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**FOSTERING EQUALITY AND DIVERSITY
INSIDE THE INSTITUTIONS OF THE EUROPEAN UNION:
A LINGUISTIC ANALYSIS
OF THEIR HUMAN RESOURCES LEGAL FRAMEWORK**

TESIS DOCTORAL

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Tesis doctoral dirigida por Luisa María González Rodríguez

To my daughters, Giulia and Isabella,
let this work always remind you how fundamental it is to follow your dreams and
to contribute to a society that fosters equality and celebrates diversity

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Abstract

A preliminary reading of the human resources management legal framework applicable to Civil Servants working for the EU Institutions (EU HRM Legal Framework) shows a language which is not cohesive and does not substantiate the principles of equality and diversity as underpinned by the European Union's core values. This research examines the linguistic features of the EU HRM Legal Framework by exploring the features related to equality and diversity included in the applicable staff legal rules and provisions. The methodological approach of this research entails the creation and analysis of a unique corpus composed of all the applicable HR legal provisions in force in the EU Institutions, and the examination of the terminology related to equality and diversity in four different areas – gender, LGBTI, persons with a disability and elderly. An analysis of the Discourse of the EU HRM Legal Framework deepens the finding of the Corpus research, and the analysis of a questionnaire for HR and Legal Officers working for the different Institutions complements the data, with the aim of triangulating the research findings. The research concludes with highlights of the possible improvements to the language used in the EU HRM legal framework, to the extent necessary for fostering equality and diversity principles.

Keywords: European Institutions, Corpus Linguistics, Discourse Analysis, Sociolinguistics survey, Equality and Diversity language, Human Resources Management

Resumen

Una lectura preliminar del marco legal de gestión de recursos humanos aplicable a los funcionarios públicos que trabajan para las instituciones de la UE (EU HRM Legal Framework) muestra un lenguaje que no es coherente y no respalda los principios de igualdad y diversidad que se sustentan en los valores fundamentales de la Unión Europea. Esta investigación examina las características lingüísticas del marco legal de gestión de recursos humanos de la UE mediante la exploración de las características relacionadas con la igualdad y la diversidad incluidas en las normas y disposiciones legales aplicables del personal. El enfoque metodológico de esta investigación implica la creación y el análisis de un corpus único compuesto por todas las disposiciones legales de recursos humanos vigentes en las instituciones de la UE, y el examen de la terminología relacionada con la igualdad y la diversidad en cuatro áreas diferentes: género, LGBTI, personas con discapacidad y ancianos. Un análisis del discurso del marco legal de gestión de recursos humanos de la UE profundiza el hallazgo de la investigación de Corpus, y el análisis de un cuestionario para funcionarios de recursos humanos y legales que trabajan para las diferentes instituciones complementan los datos, con el objetivo de triangular los resultados de la investigación. La investigación concluye con los aspectos más destacados de las posibles mejoras en el lenguaje utilizado en el marco legal de gestión de recursos humanos de la UE, en la medida necesaria para fomentar los principios de igualdad y diversidad.

Palabras clave: instituciones europeas, lingüística del corpus, análisis del discurso, encuesta de sociolingüística, lenguaje de igualdad y diversidad, administración de recursos humanos

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CHAPTER 1 - CONTEXT OF THE STUDY

1.1 The European Union, its Institutions and their Functioning

1.1.1 *About the European Union and its History*

The European Union is an association of states set as an international organization regulated by treaties, where all the Member States are equal and enjoy the same rights. After the end of World War II, with the aim of securing peace among all nations in the old continent, the French Foreign Minister, Robert Schuman, helped by one of his advisors, Jean Monnet, lead the founding stone of the European Union in the famous Schuman Declaration of 9 May 1950, in the Salon de l'Holege, Quai d'Orsay - Paris. Schuman identified a way to achieve the political goal of peace and prosperity, as Europe had to be built through concrete achievements, and based on a de facto solidarity in the field of economic cooperation:

World peace cannot be safeguarded without the making of creating efforts proportionate to the danger which threaten it. [...] Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. (Fontaine, 2000, p. 36)

Coal and steel production have been identified immediately as a common foundation for economic development, as a first step for the federation of Europe. This powerful idea was shared to all countries willing to take part in it by providing them with the basic elements of industrial production on the same conditions, setting the grounds for their economic union. This idea constituted a unique initiative for an organized and vital union of states, which has

been pivotal for the European civilization and without which the peace of the world could not be maintained (European Commission, 2013).

As the European integration has always been driven by the desire to bring peace and prosperity to its Member States, the best guarantee was deemed to be an international market economy driven by free trade; this is the idea which was already present in the Schuman Declaration. Six founding states, Belgium, Germany, France, Italy, Luxembourg, and the Netherlands, signed the so-called Treaty of Paris, which entered into force on 23 July 1952, constituting the European Coal and Steel Community (ECSC) (European Council, 1951). Six years later, the same countries signed two important treaties, which entered into force in 1958: the Treaty of Rome (TEEC), constituting the European Economic Community (EEC), and the Euratom Treaty, establishing the European Atomic Energy Community (European Council, 1957a and 1957b). The Treaty of Rome has been amended for the first time by the Single European Act in 1987, leading the path to a single European market (European Council, 1986).

Towards the end of the Cold War, the political shape of Europe dramatically changed with the fall of the Berlin Wall. In this new political landscape, the members of the original European Communities had to negotiate a new treaty, the so-called Maastricht Treaty. This marked the foundations for the launch of the European Union, as the European Member States decided to extend their cooperation in areas belonging to common foreign and security, to justice and home affairs, cooperation in criminal, civil matters and immigration; this is what happened in 1992 with the reinforcement of the umbrella organization coming to be called European Union (European Council, 1992).

The European Union gained more and more appeal to other countries and eventually led them to join. The rules and functioning of a system originally designed for six members, then twelve, would therefore not be suitable anymore for twenty-seven countries, today's actual number¹. This is why the enlarged European Union needed a simpler and more efficient method for taking its joint decisions. This materialised in the so-called Treaty of Lisbon, which was signed in 2007. One of the main improvements of the Lisbon Treaty has been to simplify further the function of the European Union by changing its institutional structure (European Council, 2007 and 2016).

The Treaty of Lisbon envisaged a complex architectural structure dividing the workload between policy and decision-making on the one hand, and its implementation, on the other. The European Union, as an institutional construct, is composed of three main institutions: the European Commission, with executive powers, the European Parliament, which acts as a legislative body and is the only institution, which is composed by directly elected members, and the Council, which shares legislative competence with the European Parliament and the Court of Justice. After more than sixty years from the signature of the first Treaty, the European Union as a whole is greater than the sum of its parts, as it entails

¹ It has to be noted that, following the results of a referendum held on 23 June 2016, the United Kingdom invoked Article 50 of the Treaty of the European Union, starting a process of withdrawal from the Union and an agreement has been reached in January 2020.

an integrated and secure economic market and sound political stability, bringing the Union to be a leader on the international scene

1.1.2 The Member States of the European Union

Twenty-eight Member States have joined the European Union, transferring some of their original powers and competences to the Union; as a result, an increasing number of decisions are no longer adopted at a national level but at European level. The European Union has not always been composed by twenty-eight States, but it has been growing in several enlargement steps.

It all started in 1952, with the six founding members (Belgium, Germany, France, Italy, Luxembourg, and the Netherlands) that cooperated for more than twenty years until three further countries decided to join in 1973: the United Kingdom, Ireland and Denmark. Soon after, when the years 70's and 80's saw the end of dictatorships in Greece, Portugal and Spain, these countries decided to enter the European Union. This occurred in 1981 for Greece and in 1986 for Portugal and Spain.

The European Union at twelve grew in 1995, the year that marked the fourth enlargement with Sweden, Finland and Austria acceding as new Member States. The following enlargement was made possible by the fall of communist regimes, which disappeared from Central and Eastern Europe after 19 November 1989, and the fall of the Berlin Wall, and set a key milestone for a regime change. The disintegration of the Soviet Union and the formation of independent Baltic States, the fragmentation of Yugoslavia and the creation of distinct Balkan States, the breakup of Czechoslovakia into Czech Republic and Slovakia brought to an additional European integration; eight countries, from central

and Eastern Europe, joined the European Union: Czech Republic, Estonia, Latvia and Lithuania, Poland, Slovakia, Slovenia and Hungary, Malta and Cyprus. Shortly after in 2007, two other formerly Communist countries, Bulgaria and Romania, joined the Union by making a European Union of 27 countries. A further accession occurred in 2013, when Croatia joined the European Union (Fontaine, 2017).

1.1.3 Institutions, Agencies and Bodies of the European Union and their Mandate

1.1.3.1 The European Commission

The origin of the European Commission traced back to the creation of the High Authority, the institution envisioned by Robert Schuman and Jean Monnet to run the original European Coal and Steel Community. The European Commission is composed by one Commissioner per Member State, each responsible for different policy areas and each responsible for a specific portfolio such as agriculture, health, transport, trade, home affairs, etc. All Commissioners act together as a College for the common European interests, without representing national interests. However, the European Commission does not only consist of the College of Commissioners as a full-fledged administration exists behind each Commissioner. Each Commissioner is responsible for an organisation, which is called Directorate General (DG), tackling the particular policy area, which has been attributed to them.

The European Commission is the only Institution of the European Union that can initiate the legal cycle; however, like any other executive body in the world, it cannot adopt legislation alone. To have its proposals turned into legislation it needs the agreement of both the European Parliament and the Council. New European laws, or revisions to existing ones,

are analysed usually after the inputs are received by the European Council, but also upon the request of governments (often as a result of lobbying activities) and by the members of the European Parliament.

The Commission's job is not only to initiate legislation and to draft new laws, but it is also tasked to ensure that the existing rules are applied and enforced. In fact, the Commission monitors Member States' application of the European law, it can punish them for breaking the rules, and if necessary, pursue them before the Court of Justice of the European Union. The Commission also manages the European budget and allocates the European funding such as structural funds between the different European beneficiaries; it exercises scrutiny of the national economic budgets and policies. Since 2011, the commission assesses all nationally fiscal policies, economic and financial issues, as well as reforms aimed at boosting growth. The European Commission also acts as the main responsible for international trade and competition issues. In fact, the Commission also represents the European Union on the international scene by negotiating new international agreements, and is in charge of the day-to-day running of the EU Diplomatic Mission outside and within the European Union.

1.1.3.2 The European Council and the Council of the European Union

The European Council is the major European political Institution as it is the assembly of the heads of states and governments of the European Member States. The European Council, therefore, gathers the most powerful and important political leaders present in the different national scenes. The European Council elects a permanent President, with a mandate of two and a half years, who is in charge of setting up the agenda of the European Council and ensuring its continuity. The European Council's role is two-fold: setting the

European general political direction and priorities, and dealing with complex or sensitive issues that cannot be resolved at the lower level of inter-governmental cooperation.

The Council of the European Union is the meeting forum of twenty-eight ministers of the national Member States, which composition depends on the subject discussed. The Council of the European Union examines and adopts European legislation, coordinates the broad economic policies of European member countries. Also, it signs agreements between the EU and other countries, approves the annual European budget and develops the European foreign and defence policies.

1.1.3.3 The European Parliament

The European Parliament is one of the largest parliamentary assemblies in the world and the only European Institution which is currently directly elected by the European citizens. At the time of writing this dissertation, the Parliament counts 766 members in total, the so-called MEPs (Members of the European Parliament), who work in Brussels and vote in Strasbourg, where the Parliament gathers in plenary session every month. The President of the European Parliament is elected every two and a half years.

The European Parliament has three main tasks:

- 1) Together with the European Council, it decides and votes on the European legal framework;
- 2) It scrutinizes other Institutions, in particular the European Commission, to make sure it works in line with its mandate;
- 3) It debates and adopts the European budget together with the Council of the European Union.

The European Union legislation, proposed by the Commission, cannot be passed without an agreement between the Council and the European Parliament. Under the ordinary legislative procedure, what is called co-decision, the Council and the Parliament are equal in passing laws. Over the last decades, with the changes introduced by the different European Treaties, the European Parliament acquired a substantial legislative and budgetary power, together with a leading role in fostering democracy and promoting human rights (Best, 2016; Borchardt, 2017).

1.1.3.4 The Court of Justice of the European Union

The role of the Court of Justice of the European Union is to ensure that the European Union law is interpreted and applied in the same way in every European country and to ensure that Member States and Institutions abide by the EU law. The Court of Justice is based in Luxembourg and it is made of two major courts, the High Court, called the Court of Justice and the Lower Court called the General Court. Both courts are made of independent judges coming from each Member State, one per Member State in the High Court (together with eleven advocates general) and forty-seven judges in the General Court.

The Court of Justice acts as a constitutional court, determining the limits of European action and setting how European law should be interpreted across the whole Union on a daily basis by the national judges operating at the national level. The Court of Justice also acts as an international court, with the power of sanctioning European Member States in case of violation of the EU law. The General Court acts essentially as an administrative court as it has jurisdiction to hear and determine actions brought by a Member State against the European Commission or the Council, albeit actions brought by natural or legal persons against acts of any institutions, bodies, offices or agencies of the European Union (in

particular disputes between the institutions of the European Union and their staff concerning employment relations). This last function is fundamental in the determination of case law for the management of employment contracts within the European Institutions and their Civil Servants.

1.1.3.5 The European Central Bank

The European Central Bank (ECB) is the central bank of the nineteen European Union Member States which have adopted the Euro; the ECB is, in fact, the European Institution in charge of monetary policy in the Eurozone. It was inaugurated on 30 June 1998 and its seat is in Frankfurt, Germany. On 1 January 1999, the Central Bank took over the responsibility for implementing the European monetary policy of the so-called Eurozone. All its members have agreed to adopt the same monetary policy and form an economic and monetary union.

1.1.3.6 The European Court of Auditors

The main role of the European Court of Auditors is to monitor the correct implementation of the European Union budget, in particular with regard to the legality and regularity of incomes and expenditures. The Court is also responsible to ensure that Institutions act on the principle of sound financial management and contribute to the effectiveness and transparency of the processes related to the European budget.

When the auditors from the Court of Auditors suspect of fraudulent behaviour, the file is passed to the European Anti-Fraud Office (OLAF), which is in charge of the investigations and remedies, as the Court of Auditors has a mandate over all Institutions and individual entities receiving money from the EU budget, but it does not have any power of sanction.

One of the main tasks of the Court of Auditors is drawing an annual report after the closure of each given financial year. The report contains the Court's recommendations for a better implementation of the budget. Together with the annual report, the Court of Auditors also submits and publishes recommendations on specific questions related to the use of European Union funds.

1.1.3.7 European Agencies, Offices and Other Bodies

The European Institutions are helped in the fulfilment of their mandate to implement effectively European policies by a set of decentralized bodies and agencies, which are mainly in charge of technical, scientific, operational and regulatory issues. In the last few years, these bodies and agencies have grown in number, with the clear aim to tailor the EU intervention in term of policies and regulation in a more effective and specialised way. The full list of European Institutions is drawn in Annex II.

1.1.4 Principles, Competencies and Policies of the European Union

1.1.4.1 Guiding Principles of the European Union

As from the year 2000, the European Union has chosen its motto to be *united in diversity*. According to the European Commission, "the motto means that, via the EU, Europeans are united in working together for peace and prosperity, and that the many

different cultures, traditions and languages in Europe are a positive asset for the continent."² The European Union promotes humanitarian and progressive values, to the benefit of all its citizen, and work to foster prosperity and peace.

In light of these values and better to foster them, the European Union acts only as far as it received a mandate by any of the Member States, according to the principle of conferral. This mandate, and in particular the degree of its competences, varies depending on the policy area. In some policies, the mandate is full, meaning that only the European Union is entitled to act, this is the case of exclusive competences. In some other instances, the competences still belong to the Member States, who have or accept some forms of coordination among themselves, provided by the EU intervention, the so-called supportive competence. Furthermore, the European Union can only act where the actions of individual states are insufficient, according to the principle of subsidiarity. The idea is that the Union acts only when it is in a better place to achieve the pursued goal. Another important guiding principle of the European Union is the principle of proportionality; this principle ensures that European action remains within the limits of powers conferred to it by the Member States and in a proportionate manner.

² See: https://europa.eu/european-union/about-eu/symbols/motto_en

1.1.4.2 The Legislative Process: How Does the European Union Work

The European decision-making process varies substantially according to the fields in which the European Union takes action; the European Commission makes multi-annual policy plans, which form the basis of its annual work programs, containing concrete legislative initiatives to be presented in the course of each year. These work programs are presented to the European Parliament, which also expresses some priorities; as mentioned before, the European Parliament can also make suggestions by adopting legislative recommendations, together with the Member States. Furthermore, since 2012, the European citizens are also able to ask directly for new draft laws by means of the so-called European Citizens' Initiative (Petrescu, 2013).

After gathering inputs from all parties, the European Commission presents a draft law, contained in its proposal, marking the start of a long process, taking, on average, between twelve and eighteen months. The draft law is then presented to the Council of the European Union and to the European Parliament, the core legislators. As in most cases, they have the same decision-making power, which is, in fact, the ordinary legislative procedure - the co-decision - whose areas of intervention is limited to those that have been conferred to by the Member States.

Since the Council and the Parliament seldom agree on the first round of consultations, they may enter into a negotiation which leads to two possible scenarios: a compromise which would lead to the law being adopted after a single vote by the European Parliament or, in case there is no agreement, the negotiations may continue. If the negotiations fail again and there is still disagreement, although it rarely happens, the draft law simply fails and the Commission should start the procedure again with a new proposal.

When there is agreement among all the three Institutions, the new European law is officially adopted, and the Member States must then apply it. If they fail to comply and turn it into national law at Member States level, the European Commission could act by calling the Member State to order. If that still fails, the Court of Justice of the European Union may intervene.

As previously mentioned, nowadays, before proposing new policies, the European Commission consults widely, as public consultations are an instrument allowing all European citizens to influence the European political agenda. Public consultations are generally supported by the publication of working documents containing questions and issues on a specific topic and, together with these working documents, there are tools that serve similar purposes; they are the so-called green and white papers.

Green papers are intended to stimulate thinking and launch consultation at the European level on a particular subject and they can be considered to be the very first steps at the beginning of the process. The consultation resulting from a green paper can then lead to the publication of a white paper, which is a proper set of concrete measures, an action plan. A white paper is a document issued by the Commission, which already identifies a set of policy options to achieve the declared objective.

Once the necessary information and inputs have been gathered, and before putting forward a new proposal, the European Commission performs what is called an impact assessment, aimed to test the degree of acceptance of the future legislative text by European citizens. The impact assessment also evaluates the potential economic social and environmental consequences of the initiative and gives decision-makers evidence regarding the advantages and disadvantages of each policy, explaining why actions should be taken at

the European level, in line with the principle of subsidiarity (European Commission, 2002 and 2015; Koolen, 2013; Michailidou & Trenz, 2013).

1.1.4.3 The Internal Legislative Process

As described before, the European Commission draws up proposals for new policies in different areas, and usually it all starts as a draft written by European Civil Servants. These Staff Members are mainly graduates coming from the different European states who pass an open competition and who have been hired by the European Union. They are allocated among the various Commission's departments called Directorate Generals (DG).

Each DG is responsible for overseeing the development and implementation of laws and policies in specific areas, such as health and consumer protection, environment, trade or agriculture. When a new policy proposal cuts across the competencies and portfolios of different Directorates General, one of them would be selected as lead, and referred to as *chef de file*. In practical term, the proposal works its way through each Directorate General, by way of a process called inter-service consultation. The inter-service consultation is a procedure involving the Commission's services (the Legal Service, the budgetary Directorate General, the Internal Audit Service), which perform a preliminary check for the policy's compliance with European law and budget, then advisory committees and interested external policy actors, lastly the Cabinets of the relevant Commissioners. This process of preparation of the proposal can take months, or even years to complete, depending on the complexity of the undergoing initiative.

Currently, the heaviest check on the work of the drafter of the Commission proposal is represented by the quality control exercised by the impact assessment board, which is

made of high-level officials, generally Directors and Chaired by the Deputy Secretary General of the European Commission. This quality oversight mechanism checks the quality of the analysis including the public consultation performed by the drafters of the proposal during the impact assessment preparation. The impact assessment board enjoys the authority to return the analysis to the drafters. Once a proposal goes successfully through all the procedural steps previously described, from the initial public consultation, the impact assessment and the inter-service consultation, it is then reviewed by the Chefs de Cabinet who head the private offices of the European Commissioners. These high-level Officials meet weekly, generally on Mondays, in the so-called 'Hebdo' and decide which proposals need to be discussed by the college of Commissioners.

The proposals are then reviewed by all Commissioners gathering every Wednesday in Brussels, or in Strasbourg if the European Parliament is in plenary session. Using a majority vote, the Commissioners can accept or reject the proposal, send it back for redrafting, or defer making a decision. Before the accepted proposal is released and the decision-making procedures can start, the formal Commission proposal is sent to the Member States' Parliaments for the subsidiarity check, proportionality check and political approval.

In general, within eight weeks, national parliaments of the Member States can play their supervisory role and raise objections, if they believe the proposal violated the subsidiarity principle. This check is known as the yellow card procedure, since the National Parliaments give a warning to the European Commission, if it is about to violate the principle of subsidiarity. The European Commission may decide to maintain, amend, or withdraw the draft, though the most common decision in practice is to amend it. Finally, when the

Commission's legislative proposal is ready to be released it is sent to the European Parliament and the Council of the European Union for their analysis and decision.

There are eight stages in the ordinary legislative procedure: firstly, the Commission's proposal goes to the European Parliament for a first reading, allowing it to formulate an opinion. There are three possible opinion scenarios: the European Parliament can reject the proposal, it can accept the proposal without amendment or accept the proposal with an amendment, modifying the proposal. These first two scenarios are rarely used. Generally, the European Parliament accepts the Commission proposal and formulates an opinion. This is the most common option.

The European Parliament's opinion then moves to the Council, which takes a first reading of the Commission's proposal. The Council can do two things: accept the Parliament's opinion, and, in this case, the proposal is adopted after the first reading or disagree with the European Parliament's opinion and provide its own position, communicating its reasons to the European Parliament. When this second situation occurs, as the European Parliament and the Council failed to agree on an identical text, the procedure needs to undergo the second reading. Both Institutions are then bound by strict time limits (three months) in their respective readings.

In the second reading, the Council position on the Commission proposal goes back to the Parliament, which has then three options: it can positively approve the Council's position in its first reading, and as a result adopt the proposal. This is also what occurs if the European Parliament fails to take a decision within the specified time limit. The Parliament can then reject the Council's positions, which would end the legislative procedure, or it can propose amendments to the Council positions. If the Parliament has adopted amendments in

the second reading, the Commission presents an opinion in which it explains whether it finds a particular amendment acceptable or not.

The amended proposal goes once again back to the Council for a second reading; the scenario has now two options: either the Council approves all of the Parliament's amendments leading to the adoption of the legislative act or it does not; in this last case, the procedure enters the so-called conciliation stage. If the European Parliament and the Council cannot agree on the same amendments, and they want to make it to the Commission proposal within the second reading, a special mechanism, which is called conciliation, applies. The idea and the rationale behind conciliation are to rescue the legislative proposal by gathering representatives of the European Parliament and the Council together, with representatives of the European Commission, in a conciliation committee. The mandate of this committee is to reach an agreement on a joint text that reconciles the differences in opinions between the Institutions.

As a consequence of the conciliation, the compromised text goes back to the Parliament and the Council, in a third and final reading. The work done by the conciliation committee has to be examined by both of them and then they vote on these texts. Both Institutions only have the options of either adopting or rejecting it without making any further amendments. Where either the Parliament or the Council disagrees with the compromised text, the procedure ends without a legislative act. In case both Institutions approve the text, it becomes law and it only needs to be signed and published. Before a proposal becomes law, it needs indeed to be signed by the President of the European Parliament and by the President of the Council of the European Union. Subsequently, it is

published in the Official Journal of the European Union³. Unlike the ordinary one, there are some special legislative procedures where the Council of the European Union is the dominant legislator, with the Parliament having a very limited role as it can only give its opinion as an act of formality, which is called consent procedure; this procedure is adopted in matters such as family law or social security.

The three Institutions involved in decision making often deviate from the scheme; in order to promote consensus in a more efficient and timely manner, they typically act and interact with one another in ways that are not foreseen by the formal procedures. They tend to work on the Commission proposal and interact well before they are supposed to; during these discussions and meetings, the delicate issues are determined and compromises are explored, in what is called trialogues among the three major actors in the legislative process. The current practice generally involves the Council presidency, the Commission, with the Chairs of the relevant Committees and the rapporteurs of the European Parliament. This practice has proved particularly successful over the years, partly because of informal facilitating arrangements such as trialogues; the European Union has been quite successful in enacting needed legislation.

The European Union adopts many regulations every year, and in order to complete the adoption and ensure the implementation of so many policies, the Member States entrust their governments to adopt legislation that aims to implement these policy measures. The

³ See: <https://eur-lex.europa.eu/oj/direct-access.html>

Commission has been assigned to take care of the adoption of those technical decisions. It receives the competence to prepare and adopt these technical regulations from a legislative act adopted by the European Parliament and the Council.

This system, called comitology, works rather efficiently because the technical legislation through this procedure is much flexible than through the normal legislative process. It allows the legislator to concentrate on its core legislative work, and move technical work to the level of technical experts who usually assist the European Commission in this task. This is also the case for the Staff Regulation of Official and Condition of Employment of Other Servants, which, together with the General Implementing Provisions, form part of the EU Civil Servants' legal framework.

1.1.4.4 The Role of the European Union on Fundamental Rights

The promotion of fundamental rights in the European Union enforce its legitimacy vis-à-vis its citizens and reinforce the Institutions in the implementation of their policies. The fact that the European Union strives to uphold and promote democracy, respect for human rights, and the rule of law does not come as a surprise. In fact, according to the treaty of the European Union, the European Union itself has been founded on these three values.

In the very beginning, when the European Union was just a Community, there were different concerns coming from the Member States about the protection of fundamental rights, particularly the rights to property of those who were participating in the common market. The European Court of Justice decided that these rights were to be protected as general principles of the European Law. Consequently, over the course of the years, the European Court of Justice developed this doctrine on fundamental rights as a general

principle, always by looking very closely to the European Convention of Human Rights (Council of Europe, 1959).

Although the European Court of Justice was always very conscious on the way in which the European Court of Human Rights was interpreting the Convention of Human Rights, it wasn't until the year 2000 that the European Union decided to have its own bill of rights, the Charter of Fundamental Rights (European Parliament, 2000). Since not all the Member States were unanimous about the commitment that such Charter entailed, it was decided to leave it as non-binding legislation. However, some years later the Charter was set as an important part of the future Treaty for the European Union and it was enclosed as part of the Lisbon Treaty, which entered into force on 1 December 2009.

The Charter very clearly states, in its Article 51, that the addressees are, among others, all the Institutions of the European Union, and this is also the reason why all legislative acts for the European Union are subject to the Charter of Fundamental Rights and the European Court of Human Rights in Strasbourg have jurisdiction to scrutinize the actions of the European Union's Institutions, in light of the Convention.

1.2 Human Resources Management

1.2.1 Human Resources Management in the EU Institutions

There are different areas related to managing people working in different fields and institutions. The nature and scope of Human Resource Management in each organisation lies with the ability to balance people management and the interest of the service, in term of values and strategic vision. In the European Institutions, these are the areas, which are related to the function of Human Resources:

Table 1 - Human Resources Management areas in the European Institutions

HUMAN RESOURCES STRATEGY AND PROGRAMMING	Total quality management	Programming and Organisational Support	Budget Management	HRM Knowledge Management
HUMAN RESOURCES LEGAL FRAME WORK	Legal basis	Protection of personal data	Complaints and Case Law	
HUMAN RESOURCES POLICIES	Well-being	Ethics and Conduct	Anti-Harassment	Equality and Diversity (incl. gender mainstreaming)
SELECTION AND RECRUITMENT	Selection	Recruitment		
STAFF ADMINISTRATION	Individual Rights and Entitlements (incl. Salaries)	Protocol and Privileges	Medical	Time Management
PERFORMANCE AND CAREER MANAGEMENT	Competency Framework	Appraisal	Reclassification	Career Guidance
LEARNING AND DEVELOPMENT	Learning and Development	Traineeship Programme		
OVERALL COMMUNICATION	Staff / Staff Committee	Intranet / Internet	EC and EU Networks	

These areas are the clusters of different staff policies and contribute to the creation of a corporate identity of EU Civil Servants. In fact, under these areas, the EU working environment is regulated by different legal texts and policies, which are being analysed in this research.

The Staff Regulation (SR) of Official and Condition of Employment of Other Servants (CEOS) is the legal basis for the staff management in all EU Institutions (European Council, 1962). The document is a Council regulation, which entered into force for the first time on 14 June 1962. The text has been revised several times over the years, and its latest version counts 131 amendments and 18 corrigenda. The last substantial revisions dated 1 May 2004 and 1 January 2014. With these two reforms, the text has been substantially re-aligned with the EU values and the political-strategic vision of the European Union over the

last decades. In particular, the last reforms brought extensive new elements in the text, such as a consistent set of rules on the rights and obligations of Civil Servants. These rules are aimed to foster the highest ethical behaviour (each Civil Servant must act solely in the interest of the Union), guarantee the proper management of conflict of interest and the protection of data.

Together with the Staff Regulation and CEOS, there are around sixty other pieces of legislation that are the Implementing Provision of the Staff Regulations; they “give voice” to the directives as expressed in the Staff Regulation and specify the implementation of such principles. All the legal texts, which are the subject of analysis in this research, are listed in Annex III.

1.2.2 Sociolinguistic Variation in the EU Institutions

In order to analyse the legal texts upon which staff management operates in the EU Institutions, it is important to frame the sociolinguistic variations of Civil Servants working for the European Union. With regard to its diatopic variation, it should be noted that European Institutions and Bodies are situated in each of the 28 Member States across Europe. The main headquarters of the European Commission, European Parliament and Council of the European Union are Brussels and Luxemburg; the European Agencies are located in 23 Member States. Particular attention will be given to the difference of the EU sociolect between the Commission’s main locations and the Decentralized Agencies’ location.

With regard to its diastratic variation, according to the last Human Resources key features of the European Commission, the EU Civil Servants working for the EC is rather

diverse as the European Union currently employs around 32.500 persons from 28 different nationalities and all age groups.

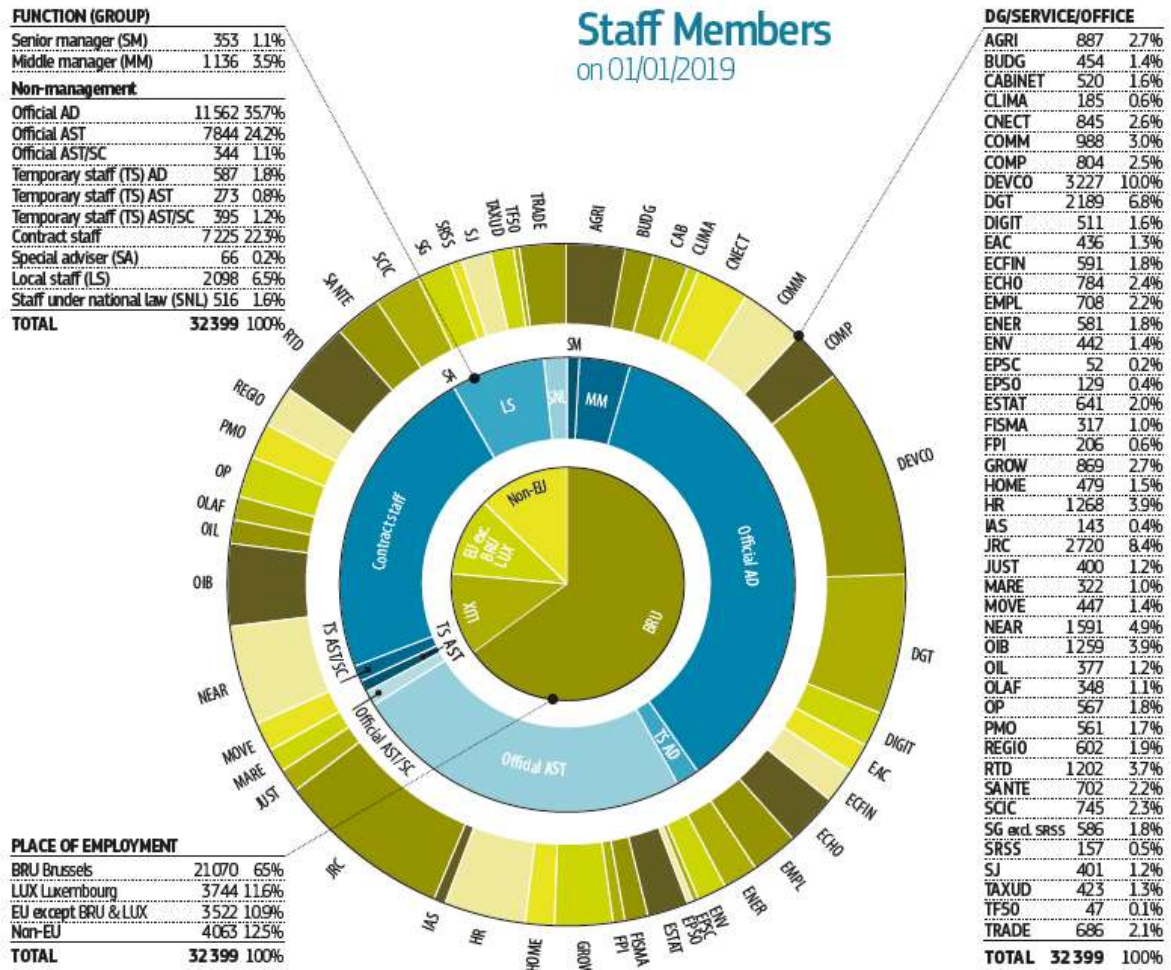


Figure 1. Graphic displaying the staffing situation of the European Commission on 1 January 2019 (Ref.: European Commission, HR Key Figures 2019, ed. Luxembourg: Office for Official Publications of the European Communities, 2019)

1.2.3 The EU Civil Servants and their Language Repertoires: English as a Lingua Franca (ELF)

In the 1980s, linguists and sociolinguists started to focus on English as used in international contexts by individuals who were not English native speakers, as a separate field of study. McKay (2002) defines International English as a language:

[...] used by native speakers of English and bilingual users of English for cross-cultural communication. International English can be used both in a local sense between speakers of diverse cultures and languages within one country and in a global sense between speakers from different countries. (McKay, 2002, p. 132)

To this extent, the international use of English includes speakers who are native speakers and those who use English as a second or third language. In this approach, ELF interactions cannot be analysed against a frame of standard English norms, and the language competencies of an ELF speaker cannot be assessed with the same criteria as those used for native speakers. A lingua franca speaker is by definition not fully competent in the part of his/her linguistic knowledge. The studies undertaken on pragmatics in an ELF context offer great indicators to evaluate the impact of the use of English in intercultural communication (House, 2003). They show that in ELF communication, speakers tend to apply specific strategies, which open completely new perspectives. Seidlhofer (2001) argues that:

The intellectual battles which are being fought over issues rooted in ideological position, commercial interests, ecological concerns and social identities go largely unnoticed by the largest group of users of 'English': those to whom 'English' serves on a daily basis as a lingua franca for conducting their affairs as the most useful

instrument for communication that cannot be conducted in the mother tongue, be it in business, casual conversation, science or politics — in conversation, in print, on television, or on the internet. (Seidlhofer, 2001, p. 140)

In particular, she points out the fact that such speakers:

[...] are not primarily concerned with emulating the way native speakers use their mother tongue within their own communities, nor with socio-psychological and ideological meta-level discussions. Instead, the central concerns for this domain are efficiency, relevance and economy in language learning and language use ... people need and want to acquire the instrument 'English' whatever the ideological baggage that comes with it. (Seidlhofer, 2001, p. 141)

Given the complexity of language contact and their rather diverse linguistic backgrounds, abilities and cultures of ELF speakers, the EU Civil Servants cannot be studied as members of one community with common linguistic and cultural references, as is normally the case in sociolinguistics. It is then more appropriate to use the concept of “community of practice”, as defined by Etienne Wenger (2007), whereby communities of practice are defined as groups composed of members who get together for a specific purpose, be it business or other, and build clearly targeted relationships. As a joint enterprise, they have some common goal and purpose, implicitly or explicitly stated, which should theoretically create accountability and a common understanding of what is relevant. Their repertoire is a consequence of the shared value, which brings together the persons and their need to share meaning within the community.

According to the European Commission, “English as a drafting language of EU texts is a neutral English, distinct from the common law systems and from the cultural constraints of countries using English as a national language” (European Commission, 2011). Although it is sometimes called a “contaminated” English, bearing the traces of foreign influence, it is also considered to be more creative than other EU languages, from the syntactic and lexical point of view, and to be flexible enough to be the lingua franca for the drafting EU texts. Since the legislative texts which are being analysed in this research have been adopted over a period of different decades (the first Staff Regulation being drafted in 1962), it is important to remind that French was the main language in use during the first steps of the European Union adventure.

During these years, French had had an irrefutable priority and influence on all the other official languages, including English. It should also be noted that English became official only in 1973, with the accession of UK and Ireland to the European Community, so the EU legal vocabulary was established mainly on the basis of French texts. All these considerations have been taken into account in assessing the use of English language in this study, whereby the interaction of people in the EU community of practice is a key element to sustain the development and fostering of the EU values.

