully trained professionals through the award of certificates.
 11. b. Right to regular life-long training targeted to the missions carried out

4. Protection, security and health

12. PART 1:
The personnel of the police has the right to have specific measures of protection of security and health, suitable to the singular character of the police task, that, besides, guarantee the selection of quality and the high qualification of the public service: in the specific:
 13. a. comprehensive free health protection for any event linked to exercise of the profession
 14. b. special free insurance linked to the specific professional risks borne by police officers
 15. c. free psychological support for every event linked to professional duties
 16. d. free legal assistance for all events linked to their professional status, including both the

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criminal and civil aspects, and actions seeking the award of damages of all forms

17. e. In the penal procedures against people member of police forces, when dictate firm exculpatory resolutions that accredit that the indictments were unfounded, the political authorities have to support the police officers explicitly and formally so as to restore the personal honour and the professional dignity
18. f. Police officers have the right to be protected in front of any shape of psychological violence or bullying in the relations of service
19. g. Right to anonymity in criminal and/or civil proceedings when involved in connection with events linked to their professional status
20. h. Right to anonymous whistle-blowing and protection from malfunctions within the police force and in the command hierarchy

21. **PART 2:**

Police officers have the right to protect their honour, their privacy and their own image, because this constitutes an inalienable fundamental right of any person. Like this, the information given by means of images of the realization an operation or any police activity has to avoid, in any event, the publishing of images of those agents of police acting and that may allow his identification

22. **PART 3:**

Public authorities have to guarantee not only the human and technical resources, but also the necessary materials to achieve the maximum efficiency and security in all the functions and police specialities; especially authorities have to facilitate the necessary materials to guarantee the personal security of the agents (individual protection elements, as well as bulletproof waistcoats)

5. Civil and political rights

23. Police officers have the same civil and political rights as every other citizen. Specifically, you have the right to strike and demonstrate, provided that the minimum functions of the police in a democratic society are guaranteed.

6. Trade union activity

24. PART 1:

Police officers have the right to:

- 25. a. establish trade unions to represent them and to join said trade unions
- 26. b. exercise the function of trade union official
- 27. c. Police trade unions have the right, in function of its representativeness, to take part in the competent organisms in the negotiations on professional status and, likewise, to formulate proposals and be consulted on the decisions of the police authorities on the management and organization of the bodies and fulfilment of its professional activity

28. PART 2:

Trade unions membership of the personnel of police forces and the development of an activity of this nature cannot suppose any type of discrimination in the conditions of work and the professional career.

DUTIES OF EMPLOYERS:

29. We consider it as necessary to explain clearly the duties of the employers. We are concerned, since few organisations have in their own country a law ***clearly defining the employer's duties***. The duties of Police Officers are listed but not those of their employers. This appears unfair and inequitable and does not permit true social dialogue.

7. Employer's duties

30. The employer has the duty of guaranteeing the correct and continuous application of the rights of the Police.
31. We firmly believe in the need for minimum standards valid for all, and that EuroCOP organisations should have a document serving as the basis for their trade union claims. Only single mapping (**an EU Directive and not a Recommendation**) gives us the possibility of unifying police officers' rights in Europe.