1.3 Multiculturalism, Equality and Diversity

In the last decade, the EU Institutions have increasingly become committed to the promotion of fundamental rights, diversity, as well as to tackling discrimination by promoting equal opportunities for all. Policies and directives have been drafted with the aim of guiding the work of the Institutions and assessing and improving the ways in which they engage with people, with the final goal of effectively removing any obstacles to employment,

training and other career opportunities. This vision is vital for any modern organisation since promoting equal opportunities is not an optional add-on to staff management, and it is more than just complying with the relevant legislation. In reality, the concept of equal opportunities is key to maximize the effectiveness of the European Union's work and its impact.

1.3.1 Definitions of Key Terms

As the aim of this research is to consider the use of the English language in the area of staff management, in particular by exploring the way in which the language is used to foster equality and diversity among Staff Members working for the different EU Institutions. In order to unravel such language patterns, it is important to highlight some basic concepts and definition. Within the framework of the policies applicable to the European Institutions, equality shall be understood as meaning that everyone should be treated fairly within the workplace and shall have equal access to the same employment-related opportunities. Access to such opportunities are based on merit and are not linked to age, gender, disability, marital status, race, sexual orientation, nationality, ethnic or social origin, religious beliefs, political opinion or group/organizational affiliation, etc. Furthermore, it involves the prevention and elimination of discrimination based on such grounds.

The concept of diversity adds an extra dimension to equality of opportunity, and it encompasses all types of differences beyond those covered by the legislative framework and focuses principally on the individual. Diversity includes every kind of difference that makes each person unique and distinct. Therefore, it shall be understood as individual uniqueness and variety but also as inclusiveness and togetherness. The mosaic of people who bring a

variety of cultural, social and historical backgrounds, styles, perspectives, values and beliefs as assets to the groups and organizations with which they interact.

To this extent, diversity management is the action through which variety and difference shall be valued by promoting inclusiveness based on tolerance, respect and professionalism. It is the action aimed at creating a positive work environment, promoting personal and professional development, empowering all people to reach their full potential, attracting talents, removing barriers that hinder progress, improving organizational performance and workplace relations.

According to the European Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, direct discrimination occurs when “one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of age, gender, disability, marital status, race, nationality, ethnic or social origin, religious beliefs, political opinion or group/organizational affiliation” (European Council, 2000a).

The above-mentioned directive also describes the concept of indirect discrimination, as it occurs when “an apparently neutral provision, criterion or practice would put persons of a certain age, gender, disability, marital status, race, sexual orientation, nationality, ethnic or social origin, religious beliefs, political opinion or organizational affiliation at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary” (European Council, 2000a).

By virtue of the same legislation, positive action refers to the adoption of “specific measures to prevent or compensate for disadvantages linked to” age, gender, disability,

marital status, sexual orientation, race, nationality, ethnic or social origin, religious beliefs, political opinion or group/organizational affiliation, etc., with a view of ensuring full equality and diversity in practice.

1.3.2 Equality Legislation and Policies in the EU

The principles of non-discrimination, equality and diversity are among the core values of the European Union, finding their expression, inter alia, in the European legal and policy framework. As described above, the main text where these principles are set out in the European Union Charter of Fundamental Rights, where Article 21 prohibits general discrimination, and Articles 12 and 13 of the Treaty Establishing the European Communities (TEEC).

The same principles are also covered in secondary legislation, as the Employment Equality Directive (2000/78/EC) establishes “a general framework for equal treatment in employment and occupation”, Directive 76/207/EEC regards the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, Directive 2006/54/EC provides for the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

1.3.3 Fostering Equality and Diversity in the EU Institutions' Workplace

While analysing how the equality legislation is set in the EU Institutions' working environment, it is important to note that the principles of diversity and non-discrimination, as set out in Article 1d of the Staff Regulations (European Council, 1962), are an integral

part of the Lisbon Agenda and are being promoted in a number of Action Programmes designed by the European Commission over the years:

1. In the application of these Staff Regulations, any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited. For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled.
2. With a view to ensuring ensure full equality in practice between men and women in working life, which shall be an essential element to be considered in the implementation of all aspects of these Staff Regulations, the principle of equal treatment shall not prevent the institutions of the European Union from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.
3. The appointing authorities of the institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas.
4. For the purposes of paragraph 1, a person has a disability if he has a long-term physical, mental, intellectual or sensory impairment, which, in interaction with

various barriers, may hinder his full and effective participation in society on an equal basis with others. The impairment shall be determined in accordance with the procedure set out in Article 33.

A person with a disability meets the conditions laid down in point (e) of Article 28 if he can perform the essential functions of the job when a reasonable accommodation is made.

‘Reasonable accommodation’, in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

The principle of equal treatment shall not prevent the appointing authorities of the institutions from maintaining or adopting measures providing for specific advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers.

5. Where persons covered by these Staff Regulations, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the institution to prove that there has been no breach of the principle of equal treatment. This provision shall not apply in disciplinary proceedings.

6. While respecting the principle of non-discrimination and the principle of proportionality, any limitation of their application must be justified on objective and

reasonable grounds and must be aimed at legitimate objectives in the general interest in the framework of staff policy. Such objectives may, in particular, justify stipulating a mandatory retirement age and a minimum age for drawing a retirement pension. (European Council, 1962, p. 12)

Every EU Institution, moreover, is bound to be subject to shared legislative and non-legislative standards in favour of equal opportunities and diversity. EU legislation currently bans discrimination on the grounds of sex, race, ethnicity, disability, age, sexual orientation and religious belief in the areas of employment, vocational training, social protection, and access to goods and services. The above provisions specifically outlaw discrimination and affirm the principle of equal opportunities. In addition, there have been some recent updates to other sections of the Staff Regulations, which have been effective since 1 January 2014.

The definition of people with disabilities has changed, making it easier to extend ‘reasonable accommodation’ measures. Employees are now understood to have a disability if they have ‘a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others’.

There are new rules governing pension age, rights and bonuses. In particular, these aim to disincentive early retirement. Officials now have access to ‘social measures’, including those with the specific aim of promoting a better balance between work and family life. There is now more flexibility over whether EU employers adopt positive measures in favour of geographical balance amongst the Member States represented in their institutions.

There are also changes to the processes for promotion, salary increases, and conditions to request parental leave. Flexitime working arrangements are now explicitly permitted, although employees' seniority affects whether they are permitted to full or half days.

In July 2017, the European Commission published a communication on its strategy for a better workplace (European Commission, 2017). In this Communication, the Commission goes well beyond ensuring compliance with non-discrimination and equality rules. It is committed to welcoming and managing diversity and inclusion. This pro-active approach seeks to create a diverse working environment and an inclusive culture in which everyone feels valued and can live up to their full potential in the workplace:

Diversity is a given in an international organisation that is home to so many nations, languages and cultures. Yet, the concept of inclusiveness is not as straightforward. Inclusion is about an environment that allows our differences to thrive and be accepted and valued. It is a corporate culture. (European Commission, 2017, p. 5)

This new approach acknowledges the fact that inclusion has different meanings for different individuals' groups; for women, inclusion means having better access to management posts or not being confronted with stereotyping at work. For staff with a disability, inclusion means taking into account different needs when providing for adapted reasonable accommodation; this implies the removal of barriers to physically entering a building or providing appropriate IT equipment. For LGBTI staff, inclusion can mean putting measures in place to help all employees feel comfortable and confident to be open about their LGBTI identity and to participate fully in the social dimension of the workplace. For elderly staff, inclusion can mean having the same opportunity to work on interesting projects as younger staff, and being valued for their experience (European Commission,

2017). Moreover, most of the EU Institutions identify in their policies the main potential spheres of discrimination related to staff management, which include: selection and recruitment of staff, career progression and staff development, working conditions including health and well-being, organisational structure and participation in decision-making, anti-harassment policies and procedures.

In order to ensure a fair representation of persons of diverse background within the EU Institutions, steps are taken to make certain that recruitment advertisements reach society as a whole and especially under-represented groups by making an effort to circulate them through easily accessible and widely read communication means. The EU Institutions, in fact, recognise the importance of attracting, developing and retaining staff, which reflects the diversity of the EU society today. Diversity is an advantage at the workplace as it helps create a productive environment, in which everyone feels valued, where their talents are being fully utilized and in which organizational goals are met. Job posting aims to be neutral to avoid the use of words that imply a preference for a particular group, or the exclusion of certain individuals from applying.

In view of enhancing recruitment and selection transparency, but also of preventing arbitrary task assignment, job descriptions should be clear, list the requisite functions and duties, as well as experience and personal qualities necessary for the post. Job descriptions are also set to have a level of diversity awareness and experience of working in multicultural environments as a desirable attribute. Each institution is aware of the importance of setting a gender-balanced composition of Selection Committees; ideally, their members undergo a diversity and equal opportunity training in the process of recruitment and selection including avoiding any bias in assessment. Strict conditions are observed to allow candidates to

compete under the same rules, as proper recruitment procedures ensure that the data and documents requested from applicants are relevant for employment, reflect skills and abilities, experience and individual professional qualifications; each recruitment should, in fact, be based on merit by means of fair and open competition.

Within the frame of reasonable accommodation, consideration is given to individual needs, in order to avoid potential indirect discrimination against certain groups, most notably individuals with disabilities, but also other individual situations. Furthermore, in order to ensure that the new employees are diversity aware and will contribute to improving the diversity and equality-based environment of the Institutions, candidates are assessed on their commitment to equality.

Career advancement is not based exclusively on seniority and length of service, but on efficiency, competencies and conduct as well as relevant experience, qualifications skills and abilities, and should be accessible to all staff without discrimination. Each Institution takes in principle all-necessary measures to increase the gender balance in career advancement opportunities by identifying and addressing barriers to female career progression. In such sense, priority is given, for example, to women and other underrepresented groups in the field of career advancement, when they are of equal merit with other candidates, particularly in jobs where they are under-represented.

The Institutions also take all necessary measures to prevent the concentration of women in certain types of jobs and to increase gender parity at all levels, especially in management posts, both by proactively encouraging the nominalization of women in career advancement lists and by identifying and addressing barriers to the career development of women.

The European Institutions are committed to improving employment access and participation of people with disabilities, to eliminate discrimination at the workplace and to promote an inclusive work culture based on equal opportunity and fairness. The adaptation and change of accommodation refer to redesigning the requirements for the job in question and of those related, if necessary, the purchase or modification of specialized equipment in the venue and office environment to suit to a person with special needs and the availability of flexible work arrangements (i.e. flexible starting and finishing time, breaks for medication and rest, part-time work, teleworking, etc.).

The EU Institutions value a work environment based on racial, national, ethnic and religious diversity and the value added by these qualities to its work. Therefore, they are committed to developing facilities that encourage such diversity, respecting the rights of each Staff Member, their origin and belief. Moreover, the EU Institution is committed to the protection of its staff from psychological and sexual harassment and to the protection of the human dignity of every working staff. The Staff Regulations recognize harassment as discrimination in the workplace.

Lastly, the Institutions' legal framework has developed a flexible system with regard to public and religious holidays, which allows staff to decide to take their leaves in conformity with their religious/national calendar. Equal opportunities and diversity management are not only central to enhancing the effectiveness and the efficiency of the Union but are also crucial for fairness, justice and democracy. The EU values the individual differences – both visible and invisible – and encourages the use of everyone's skills and contributions, which could otherwise be neglected and which can be employed to enhance the effectiveness and efficiency of the Institution.

The aim of this research, as explained in the next Chapter, is to analyse the language of the EU Institutions' legal framework for the management of Staff Members and look into how the above-mentioned values and practices are embedded in its language.

CHAPTER 2 - RESEARCH QUESTIONS AND METHODOLOGICAL APPROACH

2.1 Research Questions

As described in the previous chapter, the European Charter of Fundamental Rights is a legally binding text for the Member States of the European Union and for the European Institutions themselves. Nevertheless, a first reading into the internal regulations and the implementing rules related to staff management inside the EU Institutions shows that they are written in a language that is not completely consistent with the EU Charter of Fundamental Rights and its values of equality and diversity. The rationale of this research starts from this standpoint, and from a first preliminary qualitative assessment of the language used in the Human Resources legal framework of the EU Institutions. The first approach to the matter is to investigate the main legal basis of staff management in the European Institutions, which is, as mentioned previously, the Staff Regulations of Officials and Condition of Employment of Other Servants of the European Union (European Council, 1962).

The Staff Regulation entered into force for the first time in June 1962, and it was amended different times to result to the currently applicable version, adopted in January 2014. It is in this last amendment where the European Commission highlights its effort to make the Institutions' working environment equal for its diverse staff. Notably, this comes with a statement on gender mainstreaming included in the current consolidated version of the document.

The Appointing Authorities of the institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas. (European Council, 1962, p .13)

Besides the inclusion of this important provision related to equal opportunities in the workplace, at a preliminary analysis, the language of the Staff Regulation could be improved to foster equality among staff. This contention comes from different considerations, the first and probably most evident consideration is that many of the current HR implementing provisions are simply not gender-neutral. This is immediately evident by reading one of the first articles of the Staff Regulations, Article 1c, which states that:

Any reference in these Staff Regulation to a person of the male sex shall be deemed also to constitute a reference of a person to the female sex, and vice-versa unless the context clearly indicates otherwise. (European Council, 1962, p. 12)

As the plural form might be used in the English language, the argument for using only the masculine pronoun seems to be not valid. Moreover, although the rules which are not recent may come from a covert translation of drafting the legislation in French, in the last years English became the main language of legislative drafting, as a robust stakeholder involvement is taking place in the processes of amending the Staff legislation.

Another consideration related to gender neutrality relates to the use of key terms, which could definitely be streamlined, as, for example, the reference to ‘chairman’, instead of the use of a more neutral ‘chairperson’, can be found in thirty-one occurrences in the Staff Regulation. In this case, it can be argued that the neutral form could have been easily integrated into any regular amended version without this entailing a major revision of the legal text. In addition, from a preliminary assessment related to gender, but also LGBTI, neutral language, by looking into the family-related rights and entitlements, the Staff Regulations still encompasses a non-inclusive language, with the use of terms such as ‘marriage’, even where the legal framework applies to a non-marital partnership.

In fact, notwithstanding what stated in Article 1.d, whereby “non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled” (European Council, 1962), the Staff Regulation reports nine occurrences where the term ‘wife’ and seven where the term ‘husband’ are still included in the text. Moreover, the term ‘marriage’ is being used on different occasions, for example in Annex V, Article 6:

In addition to annual leave, an official may, on application, be granted special leave.

In the following cases special leave shall be granted as shown:

— marriage of the official: four days. (European Council, 1962, p. 93)

This example shows that while defining that the non-marital partnership is compared to marriage with regard to the application of entitlements in the Staff Regulation, a more cohesive use of the language might reinforce the principle of equality vis-a-vis persons who

do not have access to legal marriage in all Member States and possibly contribute to changing the mindset of the Civil Servants who are affected by these regulations.

Following the same perspective, there are some additional preliminary considerations which relate to the use of the term ‘disabled’, instead of the neutral terminology of ‘persons with a disability’, as included, for example, in Art. 55a and 76a of the Staff Regulation (European Council, 1962). In this respect, it should be noted that the 2006 UN Convention on the Rights of Persons with Disabilities (UN General Assembly, 2007), refers to ‘person with a disability’ instead of ‘disabled’ person to underpin that a person is not disabled but has a disability. The definition of a person with a disability in the UN Convention reads as follows:

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. (UN General Assembly, 2007, p. 4)

Since the European Union also ratified the Convention in 2010, playing a leading role in the monitoring framework for implementing the Convention among EU Institutions, it should be expected to see the use of neutral forms of the terminology related to persons with a disability embedded into the internal documents of the European Institutions. In fact, such wording is deemed to be fundamental in changing the mindset of people without a disability; although the Staff Regulation takes on board this definition and includes it in Article 1d, in later articles of the consolidated version of the text, the term ‘disabled’ still occurs in different instances.

Having regard to the preliminary qualitative assessment of the linguistic features highlighted above, this research aims to shed more light on the use of the English language in the HRM context of the EU Institutions. This aim is carried out by analysing both the legal basis of staff management and the discourse around equality and diversity among EU Civil Servants. The hypothesis of this research is, in actual fact, that the language of legal texts and policies of the European Institution related to staff management is not inclusive and it is not completely cohesive with the idea of fostering equality and diversity.

This assessment is also reinforced by the simple reading of the language on the principles of equality and diversity as integrated into the Treaties founding the European Union, and in particular by the very Article 2 of the Treaty on European Union, on the EU values:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (European Council, 2016, p. 17)

The text of the article is sound and effective, and it conveys a message of clarity and a vision for the endeavour that is the European Union, as we know it. To this extent, the research then aims to investigate how these *a priori* well-defined values are embedded in the functioning of the EU Institutions and how the European Union's work performed by its Institutions is inspired by the EU values of equality and diversity and how the persons working for the European Union 'perform' it.

The importance of this research lies in the very birthplace of the values of equality and diversity in Europe. The nature of the European Union is radically based on the values of democracy, the rules of law and the equal treatment of its citizen, who are celebrated for their diversity. Since these are the most fundamental European Union values, also being the motto of the European Union “united in diversity”⁴, it is highly relevant to look into “European Union in action” and see the consistency in the understanding and in the applications of these values. The aim is, in a micro-scale comparison, to analyse the legal framework regulating the career of EU Civil Servants and see how the values of equality and diversity are communicated to them, how are they embedded in their daily life. In doing so, this research aims to reply to a first fundamental question: what is the EU HRM Legal Framework’s discourse in general and how is it related to the values of equality and diversity?

⁴ According to the declaration by Member States n. 52 in the consolidate version of the Treaty on European Union, “Belgium, Bulgaria, Germany, Greece, Spain, Italy, Cyprus, Lithuania, Luxemburg, Hungary, Malta, Austria, Portugal, Romania, Slovenia and the Slovak Republic declare that the flag with a circle of twelve golden stars on a blue background, the anthem based on the "Ode to Joy" from the Ninth Symphony by Ludwig van Beethoven, the motto "United in diversity", the euro as the currency of the European Union and Europe Day on 9 May will for them continue as symbols to express the sense of community of the people in the European Union and their allegiance to it”. (European Council, 2016)

By addressing this question, the research also aims to unravel the patterns of language use inside the EU Institutions, particularly regarding the legal productions related to the management of human resources. To this extent, it is consequential the fact that this dissertation will also analyse the main actors of the discourse used inside the EU Institutions, the European Institutions' staff, and will focus on the aspect of identity creation through discourse in the workplace (Baker, 2006; Cotter & Marschall, 2006; Penas & López Sáenz, 2006; Edward, 2009; Gee, 2011a and 2011b; European Commission, 2016).

Of interest for this research is a specific category of EU Civil Servants, the Human Resources and Legal Officers. This interest is fermented by the fact that this specific category of staff bears an ambivalent contribution to the research: Human Resources and Legal Officers are, in fact, both the recipient of the EU HRM Legal Framework, being EU Civil Servants, and the vessel, if not the authors, of such legal production. In this context, the second research question, which this dissertation aims to answer, is the following: how does the EU HRM Legal Framework impact the creation of the EU Civil Servants' identity, vis-à-vis the values of equality and diversity?

At last, once all the aspects related to the use of language in the EU Institutions and the identity of their Staff Member has been examined, this research aims to bring along its contribution in increasing the sensitivity towards the values of equality and diversity. The way to do so is encompassing the findings of the research itself, as described here above, and take stock of possible developments on the use of language, in particular with regard to its inclusiveness, by addressing the following question: how can the language of the EU

HRM Legal Framework be improved to foster equality and diversity in European Institutions?

By addressing the above-mentioned three research questions, this study aims to unravel the English language used inside the EU Institutions, tracing a possible link with the EU values of equality and diversity by analysing how language may be improved so as to contribute to the development of the aforementioned values.

2.2 Methodological Approach

In order best to address the research questions related to the discourse of equality in the EU Institutions, and at the same time considering the preliminary hypothesis as underlined above, this investigation is being carried out and developed in three main tiers. The first part of this research aims to take stock of the linguistic features (Baker, 2006), included in staff legal provisions applicable to EU Civil Servants, and in particular, it entails the creation and the linguistic analysis of a corpus of regulations and rules related to the management of human resources working for the different EU Institutions hereinafter called the EU HRM Legal Corpus (Hunston, 2002; Baker, 2010; Crawford & Csomay, 2016).

The highlights touched upon by this part of the research are mainly related to two different aspects. In the first place, an analysis of the main features of the language used in the corpus and, in the second place, a tailored examination of the terminology related to equality and diversity management, both from an overall point of view and, more in the specific, about four different features: LGBTI, gender mainstreaming, rights of the elderly and rights of persons with disabilities (Kjellmer, 1986; Eckert & McConnell-Ginet, 2003;

Pearce, 2008; Vefali & Erdentuğ, 2010; Hankivsky, 2013; Taylor, 2013; Moon, 2014; Baker, 2014).

The second tier of this dissertation entails a Discourse analysis of the EU HRM Legal Corpus, once again focusing on both general aspects of the discourse around the legal framework of the management of EU Institutions' staff and, more in particular, on the aspects of inclusion and equality and diversity management (Hummert, Garstka, Ryan, & Bonnesen, 2004; Baker, 2005 and 2018; Mautner, 2007; Tatli, 2011; Grue, 2014; Hord, 2016). This analysis entails the examination of the genre, the register, the modality, participants and context of the discourse enshrined in the EU HRM Legal Corpus, and, to a lesser extent, of the discourse around the management of staff in the EU Institutions (Bathia, 1983; Marmor, 2006; Gibová, 2011).

The third part of this dissertation is devoted to the submission and analysis of the results of a questionnaire to HR and Legal Officers working for EU Institutions, and the investigation of the discourse around their understanding of the values of equality and diversity (Brace, 2004; McGuirk, 2016). As mentioned above, the decision on the population of the questionnaire reverts to the ambivalence of the sample. As it would be explained in more detail further on, HR and Legal Officers are subject to the same legal framework as any other Staff Members working for the EU Institutions, and at the same time, they offer deep knowledge and expertise on the subject matter. This is particularly relevant and significant to address the third research question of this dissertation, which aims to gather experiences and then suggestions for the development of a more inclusive language.

Looking into the analysis of the language in the EU HRM Legal Corpus, it is worth explaining in this chapter why it has been decided to build and use a specific corpus, instead of focusing on the different HR policies which exist inside each EU Institution. First of all, as it would be explained in more details in Chapter 3, the EU HRM Legal Corpus contains all the currently applicable legal provisions for Civil Servants working for the European Union. It consists of fifty-eight texts, regulating forty-seven subject matters, ranging from technical matters, such as calculation of pension contributions, for example, to general provisions, such as leave and time management, and including the most important text from a legal point of view, i. e. the Staff Regulation of Officials and Condition of Employment of Other Servants.

While additional details will be provided further on, what is important to highlight here is the reason why the Corpus was created. The primary reason is that the EU HRM Legal Corpus is the only one which is in common and equally applicable to all EU Institutions. Besides the very Staff Regulations, which represent the foundation of the legal provisions regulating the career of EU Civil Servants, each Institution should also have in place a set of common implementing provisions, giving voice to the primary law. Each of the EU Institutions should adopt implementing provisions by analogy, or by adopting a

common template designed to accommodate specific needs (such as in the case of Model Decisions for EU Agencies)⁵.

Looking at it from a different angle, another reason why this research focuses only on the EU HRM Legal Corpus is related to the fact that each Institution, given its autonomy, is free to implement additional provisions related specifically to equality and diversity. In fact, in recent years many of the EU Decentralized Agencies have been working in integrating these values and principles in their individual policies or in the practices dealing with human resources. However, these actions depend on the singularity of each institution and on the push towards better integration of the EU values in the management of each organization. To this extent, we can find agencies or institutions which are more inclined to particular topics than others. For example, the European Union Agency for Fundamental Rights (FRA) and the European Institute for Gender Equality (EIGE) are by nature more

⁵ It should be noted that the possibility of requesting an opt-out from the general implementing provisions of model decisions is possible for all the EU Agencies: it might be the case then that some of the rules in the EU HRM Legal Corpus are applied with a different text in a given agency. The European Commission, and in particular the Directorate General for Human Resources and Security (DG HR) issued guidelines for Agencies which would like to adopt this measure. The variations from the general provisions should be justify by the interest of the service and should not change the intention of the legislator with regard to the subject matter. This practice though is not common, since the creation of templates called Model Decisions.

proactive in their use of an inclusive language in drafting their internal provisions for the management of their respective staff.

The internal drafting of own rules also depends on the corporate structure of each organization. The inclusiveness of language practices may also vary depending on the sensitivity of the Human Resources Managers and the senior staff, in the microcosm of each different agency. However, all these considerations are not valid for the documents included in the EU HRM Legal Corpus, as the different texts are drafted and consulted internally with different rounds of inter-service consultations. The final text is then less affected by the personal touch of single individuals in each institution, or at the very least, the influence of single language choices is less impacting on the overall final text.

Another important aspect which has been considered in deciding why to conduct an analysis of the language of the EU HRM Legal Corpus is related to the fact that the Corpus brings a legal magnitude, vis-à-vis both the Institutions and their Staff Members. While an inclusive policy specifically drafted for a single institution or agency does not legally commit the institution itself or its staff, the provisions included in the EU HRM Legal Corpus do so; although the different provisions are giving instructions as well as guidance, the document included in the Corpus are, for their nature, legally binding. Therefore, an additional consideration on the choice of the EU HRM Legal Corpus comes with the fact that the Corpus contains all the provision which each Staff Member is required to know or at least get acquainted with over the course of their career. In fact, besides the legal obligation of receiving the Staff Regulations at the entry into service, each Staff Members should at least familiarize with the rules related to their rights and entitlements, albeit the one related to

their obligations towards the Institution and their colleagues and hierarchy. In such sense, the Corpus is often perused by all staff, for different reasons and over a different period of time. In other words, the provisions included in the Corpus could not be disregarded tout court and are then to be considered the ones which could reach each Staff Member with a maximum possible degree.

The last consideration on why focusing part of this research on the analysis of the language in the EU HRM Legal Corpus is the openness of its mode. In fact, the provisions included in the Corpus are available to the general public, in particular, the EU Staff Regulations and Conditions of Employment of Other Servants. This is of particular importance for the second part of this research, where a discourse analysis of the EU HRM Legal Corpus would also touch upon the second-hand participants on the discourse itself, i.e. the general public.

If any person is interested to work for the European Union, in fact, it is rather easy to have access to the EU Staff Regulations. As explained in the relevant chapters, it might not be the case for all the implementing provisions, which are publicly available but rather difficult to find, since there is no consolidated version of all EU HRM-related text for EU Institutions. Nonetheless, the authoritative nature of the rules included in the EU HRM Legal Corpus brings gravitas inside the EU Institutions as well as outside, making the Corpus an interesting and unique collection of texts to analyse.

The second tier of this research entails the analysis of the discourse of the EU HRM Legal Corpus, complementing the corpus research to the extent necessary to unravel the language used in it. The predicament is that it is only by looking into the discourse created

by the Corpus that an additional element of understanding of the reality on the values shared in the EU Institutions could be unravelled. As described previously, the discourse of the EU HRM Legal Framework would be examined vis-à-vis the creation of common values for EU Civil Servants, those of equality and diversity, which are at the basis of the European Union.

In explaining the rationale of this research, it is then important to clarify the intrinsic methodology used to filter the language and the discourse around the EU HRM Legal Corpus, i.e. the peruse of the EU Charter of Fundamental Rights. The EU Charter is, in fact, being ‘scanned’ to the extent necessary to unravel its different components, as a backbone guiding this research through all the elements of a thorough implementation of the principle of equality and diversity.

The decision to avail from the use the EU Charter of Fundamental Rights seems to be the most logical choice, as the objective of the research is to disclose the understanding and application of equality and diversity principles throughout the EU Institutions’ staff rules. This research aims to do so by taking the very same baseline decided upon by the European Union itself and use it as structural support to set the principles upon which the inclusive language of EU Institutions should be based on and assessed. As the research aims to investigate the use of an inclusive language and the best way to foster equality and diversity, a ground discourse analysis of the Corpus has been deemed as fundamental to understand the different aspects of the language use and the discourse itself (Gee, 2011). An additional element of the research, being the EU Institutions’ staff the final *foci* of this dissertation, is to include the results of a questionnaire submitted to Human Resources and Legal Officers working for the EU.

As previously mentioned, the reason of this choice is simple, as the participants completing the questionnaire are actively participating in the drafting and implementation of HRM legal policies, and the data obtained from respondents could better address the last research question on the way forward for the EU Institutions. Human Resources and Legal Officers in the EU Institutions should have, in fact, a thorough knowledge of the Corpus subject of this research, being it the legal basis for the management of staff in the EU Institutions and being it the basis of any additional and more specific policy applicable to staff.

Without prejudice to what was stated before and the fact that the Corpus is the collection of legal HRM text with the most impact on all Staff Members, not all the EU Civil Servants have a thorough knowledge of the EU HRM Legal Framework. This is due to the existence of different channels of internal communication, aimed to simplify the knowledge of the EU HRM Legal Framework. Human Resources Officers in the EU Institutions are, in fact, also particularly involved in translating in plain language the different aspects included in the Corpus. Each EU Institution and each agency has internal memoranda, presentations, factsheets and FAQs on the provisions applicable to EU Civil Servants. Their communication material is often prepared by HR Officers after a quality check is made on the consistency with the main legal framework. Staff Members can peruse this broad material, and their exposure to primary legislation might be, although necessary, *de facto* rather limited. For this reason, it seems that the population of HR and Legal Officer is the most relevant one to be the subject of this study; the questionnaire aims particularly at them, with the intent to see the possible improvements in the language of the current implementing provisions.

The questionnaire is, in the specific, composed of three different areas: the first comprises questions aimed to assess the degree of knowledge of the EU HRM Legal Corpus and the familiarity with the EU values, and in particular aims to determine whether there is a discriminatory knowledge of the different provisions. The questions included in the second part of the questionnaire aim to establish whether the HR and Legal Officers, in their pivotal role vis-à-vis staff and the legal framework regulating their permanence and career in the EU Institutions, are aware of the language used in the EU HRM Legal Framework. In particular, the questions aim to determine if their knowledge is developed to the extent necessary to foster equality and diversity and to understand the actions needed to obtain an inclusive and bias-free language for the management of human resources. By eliciting direct feedback from the participants, the third part of the questionnaire focuses on how the EU HRM Legal Framework could better address the creation of an inclusive language and a culture of equality in the workplace of the EU Institutions.

All the above-mentioned elements make this research unique, both from a linguistic point of view than from a sociological one. This study relies on similar research, in fact, different studies have been conducted in the past about workplace discourse (Alvesson & Kärreman, 2000; Grant & Iedema, 2004; Rodríguez, 2006; Cotter & Marschall, 2006; Bréda, Delattre, & Ocler, 2008; Koester, 2010; Tatli, 2011; Kärreman, 2014; Holmes, 2015; Manuti & Minnini, 2015; Mayr, 2015). All of them have contributed to set the ground of this research, and in particular of the chapter related to the discourse analysis of the EU HRM Legal Corpus, although none of these studies particularly focused on the language used in the EU Institutional context or on the contextual value setting of equality and diversity.

The studies conducted by Tatli (2011; Özbilgin & Tatli, 2011) focus on the factors fostering equality and diversity management, and in particular on discourse beyond diversity, but they are not referred to the peculiarity of an international, let alone European, context. However, the language used inside the EU Institutions has been the subject of a study carried out by Wodak, Krzyżanowski & Forchtner (2011). This study aimed to analyse multilingual practices in the staff interactions inside the EU Institutions and the fieldwork has been conducted in 2009 in different services of the EU Parliament and the EU Commission, with the aim to analyse how Staff Members performed multilingualism in their everyday work.

Although the above-mentioned study unravels very interesting features about the language used within the EU Institutions, it focuses more on daily interactions, studied in meetings contexts, among staff. The study does not touch upon the legal HR-related framework but rather on the code-switching and language practices of EU Staff Members. Workplace discourse related to equality and diversity management has been the subject of a study by Manuti & Minnini (2015), which aimed to investigate the building of a discourse on diversity as constructed by the analysis of a questionnaire to two Human Resources Managers of small and medium enterprises located in Apulia. Compared with this dissertation, the study of Manuti & Minnini is reduced in scope, and it does not entail a direct link of the discourse on diversity to the values of the workplace, for reasons related to the choice of the interviewees and the setting of the workplace framework.

To the extent relevant for the analysis of the discourse on equality and diversity in the workplace, the EU Institutions represent a unique territory for linguistic research. Therefore, the aim of this dissertation is to highlight the uniqueness of the discourse around

equality and diversity and benefit from unique inputs from the participants to the questionnaire. The theoretical framework of the analysis of the EU HRM Legal Corpus and its Discourse analysis, together with the discourse analysis of the results of the questionnaire submitted to EU HR and Legal Officer will be explained in more detail in each of the relevant chapters of this dissertation.

CHAPTER 3 - THEORETICAL FRAMEWORK AND DATA ANALYSIS – CORPUS LINGUISTICS

3.1 Theoretical Framework of the Corpus Analysis

From the 1960s, with the massive revolution brought about by the use of computers and software, a new approach to the study of languages, defined as Corpus Linguistics, became recognised as an important and valuable method of linguistic research. The object of such type of linguistic research is to analyse language use based on the collection of texts in a corpus, in one or more given language. A corpus may be defined as a collection of spoken or written texts, stored on a computer (McEnery & Hardie, 2000). Corpus linguistics can thus be defined as the analysis of language based on computerized corpora, providing lexical, morphosyntactic, semantic and pragmatic information related to a text or related to a collection of data in a given language (McEnery & Hardie, 2000). The added value of and the novelty brought by such approach is based on the predicament that a reliable language analysis should be based on a solid methodology which relies on large amounts of authentic, real-life and naturally occurring language data to study language using quantitative and qualitative methods.

As described in Chapter 2, in order best to address the research questions related to the discourse of equality and diversity in the EU Institutions, the first part of this research aims at taking stock of the linguistic features included in staff legal provisions applicable to EU Civil Servants through the creation and the linguistic analysis of a corpus of regulations and rules related to the management of human resources working for the

different EU Institutions, referred to as the EU HRM Legal Corpus (Hunston, 2002; Baker, 2010; Crawford & Csomay, 2016).

The above-mentioned definitions of corpus and corpus linguistics have been theorised and studied upon by different scholars in the past years. The component of authenticity and neutrality of the texts stored in a corpus has been highlighted by different studies, as a corpus can be further defined as a large collection of natural texts (Biber, Conrad & Reppen, 1998) or as a collection of machine-readable, authentic texts which is sampled to be representative of a particular language or language variety (Mautner, 2009). This entails that a corpus analysis needs to be performed with the help of computers, and in particular by using specialised software that considers the frequency of the phenomena investigated. In fact, it could be stated that the aim of Corpus Linguistics is to uncover linguistic patterns which can lead to the understanding of how a language is used and how discourses are constructed (Baker, 2006).

The decision on the use of this linguistic method lies in the fact that corpus analysis has been the subject of different studies in different fields of linguistics. Recent publications include studies in lexical semantics (Stubbs, 2001), applied linguistics, (Hyland, Huat, & Handford, 2012), sociolinguistics (Hunston, 2002; Baker, 2010; Crawford & Csomay, 2016) and discourse analysis (Baker, 2006). In particular, with regard to the study of linguistics features related to equality and diversity, different studies have been supported by the use of corpora over the last decades. Of particular importance for this research are the studies of scholars in the lexicological field, in particular those related to gender studies, such as Kjellmer (1986), who was the first scholar to analyse the

use of the terms ‘man / men’ and ‘woman / women’, together with the occurrence of the masculine and feminine pronouns, with the aim to unravel a male bias in American and British English in both the Lancaster-Oslo/Bergen and Brown corpora. Similar studies followed the lexicological stream highlighted by Kjellmer (Eckert & McConnell-Ginet, 2003; Pearce, 2008; Vefali & Erdentuğ, 2010; Hankivsky, 2013; Taylor, 2013; Moon, 2014; Baker, 2014), with the aim to define and analyse the different use of the masculine and feminine forms in order to unveil the biases stemming from the use of these forms in a given corpus. This research aims in part to uncover any male biases in the language used in the EURM Legal Corpus. At the same time, this research benefits from the work of scholars in fields of linguistics related to equality and diversity studies (Tatli, 2011), in particular with regard to studies related to the language and the discourse around LGBTI (Baker, 2005 and 2018; Hord, 2016), persons with a disability (Grue, 2014) and ageist language (Mautner, 2007; Hummert, Garstka, Ryan, & Bonnesen, 2004).

A key element of this research is the corpus analysis of the corporate and workplace discourse (Bathia, 1993; Alvesson & Karreman, 2000; Cooren, 2004; Hatch & Cunliffe, 2006; Morgan, 2006; Bréda, Delattre & Ocler, 2008; Maurel, 2008; Manuti & Minnini, 2015) since the focus of this research is the analysis of the linguistic patterns occurring in a working related setting, i.e. the European Institutions. Since the language analysed is related to corporate legal discourse, studies on such genre framework (Bathia, 1983; Marmor, 2006; Gibová, 2011), including those which focused on the European Union’s setting (Breidbach, 2003; Barone, 2005; Trebits, 2008), have been the basis of this dissertation. Another important element of this study is the issue of the EU Civil Servants’

identity building. To support the corpus analysis in such field different studies have been taken into consideration, in particular, those related to the development of participants' identities in a multilingual and multicultural setting (Edwards, 2009; Cenoz, 2013; Holmes, 2015; Searle, 2015).

As mentioned above, the studies and research conducted in the last decades indicate that there are several reasons to use corpora, the most obvious one is that the text contained in a corpus is a primary source. Taking into consideration the importance of authenticity to determine the value of linguistic research (Gee, 2011b), the analysis of linguistic data could benefit from a direct approach to the source. In fact, Corpus linguistics studies are based on two principles: the first relates to the fact that the analysis should be independent and the second relates to the significance of the linguistic features analysed (Stubbs, 1996). Moreover, a corpus allows researchers to observe key variations in the frequency of words and structures of texts, giving us significant insights on its semantic prosody, i.e. the context in which the text is created (Baker, 2006). The above-mentioned characteristics have been taken into consideration for this dissertation, together with the basic features which a corpus should have in order to be differentiated from a simple collection of texts in an electronic format. In fact, the corpus should include a broad range of material in order to guarantee representativeness and, at the same time, be of a relevant size (Sinclair, 2009). With regard to the type of research conducted, corpus studies have used two major research approaches: 'corpus-based' and 'corpus-driven' (McEnery & Hardie, 2011), although, in the last years, a third approach has been developed as a result of the combination of the first two methods (Baker, 2006). Corpus-based research assumes the validity of linguistic

forms and structures, as they derive from linguistic theory. The primary goal in corpus-based research is to analyse the systematic patterns of variation and use of a set of pre-defined linguistic features. This method uses the corpus as a source of examples, to check language features in a given set of data. Generally speaking, the corpus-based methodology essentially involves a deductive approach in which a given corpus helps to confirm or refute a given theoretical construct. In other words, a corpus-based method will test the truth of a given hypothesis against a chosen corpus data set (Baker, 2006). Corpus-Driven research is more inductive so that the linguistic constructs directly emerge from the analysis of a corpus. The corpus itself is the subject of the analysis and the centre of the data. The corpus-driven approach is inductive as it generalizes a rule to construct a pattern or a theory from a chosen corpus (Baker, 2006). As previously mentioned, when the research circumstances allow for both corpus-based and corpus-driven analysis, a researcher may hybridize both approaches combining the merits of deduction and induction at the same time (Baker, 2006). This research will avail from the use of a hybrid approach, adopting a combination of corpus-based and corpus-driven approaches. This decision is based on both the need to analyse the data in order to discover language patterns, having already a preliminary idea of the patterns that could be unravelled.

In light of the above-mentioned considerations, this research is also based on the creation of a corpus, hereinafter referred to as the EU HRM Legal Corpus, whose composition and features will be explained further on. It has to be noted that, since the research also entails the discourse analysis of the language production of EU Staff Member, the corpus linguistics analysis is triangulated with discourse studies, to gain a

better understanding of the complexity of the EU Institutions' English language repertoires, in particular with regard to the holistic aspects of the use of English as a *Lingua Franca* and the EU Civil Servants' identity building vis-s-vis their work for the EU Institutions (Searle, 1995; Cotter & Marschall, 2006; Bréda, Delattre & Ocler, 2008; Cenoz, 2013; Holmes, 2015). With regard to the choice of the corpus analysis tool, different options are currently available on the market. To select the most appropriate and effective one, the following parameters have been taken into consideration: features offered by the tool, platform, pricing and ease of use. With regard to the features offered by the different corpus linguistics tool, the choice has been to focus on those relevant for hybrid research combining both corpus-based and corpus-driven approach, i.e. wordlists, concordances, N-grams and collocates. These features seem to be the most relevant to analyse the language patterns and highlight the features to be considered for the discourse analysis (Baker, 2006). Although the offer of corpus linguistics tools on the market is rather broad, it should be noted that most of the tools are tailored to specific needs and only focus on definite features of the texts, as, for example, there are different tools which are tailored to perform either concordances or annotations. With regard to the platform sustained, the choice has been to use a software which could be run on Windows, because of the familiarity in the use of such platform. While choosing the IT system, it should be noted that there is no substantial difference in the platform chosen, i.e. some corpus analysis systems run on different platforms, performing the same features; the choice might be narrower for certain systems, such as Linux or Python, but there is a good variety of tools which run on Windows. Although pricing was the least important of the three criteria for conducting this research, it is worth mentioning that nowadays there is a rather broad

market free software, and the features which were needed for the research were available in the large majority of them. At last, considerations were given to the availability of tutorials, manuals and guidelines for the use of the software. Being Corpus Linguistics one of the most technical subjects of language analysis, it was deemed important to consolidate all the available support in managing the tool itself and to make sure that the software was simple and easy to use.

Having regard to the above four elements, the choice of the software to conduct this linguistic research was to select the tool AntConc⁶, a programme developed by Professor Laurence Anthony from the University of Waseda, Japan. AntConc is a general-purpose corpus analysis toolkit. As mentioned above, it works on different platforms, such as Windows, Macintosh, and Linux computers. Linguists, translators, language teachers and students around the world broadly use AntConc. The software can be used to analyse English texts and texts in virtually any language supported by the Unicode standard (Anthony, 2003). AntConc is rather rudimentary and easy to use, it has all the relevant features needed to run a corpus analysis of the corpora created. In fact, AntConc can generate Key Words in Context (KWIC) and concordance. It also has tools to analyse lexical bundles, n-grams, collocates and word frequencies.

⁶ <http://www.laurenceanthony.net/software/antconc/>

3.2 Data Analysis and Results

3.2.1 *Description of the EU HRM Legal Corpus*

Although the availability of resources on the European *acquis* in different corpora is rather broad (Baisa, Michelfeit, Medved' & Jakubiček, 2016; Steinberger et al. 2013), this research focuses on the legal provisions and rules related to the management of human resources currently in force in the EU Institutions. For this reason, a specific corpus was created, containing all the currently applicable staff rules for Civil Servants working for the European Union and its Institutions. This corpus consists of fifty-eight documents (forty-seven subject matters), and it includes different types of legal provisions⁷. The most important document of the corpus, also from a legal point of view, is the Staff Regulation of Officials and Condition of employment of other Servants. This legal text is the basis of the legal framework of the management of staff resources in the EU Institutions. It consists of two parts: the Staff Regulation (SR), which applies to Officials, and the Condition of Employment of Other Servants (CEOS), which applies to Temporary and Contract Staff⁸.

⁷ For the full list of rules and general implementing provisions please see Annex II

⁸ It is worth mentioning that there are several contractual categories of Civil Servants working for the European Institutions: while most of the staff working for the European Commission is composed by Officials, in agencies the vast majority is composed by Temporary and Contract Staff.

The regulation was first published in June 1962; its consolidated text, including SR and CEOS, has been amended 142 times and corrected 25 times in the last 57 years. Two were the major recent amendments, in May 2004 and January 2014. Both amendments entailed a restructuring of the career path in the EU Institutions and more modern working conditions with the inclusion of improved work-life balance policies such as flexitime, teleworking, among others. The Staff Regulation is composed of nine titles: general provisions, rights and obligations, career, working conditions, emoluments and social security, disciplinary procedures, appeals, special provisions, and transitional measures. The consolidated version of the text is also complemented by eleven annexes, which regulate in many details the different topics enshrined in the SR, with regard to selection and recruitment, leave and time management, type of posts, individual rights and monetary entitlements and pension contribution. The Condition of Employment of Other Servants is divided according to the different contractual categories: Temporary Staff, Contract Staff, Special Advisers, and Parliamentary Assistants. The text heavily refers and points to the Staff Regulations in most of its part, linking the different legal provisions by subject matters.

Together with the Staff Regulation and Condition of Employment of Other Servants, the Corpus includes 57 implementing provisions of the Staff Regulation, which are provisions giving voice to the different rules applicable by virtue of the SR and CEOS. In different instances, the main regulation refers to the implementation of the acts by the adoption of implementing provisions. Their subject matter ranges from technical matters (calculation of pension contributions) to general ones (leave and time management); some

of the implementing provisions are in fact staff policies, such as the policy for protecting the dignity of the persons and combat psychological and sexual harassment. The classification of the implementing provisions could be clustered as follows:

- 1) Rules of a technical nature which regulate salary, pension, and emoluments;
- 2) Rules linked to staff career, for example, employment and use of different contractual categories, appraisal, reclassification and promotion;
- 3) Rules linked to working conditions and life-work balance, such as teleworking, flexitime, part-time work, parental and family leave;
- 4) Rules entailing ethics and contractual obligations, such as external activities, conflict of interest, anti-harassment.

During the recent years, the implementing provisions –which are in fact Commission’s decisions– could be adopted by all the institutions by analogy or there is the possibility to opt-out from the original text and adopt own rules. Since the practice was not common, as the different European Agencies should have been proposing to the Commission their own amended text asking for an ex-ante agreement to their implementation, the Institutions (mainly Agencies) have been working on the creation of the so-called Model Decisions. Model Decisions are rules drafted and agreed upon by the so-called Standing Working Party (SWP), and interinstitutional organism composed by representatives of the European Commission (DG HR) and the different Agencies. The SWP drafts rules which are based on the Commission’s implementing provisions, but which are tailored to the specificities of different institutions. The Standing Working Party identifies which of the implementing rules adopted by the Commission should apply by

analogy to the agencies and drafts the decisions amending the rules applicable at the Commission with a view to their application in the agencies. At the moment of writing, the Standing Working Party provided the text of sixteen different model decisions⁹.

In order to deepen the research, an additional corpus has been created, with the aim of comparing the language of the rules in the same subject matter and provide insight on how the language repertoires develop in a different context in the broad EU Institutions landscape. Such analysis is being carried out, to a lesser extent, and when the language features were significant while conducting the linguistic analysis of the EU HRM Legal Corpus. All the documents which are included in the corpus, both in the EC Decisions' than the Model Decisions' one, are available in the European Official Journal and in the different websites of EU Agencies. With regard to Model Decisions, the text is composed by a "fix" part which is to be adopted identically and a part which is included into parenthesis, whereby each agency has the right to change the text. This part ranges from the simple name of the Agency to more articulated decisions, such as the structure of teleworking for examples. The reason why the SWP provides the basic text is to allow each institution to tailor the text according to its structure and its remit and mandate.

⁹ See Annex II

In the Corpus, the documents are named according to the EU code and reference of each text and a short description of the subject matter for ease of reference is included. For example, the file containing the Commission decision of 7 June 2016 on the function of advisers (with reference C(2016) 3214 Final) has been named as “C(2016) 3214 Adviser Function”. Model Decisions have been named according to the same logic, with the reference of the ex-ante agreement decision in the name of the document and the mention MD to easily identify them. For example, in the case of the Model Decision on the function of advised, the file has been named as “MD C(2018) 2209 Adviser Function”.

With regard to its size, the corpus would be considered as a small one, as the total amount of token in the corpus is ca. 216.000. To this extent, it is important to mention that:

The value of a corpus is clearly dependent not on its size but on what kind of information we can extract from it. Therein lies the importance of corpus tools; we need to have tools that can provide us with the information that we desire. (Anthony, 2013b, p. 146)

Although the size of the corpus could be considered small, it is important to mention that its representativeness is complete (Sinclair, 2007). The corpus is, in fact, a specialised one since its genre is well defined in scope and the documents collected in the corpus are a complete set of all the applicable rules related to the management of staff working for the different EU Institutions.

3.2.2 Language Features Considered

In view of the decision to analyse the language patterns of the EU HRM Legal Corpus from a hybrid approach (corpus-based and corpus-driven), considerations were given to the filters and language features to examine by running queries through the corpus in AntConc. In particular, the following language features are being analysed in this research: word list by frequency, concordances (KWIC), collocates and lexical bundles. More details on the reason for these choices of each individual feature will be provided in the following sections of this dissertation.

What appeared at the beginning of this research is the need to find a standard or an example on the use of an inclusive language, which is necessary to establish a frame against which the analysis of language patterns can be performed. The decision was availed from the use the EU Charter of Fundamental Rights, as this choice seems to be the most logical one, being the objective of the research to unravel the understanding and application of equality and diversity principles in the EU staff rules. In other words, this research's aim is to analyse the EU HRM legal texts through the lens of the main legal text in term of equality and diversity, i.e. the EU Charter of Fundamental Rights, as there is no better text to set the principles upon which the inclusive language of EU Institutions should be based and should be assessed. It is to be noted though that the aim of the various texts in the EU HRM Legal Corpus is rather different from the one of the EU Charter of Fundamental Rights and this needs to be taken into consideration in the analysis. Another aspect to take into account is the fact that the EU Charter of Fundamental Rights is used as a basis and at the same time as a reference.

For the above-mentioned reasons, this research considered the EU Charter of Fundamental Rights, in all its different chapters, and run an analysis of the key terms included in the EU HRM Legal Corpus. The hypothesis of this research, as explained in Chapter 2, is that the language of legal texts and policies of the European Institution related to staff management are still not completely cohesive with the idea of fostering equality and diversity and that much more could be done in order to align the written repertoire of legal staff documents to the idea of equality and inclusiveness expressed in the EU Charter of Fundamental Rights.

3.2.2.1 Word Lists by Frequency

According to Baker (2006: 47), “Frequency is one of the most central concepts underpinning the analysis of corpora”. In particular, word lists by frequency are lists of tokens, which are grouped by frequency of occurrence in a given corpus. As described above, this is of particular relevance for this dissertation, as this research entails the development of word lists by frequency in order to compare the keywords in both the EU HRM Legal Corpus and the EU Charter of Fundamental Rights. The aim is twofold, as it allows determining in the first place the expressions that are most represented in terms of frequency in the Charter, and in the second place, it serves the purpose of analysing the presence and frequency of these terms in the EU HRM Legal Corpus. The results of the first 100 words of both texts are reported in Table 2.

Table 2 - First 100 words listed by frequency in the EU Charter of Fundamental Rights and in the EU HRM Legal Corpus

WORDLIST EU CHARTER OF FUNDAMENTAL RIGHTS			WORDLIST EU HRM LEGAL CORPUS		
number	hits	term	number	hits	term
1	356	the	1	21,730	the
2	246	of	2	13,048	of
3	201	and	3	6,771	to
4	164	to	4	5,613	in
5	96	in	5	4,276	a
6	82	union	6	4,231	and
7	73	or	7	3,759	shall
8	71	right	8	3,551	be
9	56	article	9	3,225	for
10	56	be	10	3,051	article
11	47	a	11	2,823	or
12	45	shall	12	2,512	staff
13	40	by	13	2,246	by
14	36	European	14	2,049	on

15	35	rights	15	1,475	is
16	34	for	16	1,425	as
17	34	with	17	1,356	an
18	33	as	18	1,345	official
19	31	has	19	1,228	may
20	29	law	20	1,176	m
21	26	any	21	1,158	regulations
22	24	freedom	22	1,155	with
23	24	protection	23	1,030	that
24	23	charter	24	1,016	commission
25	22	everyone	25	1,008	at
26	22	member	26	999	leave
27	22	their	27	978	this
28	22	this	28	963	which
29	21	is	29	944	not
30	19	c	30	880	his
31	19	national	31	868	decision
32	17	accordance	32	857	from
33	17	at	33	838	general
34	17	on	34	817	en

35	17	which	35	780	if
36	16	en	36	768	annex
37	16	journal	37	764	s
38	16	official	38	748	service
39	16	social	39	722	time
40	14	every	40	706	authority
41	14	laws	41	700	member
42	14	title	42	697	period
43	13	her	43	673	b
44	13	human	44	669	are
45	13	person	45	655	c
46	13	state	46	646	European
47	12	conditions	47	616	officials
48	12	freedoms	48	612	where
49	12	have	49	603	any
50	12	states	50	601	other
51	11	access	51	599	appointing
52	11	must	52	595	employment
53	11	practices	53	569	has
54	11	those	54	558	provisions

55	10	an	55	558	who
56	10	are	56	550	contract
57	10	criminal	57	540	committee
58	10	fundamental	58	526	referred
59	10	his	59	515	their
60	10	it	60	512	it
61	10	its	61	511	allowance
62	10	may	62	506	he
63	10	one	63	504	conditions
64	10	respect	64	504	no
65	10	such	65	487	union
66	10	under	66	482	paragraph
67	9	life	67	482	under
68	9	not	68	474	pension
69	9	principles	69	466	provided
70	9	treaties	70	458	years
71	8	citizen	71	451	grade
72	8	general	72	450	one
73	8	institutions	73	446	working
74	8	no	74	439	days

75	8	recognised	75	438	such
76	8	they	76	419	than
77	8	within	77	409	ad
78	8	work	78	405	after
79	7	convention	79	397	place
80	7	dignity	80	392	temporary
81	7	equality	81	387	have
82	7	family	82	386	apply
83	7	offence	83	378	within
84	7	prohibition	84	368	institution
85	7	recognises	85	364	down
86	7	that	86	361	into
87	7	time	87	360	been
88	6	age	88	360	entitled
89	6	all	89	360	must
90	6	application	90	353	work
91	6	down	91	349	accordance
92	6	due	92	345	before
93	6	exercise	93	345	director
94	6	free	94	343	rules

95	6	from	95	340	person
96	6	guaranteed	96	336	concerned
97	6	interest	97	335	members
98	6	justice	98	333	year
99	6	laid	99	330	up
100	6	powers	100	328	part

While working with wordlists by frequency, it is important to be aware of the fact that this feature of the analysis could be ablative albeit generalising if used only as a mere quantitative tool, and that wordlists by frequency could oversimplify the differences among the two texts and corpora that are being compared. However, at the same time, it is also important to remember that:

No terms are neutral. Choice of words expresses an ideological position. It is the tension between these two states – language as a set of rules versus language as a free choice – that makes the concept of frequency so important. (Stubb, 1996, p. 107)

This is why, as it emerges from the word list by frequency, there are terms which are more relevant for this study, i.e. those which are more indicative of an inclusive (or non-inclusive) language. Moreover, to complement the research, considerations were also given to the very terms which are supposed to be embedded in the European spirit and values, such as ‘European’ and ‘Union’, with the aim of analysing the inclusive language

vis-à-vis the EU values. From this perspective the first wordlists by frequency which are meaningful for the research are the following:

- 1) From the EU Charter of Fundamental Rights: ‘union’, ‘right’, ‘European’, ‘rights’, ‘freedom’, ‘protection’, ‘everyone’, ‘member’, ‘her’, ‘human’, ‘person’, ‘freedom’, ‘his’.
- 2) From the EU HRM Legal Corpus: ‘staff’, ‘regulation’, ‘commission’, ‘leave’, ‘his’, ‘decision’, ‘general’, ‘service’, ‘authority’, ‘member’, ‘European’, ‘person’.

As explained above, it is to be expected that some of the most used words in both texts are in line with the genre of the documents. However, at the same time, it is particularly interesting to see the differences in the number of instances in certain semantic fields, as described in the following paragraphs. When considering the words linked to the concept of European Union as a whole, as an entity which is aimed to be better than the sum of its part, it becomes immediately clear that there are significant differences in the two wordlists by frequency. In fact, the term ‘European’ is the 14th most frequent word in the EU Charter of Fundamental Rights with 36 occurrences and the 36th most frequent word in the EU HRM Legal Corpus with only 646 occurrences. In order to compare the frequency in a more significant way, the hits have been normalised using the dispersion plot per 1.000 hits. In this case, the term European in the EU Charter of Fundamental Rights has a dispersion value of 9.11, while in the EU HRM Legal Corpus its value is 2.98.

Similar results in the same semantic area could be found for terms like ‘Union’ and ‘Institution(s)’. For the first one the dispersion plot in the EU Charter of Fundamental Rights is 20.75, while in the Corpus is 2.24, for ‘Institution(s)’, the dispersion plot in the

EU Charter of Fundamental Rights is 2.02 and, in the EU HRM Legal Corpus, is 1.70. This is due to the different genre of the texts since not all the keywords that appear in the EU Charter of Fundamental Rights can be found in the EU HRM Legal Corpus. Although the analysis of the Keywords in context (KWIC) shows already that the references to ‘European’ are not as high as expected, being the implementing provisions aimed to foster internal working provisions for the EU Civil Servants. The comparison with the EU Charter of Fundamental Rights shows that the terminology which most directly refers to the principle of ‘European’ is definitely not developed in the EU HRM Legal Corpus to an extent which the genre of the Corpus itself (i.e. prescriptive legal) does not justify. This has to be considered that the first identification with the European values stem from a language which could most directly link them to the EU Civil Servants, as much as the EU Charter of Fundamental Rights of the European Union links it to the EU citizen.

While considering another semantic field, such as the one linked to ‘human’ and ‘person’, the EU Charter of Fundamental Rights definitely shows a higher dispersion plot. In this case, though, a deeper analysis was needed to show that the terminology linked to the individual in the EU HRM Legal Corpus clearly leans towards terms which are related to a working environment, such as ‘member’ and ‘staff’. The dispersion plot of the four terms mentioned above is the one reported in Table 3.

Table 3 - Dispersion plot of the term 'member', 'human', 'person' and 'staff' in the EU Charter of Fundamental Rights and in the EU HRM Legal Corpus

WORDLIST EU CHARTER OF FUNDAMENTAL RIGHTS			WORDLIST EU HRM LEGAL CORPUS		
<i>TERM</i>	<i>HITS</i>	<i>PER 1000</i>	<i>TERM</i>	<i>HITS</i>	<i>PER 1000</i>
member	22	5.57	member	700	3.23
human	13	3.29	human	0	0
person	13	3.29	person	340	1.57
staff	0	0	staff	2512	11.6

Given the size of the Corpus compared to the EU Charter of Fundamental Rights, the lack of reference to the aspect related to the individual in the EU HRM Legal text could be justified, as it could also be justified the fact that the term 'member' in the EU Charter of Fundamental Rights refers only to the Member States and not to individuals. However, closer scrutiny of the data reveals that the term 'human' in the EU HRM Legal Corpus ranks in the wordlist as 2523rd, with 158 hits. It could already be noted here that the reference to individuals in the Corpus is definitely more likely to be linked to the working dimension (Staff Member) than to the human or personal features (human resource or person). A possible explanation, given the dispersion plot of the term 'human', could be the fact that the EU HRM Legal Corpus includes texts which date back to 1962, such as the Staff Regulation. One may speculate that at the time the legal framework of the EU Institutions was intended only as regulatory legislation, with no intention to foster equality

and inclusion through language, and no consideration was given to the power of language as an inclusion instrument.

Another interesting feature from the frequency wordlist is the use of feminine and masculine adjectives and pronouns. For example, the analysis shows that ‘her’ is the 43rd word in the EU Charter of Fundamental Rights with thirteen occurrences and that it is not even in the first 100 words in the EU HRM Legal Corpus (2454th word in the wordlist with 259 hits). Different is the situation with ‘his’, which is the 59th word in the EU Charter of Fundamental Rights with ten occurrences and the 30th word in the EU HRM Legal Corpus with 880 occurrences. It appears crystal clear that the predominance of the masculine form is absolute in the EU HRM Legal Corpus. This finding is a very indicative one of the male bias in the Legal Corpus. In contrast, the use of personal adjectives and pronouns ‘his’ and ‘her’ in the EU Charter of Fundamental Rights is a perfect example of a language of inclusion. The hits (considering that the masculine form of the personal adjective ‘him’ hits three times) are absolutely equal. In other words, in the EU Charter of Fundamental Rights, there are as many occurrences of male and female forms, either with the wording ‘him and her’ (pronoun) or ‘his and her’ (adjective), while in the EU HRM Legal Corpus this feature is far from being balanced.

While the use of wordlist by frequency could be limited in analysing the linguistic features of a text or of a corpus, it is a very powerful starting point to unravel a given language pattern. In the case of the EU HRM Legal Corpus, this is the case in particular with regard to the language of equality and inclusion, whereby few keywords belonging to the features of an inclusive language have been identified. Taking the data and the funding

described above, the research will now focus on the concordances of the words in the EU HRM Legal Corpus, with the aim of discovering additional features of the texts.

3.2.2.2 Concordances (KWIC)

According to Baker (2006), a concordance is simply a list of all the occurrences of a particular search term in a corpus that is presented within the context where they occur. Each occurrence (or hit) found in a corpus is displayed in the analysis tool with the words preceding and following it. The most commonly used concordance type is called KWIC, which stands for Key Word in Context (Crawford & Csomay, 2016). In the analysis conducted with AntConc, it usually shows one hit per line in the screen, with the main searched term highlighted in the centre. The overview of Key Words in Context is an important part of this corpus research as it gives a precise idea of the different features of the language used in the EU HRM Legal Corpus (Gabrielatos, 2018).

In a similar way to the approach used for the wordlist by frequency, the methodology used to analyse concordances and Key Words in Context entails filtering the EU HRM Legal Corpus through the lens of the EU Charter of Fundamental Rights. By looking into how the EU Charter of Fundamental Rights as divided into chapters touches upon the different aspects of equality and diversity, this research aims at running the concordances function in AntConc for the main terms included in each of the EU Charter's chapters. Alongside the preamble, the EU Charter of Fundamental Rights is divided into seven different titles:

TITLE I DIGNITY

TITLE II FREEDOMS

TITLE III EQUALITY

TITLE IV SOLIDARITY

TITLE V CITIZENS' RIGHTS

TITLE VI JUSTICE

TITLE VII GENERAL PROVISIONS GOVERNING THE INTERPRETATION AND
APPLICATION OF THE CHARTER

In the context of this dissertation, the Titles which are most relevant for the aim of this research on the language of equality and diversity are those included in Chapter III - Equality. Alongside this choice of scope, additional considerations were given to some general parts of the EU Charter of Fundamental Rights regarding the topics analysed, in particular for features related to the European Institutions and their correct functioning, according to the European principles of transparency and good administrative behaviour. A complete matrix of the keywords which served as a basis for the analysis, together with the different chapters of the EU Charter of Fundamental Rights, is presented in Table 4.

*Table 4 - List of KWIC related to different areas of equality and diversity analysed in the EU HRM**Legal Corpus*

FOCUS	EU CHARTER OF FUNDAMENTAL RIGHTS	KEYWORDS
GENERAL EQUALITY AND DIVERSITY TERMINOLOGY	PREAMBLE	dignity, integrity, human, security privacy, personal data respect / respected people, person / persons
LGBTI	Title III - Equality Article 9	civil marriage, same-sex marriage non-marital / non marital partner / partnership spouse, wife / husband non-discrimination
EU EQUALITY PRINCIPLES	Title III - Equality Articles 20, 21, 22	equality, equal opportunities diversity, inclusion, work-life religion / religious cultural, linguistic sex / sexual, gender men / women
GENDER	Title III - Equality Article 23	he, she, he or she, he/she, she/he him, her, him/her, him or her his, her, hers, his/her, his or her they chairman
ELDERLY STAFF	Title III - Equality Article 25	elderly, retired, old, young

PERSON(S) WITH A DISABILITY	Title III - Equality Article 26	handicap disabled (with a) disability
OTHER TERMS RELATED TO EU INSTITUTIONS	GENERAL	good administration impartiality fairness proportionality reasonable time right to be heard access to reasoned

Using AntConc, a concordance hit list in the EU HRM Legal Corpus, considering a span of -5 and + 5 words, has been run for each of the keywords included in Table 4. With regard to the Preamble of the EU Charter of Fundamental Rights, containing terms related to general equality and diversity principles, the KWIC analysed are the following: ‘dignity’, ‘integrity’, ‘human’, ‘security’, ‘privacy’, ‘personal data’, ‘respect’, with the variation of ‘respected’ and the terminology related to ‘people’, ‘person’ and ‘persons’.

In the EU HRM Legal Corpus, it is not surprising to discover that the term ‘dignity’ is mainly to be found in the implementing provision on anti-harassment, along with one reference which could be found in the Staff Regulation, in the context of the very same definition of harassment:

Psychological harassment’ means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine

the personality, dignity or physical or psychological integrity of any person.
(European Council, 1962, Art. 12a, p. 20).

The AntConc results of the concordances for the word ‘dignity’ are included in Figure 2, showing that the number of hits amounts to eighteen in all Corpus. As revealed from the AntConc query in Figure 2, the word ‘dignity’ mainly bundles with the expression ‘of the person(s)’. This highlights the direct link with the use of the term ‘dignity’ in relation to the linguistic sphere related to individuals or persons. In some instances, the term ‘dignity’ is linked to a more specific expression, such as ‘of women and men’ and this second set is used in the context of the anti-harassment policy, bearing in mind that the policy defines not only psychological harassment but also sexual harassment, being the latter discrimination based on gender. In some instances, the word ‘dignity’ also refers to a more general expression, such as ‘staff’ or ‘colleague’, possibly highlighting that the anti-harassment policy applies to the workplace.

Concordance Hits 18		File
Hit	KWIC	
1	ropean Commission policy on protecting the dignity of the person and preventing psychological	C(2006) 1624-3 Anti-harassment.
2	ropean Commission policy on protecting the dignity of the person and preventing psychologica	C(2006) 1624-3 Anti-harassment.
3	erning behaviour which may infringe human dignity and Article 11 of the Conditions	C(2006) 1624-3 Anti-harassment.
4	relating to the protection of the dignity of the person”,4 dealing with	C(2006) 1624-3 Anti-harassment.
5	document entitled “Policy on protecting the dignity of the person and preventing psychological	C(2006) 1624-3 Anti-harassment.
6	relating to the protection of the dignity of the person”. Article 3 This	C(2006) 1624-3 Anti-harassment.
7	MISSION POLICY ON PROTECTING THE DIGNITY OF THE PERSON AND PREVENTING PSYCHOLOGICAL	C(2006) 1624-3 Anti-harassment.
8	Commission must guarantee respect for the dignity of women and men at the	C(2006) 1624-3 Anti-harassment.
9	1990 on the protection of the dignity of women and men at work,	C(2006) 1624-3 Anti-harassment.
10	practice on the protection of the dignity of the person has described the	C(2006) 1624-3 Anti-harassment.
11	relating to the protection of the dignity of the person” published in the	C(2006) 1624-3 Anti-harassment.
12	and that may undermine the personality, dignity or physical or psychological integrity of	C(2006) 1624-3 Anti-harassment.
13	should know that it affects the dignity of women and men at the	C(2006) 1624-3 Anti-harassment.
14	bound to respect and protect the dignity of their colleagues. In a professional	C(2006) 1624-3 Anti-harassment.
15	conduct which does not respect the dignity of the person must be condemned.	C(2006) 1624-3 Anti-harassment.
16	legislation, any conduct that prejudices the dignity of its staff in the workplace	C(2006) 1624-3 Anti-harassment.
17	and effective procedures to protect the dignity of each and every person working	C(2006) 1624-3 Anti-harassment.
18	and that may undermine the personality, dignity or physical or psychological integrity of	EU Staff Regulation and CEOS.t

Figure 2. KWIC results for the term ‘dignity’

The term ‘dignity’ is a hit related to the definition of harassment as mentioned above which is mainly present in the primary legislation, i.e. the EU Staff Regulation. In this regard, it should be noted that, besides the reference to anti-harassment, the term seems to be important in the Staff Regulation’s chapters referring to recruitment. This is in line with the narrative of finding the best candidates to become Civil Servants and to the value of the European Institutions, as it could be evinced by the data described in Figure 3.

Concordance Hits 7		
Hit	KWIC	File
1	personality, dignity or physical or psychological integrity of any person. ¹³ Psychological harassme	C(2006) 1624-3 Anti-harassment.
2	standard of independence, ability, efficiency and integrity, recruited on the broadest possible geog	EU Staff Regulation and CEOS.t
3	personality, dignity or physical or psychological integrity of any person. 4. ‘Sexual harassmen	EU Staff Regulation and CEOS.t
4	by the duty to behave with integrity and discretion as regards the acceptance	EU Staff Regulation and CEOS.t
5	highest standard of ability, efficiency and integrity, recruited on the broadest possible geog	EU Staff Regulation and CEOS.t
6	which the misconduct adversely affects the integrity, reputation or interests of the institut	EU Staff Regulation and CEOS.t
7	highest standard of ability, efficiency and integrity, recruited on the broadest possible geog	EU Staff Regulation and CEOS.t

Figure 3. KWIC results for the term ‘integrity’

As mentioned in Chapter 2 of this dissertation, the reading of the language on the principles of equality and diversity integrated into the Treaties founding the European Union, and in particular by the very Article 2 of the Treaty on European Union, on the EU values, convey a sound and effective message of clarity and a vision for the endeavour that is the European Union, as we know it.

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (European Council, 2016, p. 17)

An indication of the usage of such a term in the Corpus is the reference to the term integrity in Art. 10 of the Staff Regulation, related to disciplinary measures, and in Art. 16 of the Staff Regulation, related to post-employment obligations, which highlights the importance of upholding high ethical values while working for the European Institutions:

An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits. (European Council, 1962, Art. 16, p. 21)

As described above, the use of the term ‘human’ seems to be linked only to the bundle ‘human resources’, referred to the management of or to the department/unit in charge of personnel, as included in Figure 4. In this regard, while the focus of linguistic research is to unravel patterns and features encountered in the Corpus, it is also significant to highlight the features which are *not* included (Baker, 2006). It is peculiar to see that, while trying to convey a message of upholding high moral values, the bundle ‘human being’ is never to be encounter in the EU HRM Legal Corpus, albeit the use of the term ‘human’ linked to ‘resources’.

Concordance Hits 158		File
Hit	KWIC	
1	General / department concerned HRM Human Resources Manager for the	C(2004) 159
2	behaviour which may infringe human dignity and Article 11 of	C(2006) 162
3	potential scale of the human, economic and social costs	C(2006) 162
4	authorities such as the human resources manager of their	C(2006) 162
5	informal procedure (see point 6.2.2). 4.5. Human resources managers and line	C(2006) 162
6	managers and line managers Human resources managers and line	C(2006) 162
7	ADMIN will regularly inform human resource managers of the	C(2006) 162
8	organise a meeting of human resource managers and the	C(2006) 162
9	, acting in complete confidentiality, human resource managers will strive	C(2006) 162
10	of confidentiality so permits, human resource managers will be	C(2006) 162
11	, Confidential Counsellors, Mediation Service, Human Resources Managers, Hierarchical Managers)	C(2006) 162
12	ADMIN, the Mediator or human resource managers. These services	C(2006) 162
13	Medical Service, welfare officers, human resource managers, training coordinators,	C(2006) 162
14	ADMIN may inform the human resource managers of the	C(2006) 162
15	of DG ADMIN, your human resources manager or the	C(2006) 162
16	specific management (i.e. human resources management and, where	C(2008) 502
17	the management of the human resources of the unit	C(2008) 502
18	for the CDR. The Human Resources Unit of the	C(2008) 502

Figure 4. KWIC results for the term ‘human’

Another interesting element in the linguistic analysis of the EU HRM Legal Corpus is the term ‘security’, which is included in article 6 of the EU Charter of Fundamental Rights: “Everyone has the right to liberty and security of person” (European Parliament, Council and Commission, 2000, Art. 6)¹⁰. The meaning of the term in the Corpus is in fact linked to the security of persons; the evidence on the EU HRM Legal Corpus is that security is linked mostly with the name of the Directorate General in charge of human resources and security (DG HR), the housing policies which relate to staff working in delegations outside the EU, and IT security of data. No reference to the term ‘security’ is made with regard to individual working for the EU Institutions, in particular with regard to the meaning of Art. 24 of the Staff Regulations, which is aimed to guarantee the security of persons working for the EU:

The Union shall assist any official, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties. (European Council, 1962, p. 25)

Although it might not be needed to remark the concept of security of staff, the fact that not even one hit in the EU HRM Legal Corpus refers to the security of persons seems

¹⁰ http://ec.europa.eu/justice/fundamental-rights/files/2011-report-fundamental-rights_en.pdf,

peculiar, in particular with regard to policies such as the anti-harassment one. The keywords in context hits of the term ‘security’ are reported in Figure 5.

Concordance Hits 84		
Hit	KWIC	File
1	by a doctor, including any social security contributions, which is not met by	C(2004) 1364 Persons to be treat
2	should also contact the national social security scheme with which they are affiliated.	C(2004) 1597 Absences of sickne
3	PA, 71030 90876 cwtcejoseph_team03@carlsonwagon SECURITY, EDPS, FR, (internal) it be FELLOWSHIP,	C(2008) 6215 Mission guide.txt
4	person after reimbursement by the social security services and/or any other insurance/	C(2008) 6215 Mission guide.txt
5	in teams, or problems with document security or IT equipment, the consequences of	C(2009) 10224 Teleworking 2009
6	the public, working as a driver, security work etc. Article 5 Teleworking options	C(2009) 10224 Teleworking 2009
7	eworkers with information on ergonomics, document security, use of IT equipment, precautions to	C(2009) 10224 Teleworking 2009
8	and evaluation The "Human Resources and Security" Directorate-General shall be responsible	C(2009) 10224 Teleworking 2009
9	submitted to the "Human Resources and Security" Directorate-General for approval, which	C(2009) 10224 Teleworking 2009
10	latest by the "Human Resources and Security" Directorate-General, in consultation wit	C(2009) 10224 Teleworking 2009
11	be replaced by 'Human Resources and Security (DG HR)'. 8. In Article 6(	C(2011) 7071 6 years rule 2011.t
12	deduction of tax and compulsory social security contributions. EN EN Article 7 1.	C(2013) 4876 Assistance with ho
13	rental market and the climate and security situation in the different places of	C(2013) 8965 Housing policy non
14	Commission shall be consulted. 1.6. Security and technical equipment 1.6.]. Security	C(2013) 8965 Housing policy non
15	. Security and technical equipment 1.6.]. Security equipment The EEAS service(s) in	C(2013) 8965 Housing policy non
16	(s) in charge shall decide whether security guards, an Intmsion Detection System (IDS	C(2013) 8965 Housing policy non
17	Intmsion Detection System (IDS) or equivalent security system and/or any additional security	C(2013) 8965 Housing policy non
18	security system and/or any additional security equipment are to be provided for.	C(2013) 8965 Housing policy non
19	duly inform the Commission on its security policy and its implementation for staff	C(2013) 8965 Housing policy non

Figure 5. KWIC results for the term ‘security’

One surprising result from the analysis of concordances run with AntConc is the hits of the term ‘privacy’, as it only amounts to one in all the EU HRM Legal Corpus. The hit refers to the management of complaints, in Art. 22a of the Staff Regulation:

[...] Each institution shall put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations [...]. the appointing authority of each institution shall lay down internal rules on inter alia: [...] the protection of the legitimate interests of those officials and of their privacy [...]. (European Council, 1962, p. 25)

It is peculiar to notice that, as it seems, the protection of privacy is only intended with regard to legitimate interests in cases of complaints, and that no mention is given to the sophisticated system of data protection currently in force for the European Institutions

(European Council, 2001)¹¹. Since the entry into force of new GDPR in 2018, data protection and privacy statements have been very high in the European Commission agenda and this seems then a clear example of the lack of consistency in the EU internal policies, in particular the human resources related ones, and the current state of affairs in Europe. The EU HRM Legal Corpus seems not to include the features related to data protection and privacy embedded in its texts (Bassot & Hiller, 2017).

To complement the analysis of the term ‘privacy’ and validate the hypothesis that the linguistic features related to the sphere of privacy and data protection are not consistent in the EU HRM Legal Corpus, an AntConc query entails the search for the expression ‘personal data’ has been included in Figure 6.

Concordance Hits 8		File
Hit	KWIC	
1	with regard to the processing of personal data by the Community institutions and	C(2006) 1624-3 Anti-harassment.
2	Delegations. Information on the protection of personal data : the arrangements for managing missi	C(2008) 6215 Mission guide.txt
3	request. The card issuer must process personal data in accordance with the national	C(2008) 6215 Mission guide.txt
4	candidate's updating his or her personal data at least every 12 months.	C(2011) 1264 Engagement CA 2f
5	candidate's updating his or her personal data at least every 12 months.	C(2011) 1264 Engagement CA 2f
6	with regard to the processing of personal data by the Community institutions and	C(2013) 9037 Outside activities.t
7	45/2001 on the protection of personal data processed by Union institutions and	C(2014) 2502 Working time.txt
8	with regard to the processing of personal data by the Community institutions and	EU Staff Regulation and CEOS.t

Figure 6. KWIC results for the expression ‘personal data’

¹¹ At the time of writing this dissertation, all European Institutions adhere to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

Alongside references in different implementing provisions, no mention is to be found in the Staff Regulation regarding the regulation on the management of personal data. On the contrary, the only reference to Regulation 45/2001 on Data Protection, nowadays repealed by Regulation (EU) 2018/1725 – as mentioned in footnote 12, is to be found in Art. 16 of the Staff Regulation, which deals with post-activity obligations. From this research, it can be concluded that the data protection regulations, and with them, the privacy and personal data of the persons working for the EU Institutions are not mainstreamed in the EU Institutions staff rules.

With regard to the terms ‘respect’ and ‘respected’, it should be noted that they are of major importance in the EU Charter of Fundamental Rights. The term ‘respected’ appears, in fact, 27 times in the entire document, resulting in a frequency of 6.83 per 1.000. However, in the EU HRM Legal Corpus, the term appears only 84 times, with a frequency of 0.38 per 1.000. Moreover, it should be noted that most of the concordances relate to the use of ‘respect’ as in ‘in respect of’ and ‘with respect to’ and that in all other instances, the term is included in the anti-harassment policy, as it might be expected, as it is shown in the results of the AntConc query in Figure 7. This suggests a rather bland use of the terminology linked to ‘respect’, in particular in the main legislation.

Concordance Hits 84		File
Hit	KWIC	
1	be granted if the person in respect of whom the allowance is claimed:	C(2004) 1364 Household allowan
2	4 Members of officials' families in respect of whom the allowance is claimed	C(2004) 1364 Household allowan
3	allowance shall be payable only in respect of the time during which they	C(2004) 1364 Household allowan
4	of these general implementing provisions in respect of several members of their family	C(2004) 1364 Household allowan
5	Where the allowance is claimed in respect of an official's brother or	C(2004) 1364 Household allowan
6	a dependent child is requested, in respect of: that part of the remuneration	C(2004) 1364 Persons to be treat
7	be increased by ten points in respect of each of the other persons	C(2004) 1364 Persons to be treat
8	shall be increased by ten in respect of each of those persons after	C(2004) 1364 Persons to be treat
9	Decision as appropriate. 3. In this respect, it seems not expedient for such	C(2004) 1597 Absences of sickne
10	its staff, the Commission must guarantee respect for the dignity of women and	C(2006) 1624-3 Anti-harassment.
11	of staff feels personally bound to respect and protect the dignity of their	C(2006) 1624-3 Anti-harassment.
12	. However, any conduct which does not respect the dignity of the person must	C(2006) 1624-3 Anti-harassment.
13	daily subsistence allowances are payable in respect of such missions. Signing travel orders	C(2008) 6215 Mission guide.txt
14	two or more temporary postings in respect of the same functions and those	C(2009)7839 Temporary occupat
15	of birth of the person in respect of whom family leave is to	C(2010) 7494 Family leave.txt
16	adoption of the dependent child in respect of which parental leave will be	C(2010) 7572 Parental Leave.txt
17	at least one academic year; — in respect of a period which may not	C(2011) 1264 Engagement CA 2f
18	shall, moreover, be mutually exclusive in respect of a person. Any conflict of	C(2011) 1264 Engagement CA 2f
19	to arise in particular where, with respect to an appeal to the Joint	C(2011) 1264 Engagement CA 2f

Figure 7. KWIC results for the term 'respect'

To complement the research, the concordance hit in AntConc for the term 'respected' has been run. Not much difference is to be found to this regard, as 'respected' mainly appears with regard to procedures and limits. In no instance, the term appears linked to persons or staff (see Figure 8). This feature is important to underpin the lack, in the language of the EU HRM Legal Corpus, of a consistent narrative on the importance of the dignity of the persons working for the EU Institutions, albeit a clear stand of the Legislator to this respect.

Concordance Hits 4		File
Hit	KWIC	
1	procedures applicable to the situation were respected and shall determine any individual respo	C(2004) 1588 Disciplinary proced
2	whether the appraisal procedure has been respected and whether the report has been	C(2013) 8589 Appraisal.txt
3	whether the appraisal procedure has been respected and whether the report has been	C(2014) 2226 Appraisal C.A.txt
4	. If this limit has not been respected, the Commission shall propose to the	EU Staff Regulation and CEOS.t

Figure 8. KWIC results for the term 'respected'

Interestingly, besides the reference in the anti-harassment policies, the term 'people' is mainly used in the implementing provision related to recruitment and in the mission guide (see Figure 9). In fact, from the query in AntConc, it seems that in all other provisions, including the staff regulation, people are referred to as either 'Staff Members'

or ‘Officials’, highlighting the work-related value of individuals working for the EU Institutions over that related to their personal dimension. A particular and interesting feature is revealed when the term ‘people’ is linked with the expression ‘with disabilities’, as this construction highlights the generality of the individual, and the use of the term ‘person with a disability’ should be preferred in this case. In general, the term ‘person’ is to be preferred to the term ‘people’, as it focuses more on the individual than on the disability itself (UN Assembly, 2007).

Concordance Hits 17		
Hit	KWIC	File
1	Good Practice for the Employment of People with Disabilities (2), as to whether	C(2004) 1318 Recruitment of dis:
2	Good Practice for the Employment of People with Disabilities (2), examine whether it	C(2004) 1318 Recruitment of dis:
3	, readily accessible to and usable by people with disabilities, job re-structuring, ht	C(2004) 1318 Recruitment of dis:
4	the available budget, the number of people in the particular area who require	C(2004) 1318 Recruitment of dis:
5	kinds of behaviour may hurt certain people without constituting psychological harassme	C(2006) 1624-3 Anti-harassment.
6	, etc. 2.4. General advice Some people are not always aware of the	C(2006) 1624-3 Anti-harassment.
7	managers are in principle the first people who may be contacted by anyone	C(2006) 1624-3 Anti-harassment.
8	cases Requests for assistance from different people involving the same individual are to	C(2006) 1624-3 Anti-harassment.
9	to the end of 2005, 270 people contacted a confidential counsellor, and 32	C(2006) 1624-3 Anti-harassment.
10	have helped a significant number of people complaining of psychological harassment avo	C(2006) 1624-3 Anti-harassment.
11	. Interpersonal skills Ability to deal with people effectively and courteously and to build	C(2008) 5028-2 Middle managen
12	..... Management of people El El El	C(2008) 5028-2 Middle managen
13	insurance contract, the credit card contract, people to contact and internet links, as	C(2008) 6215 Mission guide.txt
14	may use official cars to transport people and goods. The terms of use	C(2008) 6215 Mission guide.txt
15	suitable means of transport. If several people travel together in one vehicle, only	C(2008) 6215 Mission guide.txt
16	have, acquire or develop, including essential people management skills, in order to perform	C(2016) 3288 Middle managemen
17	skills The ability to deal with people effectively, respectfully and courteously;	C(2016) 3288 Middle managemen

Figure 9. KWIC results for the term ‘people’

In a similar vein to the use of the term ‘people’, the research for the term ‘person’ in the EU HRM Legal Corpus shows that it mainly refers to individuals before entry into service or to third persons, such as family members (see Figure 10). Remarkably, the term ‘person’ is used three times in the implementing provisions on Commission Drivers: twice referring to the Staff Members who are performing their duties as drivers and once with respect to the head of the mission for which normally drivers work. Although the use of the term ‘person’ in a legal text would be welcome, it seems that the fact that these hits are included in one specific implementing provision could be due to the stylistic difference of

the drafter. As explained in Chapter 4 of this dissertation, there are in fact many drafters for all the provisions included in the EU HRM Legal Corpus, as the texts were finalised in different periods of time and by different services of the European Commission.

Concordance Hits 339		File
Hit	KWIC	
1	from the date on which the person concerned is assigned, by decision of	C(2004) 1318 Commission driver
2	On the date on which the person concerned, by decision of the appointing	C(2004) 1318 Commission driver
3	privileges and Immunities. Where appropriate, the person carrying out the mission may give	C(2004) 1318 Commission driver
4	Administratives Page 2 of 4 A person with a disability meets the condition	C(2004) 1318 Recruitment of dis:
5	should be made to facilitate the person's employment. Reasonable accommodation can	C(2004) 1318 Recruitment of dis:
6	practices. Article 9 In facilitating a person with a disability in the performance	C(2004) 1318 Recruitment of dis:
7	. CHAPTER FIVE: REQUESTS Article 14 A person to whom Article 3 or 4	C(2004) 1318 Recruitment of dis:
8	allowances to be paid to a person , other than the official, who has	C(2004) 1364 Family allowances.
9	law under which custody was granted, " person other than the official" shall mean	C(2004) 1364 Family allowances.
10	" shall mean any legal or natural person other than the official to whom	C(2004) 1364 Family allowances.
11	" shall mean the place where the person having custody of the child can	C(2004) 1364 Family allowances.
12	sources either to themselves, to the person having custody of one or more	C(2004) 1364 Family allowances.
13	behalf of the official to a person other than the official who has	C(2004) 1364 Family allowances.
14	custody of the child; that other person may also assert his or her	C(2004) 1364 Family allowances.
15	allowances shall be paid to each person . Visiting rights shall not be regarded	C(2004) 1364 Family allowances.
16	allowances shall be paid to a person other than the official irrespective of	C(2004) 1364 Family allowances.
17	maintenance are paid to such a person , it shall be up to the	C(2004) 1364 Family allowances.
18	, in paying family allowances to a person other than the official over a	C(2004) 1364 Family allowances.
19	pay or has paid to that person under a national attachment order pertainin	C(2004) 1364 Family allowances.

Figure 10. KWIC results for the term 'person'

It should also be noted that the EU Institution legal framework contemplates the possibility to treat, under certain conditions, family members as a dependant (for example in the implementing provision on persons to be treated as dependants), as Figure 11 shows in the number of hits related to this specific implementing provision. This feature underlines the peculiarity of the lack of the use of the term 'person' with regard to the management of human resources. The data obtained in the analysis revealed that the linguistic focus of the narrative is placed on the persons working for the EU Institutions. This is evinced by the use of a work-related terminology for Officials and Civil Servants, while the more inclusive language, in the form of the term 'person', is relegated to the references to family members.

Concordance Hits 114		File
Hit	KWIC	
1	DWS: CHAPTER ONE: RECRUITMENT OF DISABLED PERSONS M 1% Article 3 CHAPTER TWO:	C(2004) 1318 Recruitment of dis:
2	1% CHAPTER ONE: RECRUITMENT OF DISABLED PERSONS * Article 1. http://www. CC. 06	C(2004) 1318 Recruitment of dis:
3	payment of such allowances to the persons having custody of one or more	C(2004) 1364 Family allowances.
4	custody, the names and addresses of persons having custody of one or more	C(2004) 1364 Family allowances.
5	the same child alternates between two persons and there is no court order	C(2004) 1364 Family allowances.
6	, no stable agreement between the persons concerned laying down the precise pro	C(2004) 1364 Family allowances.
7	, no stable agreement between the persons concerned laying down the precise pro	C(2004) 1364 Family allowances.
8	be paid to each of the persons sharing custody of the child. Article	C(2004) 1364 Family allowances.
9	, and one or more of those persons are entitled to the household allowance	C(2004) 1364 Family allowances.
10	, no stable agreement between the persons concerned laying down the precise pro	C(2004) 1364 Family allowances.
11	the official and the person or persons having custody of the child or	C(2004) 1364 Family allowances.
12	MEMBERS OF OFFICIALS' FAMILIES Article 7 Persons shall be deemed unable to provide	C(2004) 1364 Household allowan
13	the country of residence of the persons concerned, in accordance with the second	C(2004) 1364 Household allowan
14	04 on General implementing provisions concerning persons to be treated as dependent children (	C(2004) 1364 Persons to be treat
15	. Where an official requests that several persons living in the same household be	C(2004) 1364 Persons to be treat
16	children, the cost of maintaining those persons shall be taken into consideration: for	C(2004) 1364 Persons to be treat
17	by the net income of the persons to be treated as dependent children.	C(2004) 1364 Persons to be treat
18	requesting treatment of three or more persons as dependent children. It shall correspond	C(2004) 1364 Persons to be treat
19	establishing heavy expenditure. Article 6 Where persons other than the official also have	C(2004) 1364 Persons to be treat

Figure 11. KWIC results for the term 'person'

With regard to the area of LGBTI rights, in the EU Charter of Fundamental Rights in Title III, Article 9, different terms which relate to marriage and partnership have been identified which can help us analyse the equal opportunities for LGBTI staff in the language of the EU HRM Legal Corpus. When searching for the terms related to this semantic field and their concordances in the Corpus, the terms and expressions found are 'civil marriage', 'same-sex marriage', 'non-marital', 'non marital partner', 'non marital partnership', 'spouse', 'wife' and 'husband'.

The previous part of this research, which was related to the collocates of the terms 'marriage' and 'partnership', already gave an indication of the differences in the terms and their use in the EU HRM Legal Corpus. The term 'civil marriage' appears only in four instances in the Corpus, and precisely in the implementing provision on leave and no hit is being recorded in the primary legislation, the Staff Regulation. When searching for a similar bundle, such as same-sex marriage, no hits have been recorded either. Only in one

instance in the Corpus, ‘civil marriage’ is associated with ‘partnership’ with a direct reference, as it could be evinced from the results in AntConc in Figure 12.

Concordance Hits 4		
Hit	KWIC	File
1	) either at the time of the ciVil marriage ceremony or registration of the	C(2013) 9051 Leave.txt
2	. Conditions In the case of a ciVil marriage /partnership, the official must provi	C(2013) 9051 Leave.txt
3	, either at the time of the ciVil marriage ceremony or at the time	C(2013) 9051 Leave.txt
4	. Conditions In the case of a ciVil marriage , the official must provide his/	C(2013) 9051 Leave.txt

Figure 12. KWIC results for the expression ‘civil marriage’

Searching for the expression ‘non-marital’ (Figure 13), together with its variation of ‘nonmarital’, which presents no hits, more terms are present in the Corpus, in particular, some terms referring to the legal concept of ‘partnership’, as expected.

Concordance Hits 5		
Hit	KWIC	File
1	be his/her spouse or stable non-marital partner recognised as such by	C(2013) 4876 Assistance with ho
2	the purposes of these Staff Regulations, non-marital partnerships shall be treated as	EU Staff Regulation and CEOS.t
3	who is registered as a stable non-marital partner, provided that: (i) t	EU Staff Regulation and CEOS.t
4	Member State, acknowledging their status as non-marital partners, ▼M112 (ii) neither	EU Staff Regulation and CEOS.t
5	a marital relationship or in another non-marital partnership, (iii) the partne	EU Staff Regulation and CEOS.t

Figure 13. KWIC results for the expression ‘non-marital’

In both these instances, it is interesting to notice that, in the most recent implementing provisions, the terminology related to gender shifted to a more neutral variation, as terms like ‘partner’ and ‘partnership’ are included in different recent provisions, mainly related to family-related matters, such as the one related to removal and the one related to leave management. In fact, before 2013, the term ‘partner’ was only present in the implementing provision on job sharing, whereby partner was defined as the co-worker who shared part of the job with another.

As mentioned above, the term ‘partner’ appears in the legal framework with the introduction of a set of revised implementing provisions in 2013. The collocation list of

this term shows that it is mainly present with the meaning of spouse, as, in fact, on some occasions, it relates directly to it (spouse/partner). There are 33 hits for ‘partner’ in total in the Corpus, as can be observed in the extract from the AntConc query for ‘partner’ in Figure 14.

Hit	KWIC	File
1	as regards the potential job-sharing partner.	C(2004) 1314 Job sharing (1).txt
2	/her spouse or stable non-marital partner recognised as such by the Commission	C(2013) 4876 Assistance with ho
3	or his or her spouse or partner, with one or more dependent children;	C(2013) 4876 Assistance with ho
4	or his or her spouse or partner; c) convalescence following an accident s	C(2013) 4876 Assistance with ho
5	or his or her spouse or partner; (1) loss of independence by the	C(2013) 4876 Assistance with ho
6	or his or her spouse or partner; b) illness of a dependent child	C(2013) 4876 Assistance with ho
7	/or his or her spouse or partner, with one or more dependent children;	C(2013) 4876 Assistance with ho
8	, the term spouse covers a registered partner under Article 1 of Annex VII	C(2013) 8965 Housing policy non
9	‘spouse’ shall also cover a registered partner under Article 1 of Annex VII	C(2013) 8990 Reimbursement of
10	family members: the spouse or registered partner within the meaning of Article 1	C(2013) 9040 Removal expenses
11	of the Staff Regulations, the unmarried partner within the meaning of Article 72	C(2013) 9040 Removal expenses
12	a spouse, a registered or unmarried partner as referred to in Article 2:	C(2013) 9040 Removal expenses
13	.4 Serious illness of spouse/partner (see also “family leave”)	C(2013) 9051 Leave.txt
14	11.a.8 Death of spouse/partner	C(2013) 9051 Leave.txt
15	DEFINITIONS SNE SECONDED NATIONAL EXPERT PARTNER/PARTNERSHIP Under the penultimate paragra	C(2013) 9051 Leave.txt
16	to the Staff Regulations, “the unmarried partner of an official shall be treated	C(2013) 9051 Leave.txt
17	.a.4 Serious illness of spouse/partner” Up to 3 days XX	C(2013) 9051 Leave.txt
18	11.a.8 Death of spouse/partner” 4 XXX 11.a.	C(2013) 9051 Leave.txt
19	of the official’s spouse or partner. Special leave is granted, on request,	C(2013) 9051 Leave.txt

Figure 14. KWIC results for the expression ‘partner’

At the same time, the term ‘partnership’ counts twelve hits in the whole Corpus (see Figure 15), but it is mainly present in the implementing provision on leaves and in one case in the Staff Regulation, as described above in the analysis of the word ‘non-marital’. This may be an indication of the fact that a more inclusive language is developing in the EU HRM Legal Corpus, also given the fact that the term ‘partnership’ collocates with the term ‘registered’, but it also collocates with ‘marriage’ in instances related to leave management.

Concordance Hits 12		File
Hit	KWIC	
1	/she is not in a registered partnership within the meaning of Article 1(	C(2010) 7572 Parental Leave.txt
2	SNE SECONDED NATIONAL EXPERT PARTNER/ PARTNERSHIP Under the penultimate paragraph of Ar	C(2013) 9051 Leave.txt
3	be granted to officials in a partnership within the meaning of the penultimate	C(2013) 9051 Leave.txt
4	marriage ceremony or registration of the partnership , (2) or at the time of	C(2013) 9051 Leave.txt
5	ceremony or the registration of the partnership . In all three cases, the special	C(2013) 9051 Leave.txt
6	the case of a civil marriage/ partnership , the official must provide his/her	C(2013) 9051 Leave.txt
7	with a copy of the marriage/ partnership certificate or a certificate issued by	C(2013) 9051 Leave.txt
8	the child and the official (marriage, partnership) can be established. The decision to	C(2013) 9051 Leave.txt
9	be granted to officials in a partnership within the meaning of the penultimate	C(2013) 9051 Leave.txt
10	be granted to officials in a partnership within the meaning of the penultimate	C(2013) 9051 Leave.txt
11	or children and the official (marriage, partnership) can be established. 11.a.10	C(2013) 9051 Leave.txt
12	relationship or in another non-marital partnership , (iii) the partners are not r	EU Staff Regulation and CEOS.t

Figure 15. KWIC results for the term 'partnership'

This shows a clear improvement and maybe the first step in using a more inclusive language by making equal use of the terminology related to partnership and marriage, in particular in the linguistic features included in the implementing provision on leave, which, as described, was amended recently, in December 2013. This is the first instance where the two terms are used interchangeably in the text since they are considered as synonyms in the provisions for Civil Servants. This reveals a clear shift in the use of a more inclusive language in the EU HRM Legal Framework, fostering the idea that equal rights are to be granted to LGBTI Staff Members vis-à-vis the fact that they may have access to legal marriage or not in Europe.

At the same time, the word 'spouse' as a synonym of 'partner' is introduced in the EU HRM Legal Corpus with the 2013 revision of the internal EU legal framework. AntConc registered 136 hits of the term 'spouse', mainly in rules related to family situations (see Figure 16).

Concordance Hits 136		File
Hit	KWIC	
1	. Officials' financial obligations towards their spouse or former spouse are not covered	C(2004) 1364 Persons to be treat
2	obligations towards their spouse or former spouse are not covered by Article 2(	C(2004) 1364 Persons to be treat
3	of a child under eighteen, your spouse or one of your parents; a	C(2008) 6215 Mission guide.txt
4	be taken to be his/her spouse or stable non-marital partner recognised	C(2013) 4876 Assistance with ho
5	other servant or his or her spouse or partner, with one or more	C(2013) 4876 Assistance with ho
6	the recipient or his or her spouse or partner; c) convalescence following an	C(2013) 4876 Assistance with ho
7	the recipient or his or her spouse or partner; (1) loss of independence	C(2013) 4876 Assistance with ho
8	the recipient or his or her spouse or partner; b) illness of a	C(2013) 4876 Assistance with ho
9	member and/or his or her spouse or partner, with one or more	C(2013) 4876 Assistance with ho
10	purpose of this Decision, the term spouse covers a registered partner under Article	C(2013) 8965 Housing policy non
11	the European Union of the first spouse to enter an institution as an	C(2013) 8982 Place of origin.txt
12	, shall be made to the surviving spouse and to the dependants within the	C(2013) 8987 Travel expenses.tx
13	payment are not fulfilled by the spouse or by persons treated as dependent	C(2013) 8987 Travel expenses.tx
14	personal and household effects for the spouse; 0 150 kg of personal and	C(2013) 8990 Reimbursement of
15	purpose of this Decision, the term 'spouse' shall also cover a registered partner	C(2013) 8990 Reimbursement of
16	, of the Staff Regulations (accompanying a spouse who is also an official) except	C(2013) 9037 Outside activities.t
17	and the following family members: the spouse or registered partner within the meaning	C(2013) 9040 Removal expenses
18	household allowance or who has a spouse, a registered or unmarried partner as	C(2013) 9040 Removal expenses
19	children after the death of the spouse or following other comparable circumstances	C(2013) 9046 Part time.txt

Figure 16. KWIC results for the term 'spouse'

It is, in fact, interesting to see that, in the two hits of 'spouse' occurring in the rules of 2004 (person to be treated as a dependant), the term is used for the first time as a neutral version of husband or wife to indicate marital status. Consequently, in the implementing provisions amended in 2013, the term is directly linked to the word partnership, possibly with the clear intent to make reference also to civil partnerships. In this regard, the term 'wife' resulted in an interesting search in the EU HRM Legal Corpus. There are nine hits in the Corpus, and they are all included in the Staff Regulation. As described above, it seems that the terminology in the implementing provisions have been revised recently and have, therefore, shifted to a more neutral or inclusive use of the language. However, in the main legislation, the "old" terminology remains with frequent instances of a gendered language, such as the use of 'husband' and 'wife'. In two instances the terms 'husband' and 'wife' are linked to maternity leave, although in all other cases they are part of the lexical bundle 'husband and wife', as it can be seen in Figure 17.

Concordance Hits 9		File
Hit	KWIC	
1	following the birth; — death of the wife during maternity leave: a number of	EU Staff Regulation and CEOS.t
2	remaining maternity leave; if the deceased wife is not an official, the remaining	EU Staff Regulation and CEOS.t
3	the foregoing provisions, a husband and wife employed in the service of the ►	EU Staff Regulation and CEOS.t
4	In cases where a husband and wife who are officials ► M112 or other	EU Staff Regulation and CEOS.t
5	. ► M25 In cases where a husband and wife who are officials ► M112 or other	EU Staff Regulation and CEOS.t
6	Article 2. Where a husband and wife are both officials of the European	EU Staff Regulation and CEOS.t
7	the request of the husband or wife, on the basis of the place	EU Staff Regulation and CEOS.t
8	In cases where a husband and wife who are officials ► M112 or other	EU Staff Regulation and CEOS.t
9	In cases where a husband and wife who are officials or other servants	EU Staff Regulation and CEOS.t

Figure 17. KWIC results for the term ‘wife’

Similarly, the term ‘husband’ (Figure 18) appears only in correlation with wife and it occurs only in the EU Staff Regulations, but in no implementing provisions.

Concordance Hits 7		File
Hit	KWIC	
1	where, under the foregoing provisions, a husband and wife employed in the service	EU Staff Regulation and CEOS.t
2	Regulations. ▼ M25 In cases where a husband and wife who are officials ► M112	EU Staff Regulation and CEOS.t
3	new employment. ► M25 In cases where a husband and wife who are officials ► M112	EU Staff Regulation and CEOS.t
4	meaning of Article 2. Where a husband and wife are both officials of	EU Staff Regulation and CEOS.t
5	fixed at the request of the husband or wife, on the basis of	EU Staff Regulation and CEOS.t
6	month. ▼ M25 In cases where a husband and wife who are officials ► M112	EU Staff Regulation and CEOS.t
7	allowance. ▼ M112 In cases where a husband and wife who are officials or	EU Staff Regulation and CEOS.t

Figure 18. KWIC results for the term ‘husband’

This may mean that, besides the positive shifting towards the use of the term ‘spouse’ as described above, the presence of terminologies such as ‘wife’ and ‘husband’ still reveals a clearly gendered language. This could be avoided, in order to foster a more inclusive language to the benefit of LGBTI staff, but also to promote gender mainstreaming. In fact, the two terms and their collocates are also analysed more in-depth in the next chapter. In the data gathered from the AntConc search, the term ‘husband’ is nowhere linked to collocates referring to the family sphere, such as ‘maternity’ for example, as in the case of ‘wife’. Although this seems rather logical since this difference comes from a biological one, the use of these terms should be avoided in favour of more neutral or inclusive terms.

The whole Title III of the EU Charter of Fundamental Rights' structure is devoted to the general principle of equality and non-discrimination. Therefore, in this part of the dissertation, the expressions and lexicon related to this area will be analysed. In particular, the following KWICs are the subject of the AntConc concordances query: 'non-discrimination', 'equality', 'equal opportunities', 'diversity', 'inclusion', 'work-life', 'religion', 'religious', 'cultural' and 'linguistic'. Looking through the EU Charter of Fundamental Rights' lens to find patterns related to non-discrimination, and in particular, to direct references to the word 'discrimination', the concordance hits amounts to eight in the whole Corpus (see Figure 19). As expected, the hits are equally distributed in the Staff Regulation and the anti-harassment policy. In fact, looking in particular to the four hits in the Staff Regulation, it is interesting to see that they are part of an addition to the Staff Regulation included with the revision of 1 May 2004. The text, indexed with the addition marked as 'M112' in the consolidated version, and it also brings the concept of harassment to the legal basis for the first time since the Staff Regulation has been drafted.

Concordance Hits 8		
Hit	KWIC	File
1	deemed to be a form of discrimination . EN EN 2. DESCRIPTION Psychologi	C(2006) 1624-3 Anti-harassment.
2	. Sexual harassment is also treated as discrimination based on gender.15 A range	C(2006) 1624-3 Anti-harassment.
3	actions', relations with former officials», <<Non- discrimination and Equal Opportunities unit», Medi	C(2006) 1624-3 Anti-harassment.
4	. Sexual harassment is, moreover, treated as discrimination based on gender (Article 12a (4)	C(2006) 1624-3 Anti-harassment.
5	application of these Staff Regulations, any discrimination based on any ground such as	EU Staff Regulation and CEOS.t
6	there has been direct or indirect discrimination , the onus shall be on the	EU Staff Regulation and CEOS.t
7	. While respecting the principle of non- discrimination and the principle of proportionalit	EU Staff Regulation and CEOS.t
8	. Sexual harassment shall be treated as discrimination based on gender. Article 12b	EU Staff Regulation and CEOS.t

Figure 19. KWIC results for the term 'discrimination'

What is very interesting to note is the fact that, in the EU HRM Legal framework, the concept of discrimination is directly linked to sexual harassment. In fact, according to the Staff Regulation, "sexual harassment shall be treated as discrimination based on gender" (European Council, 1962, p. 20). This is an important feature of the language with

regard to its narrative of inclusion and the values of the European Union in the different EU Institutions, in particular, vis-à-vis the clear statement of non-discrimination included in Article 2 of the Treaty on European Union:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (European Council, 2016, p. 17)

The term ‘equality’ is present only in the Staff Regulation and there are no hits for the term in any of the implementing provisions (see Figure 20). In the Staff Regulation, it refers to both the principle of equality of European citizens and their equal treatment thereof and, in particular, to the equality between men and women in the workplace. It is important to underline that the use of language to enhance a positive and inclusive work culture was for the first time included in the Staff Regulation in 1998:

With a view to ensuring full equality in practice between men and women in working life, which shall be an essential element to be considered in the implementation of all aspects of these Staff Regulations, the principle of equal treatment shall not prevent the institutions of the European Union from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in careers. (European Council, 1962, p. 12).

It is to be expected that the term ‘equality’ appears in the main regulation, although it would have been more beneficial in fostering equality and diversity within the European Institutions if the term was entrenched in all the implementing provisions, with the aim to embed the European values in the text of the internal policies.

Concordance Hits 4		
Hit	KWIC	File
1	a view to ensuring ensure full equality in practice between men and women	EU Staff Regulation and CEOS.t
2	Member State. The principle of the equality of Union's citizens shall allow	EU Staff Regulation and CEOS.t
3	individual decisions in order to respect equality of treatment, basing itself on the	EU Staff Regulation and CEOS.t
4	Member State. However, the principle of equality of the Union's citizens shall	EU Staff Regulation and CEOS.t

Figure 20. KWIC results for the term ‘equality’

While the reference to equality also includes the equality of nationality and in general it refers to European citizens, the term ‘equal opportunities’ is to be found ten times in the Corpus, where it mostly refers to guaranteeing the same conditions for men and women (see Figure 21). This is possibly due to the beginning of the campaign for equal treatment of women and men, and in fact, these changes in the language of the Staff Regulation can be traced over time.

Concordance Hits 10		
Hit	KWIC	File
1	-General's assistant, welfare officers, the Equal Opportunities unit, the CHSW, the Joint	C(2006) 1624-3 Anti-harassment.
2	, the CHSW, the Joint Committee on Equal Opportunities, representative staff bodies,	C(2006) 1624-3 Anti-harassment.
3	with former officials», «Non-discrimination and Equal Opportunities unit», Medical Service, Centra	C(2006) 1624-3 Anti-harassment.
4	, the Health and Safety Committee, the Equal Opportunities Committee, elected staff bodie	C(2006) 1624-3 Anti-harassment.
5	March 200223 and available on GINA. Equal opportunities The summary of vacant posts	C(2008) 5028-2 Middle managen
6	state that ‘The Commission is an equal opportunities employer’. 11. SPECIFIC INSTR	C(2008) 5028-2 Middle managen
7	Committee and the Joint Committee on Equal Opportunities for Women and Men (COPEC),	C(2009) 10224 Teleworking 2009
8	also contributes to the Commission's equal opportunities strategy. At the end of	C(2009) 10224 Teleworking 2009
9	cooperation with the Joint Committee on Equal Opportunities for Women and Men (COPEC).	C(2014) 2502 Working time.txt
10	Committee, measures and actions to promote equal opportunities for men and women in	EU Staff Regulation and CEOS.t

Figure 21. KWIC results for the expression ‘equal opportunities’

While the expression ‘equal opportunities’ could be extended in meaning not only to the binomial man-woman, it is possible then that it will still take some time to see in the EU HRM Legal Corpus the presence of the terms ‘diversity’ or ‘inclusion’ with the aim to

reinforce the use of inclusive language in the workplace. In fact, the AntConc search shows no hits for ‘diversity’ and just five for ‘inclusion’, as it can be seen in Figure 22.

Concordance Hits 5		File
Hit	KWIC	
1	account the complaints lodged against non-inclusion on the lists. It shall then	C(2013) 2529 Reclassification C/
2	on the jobholder's performance for inclusion in the appraisal report. For function	C(2013) 8589 Appraisal.txt
3	on the jobholder's performance for inclusion in the appraisal report. Countersigning	C(2013) 8589 Appraisal.txt
4	on the jobholder's performance for inclusion in the jobholder's appraisal report.	C(2013) 8589 Appraisal.txt
5	account the complaints lodged against non-inclusion on the lists. It shall then	C(2013) 8968 Promotion of offici

Figure 22. KWIC results for the term ‘inclusion’

Being the motto of the European Union “united in diversity”, it is surprising not to find this term in any of the provisions included the EU HRM Legal Corpus. This is a clear example of the lack of a European-related narrative in the internal provisions for staff working in the Institutions. In the EU Charter of Fundamental Rights, Article 23 – equality between men and women, it is stated the following:

Equality between women and men must be ensured in all areas, including employment, work, and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex. (European Parliament, Council and Commission, 2000, p. 7)

Since work-related policies which could guarantee equality for men and women entail the concept of work-life balance, a query with the KWIC has been run in AntConc. The term ‘work-life’, normally associated with ‘balance’ or ‘measure(s)’, is commonly used in the field of Human Resources Management nowadays. It appeared in the Corpus in 2014 for the first time, with the revision of the implementing provision on working time.

Looking at the results of the query in AntConc only two hits can be found for the term ‘work-life’ (see Figure 23).

Concordance Hits 2		File
Hit	KWIC	
1	. Staff can more easily balance their work-life needs, in particular in situations	C(2014) 2502 Working time.txt
2	the need to ensure a proper work-life balance, requires planning. Managers sha	C(2014) 2502 Working time.txt

Figure 23. KWIC results for the expression ‘work-life’

Both hits for the term ‘work-life’ come from the preamble of the implementing provision on working time (C(2014) 2502), and this text seems to be rather indicative of an evolving pattern towards the use of inclusive language in the EU Institutions:

A flexible approach to working time is an essential component of modern human resources management. Staff can adjust their working hours while taking into consideration the needs of the service. Staff can more easily balance their work-life needs, in particular in situations where their expatriate status does not allow them to rely on family networks. Flexitime contributes positively to gender balance and organisational efficiency in the Commission. Managing working time, while taking into consideration the need to ensure a proper work-life balance, requires planning. Managers shall ensure that continued effective service is provided, and that work is being performed effectively and efficiently. (European Commission, 2014, p. 2)

On the one hand, the implementing provision always refers to the interest of the service, its effectiveness and efficiency. Work-life balance is recognised first as a need of the Staff Member, but such need “requires planning”. At the same time, the Commission recognises the link between a more flexible approach and gender equality, which is an important step forward to equal treatment in the workplace.

Being the European Institutions a secular establishment by nature and by tradition, it is not surprising that the term ‘religion’ is only to be found in the general statement in the Staff Regulation about non-discrimination, directly linked to the EU Charter of Fundamental Rights (Figure 24).

Concordance Hits 1		
Hit	KWIC	File
1	or social origin, genetic features, language, religion or belief, political or any other	EU Staff Regulation and CEOS.t

Figure 24. KWIC results for the term ‘religion’

The secularity of the Institutions and their aim to avoid that individuals are discriminated against on the grounds of religious belief are confirmed by analysing the hits for the term ‘religious’ (Figure 25). The term ‘religious’ is in fact linked only to situations related to marriage ceremony and personal beliefs.

Concordance Hits 9		
Hit	KWIC	File
1	) or at the time of the religious marriage ceremony, (3) or, by way	C(2013) 9051 Leave.txt
2	authority. In the case of a religious marriage ceremony, the above documents m	C(2013) 9051 Leave.txt
3	official certificate issued by the relevant religious authority or any other supporting docume	C(2013) 9051 Leave.txt
4	or at the time of the religious marriage ceremony. The special leave mu	C(2013) 9051 Leave.txt
5	authority. In the case of a religious marriage ceremony, the above documents m	C(2013) 9051 Leave.txt
6	official certificate issued by the relevant religious authority or any other supporting docume	C(2013) 9051 Leave.txt
7	his political, trade union, philosophical or religious activities and views, or to his	EU Staff Regulation and CEOS.t
8	as to race, political, philosophical or religious beliefs, sex or sexual orientation and	EU Staff Regulation and CEOS.t
9	or ethnic origin, political, philosophical or religious beliefs, age or disability, gender or	EU Staff Regulation and CEOS.t

Figure 25. KWIC results for the term ‘religious’

At the same time the term ‘cultural’ register only one hit in the EU HRM Legal Corpus, with no references in the main legislation, i.e. the Staff Regulations (see Figure 26). Given the scarcity of references to the ‘cultural’ sphere in the use of language, this finding does not reflect the presence of an inclusive language vis-à-vis cultural diversity.

Concordance Hits 1		
Hit	KWIC	File
1	range of socio-economic, organisational and cultural factors, Violence of different forms in	C(2006) 1624-3 Anti-harassment.

Figure 26. KWIC results for the term ‘cultural’

Regarding the terminology related to linguistic diversity, interestingly the only reference to the term ‘linguistic’ appears related to practical arrangements referring to recruitment and job titles (Figure 27). From the point of view of a person who is external to the working environment of the European Union, this reference as only linked to the job titles of the different positions envisaged in the Staff Regulation may only underpin the peculiarity of the EU Institutions work, as a machine working in 24 different languages.

Concordance Hits 14		File
Hit	KWIC	
1	r professional training, professional experience, linguistic knowledge and the closing date for	C(2013) 9049 Engagement TA.tx
2	and analytical as well as to linguistic and scientific duties. Function group A	EU Staff Regulation and CEOS.t
3	and organisation of the assessment of linguistic ability in order to ensure that	EU Staff Regulation and CEOS.t
4	Administrator/ C*2 Secretary/office clerk Linguistic Administrator C*3 Secretary/office cl	EU Staff Regulation and CEOS.t
5	Administrator/ C*5 Secretary/office clerk Linguistic Administrator C*6 Secretary/office cl	EU Staff Regulation and CEOS.t
6	rk A*7 Administrator/ Research Administrator/ Linguistic Administrator C*7 Secretary/office cl	EU Staff Regulation and CEOS.t
7	rk A*8 Administrator/ Research Administrator/ Linguistic Administrator A*9 Head of unit/	EU Staff Regulation and CEOS.t
8	f unit/ Administrator/ Research Administrator/ Linguistic Administrator A*10 Head of unit	EU Staff Regulation and CEOS.t
9	of unit Administrator/ Research Administrator/ Linguistic Administrator A*11 Head of unit	EU Staff Regulation and CEOS.t
10	of unit Administrator/ Research Administrator/ Linguistic Administrator A*12 Head of unit	EU Staff Regulation and CEOS.t
11	of unit Administrator/ Research Administrator/ Linguistic Administrator A*13 Head of unit	EU Staff Regulation and CEOS.t
12	of unit Administrator/ Research Administrator/ Linguistic Administrator A*14 Research Adminis	EU Staff Regulation and CEOS.t
13	c Administrator A*14 Research Administrator/ Linguistic Administrator Administrator/Head of un	EU Staff Regulation and CEOS.t
14	IV 13 to 18 Administrative, advisory, linguistic and equivalent technical tasks, perform	EU Staff Regulation and CEOS.t

Figure 27. KWIC results for the term ‘linguistic’

Furthermore, the terminology in the EU HRM Legal Corpus related to gender has been considered. To establish the KWIC, the EU Charter of Fundamental Rights has been consulted, in particular with reference to Article 23 of Title III – gender equality. The terms which have been used to analyse the concordances and which were the subject of a query in AntConc are the following: ‘sex’, ‘sexual’, ‘gender’, ‘men’, ‘women’, ‘he’, ‘she’, ‘he or she’, ‘he/she’, ‘she/he’, ‘him’, ‘her’, ‘him/her’, ‘him or her’, ‘his’, ‘her’, ‘hers’, ‘his/her’, ‘his or her’, ‘they’ and ‘chairman’. With regard to the terminology and features related to gender equality, in the query in AntConc the term related to ‘sex’ and ‘sexual’ has been included. The reason for this choice lies in Article 1c of the Staff Regulation, which clearly justifies the use of the inclusive male pronoun or adjective:

Any reference in these Staff Regulations to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa unless the context clearly indicates otherwise. (European Council, 1962, p. 12)

This text triggers the interest because of the choice of words as, rather than promoting a shift to using gender-neutral language, the generic masculine pronouns are considered to refer to both genders. The decision to consider that any reference ‘to a person of the male sex shall be deemed also to constitute a reference to a person of the same sex’, may give the impression that the female gender is the second sex. This idea of using the generic masculine pronouns for referring to both sexes seems to go against the grain of egalitarian policies.

With regard to the use of the word ‘sex’, Figure 28 shows the results found in Art 1c, besides the instances where the word is related to the definition of sexual harassment in the Staff Regulation and in the relevant implementing provision. In fact, the term ‘sexual’, as reported in Figure 29, is only present in the context of the definition of sexual harassment.

Concordance Hits 18		File
Hit	KWIC	
1	harassment and harassment related to the seX of a person. ⁹ Up until	C(2006) 1624-3 Anti-harassment.
2	, sexual harassment means conduct relating to sex which is unwanted by the person	C(2006) 1624-3 Anti-harassment.
3	), and involve persons of the opposite sex and of the same seX. The	C(2006) 1624-3 Anti-harassment.
4	opposite sex and of the same seX. The essential characteristic of sexual harass	C(2006) 1624-3 Anti-harassment.
5	to a person of the male seX shall be deemed also to constitute	C(2013) 9046 Part time.txt
6	to a person of the female sex, and Vice-Versa, unless the contet	C(2013) 9046 Part time.txt
7	to a person of the male sex shall be deemed also to constitute	C(2015)9720 Part Time.txt
8	to a person of the female sex, and Vice— Versa, unless the content	C(2015)9720 Part Time.txt
9	to a person of the male sex shall be deemed also to constitute	C(2016)3214 Adviser Functions.t
10	to a person of the female sex, and Vice versa, unless the context	C(2016)3214 Adviser Functions.t
11	to a person of the male sex shall be deemed also to constitute	EU Staff Regulation and CEOS.t
12	to a person of the female sex, and vice-versa, unless the context	EU Staff Regulation and CEOS.t
13	based on any ground such as sex, race, colour, ethnic or social origin,	EU Staff Regulation and CEOS.t
14	it easier for the under-represented sex to pursue a vocational activity or	EU Staff Regulation and CEOS.t
15	. ‘Sexual harassment’ means conduct relating to sex which is unwanted by the person	EU Staff Regulation and CEOS.t
16	to a person of the male sex shall be deemed also to constitute	EU Staff Regulation and CEOS.t
17	to a person of the female sex, and vice-versa, unless the context	EU Staff Regulation and CEOS.t
18	e, political, philosophical or religious beliefs, sex or sexual orientation and without reference	EU Staff Regulation and CEOS.t

Figure 28. KWIC results for the term ‘sex’

Concordance Hits 92		File
Hit	KWIC	
1	erson and preventing psychological harassment and sexual harassment	EN EN COMMISSION DECISION of C(2006) 1624-3 Anti-harassment.
2	rson and preventing psychological harassment and sexual harassment	THE COIVIMMISSION OF THE EUROP C(2006) 1624-3 Anti-harassment.
3	timidation at work. Psychological harassment and sexual harassment at work are serious problems	C(2006) 1624-3 Anti-harassment.
4	”,4 dealing with the issue of sexual harassment, should be updated and consolida	C(2006) 1624-3 Anti-harassment.
5	. EN EN (4) Psychological harassment and sexual harassment stem from different issues but	C(2006) 1624-3 Anti-harassment.
6	of prevention of psychological harassment and sexual harassment within the context of the	C(2006) 1624-3 Anti-harassment.
7	precise and widen it to cover sexual harassment; - take appropriate action (if	C(2006) 1624-3 Anti-harassment.
8	is found guilty of psychological or sexual harassment at the end of a	C(2006) 1624-3 Anti-harassment.
9	erson and preventing psychological harassment and sexual harassment” annexed to this Decision is	C(2006) 1624-3 Anti-harassment.
10	PREVENTING PSYCHOLOGICAL HARASSMENT AND SEXUAL HARASSMENT 1. INTRODUCTION As an et	C(2006) 1624-3 Anti-harassment.
11	and now explicitly condemn psychological and sexual harassment (Article 12a).5 It is	C(2006) 1624-3 Anti-harassment.
12	distress. In fact, psychological harassment and sexual harassment fall within the broader issue	C(2006) 1624-3 Anti-harassment.
13	from any form of psychological or sexual harassment. Management (at both middle and	C(2006) 1624-3 Anti-harassment.
14	not conducive to psychological harassment and sexual harassment, or at least one in	C(2006) 1624-3 Anti-harassment.
15	be followed in the event of sexual harassment.8 Other Community policy provisi	C(2006) 1624-3 Anti-harassment.
16	) psychological harassment and 2% (3 million) sexual harassment. Survey carried out in the	C(2006) 1624-3 Anti-harassment.
17	2002/73/EC which explicitly prohibits sexual harassment and harassment related to the	C(2006) 1624-3 Anti-harassment.
18	feels they are a Victim of sexual harassment access to the informal procedure	C(2006) 1624-3 Anti-harassment.
19	EN 2. DESCRIPTION Psychological harassment and sexual harassment stem from different issues but	C(2006) 1624-3 Anti-harassment.

Figure 29. KWIC results for the term ‘sexual’

At the same time, the term ‘gender’ is present ten times in the EU HRM Legal Corpus. It mainly refers to the principles of non-discrimination and gender balance and equality, as can be seen in Figure 30. It is important to notice that the occurrences of the term in the implementing provisions are related to working time, as described in the previous chapter. This clearly reveals that, although gender sensitivity is disappointingly missing in the preamble of important policies and rules related to career, for example, the one on reclassification, middle managers and the function of advisers, the use of the above mentioned three terms, ‘sex’, ‘sexual’ and ‘gender’ means that the language of the EU HRM Legal Corpus is shifting towards a more inclusive status. Nonetheless, an increased level of sensitivity in such sense would be welcome and this could be achieved, for example, by including the terminology in the preambles of the different Implementing Provisions.

Concordance Hits 10		File
Hit	KWIC	
1	also treated as discrimination based on gender .15 A range of different types	C(2006) 1624-3 Anti-harassment.
2	staff. It will also ensure a gender balance. Counsellors are to be appointed	C(2006) 1624-3 Anti-harassment.
3	who meets the key criteria (language, gender , DG, etc.) specified. As a matter	C(2006) 1624-3 Anti-harassment.
4	, moreover, treated as discrimination based on gender (Article 12a (4) of the Staff	C(2006) 1624-3 Anti-harassment.
5	ily networks. Flexitime contributes positively to gender balance and organisational efficiency in th	C(2014) 2502 Working time.txt
6	Patina, ITALY (15) European Institute for Gender Equality (EIGE) Gedimino pr. 16 01103	C(2016)3323 Establishment of a !
7	be treated as discrimination based on gender . Article 12b 1. Subject to Article	EU Staff Regulation and CEOS.t
8	on merit and having regard to gender and geographical balance, on the basis	EU Staff Regulation and CEOS.t
9	at least two members of each gender ▼ B Article 4 The appointing authority	EU Staff Regulation and CEOS.t
10	or religious beliefs, age or disability, gender or sexual orientation and without reference	EU Staff Regulation and CEOS.t

Figure 30. KWIC results for the term 'gender'

With regard to the term 'men' and 'women', it should be noted that no singular of the two terms present in the Corpus and that these words are most of the time in correlation to each other, either in the form 'men and women' or 'women and men'. It seems that the bundle has not experienced any diachronic evolution, as both forms appear in different rules over different periods of time, as shown in Figure 31.

Concordance Hits 11		File
Hit	KWIC	
1	for the dignity of women and men at the workplace. It has committed	C(2006) 1624-3 Anti-harassment.
2	of the dignity of women and men at work,since October 1990, the	C(2006) 1624-3 Anti-harassment.
3	the principle of equal treatment for men and women as regards access to	C(2006) 1624-3 Anti-harassment.
4	affects the dignity of women and men at the workplace. Sexual harassment is	C(2006) 1624-3 Anti-harassment.
5	61% of the alleged harassers were men . The largest proportion of Victims ⁴¹ were	C(2006) 1624-3 Anti-harassment.
6	on Equal Opportunities for Women and Men (COPEC), Whereas: (1) (2) Teleworking is	C(2009) 10224 Teleworking 2009
7	has been drafted in a coherent men in accordance with these general implementing	C(2013) 8589 Appraisal.txt
8	on Equal Opportunities for Women and Men (COPEC). The implementation of this Decision	C(2014) 2502 Working time.txt
9	there is a balanced representation of men and women in the pre-selection	C(2016)3214 Adviser Functions.t
10	ensure full equality in practice between men and women in working life ► M112 ,	EU Staff Regulation and CEOS.t
11	actions to promote equal opportunities for men and women in the areas covered	EU Staff Regulation and CEOS.t

Figure 31. KWIC results for the term 'men'

The term 'women' is never used in the singular and hits three times more than the word 'men' in the EU HRM Legal Corpus. This term is in particular used for references to maternity leave (Figure 32), which again reveals that they are not using an inclusive language that may contribute to greater gender equality and less discrimination towards maternity. The association of the feminine term 'women' with the idea of maternity leave promotes and perpetuates prejudices against women in the workplace, as they seem to be

the ones who are devoted to childcare. Still, the text does not use the more inclusive term of ‘paternal leave’ that would be in consonance to parental leave policies that are trying to extend childcare right to the fathers. In this context, it is important to mention again Article 1d.2 of the Staff Regulation, which states:

The appointing authorities of the institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas. (European Council, 1962, p. 13)

This is the only instance where gender equality actually focuses on the situation of women and addresses the necessity of adopting the appropriate measures to rectify any inequality that may hinder their opportunities in the workplace. As described above, the text is an addition to the Staff Regulation, which dated back to 2013, and was part of one of the biggest reforms of the Staff Regulation.

Concordance Hits 15		File
Hit	KWIC	
1	guarantee respect for the dignity of women and men at the workplace. It	C(2006) 1624-3 Anti-harassment.
2	the protection of the dignity of women and men at work,since October	C(2006) 1624-3 Anti-harassment.
3	of equal treatment for men and women as regards access to employment, vocational	C(2006) 1624-3 Anti-harassment.
4	that it affects the dignity of women and men at the workplace. Sexual	C(2006) 1624-3 Anti-harassment.
5	harassment in the informal procedure were women while 61% of the alleged harassers	C(2006) 1624-3 Anti-harassment.
6	Joint Committee on Equal Opportunities for Women and Men (COPEC), Whereas: (1) (2)	C(2009) 10224 Teleworking 2009
7	maternity leave and maternity pay for women Whose maternity leave begins before the	C(2013) 9020 Maternity leave.tx
8	maternity leave and maternity pay for women whose maternity leave begins before the	C(2013) 9020 Maternity leave.tx
9	Joint Committee on Equal Opportunities for Women and Men (COPEC). The implementation of	C(2014) 2502 Working time.txt
10	a balanced representation of men and women in the pre-selection panel. Using	C(2016)3214 Adviser Functions.t
11	equality in practice between men and women in working life ► M112 , which shall	EU Staff Regulation and CEOS.t
12	promote equal opportunities for men and women in the areas covered by these	EU Staff Regulation and CEOS.t
13	facto inequalities as hamper opportunities for women in these areas. ▼M131 4. For	EU Staff Regulation and CEOS.t
14	Annex V. ▼M131 Article 58 Pregnant women shall, in addition to the leave	EU Staff Regulation and CEOS.t
15	salary for his grade and step. Women whose maternity leave begins before the	EU Staff Regulation and CEOS.t

Figure 32. KWIC results for the term ‘women’

In the context of the investigation on the features of inclusion in the language of the EU HRM Legal Corpus, a particular focus of this research is dedicated to the use of the personal pronouns and possessives in the female and male form. The analysis of their use aims to unravel the patterns behind the discourse on gender in the EU HRM Legal Corpus, which will be dealt with in the next chapter. Starting with the male personal pronoun subject ‘he’, it is possible to see that the concordance hits amount to 506 hits (Figure 32), which is not surprising, given the caveat expressed in Article 1c as quoted above.

Concordance Hits 506		File
Hit	KWIC	
1	Article 55b of the Staff Regulations. He may do so by applying for	C(2004) 1314 Job sharing (1).txt
2	months' notice. In the latter case, he may be transferred or reassigned to	C(2004) 1314 Job sharing (1).txt
3	out in Articles 2 and 3, he shall be replaced by the designated	C(2004) 1318 Commission driver
4	reserve driver are not fully used, he shall remain available to the Commission'	C(2004) 1318 Commission driver
5	) of the Staff Regulations, if s/he is physically and mentally able to	C(2004) 1318 Recruitment of dis:
6	a mental or physical impairment, s/he shall state in his/her report	C(2004) 1318 Recruitment of dis:
7	, as determined below, is provided. S/He shall also state whether in his/	C(2004) 1318 Recruitment of dis:
8	months after the date on which he attains this age. The request must	C(2004) 1364 Calculation of pens
9	months of the date on which he is notified of the amount to	C(2004) 1364 Calculation of pens
10	of the child can prove that he or she actually and habitually lives.	C(2004) 1364 Family allowances.
11	's brother or sister, even if he or she has no means whatsoever,	C(2004) 1364 Household allowan
12	official's household and 20% where he or she does; for the remaining	C(2004) 1364 Persons to be treat
13	child is requested or of which he or she is the usufructuary. This	C(2004) 1364 Persons to be treat
14	, the official must provide evidence that he or she is contributing regularly to	C(2004) 1364 Persons to be treat
15	former member of a European institution. He/she shall be remunerated on a	C(2004) 1588 Disciplinary proced
16	certificate promptly to the Medical Service he or she must notify or have	C(2004) 1597 Absences of sickne
17	the official is unable to travel, he or she must notify the medical	C(2004) 1597 Absences of sickne
18	person concerned is fit to work, he or she shall immediately inform the	C(2004) 1597 Absences of sickne
19	grounds for a period during which he or she has already been authorised	C(2004) 1597 Absences of sickne
20	next time seeking on medical grounds, he must ask the Medical Service	C(2004) 1597 Absences of sickne

Figure 33. KWIC results for the term ‘he’

What is interesting to notice is that, although the reference to ‘he’ is spelt out rather adamantly in Article 1c, the term ‘she’ also appears in the EU HRM Legal Corpus, in particular in the implementing rules which do not refer to the gender male-only. The term though appears, as shown in Figure 34, in concordance with the term ‘he’ almost at all times.

As explained in Chapter 4 of this dissertation, the use of the sole masculine pronoun in the Staff Regulation clearly contributes to this decrease in gender sensitivity in the

Corpus, by contributing to the creation of a prototypical image of an EU Staff Member as a male, and to the creation of a *null gender*, which means assuming that the default and standard gender is male and not female (Fuertes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015). As masculine forms, even when they are used in a generic sense, usually activate male representations, the visibility of women within the EU legal framework is drastically reduced.

Concordance Hits 158		File
Hit	KWIC	
1	child can prove that he or she actually and habitually lives. Article 2	C(2004) 1364 Family allowances.
2	or sister, even if he or she has no means whatsoever, the allowance	C(2004) 1364 Household allowan
3	household and 20% where he or she does; for the remaining person(s),	C(2004) 1364 Persons to be treat
4	requested or of which he or she is the usufructuary. This rental value	C(2004) 1364 Persons to be treat
5	must provide evidence that he or she is contributing regularly to the maintenance	C(2004) 1364 Persons to be treat
6	member of a European institution. He/ she shall be remunerated on a daily	C(2004) 1588 Disciplinary proced
7	to the Medical Service he or she must notify or have someone notify	C(2004) 1597 Absences of sickne
8	is unable to travel, he or she must notify the medical officer immediately.	C(2004) 1597 Absences of sickne
9	is fit to work, he or she shall immediately inform the official/other	C(2004) 1597 Absences of sickne
10	a period during which he or she has already been authorised to work	C(2004) 1597 Absences of sickne
11	an arbitrator and conciliator. He or she acts neutrally and attempts to find	C(2006) 1624-3 Anti-harassment.
12	Directorate-General or Directorate. He or she shall define the unit work programme,	C(2008) 5028-2 Middle managen
13	the appointing authority that he or she has already acquired the management qualificat	C(2008) 5028-2 Middle managen
14	on the proposed appointments. He or she shall then inform the Director-General	C(2008) 5028-2 Middle managen
15	/or the unit which he or she is managing. The mid-term reView	C(2008) 5028-2 Middle managen
16	of the department where he or she will take up new duties. If	C(2008) 5028-2 Middle managen
17	officer accordingly so that he or she can authorise them where they are	C(2008) 6215 Mission guide.txt
18	member of staff concerned, he or she will be liable for the expenses	C(2008) 6215 Mission guide.txt
19	's GP certifying that he or she is capable of teleworking must be	C(2009) 10224 Teleworking 2009

Figure 34. KWIC results for the term 'she'

At the same time, in many of the implementing provision, the term 'she' is linked to 'he': in most of the instances, the bundle consists of 'he or she' (Figure 35), in few cases as 'he/she' (Figure 36), never as 'she/he'. Besides the use of masculine pronouns in the Staff Regulations, the shift to a more inclusive language is visible in the most recent implementing provisions.

Concordance Hits 91		File
Hit	KWIC	
1	of the child can prove that he or she actually and habitually lives.	C(2004) 1364 Family allowances.
2	's brother or sister, even if he or she has no means whatsoever,	C(2004) 1364 Household allowan
3	official's household and 20% where he or she does; for the remaining	C(2004) 1364 Persons to be treat
4	child is requested or of which he or she is the usufructuary. This	C(2004) 1364 Persons to be treat
5	, the official must provide evidence that he or she is contributing regularly to	C(2004) 1364 Persons to be treat
6	certificate promptly to the Medical Service he or she must notify or have	C(2004) 1597 Absences of sickne
7	the official is unable to travel, he or she must notify the medical	C(2004) 1597 Absences of sickne
8	person concerned is fit to work, he or she shall immediately inform the	C(2004) 1597 Absences of sickne
9	grounds for a period during which he or she has already been authorised	C(2004) 1597 Absences of sickne
10	acts as an arbitrator and conciliator. He or she acts neutrally and attempts	C(2006) 1624-3 Anti-harassment.
11	of the Directorate-General or Directorate. He or she shall define the unit	C(2008) 5028-2 Middle managen
12	demonstrate to the appointing authority that he or she has already acquired the	C(2008) 5028-2 Middle managen
13	the department on the proposed appointments. He or she shall then inform the	C(2008) 5028-2 Middle managen
14	individual and/or the unit which he or she is managing. The mid-	C(2008) 5028-2 Middle managen
15	concerned and of the department where he or she will take up new	C(2008) 5028-2 Middle managen
16	the authorising officer accordingly so that he or she can authorise them where	C(2008) 6215 Mission guide.txt
17	of the member of staff concerned, he or she will be liable for	C(2008) 6215 Mission guide.txt
18	the applicant's GP certifying that he or she is capable of teleworking	C(2009) 10224 Teleworking 2009
19	be engaged only on condition that he or she passes the selection procedures	C(2011) 1264 Engagement CA 2f

Figure 35. KWIC results for the expression 'he or she'

Concordance Hits 61		File
Hit	KWIC	
1	former member of a European institution. He/she shall be remunerated on a	C(2004) 1588 Disciplinary proced
2	the relevant period and the remuneration he/she would receive if he/she	C(2009)7839 Temporary occupat
3	remuneration he/she would receive if he/she was promoted to the reference	C(2009)7839 Temporary occupat
4	the relevant period and the remuneration he/she would receive if he/she	C(2009)7839 Temporary occupat
5	remuneration he/she would receive if he/she was newly recruited in the	C(2009)7839 Temporary occupat
6	from performing the tasks for which he/she had requested family leave. In	C(2010) 7494 Family leave.txt
7	from performing the tasks for which he/she had requested parental leave. In	C(2010) 7572 Parental Leave.txt
8	with a dependent child for which he/she has primary responsibility, and who	C(2010) 7572 Parental Leave.txt
9	responsibility alone, on condition that: o he/she is not married or, although	C(2010) 7572 Parental Leave.txt
10	married, is legally separated, and o he/she is not in a registered	C(2010) 7572 Parental Leave.txt
11	declare on his/her honour that he/she has sole primary responsibility for	C(2010) 7572 Parental Leave.txt
12	r of another European international organisation. He/she shall be remunerated on a	C(2010) 8180 Disciplinary proced
13	other than the language for which he/she has produced evidence of thorough	C(2011) 1264 Engagement CA 2f
14	, is staying at a hotel because he/she has not yet found an	C(2013) 8965 Housing policy non
15	automatic renewal, of his lease contract. He/she shall also immediately inform the	C(2013) 8965 Housing policy non
16	education in the country of which he/she is a national and working	C(2013) 8971 Education allowanc
17	of employment until the date when he/she leaves definitively. During the posting,	C(2013) 9032 Living conditions.tb
18	entitlement for the grade to which he/she is seconded. On entry into	C(2013) 9051 Leave.txt
19	/Director, or the official to whom he/she has delegated responsibility, in the	C(2013) 9051 Leave.txt

Figure 36. KWIC results for the expression 'he/she'

This last variation may be due to a different writing style of the drafter. This hypothesis seems to be validated with the search for the variant 's/he', which is present only in one implementing provision on recruitment (Figure 37). This also may be due to the different ways of implementing inclusive language policies over time, showing a preference for particular terms so as to promote greater gender equality.

Concordance Hits 3		File
Hit	KWIC	
1	(e) of the Staff Regulations, if s/he is physically and mentally able	C(2004) 1318 Recruitment of dis:
2	has a mental or physical impairment, s/he shall state in his/her	C(2004) 1318 Recruitment of dis:
3	accommodation, as determined below, is provided. S/He shall also state whether in	C(2004) 1318 Recruitment of dis:

Figure 37. KWIC results for the expression 's/he'

A similar analysis was conducted with regard to the use of the personal pronouns 'him' (Figure 38) and 'her' (Figure 39). The concordance hits in the Corpus amount to 119 and 263, respectively. The difference in the number of hits could be due to the use of the term 'her' as both personal pronoun and as possessive. Again, the use of male and female pronouns and adjectives rather than other gender-neutral pronouns reveals that the language used in the EU HRM Legal Corpus does not comply with the policies of the EU Institutions regarding non-sexist use of language.

Concordance Hits 119		File
Hit	KWIC	
1	on the post currently occupied by him; in that case only the vacant "	C(2004) 1314 Job sharing (1).txt
2	is or is not suitable for him/her or is only suitable if	C(2004) 1318 Recruitment of dis:
3	all the facts which relate to him or her. The conclusions sha|| record	C(2004) 1588 Disciplinary proced
4	on the preliminary allegations made against him or her. Article 6 Representation of	C(2004) 1588 Disciplinary proced
5	reasoned attestation from the doctor treating him. Part-time working on medical grounds	C(2004) 1597 Absences of sickne
6	a third party has not notified him on the first day of absence,	C(2004) 1597 Absences of sickne
7	it take a decision relating to him, or a complaint against an act	C(2006) 1624-3 Anti-harassment.
8	complaint against an act adversely affecting him). The Appeals unit, the Commission's	C(2006) 1624-3 Anti-harassment.
9	intervene in all cases submitted to him/her. In cases of psychological harassment	C(2006) 1624-3 Anti-harassment.
10	each official or staff member consulting him/her. If necessary and in the	C(2006) 1624-3 Anti-harassment.
11	their line manager and shall inform him or her of any changes. It	C(2009) 10224 Teleworking 2009
12	leave or for other reasons preventing him/her from exercising his function. The	C(2009)7839 Temporary occupat
13	meaning of the CEOS to assist him or her during the dialogue. The	C(2011) 1264 Engagement CA 20
14	vote relating to a report concerning him or her. The duties of reporting	C(2011) 1264 Engagement CA 20
15	meaning of the CEOS to assist him or her during the dialogue. Within	C(2011) 1264 Engagement CA 20
16	merit in the grade accumulated by him or her for the period covered	C(2011) 1264 Engagement CA 20
17	lengthy stay in hospital) which prevented him/her from submitting the request within	C(2013) 4876 Assistance with hor
18	than the reporting officer, to assist him during the dialogue. The appeal assessor	C(2013) 8589 Appraisal.txt
19	than the reporting officer, to assist him at the dialogue. Within 20 working	C(2013) 8589 Appraisal.txt

Figure 38. KWIC results for the expression 'him'

Concordance Hits 263		File
Hit	KWIC	
1	to the exercise of his or her duties or on the journey to	C(2004) 1318 Commission driver
2	2 In the exercise of his/ her power to undertake a medical examination	C(2004) 1318 Recruitment of dis:
3	, s/he shall state in his/ her report whether the post for which	C(2004) 1318 Recruitment of dis:
4	or is not suitable for him/ her or is only suitable if reasonable	C(2004) 1318 Recruitment of dis:
5	shall also state whether in his/ her opinion another post in the same	C(2004) 1318 Recruitment of dis:
6	the essential functions of his or her job when reasonable accommodation is made,	C(2004) 1318 Recruitment of dis:
7	the essential functions of his or her job when reasonable accommodation is made.	C(2004) 1318 Recruitment of dis:
8	applies, or a representative on his/ her behalf, may make a written request	C(2004) 1318 Recruitment of dis:
9	person may also assert his or her right to be paid the family	C(2004) 1364 Family allowances.
10	unable to provide for his or her own upkeep. These criteria are defined	C(2004) 1364 Household allowan
11	family, calculated by dividing his or her annual income by twelve. Article 10	C(2004) 1364 Household allowan
12	having legal responsibility for his or her maintenance means income of any kind,	C(2004) 1364 Persons to be treat
13	the taxable amount of his or her remuneration, calculated on the basis of	C(2004) 1364 Persons to be treat
14	Director of IDOC or his or her deputy should be designated for that	C(2004) 1588 Disciplinary proced
15	facts which relate to him or her . The conclusions shall record that opinion.	C(2004) 1588 Disciplinary proced
16	decision be placed in his or her personal file. The closure of the	C(2004) 1588 Disciplinary proced
17	preliminary allegations made against him or her . Article 6 Representation of the appointing	C(2004) 1588 Disciplinary proced
18	Director of IDOC or his or her deputy. 2. Where an administrative inquiry	C(2004) 1588 Disciplinary proced
19	a detailed attestation from his or her doctor certifying that they are medically	C(2004) 1597 Absences of sickne

Figure 39. KWIC results for the expression 'her'

In the Corpus, it is also possible to find the variation 'him/her' (Figure 40) or 'him or her' (Figure 41). As for the use of the personal pronouns described above, this may be due to the different drafters of the different policies in the EU HRM Legal Corpus and also to what was a trend at the moment in terms of inclusive language (Fuentes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015; European Parliament, 2018).

Concordance Hits 9		File
Hit	KWIC	
1	is or is not suitable for him/her or is only suitable if	C(2004) 1318 Recruitment of dis:
2	intervene in all cases submitted to him/her . In cases of psychological harassment	C(2006) 1624-3 Anti-harassment.
3	each official or staff member consulting him/her . If necessary and in the	C(2006) 1624-3 Anti-harassment.
4	leave or for other reasons preventing him/her from exercising his function. The	C(2009)7839 Temporary occupat
5	lengthy stay in hospital) which prevented him/her from submitting the request within	C(2013) 4876 Assistance with ho
6	superior (or the official authorised by him/her) in the leave management application	C(2013) 9051 Leave.txt
7	a case which does not concern him/her directly or personally, one working	C(2013) 9051 Leave.txt
8	equivalent amount to be paid to him/her or deducted from his/ her	C(2013) 9051 Leave.txt
9	to the official or reimbursed by him/her is calculated as a proportion	C(2013) 9051 Leave.txt

Figure 40. KWIC results for the expression 'him/her'

Concordance Hits 8		File
Hit	KWIC	
1	all the facts which relate to him or her . The conclusions shall record	C(2004) 1588 Disciplinary proced
2	on the preliminary allegations made against him or her . Article 6 Representation of	C(2004) 1588 Disciplinary proced
3	their line manager and shall inform him or her of any changes. It	C(2009) 10224 Teleworking 2009
4	meaning of the CEOS to assist him or her during the dialogue. The	C(2011) 1264 Engagement CA 2(
5	vote relating to a report concerning him or her . The duties of reporting	C(2011) 1264 Engagement CA 2(
6	meaning of the CEOS to assist him or her during the dialogue. Within	C(2011) 1264 Engagement CA 2(
7	merit in the grade accumulated by him or her for the period covered	C(2011) 1264 Engagement CA 2(
8	meaning of the CEOS to assist him or her during the dialogue. This	C(2014) 2226 Appraisal CA.txt

Figure 41. KWIC results for the expression 'him or her'

Similarly, the pronoun ‘his’ counts 880 hits (Figure 42), possibly due to the double use as adjective and pronoun, while the pronoun ‘hers’ interestingly counts no hits.

Concordance Hits 880		File
Hit	KWIC	
1	work related to the exercise of his or her duties or on the	C(2004) 1318 Commission driver
2	that Member or a member of his Office is also on mission when	C(2004) 1318 Commission driver
3	. Article 2 In the exercise of his/her power to undertake a medical	C(2004) 1318 Recruitment of dis
4	impairment, s/he shall state in his/her report whether the post for	C(2004) 1318 Recruitment of dis
5	/He shall also state whether in his/her opinion another post in the	C(2004) 1318 Recruitment of dis
6	can perform the essential functions of his or her job when reasonable accommodation	C(2004) 1318 Recruitment of dis
7	still perform the essential functions of his or her job when reasonable accommodation	C(2004) 1318 Recruitment of dis
8	4 applies, or a representative on his/her behalf, may make a written	C(2004) 1318 Recruitment of dis
9	; that other person may also assert his or her right to be paid	C(2004) 1364 Family allowances.
10	; and is unable to provide for his or her own upkeep. These criteria	C(2004) 1364 Household allowan
11	official's family, calculated by dividing his or her annual income by twelve.	C(2004) 1364 Household allowan
12	the persons having legal responsibility for his or her maintenance means income of	C(2004) 1364 Persons to be treat
13	: 20% of the taxable amount of his or her remuneration, calculated on the	C(2004) 1364 Persons to be treat
14	and the Director of IDOC or his or her deputy should be designated	C(2004) 1588 Disciplinary proced
15	that that decision be placed in his or her personal file. The closure	C(2004) 1588 Disciplinary proced
16	by the Director of IDOC or his or her deputy. 2. Where an	C(2004) 1588 Disciplinary proced
17	or in a detailed attestation from his or her doctor certifying that they	C(2004) 1597 Absences of sickne
18	reasons attributable to the person concerned, his or her absence will be regarded	C(2004) 1597 Absences of sickne
19	, the person concerned may not leave his or her place of employment, failing	C(2004) 1597 Absences of sickne

Figure 42. KWIC results for the term ‘his’

Apart from the use of ‘he/she’ in the Corpus, there are other forms of the use of the possessive, such as ‘his/her’, that have been analysed, as shown in Figure 43.

Concordance Hits 95		File
Hit	KWIC	
1	. Article 2 In the exercise of his/her power to undertake a medical	C(2004) 1318 Recruitment of dis;
2	impairment, s/he shall state in his/her report whether the post for	C(2004) 1318 Recruitment of dis;
3	/He shall also state whether in his/her opinion another post in the	C(2004) 1318 Recruitment of dis;
4	4 applies, or a representative on his/her behalf, may make a written	C(2004) 1318 Recruitment of dis;
5	non bureaucratic manner. The Mediator and his/her deputies are appointed by the	C(2006) 1624-3 Anti-harassment.
6	guidelines for policies and actions to his/her unit on the basis of	C(2008) 5028-2 Middle managen
7	substantially greater than those involved in his/her own post. Only the difference	C(2009)7839 Temporary occupat
8	substantially greater than those involved in his/her own post for a substantial	C(2009)7839 Temporary occupat
9	the benefit on the basis of his/her post of assignment, the remuneration	C(2009)7839 Temporary occupat
10	allowed to take family leave at his/her own request. The starting date	C(2010) 7494 Family leave.txt
11	to the Appointing Authon'ty through his/her immediate superior at least one	C(2010) 7494 Family leave.txt
12	otherwise agreed between the official and his/her department. Article 3 - Family	C(2010) 7494 Family leave.txt
13	granted full-time parental leave during his/her probationary period, the probationary peri	C(2010) 7572 Parental Leave.txt
14	by the official/other servant to his/her immediate superior for an opinion	C(2010) 7572 Parental Leave.txt
15	otherwise agreed between the official and his/her department. Article 3 - Parental leave	C(2010) 7572 Parental Leave.txt
16	a single parent must declare on his/her honour that he/she has	C(2010) 7572 Parental Leave.txt
17	member shall be invited to consult his/her reclassification file. Reclassification wi	C(2013) 2529 Reclassification C/
18	family shall be taken to be his/her spouse or stable non-marital	C(2013) 4876 Assistance with hor
19	Annex VII to the Staff Regulations, his/her dependent children, or any other	C(2013) 4876 Assistance with hor

Figure 43. KWIC results for the expression ‘his/her’

All the data obtained, as reported in the above figures, show that the EU HRM Legal Corpus has not fully achieved gender neutrality in the use of language. However, there are instances of non-sexist, gender-neutral language in the EU HRM Legal Corpus, where the terms ‘he’ or ‘she’ have been replaced by the more gender neutral ‘they’. In the Corpus the term ‘they’ counts in fact 322 hits (Figure 44). It is worth noting though that the use of ‘they’ is not always linked to the aim of constructing a gender-neutral text since in many instances the term is used to simply refer to plural subjects (children in most cases). It is also interesting to notice that it seems to be no evolution in the use of ‘they’ a more inclusive form to replace the pronouns ‘he’ or ‘she’, as the implementing provisions related to the use of ‘they’ as a neutral form date back to 2004. The use of the plural form ‘they’ as a non-sexist term would be an important shift in the language use, as the use of a third person may carry a presumption of gender attribution (Eckert & McConnell-Ginet, 2003) or entail bias towards a particular gender that could contribute to perpetuating gender stereotypes.

Concordance Hits 322		File
Hit	KWIC	
1	round-the-clock availability and rest; they shall be entitled to at least	C(2004) 1318 Commission driver
2	are or may be designated — when they are working for a Member of	C(2004) 1318 Commission driver
3	, purchased each year by the Administration. They shall be given a choice of	C(2004) 1318 Commission driver
4	traffic laws of the country where they are driving. The Commission shall, as	C(2004) 1318 Commission driver
5	flat-rate allowance for overtime until they cease to perform the duties of	C(2004) 1318 Commission driver
6	of providing it are such that they are more than the institution can	C(2004) 1318 Recruitment of dis:
7	activity previously completed by staff before they resume active employment THE COMMISSION OF	C(2004) 1364 Calculation of pens
8	request that the institution in which they are employed take into account, for	C(2004) 1364 Calculation of pens
9	completed activity in the institutions before they resumed active employment, either as an	C(2004) 1364 Calculation of pens
10	department of the institution in which they are employed. Requests must be submitted	C(2004) 1364 Calculation of pens
11	registered post with acknowledgement of receipt. They can be submitted starting from the	C(2004) 1364 Calculation of pens
12	their probation period finishes or, if they are not subject to a probation	C(2004) 1364 Calculation of pens
13	probation period, the date on which they take up their post. Requests received	C(2004) 1364 Calculation of pens
14	into force on 1 May 2004. They hereby repeal and replace the general	C(2004) 1364 Calculation of pens
15	a declaration stating whether or not they have custody of their children. If	C(2004) 1364 Family allowances.
16	have custody of their children. If they receive family allowances for one or	C(2004) 1364 Family allowances.
17	have reached the age of majority, they shall indicate the marital status and	C(2004) 1364 Family allowances.
18	of them. Officials who state that they do not have custody of one	C(2004) 1364 Family allowances.
19	residence of the children of whom they do not have custody, the names	C(2004) 1364 Family allowances.

Figure 44. KWIC results for the term ‘they’

Other examples of the use of non-gender-neutral wording in the EU HRM Legal Corpus are related to terms such as ‘chairman’, which is used instead of ‘chairperson’ or simply ‘chair’. The term appears 47 times in the Corpus (Figure 49) and its occurrence is not a particular surprise, given the fact that in Europe the term European Ombudsman and not Ombudsperson still prevails. In this regard, the use of terms which are not gender-neutral, such as chairman in this example, reinforces gender stereotypes such as “man as professional” and “woman as silence” (Rubin, Greene & Schneider, 1994; Fuertes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015).

Concordance Hits 47		
Hit	KWIC	File
1	of office of the Chairman , the members of the	C(2004) 1588
2	Disciplinary Board Chapter IV - Chairman and members of the	C(2004) 1588
3	of office of the Chairman and Members Article 8 - Trai	C(2004) 1588
4	as witnesses. Chapter IV Chairman and members of the	C(2004) 1588
5	of office of the Chairman and Members 1. The Chairm	C(2004) 1588
6	Chairman and Members 1. The Chairman of the Disciplinary Board,	C(2004) 1588
7	may be renewed. 2. The Chairman of the Disciplinary Board	C(2004) 1588
8	grade AD 16, step 1. 3. The Chairman 's deputy shall be	C(2004) 1588
9	by the administration. The Chairman shall be appointed jointly.	C(2008) 5028
10	, who may be the Chairman , must be chosen from	C(2010) 8180

Figure 45. KWIC results for the term ‘chairman’

This dissertation will now aim to underline the concordances and the KWIC related to the area of equality for the elderly, as per Article 25 of the EU Charter of Fundamental Rights. Taking the EU Charter of Fundamental Rights as a matrix to explore the different features of equality and diversity, the terms analysed are the following: ‘elderly’, ‘retired’, ‘old’ and ‘young’. The term ‘elderly’ has surprisingly only one hit in the EU HRM Legal Corpus, as it seems the terminology related to elderly staff is not commonly used in the

Corpus (Figure 46). This may be due to the fact that the Corpus is aimed to regulate the career of Staff Members, normally in an age which is not closely related to elderly persons.

Concordance Hits 1		File
Hit	KWIC	
1	lodging in a home for the elderly, exceeding 50% of the basic salary	C(2004) 1364 Persons to be treat

Figure 46. KWIC results for the term 'elderly'

In fact, other terms are preferred in the EU HRM Legal Corpus to refer to an aged person, such as 'retired'. This, once again, confirms the preference in the Corpus for the use of terminology closer to the concept of staff and its legal implications over the terms referring to the individual sphere. This was to be expected given the genre of the Corpus, as this lack of narrative on elderly staff is linked to the Corpus being of a legal and working related nature, the set of rules and norms are aimed for persons in working age (Mautner, 2007). In fact, also Article 25 of the EU Charter of Fundamental Rights states that "The Union recognizes and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life" (European Parliament, 2000, p. 4). As can be observed, working life is not included in such categories by the Charter.

Hit	KWIC	File
1	or on hOh-active status or retired in the interests of the service	C(2013) 9037 Outside activities.t
2	-active status or who have been retired in the interest of the service.	C(2013) 9037 Outside activities.t
3	the officials in all institutions who retired the previous year. The total number	EU Staff Regulation and CEOS.t
4	pensionable age, he shall automatically be retired. Leave in the interests of the	EU Staff Regulation and CEOS.t
5	in Article 29(2) ◀ may be retired in the interests of the service	EU Staff Regulation and CEOS.t
6	a disciplinary measure. An official thus retired who is not assigned to another	EU Staff Regulation and CEOS.t
7	Article 50, an official shall be retired: (a) either automatically on the last	EU Staff Regulation and CEOS.t
8	, in which case he shall be retired automatically on the last day of	EU Staff Regulation and CEOS.t
9	78 apply ▶ M62 shall automatically be retired on the last day of the	EU Staff Regulation and CEOS.t
10	before 1 January 2014 shall be retired automatically on the last day of	EU Staff Regulation and CEOS.t
11	Staff Regulations, an official who is retired in the interests of the service	EU Staff Regulation and CEOS.t

Figure 47. KWIC results for the term 'retired'

The term ‘old’ (Figure 48), which is commonly used to define the person in a non-neutral way, is present in the Corpus, but it is not included with the meaning of elderly (rather it is referred to children’s specific age).

Concordance Hits 10		
Hit	KWIC	File
1	, who is less than five years old or is not yet in regular	C(2013) 8971 Education allowanc
2	, who is at least five years old and in regular full-time attendance	C(2013) 8971 Education allowanc
3	conditions: — is at least five years old and — is in regular full-time	C(2013) 8971 Education allowanc
4	, who is at least five years old and in regular full-time attendance	EU Staff Regulation and CEOS.t
5	who is less than five years old or is not yet in regular	EU Staff Regulation and CEOS.t
6	ratio of basic salary under the old scale to that under the scale	EU Staff Regulation and CEOS.t
7	same step. For steps under the old scale without correspondence in the scale	EU Staff Regulation and CEOS.t
8	steps in grade D4 under the old scale, the first step in the	EU Staff Regulation and CEOS.t
9	Staff Regulations. For steps under the old scale without correspondence in the scale	EU Staff Regulation and CEOS.t
10	they are at least 35 years old on 1 May 2014. ▼M112 Article	EU Staff Regulation and CEOS.t

Figure 48. KWIC results for the term ‘old’

Regarding the use of the term ‘young’, there is only one hit in the EU HRM Legal Corpus, as shown in Figure 49, in the implementing provision related to the engagement of Contract Staff. Although the term is used to refer to the employment of less experienced persons, it comes as rather discriminatory to use the term ‘young’ to refer to a specific legal typology of contract staff. The use of the word ‘young’ in this context may be understood as derogatory as ‘young’ seems to be associated with a lack of expertise.

Concordance Hits 1		
Hit	KWIC	File
1	III. 11 EN EN — contracts for ‘Young Experts in the Delegations’ under the	C(2011) 1264 Engagement CA 20

Figure 49. KWIC results for the term ‘young’

Considering the EU Charter of Fundamental Rights as a frame to analyse the different features related to the use of language for equality and diversity, under Title III – Equality, Article 26, this research will now focus on the use of terms related to persons with a disability. The KWIC considered in the concordance query are the following: ‘disabled’, ‘disability’, ‘disabilities’ and ‘handicap’.

In the EU HRM Legal Corpus, the term ‘disabled’ occurs in some parts, see Figure 50, and in some circumstances, the term ‘handicap’ is used, as per Figure 55. This reveals clearly that the use of a neutral and inclusive language in the area of persons with a disability is not fostered in the Corpus.

Concordance Hits 16		File
Hit	KWIC	
1	AS FOLLOWS: CHAPTER ONE: RECRUITMENT OF DISABLED PERSONS M 1% Article 3 CHAPTER	C(2004) 1318 Recruitment of dis:
2	FORCE 1% CHAPTER ONE: RECRUITMENT OF DISABLED PERSONS * Article 1 . http://www. CC.	C(2004) 1318 Recruitment of dis:
3	care for a child who is disabled or seriously ill, to care for	C(2013) 9046 Part time.txt
4	care for a seriously ill or disabled spouse, relative in the ascending line,	C(2013) 9046 Part time.txt
5	X X X Birth of a disabled or seriously ill child* 20 days	C(2013) 9051 Leave.txt
6	case of the birth of a disabled or seriously ill child the entitlement	C(2013) 9051 Leave.txt
7	case of the birth of a disabled or seriously ill child must be	C(2013) 9051 Leave.txt
8	date or if the child is disabled or seriously ill (168 calendar days).	C(2013) 9051 Leave.txt
9	20 days if the child is disabled or seriously ill. The period of	C(2013) 9051 Leave.txt
10	child/children. For adoption of a disabled or seriously ill child, the official	C(2013) 9051 Leave.txt
11	birth or the birth of a disabled or seriously ill child (168 calendar	C(2013) 9051 Leave.txt
12	care for a seriously ill or disabled spouse, relative in the ascending line,	EU Staff Regulation and CEOS.t
13	care for a seriously ill or disabled spouse, relative in the ascending line,	EU Staff Regulation and CEOS.t
14	or protracted illness or who is disabled may receive financial aid increasing the	EU Staff Regulation and CEOS.t
15	weeks following birth; — birth of a disabled or seriously ill child: 20 days,	EU Staff Regulation and CEOS.t
16	case of the adoption of a disabled child: Every adopted child shall confer	EU Staff Regulation and CEOS.t

Figure 50. KWIC results for the term ‘disabled’

Concordance Hits 5		File
Hit	KWIC	
1	a diagnosis of the illness or handicap and confirming its seriousness. Where	C(2010) 7494 Family leave.txt
2	from a serious mental or physical handicap recognised by the institution’s medical	C(2013) 9054 Leave on personal
3	from a serious mental or physical handicap recognised by the medical officer of	EU Staff Regulation and CEOS.t
4	suffering from serious illness, infirmity or handicap , — ► M12 invalidity allowances ◀ paid in	EU Staff Regulation and CEOS.t
5	prevented by serious illness, infirmity or handicap from earning a livelihood after the	EU Staff Regulation and CEOS.t

Figure 51. KWIC results for the term ‘handicap’

More inclusive or neutral terminology is to be found in some of the implementing provisions, independently of the time of their drafting, where the term ‘disability’ and hence ‘person with a disability’ is used instead, as per Figure 52. As described in Chapter 2 of this thesis, the Corpus presents the use of the term ‘disabled’, instead of the neutral terminology of ‘persons with a disability’. In this respect, it should be noted that the 2006 UN Convention on the Rights of Persons with Disabilities (UN General Assembly, 2007),

refers to ‘person with a disability’ instead of ‘disabled’ person to underpin that a person is not disabled but has a disability.

Concordance Hits 34		
Hit	KWIC	File
1	M 1% Article 3 CHAPTER TWO: DISABILITY IN THE COURSE OF THE OFFICIAL	C(2004) 1318 Recruitment of dis:
2	of 4 A person with a disability meets the condition for appointment as	C(2004) 1318 Recruitment of dis:
3	provision of such accommodation. CHAPTER TWO: DISABILITY IN THE COURSE OF THE OFFICIAL	C(2004) 1318 Recruitment of dis:
4	present decision, be prejudiced by the disability or the fact that such accommodation	C(2004) 1318 Recruitment of dis:
5	6 Where an official with a disability can perform the essential functions of	C(2004) 1318 Recruitment of dis:
6	shall not be prejudiced by the disability itself, or the fact that accommodation	C(2004) 1318 Recruitment of dis:
7	In facilitating a person with a disability in the performance of the essential	C(2004) 1318 Recruitment of dis:
8	. For members of staff with a disability recognised by the Commission's medical	C(2008) 6215 Mission guide.txt
9	reduced mobility as a result of disability, those who fulfil criteria relating to	C(2009) 10224 Teleworking 2009
10	ld relating to persons with a disability within the meaning of paragraph 4	C(2011) 1264 Engagement CA 20
11	ld relating to persons with a disability within the meaning of paragraph 4	C(2011) 1264 Engagement CA 20
12	in the following cases: a) illness, disability, loss of independence or convalescence	C(2013) 4876 Assistance with ho
13	birth of a child with a disability or serious illness the maximum is	C(2013) 9051 Leave.txt
14	birth of a child with a disability or serious illness) minus the number	C(2013) 9051 Leave.txt
15	birth of a child with a disability or serious illness, and any other	C(2013) 9051 Leave.txt
16	birth of a child with a disability or serious illness, entitlement to mate	C(2013) 9051 Leave.txt
17	of medically certified serious illness or disability. 0 personal leave granted to an	C(2013) 9054 Leave on personal
18	of a national minority, property, birth, disability, age, or sexual orientation shall be	EU Staff Regulation and CEOS.t
19	paragraph 1, a person has a disability if he has a long-term	EU Staff Regulation and CEOS.t

Figure 52. KWIC results for the term ‘disability’

In the plural form of the bundle, instead of ‘persons’, there seems to be a clear preference for the form ‘people’ with disabilities, as shown in Figure 53. Although this preference may come from the common use of the language, the term ‘person’ is to be preferred in such cases, as it focuses more on the individual than on the disability itself.

Concordance Hits 4		
Hit	KWIC	File
1	for the Employment of People with Disabilities (2), as to whether the official	C(2004) 1318 Recruitment of dis:
2	for the Employment of People with Disabilities (2), examine whether it is possible	C(2004) 1318 Recruitment of dis:
3	to and usable by people with disabilities, job re-structuring, http://www. CC	C(2004) 1318 Recruitment of dis:
4	make it easier for persons with disabilities to pursue a vocational activity or	EU Staff Regulation and CEOS.t

Figure 53. KWIC results for the term ‘disabilities’

In the research related to the concordances of the KWIC in the EU HRM Legal Corpus, consideration was given to the terms related to the area of general administration in the EU Charter of Fundamental Rights, as described in Table 4. An analysis of the EU Charter of Fundamental Rights with regard to general principles which are to be of a

perusal of a good Human Resources Administration, very poor results were obtained from the analysis of the Corpus with AntConc. For example, no hits are recorded for the terms ‘good administration’ and ‘fairness’. It is worth to remind that many of the implementing provisions, let alone the Staff Regulations itself, include preambles where the rationale and the principles are spelt out for all staff. The term ‘impartiality’ registers only one hit in the Staff Regulation (see Figure 54), in the sentence that reads: “An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality” (European Council, 1962, p.22).

Concordance Hits 1		
Hit	KWIC	File
1	to the principles of loyalty and impartiality. 2. Without prejudice to Article	EU Staff Regulation and CEOS.t

Figure 54. KWIC results for the term ‘impartiality’

The term ‘proportionality’ occurs twice in the Corpus (Figure 55), while the concept of ‘reasonable time’ occurs only once (Figure 56) and it is surprisingly included in relation to the obligation of the Staff Member rather than in reference to the administration, as determined in the EU Charter of Fundamental Rights. As mentioned in Chapter 4 of this dissertation, in fact, the prescriptive genre of the EU HRM Legal Corpus entails the shift of responsibility (to comply with the rules) from the administration of the EU Institutions to each staff member (Gibová, 2011).

Concordance Hits 2		
Hit	KWIC	File
1	non-discrimination and the principle of proportionality, any limitation of their applicati	EU Staff Regulation and CEOS.t
2	, in accordance with the principle of proportionality between the nature of the miscond	EU Staff Regulation and CEOS.t

Figure 55. KWIC results for the term ‘proportionality’

Concordance Hits 1		
Hit	KWIC	File
1	after the official has had a reasonable time to take the necessary measures.	C(2013) 9037 Outside activities.t

Figure 56. KWIC results for the expression ‘reasonable time’

More hits were found around the concept of ‘reasoned’ (as per Figure 57), indicating that each decision of the administration should be rational and coherent. In fact, the term ‘reasoned’ collocated normally with ‘decision(s)’, ‘opinion’ or ‘refusal’. To this extent, it is important to remark that the concept of reasoned decisions is at the basis of more inclusive management of diverse staff, whereby a clear rationale underpins all decisions and opinion of the EU Institutions and hence may be reflected in the use of an inclusive language in the EU HRM Legal Corpus.

Concordance Hits 57		File
Hit	KWIC	
1	The Appointing Authority may make a reasoned decision under Chapter 1 or 2	C(2004) 1318 Recruitment of dis:
2	the household allowance by special reasoned decision of the appointing authority base	C(2004) 1364 Household allowan
3	be allowed only exceptionally ”by special reasoned decision of the appointing authority”; th	C(2004) 1364 Persons to be treat
4	a medical examination and produce a reasoned attestation from the doctor treating him.	C(2004) 1597 Absences of sickne
5	Authority on the basis of a reasoned opinion from the Medical Service. The	C(2004) 1597 Absences of sickne
6	-General concerned shall send a duly reasoned request to the Director-General for	C(2008) 5028-2 Middle managen
7	the service. In this case a reasoned decision shall be taken by the	C(2010) 7494 Family leave.txt
8	during the dialogue. The jobholder's reasoned refusal to accept the report under	C(2011) 1264 Engagement CA 20
9	jobholder may withdraw his or her reasoned refusal to accept the report at	C(2011) 1264 Engagement CA 20
10	and Reclassification Committee shall examine the reasoned refusal to accept the report and	C(2011) 1264 Engagement CA 20
11	and Reclassification Committee shall deliver a reasoned opinion, taking into account the criteria	C(2011) 1264 Engagement CA 20
12	the jobholder has also lodged a reasoned refusal to accept the report drawn	C(2011) 1264 Engagement CA 20
13	may, at the time of his reasoned refusal to accept the report, as	C(2013) 8589 Appraisal.txt
14	7 iAppeal procedure The jobholder's reasoned refusal to accept the report in	C(2013) 8589 Appraisal.txt
15	assessor. The jobholder may withdraw his reasoned refusal to accept the report at	C(2013) 8589 Appraisal.txt
16	by the jobholder expressed in his reasoned refusal to accept the report, the	C(2013) 8589 Appraisal.txt
17	days of the date of the reasoned refusal. The jobholder may arrange for	C(2013) 8589 Appraisal.txt
18	days of the date of the reasoned refusal to accept the report and	C(2013) 8589 Appraisal.txt
19	where he is recruited. Upon express reasoned request, submitted by the official in	C(2013) 8982 Place of origin.txt

Figure 57. KWIC results for the term ‘reasoned’

In this regard, it should be noted that the latest case law upheld in the Court of Justice of the European Union against decisions taken by the different EU Administrations introduced the right to be heard by Staff Members before the decision is taken if it adversely affects them. This is an example of the direct impact of the EU Charter of Fundamental Rights on the EU internal legislation. The rationale seems not to be present yet in the texts of the EU HRM Legal Corpus, as only a few hits are to be found in relation to the verb ‘hear’, as visible in Figure 58.

Concordance Hits 4		File
Hit	KWIC	
1	of a dispute, the Mediator will hear all the parties concerned before giving	C(2006) 1624-3 Anti-harassment.
2	, With the victim's prior agreement, hear the other person and attempt to	C(2006) 1624-3 Anti-harassment.
3	for its opinion. This committee may hear officials who have applied to take	EU Staff Regulation and CEOS.t
4	official concerned. 3. The Board may hear investigating officials from OLAF in cases	EU Staff Regulation and CEOS.t

Figure 58. KWIC results for the term 'hear'.

As previously mentioned with regard to the analysis of the wordlist by frequency, another important element included in the EU Charter of Fundamental Rights, related to data protection of individuals, is the concept of access to personal data. According to Article 8 of the EU Charter of Fundamental Rights, “Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified” (European Parliament, Council and Commission, 2000, Art. 8.2). In the EU HRM Legal Corpus though, the references to the expression ‘access to’ are not linked to the rights about personal data, as shown in Figure 59.

Concordance Hits 40		File
Hit	KWIC	
1	DECIDED AS FOLLOWS: Article 1- General: Access to job-sharing Article 2 - Procedure	C(2004) 1314 Job sharing (1).txt
2	- Entry into force Article 1- General: Access to job-sharing 1.1 An	C(2004) 1314 Job sharing (1).txt
3	are a Victim of sexual harassment access to the informal procedure introduced for	C(2006) 1624-3 Anti-harassment.
4	for men and women as regards access to employment, vocational training and prom	C(2006) 1624-3 Anti-harassment.
5	far as possible (by giving them access to meeting rooms, for instance). In	C(2006) 1624-3 Anti-harassment.
6	and the seconded national experts ²⁴ have access to the formal procedure, as described	C(2006) 1624-3 Anti-harassment.
7	the Directorate-General for personnel, — have access to all documents concerning appointments ma	C(2008) 5028-2 Middle managen
8	members of staff as possible have access to this form of working. Article	C(2009) 10224 Teleworking 2009
9	of qualifications equivalent to those giving access to the function group, the authority	C(2011) 1264 Engagement CA 2f
10	individual file. Jobholders shall have individual access to their reclassification files by means	C(2011) 1264 Engagement CA 2f
11	education attested by a diploma giving access to post- secondary education, and appropria	C(2011) 1264 Engagement CA 2f
12	the award of the diploma giving access to this function group, or following	C(2011) 1264 Engagement CA 2f
13	education attested by a diploma giving access to post- secondary education, and appropria	C(2011) 1264 Engagement CA 2f
14	the award of the diploma giving access to this function group, or in	C(2011) 1264 Engagement CA 2f
15	Member State of the European Union access to a profession of an equivalent	C(2011) 1264 Engagement CA 2f
16	level of the qualification required for access to the function group and that	C(2011) 1264 Engagement CA 2f
17	the award of the diploma giving access to the function group. The duration	C(2011) 1264 Engagement CA 2f
18	acquired to obtain the diploma giving access to the function group shall not	C(2011) 1264 Engagement CA 2f
19	shall at this point also have access to the appeal assessor's decision	C(2011) 1264 Engagement CA 2f

Figure 59. KWIC results for the expression 'access to'

3.2.2.3 Collocation

Collocation is defined as the concurrent relationship between words. Words are said to collocate with one another if one is more likely to occur in the presence of the other than elsewhere (McEnery & Hardie, 2011). In fact, according to Baker, “when a word regularly appears near another word, and the relationship is statistically significant in some way, such co-occurrences are referred to as collocates” (Baker, 2006, p. 96). Collocations are a powerful tool to complement this research vis-a-vis the different linguistic patterns of the EU HRM Legal Corpus (Trebits, 2008), as the relationship and links among terms may highlight a neutral or a biased use of the language, and mostly because the words as collocates in the Corpus may foster a more natural perception of key equality principles in the readers of the different provisions. This may be the case when, for example, pronouns such as ‘she’ and ‘he’ always collocate together to the benefit of an equal perception of genders.

Following the same methodology of filtering the EU HRM Legal Corpus with the keywords included in the EU Charter of Fundamental Rights, this research started with the analysis of some keywords within their context and focused on the collocates of the word ‘European’. The preliminary findings of the use of such term in the EU HRM Legal Corpus, in particular the findings of the word list by frequency analysis, have been validated fully, to the extent that ‘European’ seems not to be a keyword in the EU HRM Legal framework, as the term collocated only with words linked to the different Institutions. Significantly, the term does not collocate in any meaningful way with other parts of the text in the Corpus. It is indeed quite surprising that the value of being European

is not embedded in the internal policies which are aimed to regulate the life of EU Civil Servants (see Table 5). In fact, it is of particular interest to notice that previous studies on the collocation of the term ‘European’ in a corpus similar in size to the EU HRM Legal Corpus, albeit not closely related to legal provisions of EU Civil Servants, revealed a much higher occurrence of the term ‘European’ (Trebits, 2008). The difference in genre of the two corpora may explain the different frequency of the term ‘European’, but surely not to the extent shown by this research¹².

Table 5 - Collocates of the term ‘European’

EUROPEAN					
	Frequency	Freq (L)	Freq (R)	STAT	COLLOCATE
1	2	1	1	9.44405	ottoplatz
2	4	2	2	9.44405	op
3	2	1	1	9.44405	nytorv
4	2	1	1	9.44405	kongens
5	2	1	1	9.44405	helsinki
6	2	1	1	9.44405	eige
7	2	1	1	9.44405	echa
8	2	1	1	9.44405	easa

¹² The study conducted by Trebits in 2008 included the identification of the usage patterns in a corpus of EU-related texts. The Corpus included ca. 200.000 words and was composed by nineteen information booklets on the activities of the EU, an annual general report on the activities of the EU and some EPSO sample tests.

9	2	1	1	9.44405	annankatu
10	3	1	2	9.02901	ombudsman
11	21	1	20	8.66644	commission
12	81	2	79	8.48012	parliament
13	1	0	1	8.44405	fifl
14	2	0	2	8.44405	fii
15	1	1	0	8.44405	fif
16	1	0	1	8.44405	zfi
17	3	2	1	8.44405	www
18	1	0	1	8.44405	whichshall
19	1	1	0	8.44405	westhafenplatz
20	1	1	0	8.44405	warsaw

With the same aim of validating the patterns unravelled with the corpus linguistics analysis, in particular in the context of the inclusion of LGBTI persons, the collocates of some terms related to the semantic areas of marriage and partnership have been analysed. The results are reported in Table 6, for the term ‘marriage’, and in Table 7, for the term ‘partnership’.

Table 6 - Collocates of the term ‘marriage’

MARRIAGE					
	Frequency	Freq (L)	Freq (R)	STAT	COLLOCATE
1	11	1	10	12.1621	ceremony
2	1	0	1	12.0246	saturday
3	1	0	1	12.0246	renounce
4	1	1	0	12.0246	permitting
5	1	1	0	12.0246	partnerships
6	1	0	1	12.0246	filial

7	1	1	0	12.0246	blood
8	3	0	3	11.2876	lasted
9	1	0	1	11.0246	fthe
10	4	4	0	10.8546	religious
11	4	0	4	10.7026	contracted
12	1	0	1	10.4396	though
13	1	1	0	10.4396	relatives
14	4	0	4	10.4396	partnership
15	4	4	0	9.85462	civil
16	2	0	2	9.70262	registration
17	1	0	1	9.70262	expressly
18	1	1	0	9.70262	apportionment
19	1	0	1	9.43959	apportioned
20	1	0	1	9.21719	official

Table 7 - Collocates of the term 'partnership'

PARTNERSHIP					
	Frequency	Freq (L)	Freq ('R)	STAT	COLLOCATE
1	1	0	1	12.1945	penultimate
2	2	2	0	11.8726	registration
3	1	0	1	11.6095	partners
4	1	1	0	10.8726	ceremony
5	1	1	0	10.6095	marital
6	4	4	0	10.4396	marriage
7	1	1	0	10.3871	expert
8	1	1	0	10.1945	sne
9	1	1	0	10.0246	civil
10	1	0	1	9.43959	issued
11	1	1	0	9.38712	registered

12	4	0	4	9.27561	meaning
13	1	1	0	9.15008	partner
14	1	1	0	8.90907	copy
15	2	1	1	8.87255	official
16	2	0	2	8.83692	established
17	2	0	2	8.65532	certificate
18	2	0	2	8.56512	can
19	1	1	0	8.55062	seconded
20	3	3	0	8.079	granted

The data obtained from the collocation analysis of the two terms show that the number of collocates of ‘marriage’ is clearly higher than the ones for ‘partnership’: 540 and 120 hits, respectively. This may be to be expected, as the terminology related to ‘partnership’ is more recent and, in particular, considering that part of the texts in the EU HRM Legal Corpus was drafted in 1962, being the Staff Regulations one of those texts drafted in that year, and at that time the term ‘partnership’ was not of common use.

On a deeper analysis of the collocates of both terms, it can be observed that the collocates of marriage, with words such as ‘blood’, ‘lasted’, ‘religious’ and ‘relative’, seem to convey a deeper and more visceral sense to the term ‘marriage’ than the collocates of ‘partnership’. The word ‘partnership’ seems to collocate with words which are more of a pragmatically and practical nature, such as ‘registration’, ‘civil’, ‘official’, ‘certificate’. While some practical words collocate also with ‘marriage’, the contrary is not the case, as no deep or visceral related words collocate with the term ‘partnership’. This may highlight, in an unconscious manner, that there is, in fact, a difference in the EU HRM Legal Corpus between the concept of ‘marriage’ and ‘partnership’, as it can be evinced from the above-

mentioned highlights. It can be concluded that an analysis of the collocates of these two terms reveals a difference in the way in which these types of bonds are understood. In fact, the collocates show a very traditional concept of the term ‘marriage’ as opposed to the more pragmatic concept of the term ‘partnership’. This is an example of the necessity to sensitize the EU Institutions to the issue of the importance of using a neutral or unbiased language in their texts.

With the aim to unravel some additional patterns related to LGBTI and gender equality on the EU HRM Legal Corpus, an analysis of the collocates of the terms ‘husband’ and ‘wife’, respectively in Table 8 and Table 9, has been carried out. A further aim was to unravel the differences among the respective collocates and establish possible common linguistics features.

Table 8 - Collocates of the term ‘husband’

HUSBAND					
	Frequency	Freq (L)	Freq (‘R)	STAT	COLLOCATE
1	1	1	0	14.9721	cases
2	7	0	7	14.6095	wife
3	1	1	0	11.1647	foregoing
4	1	0	1	9.1141	both
5	3	3	0	8.66223	cases
6	1	0	1	8.51265	employed
7	1	1	0	8.05322	meaning
8	5	0	5	8.02722	officials
9	5	0	5	7.90815	are
10	4	0	4	7.84796	who

11	4	4	0	7.71469	where
12	1	0	1	6.81726	basis
13	4	4	0	6.77241	m
14	1	1	0	6.69131	request
15	1	1	0	6.05919	under
16	1	1	0	5.84796	provisions
17	1	1	0	5.75534	employment
18	6	0	6	5.51026	and
19	6	6	0	5.495	a
20	1	1	0	4.9948	at

Table 9 - Collocates of the term 'wife'

WIFE					
	Frequency	Freq (L)	Freq (R)	STAT	COLLOCATE
1	7	7	0	14.6095	husband
2	1	1	0	14.6095	caseswhere
3	1	1	0	10.8022	foregoing
4	1	1	0	10.2876	deceased
5	2	1	1	9.63223	maternity
6	1	1	0	9.08595	birth
7	1	0	1	8.75153	both
8	3	3	0	8.29966	cases
9	1	0	1	8.15008	employed
10	5	0	5	7.66465	officials
11	1	1	0	7.57609	death
12	5	0	5	7.54558	are
13	4	0	4	7.48539	who
14	4	4	0	7.35212	where

15	1	0	1	6.73915	number
16	1	0	1	6.45469	basis
17	1	0	1	6.40984	during
18	1	1	0	6.32874	request
19	3	0	3	5.9948	my
20	2	1	1	5.64517	leave

The data included in Table 8 and Table 9 clearly show that both ‘husband’ and ‘wife’ collocate to each other, and that both terms have some collocates in common, such as ‘employed’, ‘official’, ‘request’. The term ‘wife’ is the only one which also collocates with words such as ‘maternity’, ‘birth’ and ‘death’, words that never collocate with the term husband in the EU HRM Corpus. Although this may again be explained by mentioning the diachronic features of the language used in the EU HRM Legal Corpus, drafted over a span of more than fifty-five years, and hence bearing the different sensitivities towards an inclusive language, it also clearly shows that there is an unbalance in the roles associated to the concept of ‘wife’, as shown in the text. Since the text has not been redrafted over the last years, this lack of sensitivity about the power of language to foster or hinder equality is obvious and needs to be redressed.

Regarding the language related to persons with a disability, and since in the previous part of this dissertation the biased use of the term ‘disabled’ to describe a person with a disability has been highlighted, a query in AntConc has been run in order to determine the collocates for the term ‘disabled’. Quite indicatively, some of its collocates are included in the semantic area related to sickness and illness, as the term ‘disabled’ collocates with ‘seriously’ and ‘ill’ (see Table 10). Moreover, the research determined the

presence of some particular collocates of the term ‘disabled’, such as, for example, the term ‘financial’, the term ‘aid’ and the term ‘care’. The collocates of this word clearly contribute to construct and reinforce negative stereotypes of disabled people. It is a contention of the author of this dissertation the fact that, overall, this use of language may convey a message of dependence, related to the condition of having a disability, underpinning the debility of such condition more than its diversity, as an inclusive language may highlight (Grue, 2014).

Table 10 - Collocates of the term ‘disabled’

DISABLED					
	Frequency	Freq (L)	Freq ('R)	STAT	COLLOCATE
1	1	0	1	13.7794	increasing
2	12	3	9	13.4575	seriously
3	12	3	9	13.2769	ill
4	1	0	1	11.1945	aid
5	3	0	3	10.905	ascending
6	6	6	0	10.8408	birth
7	1	1	0	10.7794	protracted
8	3	0	3	10.32	relative
9	11	3	8	9.38089	child
10	2	2	0	9.35317	recruitment
11	1	0	1	8.56998	financial
12	2	2	0	8.51265	adoption
13	3	0	3	8.26637	spouse
14	2	0	2	8.09294	calendar
15	1	0	1	8.05152	cc
16	1	0	1	8.02455	www

17	2	0	2	7.94655	persons
18	3	2	1	7.87255	chapter
19	1	0	1	7.73504	http
20	1	0	1	7.60951	care

3.2.2.4 Lexical Bundles

Lexical Bundles are defined as groups of words that occur repeatedly together in a given text or corpus (Baker, 2006, 56; Crawford & Csomay, 2016, 41). Their analysis is important to unravel common patterns in the structure of the discourse in the Corpus (Biber, Conrad, & Reppen, 1998; Baker, 2006; Crawford & Csomay, 2016), as well as to highlight any possible bias in the use of the language, in term of how words connect to each other in specific patterns. In particular, the presence of lexical bundles in the EU HRM Legal Corpus is deemed especially important, because individual words are identified within a larger context and as they are embedded in different contexts, they can take on different meanings.

By running a frequency count of lexical bundles with AntConc, it was found out that the recurrent significant bundles are related to legal terms and references that are in line with the genre of the texts included in the EU Legal Corpus, such as for example the bundle ‘staff regulation’ and ‘appointing authority’. Another interesting feature, typical of legalese language, is the use of modifiers such as ‘same’, ‘said’, ‘above-mentioned’. In the EU HRM Legal Corpus, it is interesting, as they are frequently used as adjectives to further determine and reinforce nouns, not replacing them. There are different examples in the Corpus, in particular, such as ‘said amount’ and ‘said condition(s)’. These modifiers

convey a message of redundancy in the texts of the EU HRM Legal Framework, limiting the fluidity of the language and the easiness in reading the different rules and provisions.

It is interesting to note that none of the other terms related to inclusive language as analysed in this dissertation is in any bundle of the first 100 frequency list, as shown in Table 11. This may be due to the legal and administrative *genre* of the EU HRM Legal Corpus, but it may also suggest that the frequency of equality and diversity terminology, for example with bundles like ‘work-life balance’, ‘person with a disability’, is not present in the Corpus.

Table 11 - First 100 lexical bundle in the EU HRM Legal Corpus

N	FREQUENCY	N-GRAM	N	FREQUENCY	N-GRAM
1	4797	of the	51	244	provided for
2	1843	to the	52	238	within the
3	1826	shall be	53	236	article a
4	1665	in the	54	235	temporary staff
5	1336	the staff	55	233	the director
6	1144	staff regulations	56	229	and of
7	1051	by the	57	224	for a
8	916	article of	58	224	shall apply
9	815	for the	59	223	this decision
10	778	on the	60	222	staff member
11	728	the official	61	221	for in
12	619	the commission	62	220	of an
13	570	and the	63	217	the institution
14	566	of a	64	214	conditions of
15	558	in article	65	213	regard to

16	557	the appointing	66	207	basis of
17	550	appointing authority	67	207	of his
18	524	referred to	68	207	where the
19	499	the European	69	206	the basis
20	493	with the	70	205	be taken
21	473	of employment	71	204	number of
22	473	to in	72	202	paragraph of
23	472	of article	73	196	decision of
24	467	at the	74	196	the date
25	450	an official	75	195	as a
26	409	to be	76	195	has been
27	375	may be	77	189	the place
28	375	of annex	78	188	special leave
29	349	accordance with	79	187	the period
30	349	in accordance	80	185	part time
31	340	en en	81	184	not be
32	337	from the	82	183	in a
33	325	contract staff	83	183	the case
34	322	to a	84	183	the jobholder
35	305	the service	85	180	director general
36	303	of this	86	179	the contract
37	299	if the	87	178	be entitled
38	286	place of	88	178	the same
39	284	the first	89	177	council regulation
40	281	the conditions	90	177	down in
41	280	laid down	91	173	other servants
42	275	member of	92	172	having regard
43	273	commission decision	93	171	function group
44	268	shall not	94	170	articles and

45	267	director general	95	169	into account
46	263	European union	96	168	a member
47	257	entitled to	97	166	no of
48	248	period of	98	165	official s
49	247	which the	99	165	subject to
50	246	article the	100	160	that the

A deeper analysis of the data though, after applying the same methodology of filtering the Corpus with the KWICs in the EU Charter of Fundamental Rights, allows us to identify two outcomes of the lexical bundle analysis which are of interest for this research, i.e. the terms from the list of keywords in the Charter (see Table 4) which relate to the semantic field ‘Europe’ and ‘European’. These terms are of particular importance vis-a-vis the identified necessity to highlight the European dimension of the language in the Corpus, and in particular for what concerns fostering the EU values, such as inclusion and non-discrimination. In fact, as mentioned in Chapter 2 of this thesis, the principles of equality and diversity are already part of the Treaties founding the European Union, and in particular, they are spelt out as values in Article 2 of the Treaty on European Union:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. (European Council, 2016, p. 17)

The analysis of the lexical bundles including the term ‘European’ is then relevant to seek links to the EU values and their implementation in the EU HRM Legal Corpus. With regard to the term ‘European’, it is number 19 on the list, albeit it is only linked to the pronoun ‘the’, while the bundle ‘European Union’ is number 46 on the frequency list. A more detailed analysis of the term ‘European’, shows that it appears in a cluster with ‘Union’ more than with ‘Commission’. This finding has a rather simple explanation, considering that the preamble of many implementing provisions quote a general introductory sentence, which reads: “Having regard to the Treaty on the Functioning of the European Union”, while the link of ‘European’ to ‘Commission’ is mainly due to the reference to the working place the EU HRM Legal framework applies to.

Furthermore, of particular importance for this research is the presence of the lexical bundle ‘of his’ in the first 100 N-Grams of the Corpus. This, once again, suggests a higher frequency of the generic masculine, which is not considered a gender-neutral expression. In particular, this linguistic use creates a prototypical image of an EU Staff Member as a male, and to the creation of a *null gender*, which means assuming that the default and standard gender is male and not female. As masculine forms, even when they are used in a generic sense, usually activate male representations (Fuertes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015).

The result of this analysis of the Corpus shows that no meaningful lexical bundles are present in the EU HRM Legal Corpus that suggest the use of inclusive language, and we have not found lexical bundles that are significant for the analysis of the use of a

language which fosters equality and diversity in the EU Institutions, but on the contrary, the biased use of the English language in the Corpus appears obvious.

3.2.3 Comparison with a Parallel Corpus – Model Decisions

As explained in part 3.2.1 of this thesis, Model Decisions are rules drafted and agreed upon by the so-called Standing Working Party (SWP), which is an interinstitutional organism composed by some representatives of the European Commission (DG HR) and of the different Agencies. Model Decisions are based on the Commission's implementing provisions but are also tailored to the specificities of different institutions. At the moment of writing this dissertation, the Standing Working Party provided the text of sixteen different model decisions¹³. With the aim of comparing the language of the rules in the same subject matter and providing insight on how the language repertoires develop in different contexts in the broad EU Institutions landscape, an additional corpus with all sixteen Model Decisions, for a total of ca. 45.000 tokens, has been created. As described above, such analysis has a reduced scope, since not all the subject matters are touched upon in the Corpus of Model Decisions and some policies and rules, for example, all those related to rights and entitlement, are only reflected in the implementing provisions adopted by the European Commission and included in EU HRM Legal Corpus.

¹³ See Annex II

To begin the comparison, a query has been run in AntConc with the aim of analysing the wordlist by frequency for the sixteen Model Decisions in the parallel Corpus. The results show some differences and some similarities between this Corpus and the EU HRM Legal Corpus. As Figure 60 shows, the first similarity is the use of the term ‘European’. In the Model Decisions Corpus, in fact, the term is only related to the name of Institutions (i.e. the European Commission, the European Union Agency for..) and not in relation to, for example, the European Union or the European values, as per the analysis run in the EU HRM Legal Corpus.

Concordance Hits 135		
Hit	KWIC	File
1	nction of adviser THE EUROPEAN COMMISSION, Having regard to	MD Adviser F
2	n the Functioning of the European Union, Having regard to the Staff Regul	MD Adviser F
3	f Other Servants of the European Union (‘CEOS’), laid down by Council	MD Adviser F
4	n the Functioning of the European Union, Having regard to the Staff Regul	MD Anti-Hara
5	f Other Servants of the European Union (‘CEOS’), laid down by Council	MD Anti-Hara
6	uncil Regulation (EC) / European Parliament and Council Regulation (EC)	MD Anti-Hara
7	to the agreement of the European Commission pursuant to Article 110(2)	MD Anti-Hara
8	**t 5 ; EUROPEAN m COMMISSION Brussels, 4.3.2	MD Appraisal
9	Staff Regulations THE EUROPEAN COMMISSION, Having regard to	MD Appraisal
10	n the Functioning of the European Union, Having regard to the Staff Regu	MD Appraisal

Figure 60. KWIC results for the term ‘European’ in the Model Decisions Corpus

With an analysis of some keyword collocates, some difference between the two corpora could be identified. This is the case, for example, with the use of the term ‘people’ or ‘person(s)’. In fact, as shown in Figure 61, the use of the term ‘people’ is more frequent in comparison to the EU HRM Legal Corpus, which contains only seventeen hits. This increased number of hits for the term ‘people’ in the Model Decisions Corpus seems to correspond with a decrease in the use of the term ‘person(s)’. This feature may be attributed

to the more modern use of the language, and also, having a look into the different provisions, to an increased focus on ‘people’ vis-à-vis the notion of Staff Members or workforce. In other words, an increased focus is put on the personal sphere related to the management of human resources, as the provisions affected by the increased use of the term ‘people’ belong to the area of management and staff policies.

Concordance Hits 11		
Hit	KWIC	File
1	ome kinds of behaviour may hurt certain people without constituting psychological	MD Anti-Harassment C(2016) 6
2	line managers are in principle the first people who may be contacted by anyone	MD Anti-Harassment C(2016) 6
3	ases21 7.1. General advice Some people are not always aware of the impac	MD Anti-Harassment C(2016) 6
4	es Requests for assistance from different people involving the same individual raise	MD Anti-Harassment C(2016) 6
5	d also be outstanding in managing work, people or financial resources. 5) Mobil	MD Middle Managament C(200
6	fic management (i.e. work organisation, people management and, where relevant, :	MD Middle Managament C(200
7	, acquire or develop, including essential people management skills, in order to per	MD Middle Managament C(200
8	ersonal skills • The ability to deal with people effectively, respectfully and courte	MD Middle Managament C(200
9	all responsible organisations and for the people who work there. While good inten	MD Whistleblowing C(2018) 13
10	ro. Where this risk materialises, the first people to realise or suspect the problem v	MD Whistleblowing C(2018) 13
11	concerns are raised, the risk is that people will stay silent. This denies the org;	MD Whistleblowing C(2018) 13

Figure 61. KWIC results for the term ‘people’ in the Model Decisions Corpus

Another interesting feature in the Model Decisions Corpus is the lack of any reference to the expression ‘equal opportunities’. In the EU HRM Legal Corpus, the expression was included in different implementing provisions, such as the anti-harassment, teleworking and middle management one, albeit in the very Staff Regulation. This is quite surprising as the lexical bundle ‘equal opportunities’ belongs to the inclusive language of modern management of human resources (Shena, Chandaa, D’Nettob & Mongaa, 2009). In fact, a more detailed analysis of the terminology related to the reference to equality in the language of the Model Decisions Corpus reveals that the hits of the word ‘work-life’, as Figure 62 shows, contrary to the EU HRM Legal Corpus, is used more broadly, and its concordance reflects the use of terms like ‘reality’ and ‘beneficial’. To this extent, it is

possible to evince a linguistic shift in the creation of the new sets of rules for European Agencies (Model Decisions), whereby the rationale and values of staff policies aimed to increase equality is tangible.

Concordance Hits 5		
Hit	KWIC	File
1	is part of the reality of working life and of the professional environment4.	MD Anti-Harassment C(2016) 6
2	for work organisation and a better work- life balance of staff by increasing autonon	MD Teleworking C(2017) 5308
3	that is conducive to a positive work- life balance. Additionally, it has a benefici	MD Teleworking C(2017) 5308
4	Staff can more easily balance their work- life needs, in particular in situations where	MD Working Time C(2015) 956
5	the need to ensure a proper work- life balance, requires planning. Managers	MD Working Time C(2015) 956

Figure 62. KWIC results for the term 'life' in the Model Decisions Corpus

A clear difference between the texts included in the two corpora can be seen with regard to the terminology and the use of feminine and masculine pronouns. In the Model Decisions Corpus, in fact, there are very few instances where the term 'he' where it is not accompanied by the term 'she' or where the form does not entail the presence of terminology such as 's/he' or 'he or she'. Notwithstanding the caveat included in the Staff Regulation, in its Article 1.d, as described in Chapter 2 of this dissertation, it seems that in the texts included in the Model Decisions Corpus there is, in fact, increased awareness of the necessity of using a more neutral gender-related terminology. This could be also evinced by the lack of gender-biased terms, such as 'chairman' and the inclusion of more gender-neutral terms like 'chairperson', even more importantly in rules related to the type of positions.

The use of the term 'reasonable' is perceived as a positive advance towards a more inclusive language since it means that sensible time is devoted to dealing with dossiers on the side of the Administrations, as described in the EU Charter of Fundamental Rights.

This feature shows that, although the use of the term ‘reasonable’ may be affected by the prescriptive genre of the two corpora, in the EU HRM Legal Corpus the term was mainly used in reference to the acts and obligations of Staff Members, while in the Model Decision Corpus the meaning of the term is in line with the EU Charter of Fundamental Rights by putting the emphasis on the obligation and duty of care of the organisation more than on that of staff, as Figure 63 shows.

Concordance Hits 7		
Hit	KWIC	File
1	will be taken. You must • within a reasonable period, make the person you	MD Anti-Harassment C(2016) 6
2	disclosures that cannot be considered as reasonable or honest, such as: • Abusi	MD Whistleblowing C(2018) 13
3	the period of time that it considers reasonable and necessary to take appro	MD Whistleblowing C(2018) 13
4	AF has taken appropriate action within a reasonable period, the staff member who	MD Whistleblowing C(2018) 13
5	*name of the Agency* or OLAF a reasonable period of time to take the app	MD Whistleblowing C(2018) 13
6	the *name of the Agency* will take reasonable steps to facilitate such a move	MD Whistleblowing C(2018) 13
7	/he cannot show to be honest or reasonable . The effect of this is that wher	MD Whistleblowing C(2018) 13

Figure 63. KWIC results for the term ‘reasonable’ in the Model Decisions Corpus

This is definitely a positive development in the use of a more inclusive and modern language, as developed in the Model Decisions Corpus, to the extent necessary to make each organisation more aware of its obligations and duty of care for its staff members.

3.2.4 Results of the Corpus Linguistics Analysis

European Institutions are nowadays well informed and conscious of the language of human rights and of non-discrimination principles, as affirmative actions in term of equality, although mostly related to gender than to ethnic minorities or persons with a disability, are being implemented in different organisations (European Parliament, 2011). Alongside with considerations related to the mere legal basis, some European Institutions are proactive in dealing with the question of equality and diversity in the workplace,

guaranteeing equal participation and shared responsibilities in a context such as internal directives and policymaking.

The question of this research is whether this awareness of the principle of equality and diversity is embedded in the most fundamental basis of the regulatory framework for Staff Members of the different institutions, i.e. the Staff Regulation and its implementing provisions. It is now a reality that Staff Committees in all Institutions are consulted before introducing modifications in the Staff Regulation and its implementing rules. In fact, in view of the reform of the Staff Regulations of January 2014, Commissioner Šefčovič implemented a huge campaign of information, with the setting up of an internal forum for European Civil Servants who wanted to have a say in the proposed new texts. The open question remains whether these consultations, together with the revision of the legal documents, are fostering a message on equality and diversity, by using a language which could substantiate the improvements in the field.

An analysis of the findings obtained from the Corpus Linguistics analysis of the EU HRM Legal framework shows that, although some positive language shifts are happening, there is room for improvement in this regard. In fact, the first highlight of the research is that the term ‘Europe’ and ‘European’, as an embedded value to the different staff provisions and rules, is difficult to find in the EU HRM Legal Corpus. While the preambles of the different legal basis strive to give a context to the different rules, this seems to be more linked to the aim of passing a message of modern Human Resources Management than to embed the value that stands behind the European Union. At the same time, this does not seem to be a shifting feature in the Corpus because, in the different texts

of the Model Decision Corpus, which bring more recent drafting, the term European is linked only to the names of the different Institutions. This static feature of the EU internal legal language also shows in the general principles of equality, as introduced in the Preamble of the EU Charter of Fundamental Rights. The main highlight at this point of the research shows that the concept of persons, their security and their personal data, does not reflect in the Corpus the importance that they have in the European policies and, without prejudice to the fact that this could only be done to a lesser extent, it could have been included nonetheless.

With regard to the awareness and inclusion of LGBTI persons, it appears even more clearly that the diversity which is the enriching part of the European Union philosophy fails to appear in the EU HRM Legal Corpus. For example, while defining that the non-marital partnership is compared to marriage with regard to the application of entitlements in the Staff Regulation, a more cohesive use of the language might reinforce the principle of equality in dealing with these different statuses and change the mindset of the Civil Servants who are all affected by these regulations. At the same time though, in this instance, it should be noted that in the Corpus it is possible to find a diachronic dimension of evolution in the language, with more attention paid to the terminology related to 'partnership'. This shift will contribute to fostering a better inclusion of the LGBTI collective, although it should be noted that, also with regard to gender mainstreaming, the EU internal provisions are for now only developing in a dichotomic direction (male-female), and are not including any element of intersectionality (Hankivsky, 2013; Hord, 2016).

The area in which a bigger effort was made to create awareness and equality in the workplace is clearly the one related to gender. A broad campaign on the gender mainstreaming, which is currently taking place in all Commission services, is probably giving its fruits in terms of the use of a more inclusive language, as gender equality is the part of the EU HRM Legal Corpus where explicit sentences are included in the different rules. Unfortunately, though, a deeper analysis of the use of gender-related possessive adjectives and personal pronouns shows that the way ahead to embed the concept of equal treatment for men and women is, although shifting in the most recent implementing provisions and Model Decisions, long to go. Although in different instances the language is redeemed to the use of the feminine possessives or pronouns, the caveat in the Staff Regulation which states that “Any reference in these Staff Regulations to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex” should definitely be overcome. It is particularly important to strive for a better wording in such sense. Although the caveat is specified at the beginning of the Staff Regulation, in many instances provisions such as “*he is promoted*” can be encountered, which do not foster the idea behind gender equality and contribute to a distorted identity building of Staff Members working for the Institutions (Holmes, 2015; Searle, 2015). This issue is of particular importance to overcome the concept of male as a “null gender”, as assuming that the default and standard gender is male and not female contributes to reinforcing the typical gender stereotypes (Fuertes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015). In fact, other sensitive wording which is used in the Staff Regulation should be more gender-neutral and references to chairman instead of chairperson can be found in forty-seven occurrences in the EU HRM Legal Corpus, prevalently in the Staff Regulation.

A positive shift in the terminology used in the Model Decision Corpus, where there seems to be a greater awareness of the importance of using inclusive language, is shown in the use of terms such as ‘chairperson’ and the close links between ‘he’ and ‘she’ in most of the instances. Again, the shift in the language of more recent provisions is present, although gender mainstreaming would benefit from increased consistency and possibly a more courageous change in the revision of the language used in older texts. In fact, it should be noted, though, that the language of the two corpora is still far from complying with the definition of gender-sensitive language, as defined by the European Institute for Gender Equality in their website¹⁴:

The realisation of gender equality in written and spoken language attained when women and men and those who do not conform to the binary gender system are made visible and addressed in language as persons of equal value, dignity, integrity and respect.

Avoiding sex- and gender-based discrimination starts with language, as the systematic use of gender-biased terminology influences attitudes and expectations and could, in the mind of the reader or listener, relegate women to the background or help perpetuate a stereotyped view of women’s and men’s roles. There are numbers of different strategies that can be used to express gender relationships with

¹⁴ <https://eige.europa.eu/thesaurus/terms/1215>

accuracy, such as avoiding, to the greatest possible extent, the use of language that refers explicitly or implicitly to only one gender, and ensuring, through inclusionary alternatives and according to each language's characteristics, the use of gender-sensitive and inclusive language. (EIGE, 2019)

Regarding the awareness and inclusion of persons with a disability, the research shows that a long way is still to be made with regard to the use of an inclusive language in the EU HRM Legal framework. In fact, the terms 'disable' and 'handicapped' still appear in the texts of the EU HRM Legal Corpus. The 2006 UN Convention on the Rights of Persons with Disabilities refers to a person with a disability rather than to a disabled person to underpin that a person is not disabled but has a disability. The convention has been signed by all the twenty-eight European Member States and so far, has been ratified by twenty-five. In 2010, the European Union also ratified the Convention, playing a leading role in the monitoring framework for implementing it among EU Institutions. The definition of a person with a disability in the UN Convention¹⁵ is as follows:

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may

¹⁵ <https://www.un.org/development/desa/disabilities/resources/general-assembly/convention-on-the-rights-of-persons-with-disabilities-ares61106.html>

hinder their full and effective participation in society on an equal basis with others.
(UN General Assembly, 2007, p. 4)

This wording is deemed fundamental in changing the mindset of people without a disability. Although the Staff Regulation takes on board this definition and includes it in Article 1d, in some following articles the term ‘disabled people’ still occurs five times in the consolidated version of the text.

The same conclusions could be drawn with respect to the area of fundamental rights which relate to elderly persons. Although it seems clear that the Staff Regulation and its implementing provisions are aimed to regulate a rather specific target age group, and that the genre of the Corpora embeds a different aim to this extent, some improvements could be made to avoid terms as ‘young’ in order to encourage a narrative of inclusion of all Staff Members in all age groups.

As for the terminology which relates to the principle of good administration, it seems from the research that more emphasis could be made to include this concept in the preambles of the different provisions, for example, in the provision related to recruitment or reclassification, terminology such as ‘fairness’ or ‘proportionality’ should have been included. Moreover, the concept of ‘reasonable time’ is used in a different sense than that of the EU Charter of Fundamental Rights. Rather than considering that the Administrations need to be *reasonable* in dealing with various personal dossiers in a timely manner, Staff Members are those left with this responsibility.

The discourse around the principles of equality and diversity cannot transcend an appropriate use of language, especially within an international organisation with a key

leading role in Europe, such as the European Union's Institutions. In fact, language is not only a reflection of society, but it is also an instrument to actively build the social reality through discourses (Fairclough, 2001). Language does not only reflect interpersonal behavioural patterns, but it creates and defines them and any bias in the use of language has a direct implication on equal opportunities for the Civil Servants and citizen of the European Union. In the next chapter of this dissertation, a discourse analysis of the EU HRM Legal Corpus will be conducted, with the aim of using this corpus investigation as a basis to a more in-depth analysis of the discourse around equality and diversity in the EU Institutions.

CHAPTER 4 - THEORETICAL FRAMEWORK AND DATA

ANALYSIS – DISCOURSE ANALYSIS

4.1 Theoretical Framework of the Discourse Analysis

4.1.1 *What is Discourse and What is Discourse Analysis*

Defining the term ‘discourse’ is not an easy task, and different scholars over the past decades have tried to frame its definition, thus contributing to the creation of a new sociolinguistics discipline called discourse analysis (Harris, 1952; Halliday, 1973 and 1985; Fairclough, 1992; van Dijk, 1997 and 1998; Dooley & Levinsohn, 2000; Schiffrin, Tannen, and Hamilton, 2003; Baker, 2006; Paltridge, 2006; Wodak & Meyer, 2007; Hodges, Kuper and Reeves, 2008; Glynos, Howarth, Norval, & Speed, 2009; Jørgensen & Phillips, 2010; Antelmi, 2011; Gee, 2011a and 2011b; Hyland & Paltridge, 2011; Barker, 2012; Maingueneau, 2014; Strauss & Feiz, 2014). A comprehensive definition of discourse has been given by Schiffrin, Tannen and Hamilton (2003), according to whom there are three main categories of discourse, and discourse can be defined as follows:

- 1) Any text that goes beyond a simple sentence
- 2) The language in use, in particular how people are “performing” language, for example in interactions, conversations, etc.
- 3) A broader range of social practices which may include non-linguistic and non-specific occurrences of language use. In such sense, discourse includes social interactions and common understandings.

This last category refers directly to the Foucauldian sense of discourse, which entails not only an individual communication but a larger system of thoughts and speaking acts, regulated by social rules in a particular point in time, this discourse then becomes a system of meaning that is propagated through language use (van Dijk, 1997). This particular category of discourse is defined by James Gee (2011a and 2011b) and big “D” discourse, as a system of meaning or ideology that is built in the common interaction among participants. Big “D” discourse contraposes with little “d” discourse, which is simply an instance of communicative acts in a given language (Gee, 2011a and 2011b).

This definition of big “D” discourse is the baseline for this research, which is focused on the analysis of the EU HRM Legal Corpus and the results of the questionnaire for HR and Legal Officers, as explained in previous chapters. Moreover, in light of this methodological approach to the study of discourse, it is worth describing the concept of discourse analysis in order to better frame this research as designed. The term discourse analysis was introduced by the American linguist Zellig Harris in an article indeed called *Discourse Analysis* (Harris, 1952). Harris was a structuralist who used the term ‘analysis’ in the etymological sense of the word:

Discourse analysis yields considerable information about the structure of a text or a type of text, and about the role that each element plays in such a structure. [...]. Discourse analysis tells, in addition, how a discourse can be constructed to meet various specifications [...]. (Harris, 1952, p. 346)

To complement and deepen this definition, different scholars divided the method of study of discourse into two main approaches: a descriptive one, which is mainly based on

language details and linguistic features, and a critical one, which is fundamentally of an applied nature, to determine how society use language, with a particular political angle (Fairclough, 1992; van Dijk, 1997; Baker, 2006; Paltridge, 2006; Wodak & Meyer, 2007; Hodges, Kuper and Reeves, 2008; Gee, 2011a and 2011b; Mautner, 2009).

For this particular research, it is interesting to look into how Hodges, Kuper and Reeves (2008) theorized about the three different approaches to discourse analysis. The first approach is formal linguistic discourse analysis, focusing, in particular, on the microanalysis of semantical and grammatical language features. As a second approach, the empirical discourse analysis involves the examination of the language in use, the macro-analysis of how people use and apply the language. The last approach refers to critical discourse analysis, which uses examples of texts in order to find out how discourses are constructed, and norms are created. In other words, if the discourse is considered as an act of more than one sentence, we can link this definition to formal discourse analysis, in which the different linguistic components (microanalysis) are taken into account. This encompasses all the linguistic features which could pertain to phonology, morphology, syntax, semantics and pragmatics (Harris, 1952; Fairclough, 1992; van Dijk, 1997; Schiffrin, Tannen, and Hamilton, 2003; Baker, 2006; Paltridge, 2006; Hodges, Kuper and Reeves, 2008; Jørgensen & Phillips, 2010; Gee, 2011a and 2011b; Maingueneau, 2014; Strauss & Feiz, 2014). A particular study has been considered for this research on the critical discourse analysis angle, entailing a study conducted by Ruth Wodak on the contextual interaction and multilingualism inside the EU Institutions. This research is of particular interest as it highlights the complexity of the social context inside the EU Institutions, in particular with regard to the linguistic choices of staff members.

If we consider discourse as language in use, and we consider in particular how people are “performing” language, we can link the definition to an empirical angle of discourse analysis, in particular to applied linguistics and conversational analysis (van Dijk, 1997; Schiffrin, Tannen, and Hamilton, 2003; Baker, 2006; Hodges, Kuper and Reeves, 2008; Jørgensen & Phillips, 2010; Gee, 2011a and 2011b; Maingueneau, 2014; Strauss & Feiz, 2014). If we consider discourse as a broader range of social practices which may include non-linguistic and non-specific instances of language, as theorized by Foucault, discourse analysis is also the approach which will include the study of social practice and may highlight aspects of equality and diversity. If referred to a particular historical period, this type of analysis would highlight the aspects of discourse which are/were “thinkable” and “sayable”. By choosing a certain word in a text we highlight our attitude and our convictions. The words we choose make us feel like a part of a community, defining our identity.

Within the dimension of discursive practice, it is important to note that language can be a bearer of change and that by choosing different words we can change the effect they have on the recipient. Language creates opinion and creates practices and it is closely linked with the power of the participant of a discourse. By choosing a certain word in a text we highlight our attitude and our convictions. The words we choose to make us feel like a part of a community define our identity (Fairclough, 1992 and 2001; van Dijk, 1997 and 1998; Baker, 2006; Paltridge, 2006; Wodak & Meyer, 2007; Hodges, Kuper and Reeves, 2008; Glynos, Howarth, Norval, & Speed, 2009; Gee, 2011a and 2011b; Hyland & Paltridge, 2011).

It is the last strand of discourse analysis as described above the one which sustains this research, as deemed by the author of this dissertation to be the most suitable one to

unravel the discourse on the HRM-related policies inside the different EU Institutions, albeit the perception of it by the European Civil Servants. This is due to the fact that such discourse analysis focuses on the use of language as the creation of the identity of the staff working for the different EU Institutions.

4.1.2 Relevance of Discourse Analysis

As language encompasses many different features, this research focuses on the analysis of the legal HRM-related production of the European Institutions collected in the EU HRM Legal Corpus and on the analysis of the results of the questionnaire completed by EU Civil Servants. In particular, as described in Chapter 2 of this dissertation, the aim of this research is considering the use of the English language in the area of staff management, in particular by exploring the way in which the language is used to foster equality and diversity among staff members working for the different EU Institutions. Discourse analysis as part of this dissertation will not focus on phonology but on some morphological aspects, such as how word forms are used. Part of the analysis will consider syntactical aspects related to how sentences are constructed and how they contribute to the readability of the Corpus and its understanding (Gee, 2011a and 2011b). However, the main part of the analysis will be devoted to the examination of semantical aspects, encompassing how meaning is created in particular instances (Gee, 2011a).

Linguistic pragmatics will also be one of the main focus of the analysis, as the use of language will be examined in the context in which it is utilized (Baker, 2006), following the idea that “language is not necessary discourse. Discourse is linked to context. Discourse

requires participants. Discourse is built on responsivity. And discourse is bounded by structure” (Strauss & Feiz, 2014).

Considering this angle, the object of the analysis of this part of the dissertation, which focuses on the EU HRM Legal Corpus, is divided into two main parts: on the one hand, an overall analysis of the discourse as construed within and by the Corpus, and, on the other hand, a more targeted analysis of the part of such discourse which is related to equality and diversity principles, as embedded in the different provisions of the Corpus itself. The overall discourse analysis of the EU HRM Legal Corpus, as carried out in this research, includes five key elements:

- 1) Genre: this feature relates mainly to the structural aspects of discourse analysis, whereby the concept of genre serves for the basis of the discourse, providing its consistency and recognizability, being based on conventions and shaping the discourse’ content and purpose (Bhatia, 1993; Bhatia & Bremner, 2014);
- 2) Modality: an additional aspect of the structure of discourse is the medium through which discourse is delivered. Modality is very important as this is the way to share and highlight the social conventions behind discourse, including the possible transgressions to the norms if the case;
- 3) Register: this important feature defines the grammatical, lexical and prosodic feature of discourse and it highlights the “membership” of the participants;
- 4) Actors: starting from the consideration elaborated below on the context, there will be two main participants’ role as included in the analysis of the discourse on the EU HRM Legal Corpus: authors and receivers;

- 5) Context: the description of the context in which the EU HRM Legal Corpus is produced takes from the definition of van Dijk (1998), whereby there is a cognitive interface between social structures and the use of language. To this extent, context becomes a mental model of the communicative situation, which could be different for all participants in a communication act.

To analyse the discourse used in the EU HRM Legal Corpus, as highlighted in the methodological approach of this research, this dissertation touches upon different features proposed by several aforementioned studies, but in particular, it takes into account aspects related to discourse in the workplace (Bhatia, 1993; Grant & Iedema, 2004; Danson, Green & McQuaid, 2005; Cotter & Marschall, 2006; Rodríguez, 2006; Mayr, 2008 and 2015; Shena, Chandaa, D'Nettob & Mongaa, 2009; Koester, 2010; ten Thije & Maier, 2012; Kärreman, 2014; Jackson, 2014; Holmes, 2015). Furthermore, the analysis of the discourse of the EU HRM Legal Corpus will be based on some research related to the discourse on equality and diversity (Holmes & Meyerhoff, 2003; Hummert, Garstka, Ryan, & Bonnesen, 2004; Baker, 2005 and 2018; Ahmed, 2007; Mautner, 2007; Harrington, Litosseliti, Sauntson & Sunderland, 2008; Goddard & Mean, 2009; Talbot, 2010; Özbilgin & Tatli, 2011; Tatli, 2011; De Graaff & van der Wal, 2011; Altan, Maillart, Proli, Lawlor & Stokenberga, 2014; Grue, 2014; Hord, 2016; Sardar, 2018).

4.2 Data analysis and Results

4.2.1 *Discourse Analysis of the EU HRM Legal Corpus – Overall Considerations*

4.2.1.1 Genre

Genre can be defined as a conventional, repeatable pattern of language (McEnery & Hardie, 2011). To this extent, it is of particular importance for this research the assumption that the analysis of genre enables to anticipate the expectations of the participants in the discourse itself (Bhatia, 1993). This is a key element in this study, as the genre of HRM Legal text might foster the expectations that equality and diversity mainstreaming principles should not be included in the different legal provisions. In other words, since fostering inclusion is mainly carried out in the “soft” HRM policies, it is to be expected that no mention is included in the “hard” policies, i.e. the ones related to establishing the core legal framework for EU Civil Servants (Ramakrishna, Górski & Paschke, 2005).

On the other hand, it is the contention of this research the fact that at least a minimum effort could be expected from frameworks such as the EU HRM Legal Corpus to foster the organisational values and its management of equality and diversity. In fact, a fundamental question this research is aiming to address in this chapter is related to how genre affects discourse and the perception of a text by recipients (Bhatia, 1993; Bhatia & Bremner, 2014).

As mentioned in Chapter 3 of this thesis, the EU HRM Legal Corpus is composed of the currently applicable rules for Civil Servants working for the European Union and its Institutions. It consists of fifty-eight documents divided into forty-seven subject matters, and it includes different types of legal provisions. All these rules and provisions are of a legal

nature, and the text which composes them is clearly of a prescriptive nature as it contains guides, provisions and rules (Gibová, 2011).

In order to identify the conventions related to the genre behind the EU HRM Legal Corpus, this research considers elements related to participants in the discourse and considers the purpose of the Corpus itself. As mentioned above, the main purpose of the HRM legal framework is to regulate and guide the working life of EU Civil Servants. It is worth observing, at this point, that the EU HRM Legal Corpus is the basis of contractual relationships between the Institutions and their Staff Members, as the Corpus is of a legally binding nature for both parties.

Regarding its content, the EU HRM Legal Corpus can be summarized in four main elements that are related to the different rules of part of the EU Staff Regulations:

- 1) Rules of a technical nature that regulate salary, pension and emoluments;
- 2) Rules linked to staff career, for example, employment and use of different contractual categories, appraisal, reclassification and promotion;
- 3) Rules linked to working conditions and life-work balance, such as teleworking, flexitime, part-time work, parental and family leave;
- 4) Rules entailing ethics and contractual obligations, such as external activities, conflict of interest, anti-harassment.

These are the subject matters and topics which a Civil Servant expects to find in the EU legal framework. The information contained in each provision is appropriate to satisfy the legal contractual nature of the relationship between the institution and the Staff Members

and to guide on some general principles of the rules' implementations. Considering the principles of transparency, since all the texts are of public domain, one of the purposes of the EU HRM Legal Corpus is directly linked to its feature of being communicative vis-à-vis all EU citizen, on one hand, and increase the accountability and the rationale of the "EU machine" on the other hand, with the possible aim to foster a better understanding of what working for European Institutions look like.

While describing the process to identify the different authors of the different parts of the Staff Regulation or the implementing provisions, the diachronic component of the EU HRM Legal Corpus is of great importance. The only Staff Regulation was first published in June 1962 and its consolidated text, including SR and CEOS, was amended 142 times and corrected 25 times in the last 57 years. Two were the major recent amendments, in May 2004 and January 2014. Both amendments entailed a restructuring of the career path in the EU Institutions and more modern working conditions (with the inclusion of improved work-life balance policies such as flexitime, teleworking, etc.).

The structure of the documents and texts composing the EU HRM Legal Corpus are easily identifiable, in particular to the Staff Members of the EU Institutions. The Staff Regulation and Conditions of Employment of Other Servants of the European Union is, in fact, a Community Regulation. The text, as published in the Official Journal, is composed by a title ("REGULATION No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community"), the reference of publication in

the Official Journal (“OJ 45, 14.6.1962, p. 1385”), the list of amendments and corrections, the table of content and the different parts divided into Chapters and Annexes.

1962R0031 — EN — 01.05.2014 — 012.003 — 1				
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►B				
REGULATION No 31 (EEC), 11 (EAEC),				
laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community				
(OJ 45, 14.6.1962, p. 1385)				
<u>Amended by:</u>				
		Official Journal		
		No	page	date
► M1	Règlement n° 1/63/Euratom du Conseil du 26 février 1963 (*)	35	524	6.3.1963
► M2	Règlement n° 2/63/Euratom du Conseil du 26 février 1963 (*)	35	526	6.3.1963
► M3	Règlement n° 17/63/CEE du Conseil du 26 février 1963 (*)	35	528	6.3.1963
► M4	Regulation No 18/63/EEC of the Council of 26 February 1963	35	529	6.3.1963
► M5	Regulation No 5/64/Euratom of the Council of 10 November 1964	190	2971	21.11.1964
► M6	Regulation No 182/64/EEC of the Council of 10 November 1964	190	2971	21.11.1964
► M7	Règlement n° 2/65/Euratom du Conseil du 11 janvier 1965 (*)	18	242	4.2.1965
► M8	Règlement n° 8/65/CEE du Conseil du 11 janvier 1965 (*)	18	242	4.2.1965

Figure 64 Title page of the Staff Regulation of Official and Condition of Employment of Other Servants of the European Union

The Implementing Provisions have a different structure, given their lengths and the fact that each regulates a different subject matter. The title page of any implementing rule, being a Commission Decision, consists of an empty page containing only the indication of

the language used (EN for English, FR for French, DE for German). For example, the first and second pages of the implementing provision on anti-harassment are similar to the one shown in Figure 65.

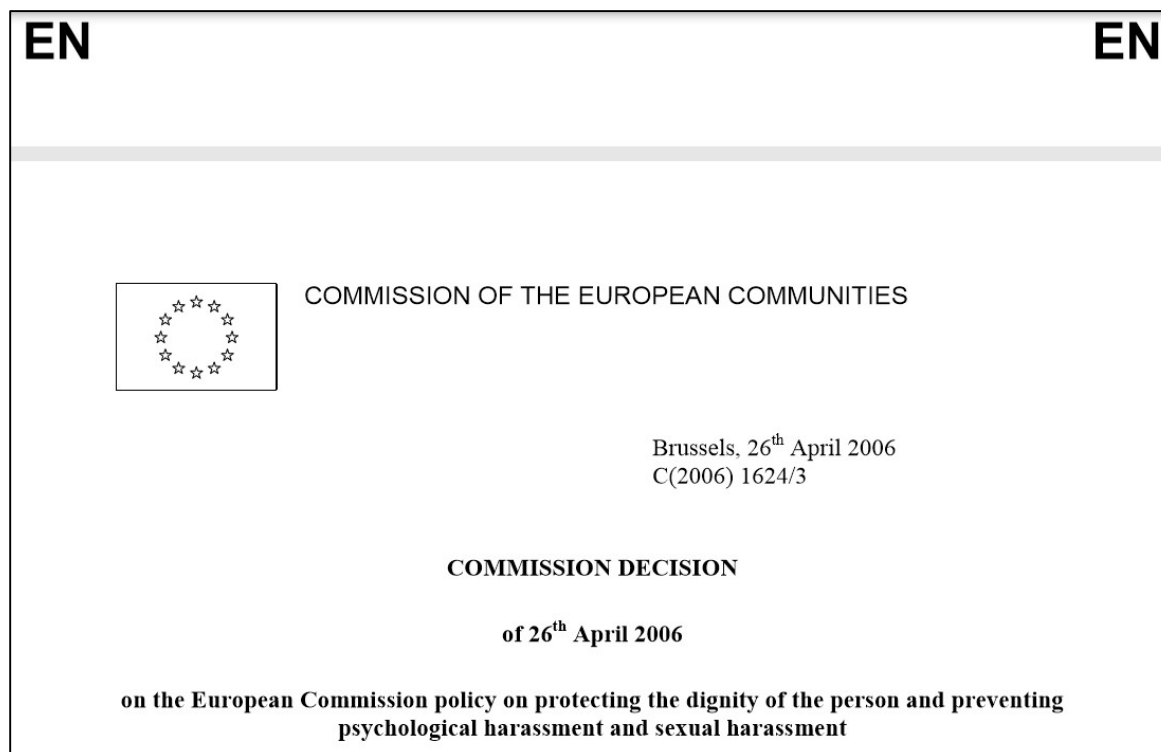


Figure 65. Title page of the implementing provision on anti-harassment

The implementing provision *per se* entails the title, the preamble –with the rationale of the decision, introduced by different ‘having regard to’ and ‘whereas’–, the different articles and the concluding one. Some of the implementing provisions are long in content, in such case the core text of the rules normally included in an Annex, as shown in the same implementing provision on anti-harassment (See Figure 65).

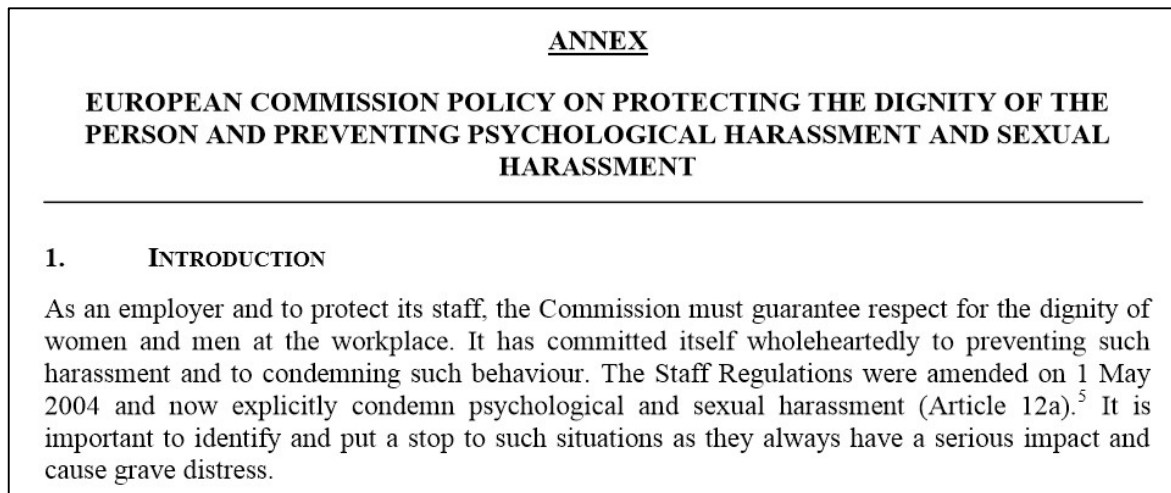


Figure 66. Annex of the implementing provision on anti-harassment

With regard to the style and language, for all the reasons mentioned above related to the different authors and contributors to the process, the style could vary a lot from text to text. Covert translation from a text drafted in French (mainly in the early days of the European Union existence, might also be detected, as explained in Chapter 5.2.2.2, whereby in some instances it is interesting to find possible covert translations, or calque, from a non-native drafter, of the concept of ‘person of a male sex’ (personne de sexe masculine) and ‘person of a female sex’ (personne de sexe féminin), since in the English language would have been better expressed as ‘female person’ and ‘male person’ – a variation which does not exist in French. The baseline though entails texts which are rather formal, with the relatively rigid structural format and written in what is commonly known as “legalese”, although the register will be analysed in part 5.2.1.3 of this dissertation.

4.2.1.2 Modality

Semiotic modality, as a system including different options of expressing the legislator's intentions regarding all the texts included in the EU HRM Legal Framework, is a very important element for the examination of the language used in it, as its development in the different rules and provisions may unravel the social conventions behind the discourse (Cooren, 2004; Gee, 2011b; Gibová, 2011). Being a Corpus of legal provision, there is no surprise to see that the modality of the EU HRM Legal Corpus is a written form, with provisions and rules included as a result of a formal decision-making process. As explained in the part of this research devoted to genre analysis, the communication channel of the different texts in the Corpus is a very formal one, with no inclusion of conversational elements. Each implementing provision is the result of different interservice consultations among the different actors in the EU Institutions, albeit the Staff Regulation, which is a European Council decision.

It is worth noticing though that in the last few years, the communication channels inside the EU Institutions are becoming more and more interactive. In 2017 the intranet of the different institutions, where Staff Members can find relevant information, includes revised pages on the EU internal legal framework. Surfing into the different articles of the Staff Regulations, Staff Members are now able to find hyperlinks to the different implementing provisions, policies and conclusions, which are indexed by subject matters. This function is only internal at the moment and the different Institutions do not seem to understand the importance of granting such an ease of access to external parties.

In fact, all these considerations related to the openness of the provisions in the EU HRM Legal Corpus clash with the actual availability and accessibility outside the EU Institutions. This issue will be explored in more detail in part 5.2.2.4, although – as mentioned previously – it is clear that all the different rules and provisions in the Corpus are somehow lost in the *Acquis Communautaire* since no consolidated version of the overall provisions in the Corpus is available to the general public.

4.2.1.3 Register

We can consider as register of a text the way a speaker or writer uses the language depending on the circumstances (Berruto, 2005). These variations are determined by factors as social roles, context, purpose, and participants (Berruto & Cerruti (2015)). According to Halliday and Hasan (1976), register entails “the linguistic features which are typically associated with a configuration of situational features – with particular values of the field, mode and tenor” (p. 22). To this extent, Field is defined as “the total event, in which the text is functioning, together with the purposive activity of the speaker or writer; includes subject-matter as one of the elements” (Halliday and Hasan, 1976:22). Mode is “the function of the text in the event, including both the channel taken by language – spoken or written, extempore or prepared – and its genre, rhetorical mode, as narrative, didactic, persuasive, 'phatic communion', etc. Tenor refers to “the type of role interaction, the set of relevant social relations, permanent and temporary, among the participants involved” (p. 22) (Halliday & Hasan, 1976; Berruto, 2005 and 2015).

Alongside the above-mentioned definitions, it is also important to remember that there could be five categories of register variation (Berruto, 2015):

- 1) Intimate register, which is the highly informal way of expression, normally used among friends and family members;
- 2) Casual register is the informal language of a broader but still defined social group;
- 3) Consultative register, which is a moderate formal language connotated by the interaction of mentor-protégé relationship;
- 4) Formal register, which is spoken among strangers or in a technical context;
- 5) Frozen register, which is linked to traditions and rituals.

The language of the law has always been considered a very formal style, characterized by its long sentences, complex syntax, formulaic expressions and archaisms.

4.2.1.3.1 Legalese Language of the EU HRM Legal Corpus

Taking into consideration the theoretical framework as described above, the analysis of the register of the EU HRM Legal Corpus should take into account different considerations related to the formality of its register. In particular, it is a contention of this dissertation the fact that the formality of the register of the Corpus is reinforced by the use of a language variation commonly referred to as legalese (Bhatia, 1983; Pavlíčková, 2005; Marmor, 2008; Gibová, 2011), defined as the technical language used in legal discourse. This particular variation of language use is characterised by the presence of archaic forms, Latinisms, nominalisations, lengthy sentences, or sentences with peculiar structures, and increased use of passive forms.

With regard to the use of archaic forms, in the EU HRM Legal Corpus it is possible to find quite a few examples of older words' form like 'thereof' and 'thereto' (but also further

derivatives, including ‘therein’ and ‘thereby’), together with an expression such as ‘hereby’, which are used in legal English primarily to avoid repeating names or sentences, and create a direct reference. In the Corpus, this practice is largely used, in particular, the term ‘thereof’ with 36 hits and the term ‘thereto’ with 35 hits are frequently repeated. It is particularly interesting, as its use is definitely non-common, is the use of the term ‘aforementioned’, for example in the implementing provision on housing (C(2013) 8965): “Only if the official has to move to another accommodation during his posting for reasons beyond his control, a further agency fee may be reimbursed with the aforementioned limits” (European Commission, 2013). For reasons of simplicity and clarity, the expression could have been replaced with a simpler cohesive device, such as in the sentence “a further agency fee may be reimbursed with the limits mentioned above”. The overuse of these archaic forms may be due to the fact that legal discourse is a very conservative genre and formulaic expression may better contribute to giving a sense of weight and authority.

Another interesting feature, typical of legalese, is the use of modifiers such as ‘the same’, ‘said’, ‘above-mentioned’. In the EU HRM Legal Corpus, it is interesting, as they are frequently used as adjectives to further determine and reinforce nouns, but not replace them. There are different examples in the Corpus, in particular, such as ‘said amount’ and ‘said condition(s)’. These modifiers convey a message of redundancy in the texts of the EU HRM Legal Framework, limiting the fluidity of the language and the easiness in reading the different rules and provisions.

From an etymological perspective, English is a Germanic language and a good number of English words are of Germanic origin. However, the English language also

borrowed terms from Latin. Nowadays, Germanic and Latinate words compose two different sets of vocabulary in English (Gee: 2011a). Germanic words are used mostly in informal settings, while Latinate ones are more common in formal and specialist register. In the EU HRM Legal Corpus, it is indeed expected to find a majority of Latinate terms, being the Corpus a specific one, albeit one with a legal nature (Marmor, 2008; Gibová, 2011). In different occasions, Latin expressions are used instead of English ones: for example, in the Corpus the expression 'inter alia' (eleven hits in total) instead of 'among others' (no hits). Rather extensive in the Corpus is the use of the term 'ad hoc', which counts 44 hits in the Corpus. Other expressions frequently used are 'inter alia' and 'de facto', which are employed in the oldest rules and are currently used in the most recent ones. In particular, 'inter alia' appears eight times in the EU HRM Legal Framework, and 'de facto' one.

The Corpus includes other typical features of legal English, such as Latin forms, which could be seen in an expression such as 'null and void' - in expressions, for example, such as "This makes the agreement null and void", and "term and conditions." These expressions are redundant in nature, but rather common in the use of legal English to determine completeness.

Passivization is another remarkable feature of legal discourse, which is also associated with its formal and objective style. With regard to the use of passive forms in the EU HRM Legal Corpus, the high number of passive verbs is a most noticeable linguistic feature. In fact, almost all sentences in the Corpus are expressed in the passive form. This may be due to the willingness to de-nominalise the author of the text, in this case, the EU legislator.

Furthermore, sentences often have peculiar structures, for example in Article 11a of the Staff Regulation:

An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests. (European Council, 1962, p. 19)

Another case in point is the example in Article 34.4 of the Staff Regulations, whereby “except where he is in a position forthwith to resume employment elsewhere, a dismissed probationer shall receive compensation” (European Council, 1962). Notwithstanding the register of the texts in the EU HRM Legal Framework, the above mentioned linguistic structures result peculiar for their complexity vis-à-vis their communicative value. Another example on the use of a legalese English in the EU HRM Legal Framework comes from one of the very first article in the EU Staff Regulations, in Article 1.c, which reads as follows:

Any reference in these Staff Regulations to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa unless the context clearly indicates otherwise. (European Council, 2004, p. 12)

The article was firstly introduced with the reform of the Staff Regulation of 2004, supposedly to address the need of including the first element of gender equality into the text. Close scrutiny of the structure and semantics of the above sentence extracted from Article 1.c reveals several aspects which are worth analysing. The first one is the use of the verbal expression ‘shall be deemed also to constitute,’ which not only uses the prescriptive ‘shall’,

but also the verbs ‘to deem’ and ‘to constitute’. Although these verbs pertain to legalese, both forms convey a far less factual message than the use of the verb ‘to be’. This periphrasis, in fact, seems to be redundant in its nature, while more direct use of the verb ‘to be’ could have improved the readability and effectiveness of the text.

In the case of the EU HRM Legal Corpus, the influence of French grammatical structures may be a contributor to this peculiar construction. As aforementioned, English is nowadays the main drafting language of the European Institutions’ internal legal framework, although it should be noted that this was not the case in the past since the construction of some of the texts of the Staff Regulations dated back to the 1960s and might have been translated from French (Gardner, 2016).

4.2.1.3.2 Nominalisation, Integration and Linguistic Modality in the EU HRM Legal Corpus

Apart from highlighting the different features of the legalese variation in the EU HRM Legal Corpus, this research attempts to explore some particular features of legal discourse which are overwhelmingly used in this Corpus, such as the use of nominalisation, embedded clauses and linguistic modality. The analysis of these features is important in the context of this research, as their presence highlights the formality and accessibility of the EU HRM Legal Framework for the staff working in the different EU Institutions and the general public. Chomsky defined nominalisation as “a process by which a verb phrase is transformed into a nominal” (1968, p. 2). Halliday provided a more general definition and described the term “as an element or group that can function as a noun or a noun group” (1985, p. 68). Bhatia (1983), on his side, contributed to deepening the concept of nominalisation and linked

it more directly to conventional legal writing. The use of nominalisation in the EU HRM Legal Framework is being analysed in light of its communicative value vis-a-vis the staff working for the different EU Institutions, albeit the general public. Nominalisation, in fact, is a linguistic feature by which the verb in a given sentence loses of importance to the benefit of the nominalised noun and, as a result, it becomes more difficult to link all the different elements of a sentence together in a naturally flowing manner. This feature is of particular importance in the linguistic research as the object of this dissertation, as the clarity and directness of the discourse of the EU HRM Legal Framework are of key importance for fostering the EU values among the staff of the EU Institutions. Looking into the different type of nominalisations, there are different examples of them in the EU HRM Legal Corpus. A particular interesting sentence to this extent is contained in Article 11 of the implementing provision on Middle Management (C(2008) 5028/2):

This final assessment shall take into account views from colleagues, staff and hierarchy and provide a formal opportunity for the appointing authority to make a definitive judgment as to whether the official has the necessary managerial ability and can remain in his or her post. (European Commission, 2008, p. 10)

The article above shows that nominalisations are clearly included in expressions such as ‘to make (a definite) judgment’, instead of ‘to decide’, ‘the official has the (necessary) managerial ability’ instead of ‘is able to manage’. They wish to convey a huge amount of information within the same sentence may account for the unusual length and complexity of the sentence. However, the desire to include all the information into a self-contained sentence seriously hinders comprehension.

Another remarkable feature characteristic of the EU HRM Legal Corpus is the overuse of embedded clauses. In the construction of each discourse, embedded clauses are not asserted and sometimes the information they bring might be perceived as less important, as the perspective of the writer is being communicated in a more direct way if it is included in the main clause and not in the subordinate or embedded clause (Gee, 2011a). Perhaps one of the reasons for using embedded clauses is the urge to include and compress all the information related to a particular issue into a complete sentence. On many occasions, there is a considerable quantity of information between the subject and the verb, which makes the sentences much harder to process. Furthermore, according to Gee (2011b:60).

Integrating or packaging clauses allows speakers and writers to organise how they want to present and represent information. It allows them to take a particular perspective on the information they want to communicate. In the EU HRM Legal Corpus, there are different examples which indicate the use of subordinated and embedded clauses. An interesting example is drawn from Article 21 of the Staff Regulations:

An official, whatever his rank, shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him. An official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities. (European Council, 1962, p. 23)

In the first two clauses of the article, the subject of the utterance is 'an official' and the emphasis is placed on his role as assistant and on his loyalty toward his superiors. The

use of phrases such as “in respect of the authority” and “instructions given” clearly contributes to this emphasis. The third sentence though shift emphasis towards the official’s own responsibilities and complements the first two, specifying that the responsibilities of each Official are not released by the work of subordinates. This particular grammatical construction once again puts the emphasis on the responsibility of the official, also stressed by the use of the modal verb ‘shall’.

Furthermore, it is important to highlight the role of the EU HRM Legal Corpus in setting norms and craving the *forma mentis* for the EU Civil Servants. This set of norms is then supported by the internal system of the EU Institutions, reiterated over time, and it is interesting to note that, in fact, the language of the EU HRM Legal Corpus could be generally classified as prescriptive (Gibová, 2011). In certain provisions, definitely in the minority, the language of the EU HRM Legal Corpus might be classified as performative, as the formulation of the different norms does not prescribe its application but rather performs it. This is not usual, and it is the case, for example, in the establishment of all actors inside each institution – see Title I of the Staff Regulations, Article 9, whereby different Committees are established:

Without prejudice to paragraph 1a, there shall be set up within each institution:

- a Staff Committee, which may be organised in sections for the different places of employment;
- one or more Joint Committees, as appropriate for the number of officials at the places of employment;

- one or more Disciplinary Boards, as appropriate for the number of officials at the places of employment;
 - one or more Joint Advisory Committees on professional incompetence, as appropriate for the number of officials at the places of employment;
 - a Reports Committee, if required; — an Invalidity Committee,
- which shall perform the functions assigned to them by these Staff Regulations.
(European Council, 1962, p. 17)

Besides these few instances, as mentioned above, the EU HRM Legal Corpus contains a set of provisions whose language is prescriptive by nature since it regulates and imposes the recipients' behavior (Gibová, 2011). For this reason, it is relevant to analyse the presence and use of modal verbs in the Corpus. As expected, the most frequent modal verb in the Corpus, with 3686 occurrences, is 'shall'. 'Shall', which is overwhelmingly used in formal rules and regulations, in the legal context is frequently employed with the meaning of 'must' and is considered a typical example of legalese. Far fewer are the instances in which the term used is 'must', only 355 times in the whole Corpus. The main reason for this might be that the term 'must' is not very common in legal discourse because it is considered to be less objective than 'shall' and this subjective nature is not completely compatible with a prescriptive language (Gibová: 2011). Other modal verbs such as 'should' also appear in the Corpus, in 161 instances. This modal form implies a less legally binding nature; this sustains the hypothesis that the provisions in the Corpus are of a clearly prescriptive nature (Gibová, 2011).

The nature of the language in the EU HRM Legal Corpus is important to determine the reception of the norms by the Staff Members and the creation of their identity vis-à-vis the Institutions. Since the language of the Corpus is by nature neither constitutive nor inclusive, it contributes to the creation of an unbalanced relationship between the employer and the Staff Members, as it will be analysed in the following parts of this dissertation.

4.2.1.4 Actors

To analyse the significance of conventions and the balance of powers among the different actors of discourse as created by the EU HRM Legal Corpus, it is important to understand what these conventions show about the actors of the communication. In other words, it is important to determine who are the participants in the discourse and what are their knowledge, values, attitudes or beliefs (Pavličková, 2005). As mentioned in the previous part of this chapter, examining the EU HRM Legal framework, the actors who can be identified in the set of rules belonging to the EU HRM Legal Framework are the authors of the different provisions and the recipients.

4.2.1.4.1 *The Authors*

As mentioned in the introduction of this thesis, while explaining all the steps in the adoption of the different implementing provision and the Staff Regulations, the authors of the different texts are multiple. In particular, when it comes to the implementing provisions of the Staff Regulations, the *chef de file* inside the European Commission varies according to the subject matters. For example, IDOC, the Investigatory and Disciplinary Office of the European Commission, is in charge of the implementing provisions related to administrative inquiries, while PMO, the Pay Master Office, is in charge of any change to implementing

provisions related to emoluments and entitlements (family allowances, etc.). This brings an internal complexity which was already highlighted in the previous chapters, as the authors of the different texts are different. Moreover, there is a diachronic component to the Staff Regulation and implementing provisions, since the initial texts date back to 1962 and the last ones were drawn up in 2018.

One additional level of complexity comes from the different steps which should be undertaken before the final text is approved. As mentioned for the EU legislation in the first chapter of this thesis, the approval of internal rules involves quite heavy interservice consultations, which include different legal checks and dialogues with staff representatives. In particular, it is worth mentioning here an example entailing different steps which are to be undertaken before the adoption of a Model Decision¹⁶ in different Agencies. Besides the

¹⁶ As described in the previous chapter, Model Decisions are rules drafted and agreed upon by the so-called Standing Working Party (SWP), and interinstitutional organism composed by representative of the European Commission (DG HR) and the different Agencies. The SWP draft rules which are based on the Commission's implementing provisions, but which are tailored to the specificities of different institutions.

fact that the draft text of the MD already pertains to different authors in the Standing Working Party once created, the draft text is circulated and consulted with the Administrations and Staff Committees of all Agencies and Joint Undertakings, who contribute to the text with comments and redrafting. Just as an indication of the magnitude of such consultation, it is worth mentioning that the network of EU Agencies currently comprises 47 Institutions. The consultation for Model Decisions entails addressing both the administration of an agency and its staff committee. This gives a clear idea of the number of people that are involved in the drafting process.

One similarity which links the different initial drafters is their general profile since they are in the Commission Services, normally Policy Officers, with a background in Law or Human Resources. Their role as contributors is actually shared with the different representatives of the Staff Committee. In the name of a fruitful social dialogue within the European Institutions, the different Staff Committees are consulted before the final provision enters into force. The role of Staff Committee Representative is to represent the interest of Staff Members, their contribution comes from very different background since the members of the Staff Committee are elected according to their background that can be legal or technical.

Moreover, it should not be forgotten the fact that, given the multiculturalism that characterizes the EU Institutions, the texts are not always written by an English native speaker. Depending on the subject matter, in fact, the initial text can be drafted in French, which is still a working language in many of the EU Institutions, or can be drafted up using English as a lingua franca (Gardner, 2016). All these factors affecting the final text need to be considered in conjunction with the actors who are responsible for drafting and finalizing each of the legal provisions included in the EU HRM Legal Corpus.

4.2.1.4.2 The Recipients

The intended audience of the HU HRM Legal Corpus is composed by the Civil Servants of the European Institutions since the EU internal legal framework, in fact, is designed to give general legal rules and provisions for each person working for the European Union. However, since the Staff Regulation and its implementing provisions are, for a matter of transparency, of a public domain, these set of rules and provisions can be accessed by anyone who is interested in working for the EU Institutions; therefore, the audience could easily include candidates or interested people.

Given this scenario, and in order to determine who are the recipients of the set of internal staff rules, this research considered two different categories of them. On the one hand, the first-hand recipients of the different provisions, who are the EU Institutions' Staff Members. This is the main category of recipients (Gee, 2011b) since the aim of the legal framework is to regulate Civil Servants' career and working conditions. Within this category there are a great variety of people since the staff of the EU Institutions comes from more than twenty-four countries and from all age and social groups.

On the other side, the EU HRM Legal Corpus, given the openness of its modality, has also been designed for a broader category of persons who are not EU Civil Servants, ranging from people working for the EU Institutions with an external contract (so, they are not subject to the same legal framework¹⁷), such as trainees and interim staff, *extra muros* consultants, to people working outside the EU umbrella, to private European and non-European citizens. There are two big differences between these two categories of recipients: an obvious one and a practical one. The obvious one is that the EU internal legal framework is in fact legally binding for EU Staff Members and, therefore, their interest and their knowledge of the key concepts and rules is a matter of work-related pragmatics. The practical one refers to the fact that EU Civil Servants are far more acquainted with the EU jargon than external actors because, once they become staff members of the EU workforce, all the staff need to become progressively aware of the internal EU Jargon. In fact, once candidates become Staff Members in any EU Institutions, they receive quite extensive and compulsory training on the HRM legal framework. Induction training in different institutions might last from half a day to a few days programs. The aim of the induction training is exactly to make

¹⁷ It should be noted that some of the implementing provisions and Model Decision giving voice to the Staff Regulations are applicable to external staff working to the European Institutions and Agencies. For example, this is the case for the implementing provisions of leave and teleworking are applicable to Seconded National Experts.

the internal audience aware of the rights and obligations which relate to the different texts of the EU HRM Legal Corpus.

These thorough explanations and inductions serve the purpose for internal Staff Members, while they become a little harder for the outside world to understand the single details of all rules. Although they are all available online in the different site of the EU Institutions, there is currently no compendium of their application and their aim for people working outside the Institutions, which makes the understanding of the framework more difficult for external access. The above-mentioned induction programs are also aimed to highlight the most important articles of the Staff Regulations and the implementing provisions with a major impact on the working life of Staff Members. Thus, each Civil Servant is made acquainted to the rules in a progressive way, when new provisions replace old ones, Civil Servants already possess a basic knowledge of the subject matter and how they are implemented in the internal legal framework. Although it should be noted that the European Union is making a lot of effort to simplify the so-called EU jargon for the general public, in the case of its EU HRM Legal Framework, less so. While the European Commission has made available a website where the EU jargon is explained¹⁸, the terms

¹⁸ Available at: http://ec.europa.eu/ipg/content/tips/words-style/jargon-alternatives_en.htm

included in the website are not the same as those terms used internally. For example, the concept of ‘Appointing Authority’ is not included in the EU jargon explanations.

Given these circumstances, it results rather difficult to access the EU HRM Legal Corpus in a simple way, and it is even harder to understand the applications of the different rules in detail. A general idea of what is it to work for the EU is given by different Commission’s websites¹⁹, but the direct link to the primary legislation is difficult to find from outside the Institutions because, although all the texts included in the EU HRM Legal Corpus are published and available, the real problem is to have an overview of the different parts that make up those texts. One particularly interesting example is the use of the term ‘Appointing Authority’ (AA) or ‘Authority Authorised to Conclude Contract of Employment’ (AACC), which is probably the first example of instances whereby internal HRM-related jargon manifest to newcomers, since their contract, as per the Staff Regulations, is signed either by the AA or by the AACC.

Some other concepts in the Staff Regulations are alien to newcomers or to the general public, such as the concept of ‘core hours’, i.e. the obligatory daily time frame for EU Civil Servants, or ‘reclassification’, which relates to the concept of promotion for Temporary and Contract Staff. These concepts and different terminology related to working arrangements

¹⁹ See, for example: https://europa.eu/european-union/about-eu/working_en or https://epso.europa.eu/home_en

might seem strange to an external eye, particularly if someone is used to business terminology related to the private sector.

In addition to the somehow peculiar terminology, the Human Resources Management of EU Institutions works rather heavily around abbreviations and acronyms, as highlighted above. This practice is aimed to simplify the narrative inside the different Institutions since using the abbreviation AACC instead of the full version of ‘Authority Authorised to Conclude Contracts of Employment’ may create some additional challenges for any external actor. While highlighting the differentiation of the actors participating in the discourse around the EU HRM Legal Corpus, it is important to examine the way in which the intention of the author, or the Legislator, is performed, as it clearly linked to the aim of setting a consistent frame of rules to regulate the contractual rights and obligations of EU Staff Members. This is rather clear in each provision, given the different preambles which introduce each of rules and provisions.

A typical preamble includes the following parts:

- 1) The part where the Legislator links the provision with the other provisions on the topic in question, which are mainly the Staff Regulations, and follow a similar pattern marked by the use of ‘having regard to’
- 2) The part where the Legislator gives a rationale and a reason for the provision to be implemented, which relates to references marked with the term ‘whereas’. This part, including the rationale of the legal texts, is a rather interesting read for some key implementing provision, such as the anti-harassment one, but it is inexplicably quite

short for others, such as the implementing provision on the recruitment of persons with disabilities.

The rationale underpinning each implementing provision sounds rather unintelligible for external recipients since, in many instances, it is merely an additional legal reference to the text. This dissertation will expand in the next chapters the implications of such lost opportunity from a communicative point of view. In sum, it is clear that the intention of the Legislator is not to use a clear and intelligible style, but to draw attention to the intended recipients of the internal legal framework, and the rationale is, therefore, drawn to be understood by the EU Staff Members.

The typical EU Staff Members appear, from the Framework as well aware of all rules and provision in force, beware of the hierarchy and the authority and conscious of their responsibility. The picture is one of the Staff Members who believe in the role of the Institutions in Europe, being (Civil) Servants before than (Staff) Members. The way in which this identity links to the fundamental values of the European Union will be the subject of the discourse analysis on the equality and diversity principle, in the next chapter.

4.2.1.4.3 Balance of Powers in the EU HRM Legal Corpus

The analysis of the balance of powers in the EU HMR Legal Corpus is of particular interest in this dissertation as the relation among all actors in the discourse as built by the Corpus becomes crucial for fostering diversity inside the EU Institutions. Each actor, in fact, plays an important role in the creation of a discourse which could sustain and foster EU values and principles of equality and diversity. A good example is Article 21 of the Staff Regulation since it focuses on the responsibility of each Staff Member vis-à-vis the hierarchy

and, although this article has been previously analyzed, it is interesting to use it also as an example of the balance of power in the EU HRM Legal Corpus.

An official, whatever his rank, shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him. An official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities. (European Council, 1962, p. 23)

As described above, the emphasis of the first two sentences of the article is on the obligations of each official vis-à-vis their role as subordinate. The third sentence shifts the focus of the topic to a general statement on the liabilities of managers vis-à-vis their subordinates. However, in doing so, the writer seems to put the same emphasis on the responsibilities of both managers and subordinates but, in fact, the article does not specify which are the responsibilities of the manager towards his or her subordinates. The third sentence just indicates that a Staff Member is not released from his or her duties because of the responsibilities of subordinates, but does not specify the responsibility towards them. If we consider that a manager acting towards his or her subordinate acts on behalf of the Institution in their official role, this construction suggests that the relationship between Staff Members and their institutions is unbalanced, dragging the weight of responsibility towards the former rather than the institutions themselves.

This concept of power imbalance relationship is very important in the development of this research, as the expectations towards either the institutions or the Staff Members are

different depending on the structure and discourse of the EU HRM legal framework. As power imbalance may cause workplace conflicts and can breed resentment or even distrust between managers and subordinates, the legal framework should be formulated in a clear and neutral style that can help staff manage power imbalances. However, the EU HRM framework fails to adequately address the issue, especially when evaluating the obligations imposed on managers and subordinates. A clear example illustrating this power imbalance in the EU HRM Legal Corpus is the occurrence of “appointing authority shall”²⁰ in comparison with “official(s) shall.” While the former receives 91 hits, the latter gets 167. This means that officials have more obligations than their managers. Moreover, among the 91 hits of the term “appointing authority shall,” 19 hits are followed by ‘be’. For example, in the implementing provision on middle management (C(2008) 5028/2): “[Appointment] for posts at grade AD 9/AD 14, the appointing authority shall be the Director-General for press and information”, which do not give active responsibilities to the Appointing Authority but just state structural requirements.

The imbalance relationship between Appointing Authority and Staff Members could be also found in the structure of the Staff Regulation itself. As described in previous chapters, the Staff Regulation is composed by nine titles: general provisions, rights and obligations,

²⁰ It should be noted that each Institution’s legal representative vis-à-vis Staff Members is the so called “Appointing Authority”, or for Agencies “Authority Authorised to Conclude Contract of Employment.” This function is normally covered by Directors and Directors General.

career, working conditions, emoluments and social security, disciplinary procedures, appeals, special provisions and transitional measures. The consolidated version of the text is also complemented by eleven annexes, which regulate in many details the different topics enshrined in the SR, with regard to selection and recruitment, leave and time management, type of posts, individual rights and monetary entitlements and pension contribution.

If we take into consideration Title II - rights and obligation, this part is composed of sixteen articles. They regulate the responsibilities of Staff Members on matters related to conflict of interest, disclosure of information, anti-harassment and anti-fraud. Each of the 16 articles states the obligations of Staff Members, which are clearly indicated with the modal 'shall.' This can be observed in the following examples: "An official shall carry out his duties and conduct himself solely with the interests of the Union in mind", "An official shall refrain from any action or behavior which might reflect adversely upon his position", "An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits" (European Council, 1962).

With regard to the rights of Staff Members in this part of the Staff Regulations, there are only three articles related to them: Article 22c which relate to complaints, Article 23 which relates to privileges and immunities, and Article 24 which relates to requests of assistance. Once again, the wording of such articles still focuses on the obligational nature of the relationship between institutions and Staff Members:

The privileges and immunities enjoyed by officials are accorded solely in the interests of the Union. Subject to the Protocol on Privileges and Immunities, officials shall not

be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force. (European Council, 1962, p. 25)

There are of course other parts of the Staff Regulations which deal with the matter of Staff Members' rights and entitlements. These matters are dealt with Annex VII. It should be noted though that rights regulated by Annex VII are only pecuniary rights, and the articles therein regulate matters of a technical nature. This suggests indeed unbalanced expectation management between both parts, and in particular on the side of Staff Members, who carry the burden of requests and proofs vis-à-vis the compliance against all rules in the EU HRM Legal Framework. If we analyze another fundamental right of each individual, the freedom of expression, the formulation in the Staff Regulation is rather indicative of the hypothesis of the imbalanced power relationship between EU Staff Members formulated above: "An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality." (European Council, 1962, p. 22).

Regarding the hypothesis that the EU HRM Legal Framework reflects the imbalanced relationship between Institutions and Staff Members, there are other aspects to be considered. The EU Institutions' world is a very structured and hierarchical one since, as previously mentioned, the European Union employs more than 30.000 civil servants. It is natural to consider that such an unbalanced relationship is aimed to guarantee unconscious respect towards the institutions by each Staff Member, who may fear the power of the institution with regard to their own individual rights and entitlements. This is illustrated in the very term 'Appointing Authority,' since each Official is appointed in his or her work for

the institutions, there is an authority who is empowered to do so. The term ‘authority’ itself already marks the hierarchical distance with the Staff Members.

Moreover, in different instances in the Staff Regulations and CEOS, and in their implementing rules, Staff Members (and Officials as well) are referred to as ‘Civil Servants.’ Once again, the terminology is rather consequent in drawing attention to the relationship between ‘Authority’ and ‘Servants’. In this respect, it is necessary to explain the usual practice of recruitment of staff in the European Agencies. As mentioned in footnote 1 of this chapter, officials are working for the European Institutions (Commission, Parliament and Council) and are normally appointed by the so-called Appointing Authority. In most Agencies, Staff Members are usually Temporary and Contract Staff as they are hired with a legal contract and not an appointment. For this reason, the representative of the Agency signing the contract, normally the (Executive) Director, is referred to as ‘Authority Authorised to Conclude Contract of Employment’. However, a similar version in recent Model Decisions suggests the use of the form ‘Authority Empowered to Conclude Contract of Employment’ because it might indicate a willingness to avoid any assonance in the name, but in any case, the name suggests that the authority is not unilateral as per the Officials.

4.2.1.4.4 Building the Identity of the Participants in the EU HRM Legal Corpus Through Values

Having considered the balance of power as created by the EU HRM Legal Corpus, and taking into account that everyone enacts different identities in different contexts (Gee, 2011a), it becomes crucial to explore the concept of identity building in the discourse of the EU HRM legal framework. The fact that the individuals working for the EU Institutions

come from different backgrounds and countries deems it necessary to respect the different ways in which they enact their identities within the workplace. As we “are all members of different cultures, social groups and institutions, and have all different sort of roles and relationships, [...] we have to talk and act so as to be recognised as having the ‘right’ or ‘appropriate’ identity” (Gee, 2011a:106) in each of these roles and interactions. It is of particular importance to this research the concept of the identity of an ‘everyday person’ elaborated by Gee, who claims that

Even specialists like doctors, lawyers, physicists, and so forth do not always speak and act as a specialist expert. There are contexts in which they are expected to speak and act like everyday people, appealing to common sense, ‘what everybody knows’, and what every day humans are expected to share. (Gee, 2011a, p. 106)

Being the language of the different provisions prescriptive, it is not surprising that this language has an impact on shaping the identity of the Staff Members and contributes to building corporate behavior. Civil Servants are expected to be attentive of the hierarchy and have the interest of the Union in mind before their own because, as the Staff Regulations put it, “An official shall carry out his duties and conduct himself solely with the interests of the Union in mind.” (European Council, 1962, p. 19).

The prescriptive language of the EU HRM legal framework imposes a certain standard of behavior in order to regulate the conduct and performance of EU Civil Servants and their careers need to be developed within this sort of frame and should reflect the standard intended by and within the EU system. This means that, although EU Civil Servants do not share the same cultural values, they are forced to adopt certain patterns of behavior

and roles that will help them act as a collective unit and embody the general European interest. Thus, it could be stated that the prescriptive style of the language used in the legal framework contributes to giving Civil Servants a common mission and construct a sense of identity that differs from that of professionals working for a private company. The hypothesis of this research is that Civil Servants' identity is not constructed around values, but forged around certain practices and behaviors (Baker, 2006; Cotter & Marschall, 2006; Penas & López Sáenz, 2006; Edward, 2009; Gee, 2011a and 2011b; European Commission, 2016).

In order to prove this hypothesis and for the purpose of this research, it is necessary to analyse some prescriptive language used in the EU HRM Legal Corpus, such as the terminology referring to own will, since, as suggested by Gee, "each different choice means something different and, in each, meaning is being used to do something different" (2011b: 54). In particular, it is mandatory to consider the terminology related to verbs underlining own will, such as 'think' or 'believe', and verbs used for asking for permission, such as 'request' and 'ask'. The term 'request,' for example, appears in fact 35 times as a verb, mainly linked to the modal 'may', in sentences such as 'the official may request'. Although in a far informal nature, almost the same amount of hits has been found for the verb 'ask'. The frequency of these verbs suggests that the language used in the legal framework highlights what is expected from European Civil Servants so that they may become more apt to embody the European institutions. A different scenario appears with terms like 'think' and 'believe', which bring no hits in the Corpus. At the same time, the word 'consider' appears in only twenty instances. Some other examples include the use of the verb 'deal with' and 'manage', and both forms are present in the Corpus, respectively twelve and nine hits.

Another remarkable example is the use of the verb ‘to seek’, with the meaning of ‘to look for’ or ‘to find’ in an active way. This verb appears eleven times in the Corpus and it mainly refers to Staff Members as agents of the action. This suggests the active role that is expected from the EU Civil Servants. In a couple of occasions, in the implementing provision on anti-harassment (C(2006) 1624-3), for example, both the verb ‘to seek’ and the verb ‘to find’ occur in the same sentence: “preventive measures designed to prevent conflict situations and to seek amicable settlements should such situations arise” and at the same time, “he or she acts neutrally and attempts to find amicable solutions to problems” (C(2006) 1624-3, p. 5). The interesting feature in these sentences is the use of the ‘seek’, which underlines a connotation of proactiveness from the side of the institution, and at the same time the use of ‘find’ with reference to Staff Members as the subject, highlighting the balance of power between the two actors.

Language is one of the most direct agents to create the identity of participants in a given context because it can have an impact on society, as well as a society can influence language use (Baker, 2006; Penas & López Sáenz, 2006; Gee, 2011a and 2011b). In fact, according to Gee:

People use language to build different identities for themselves in a different context.

They also build identities for other people. In turn, they often use the identities they are building for others to further the work they are doing building their own identity.

(Gee, 2011b, p. 110)

With this perspective in mind, it is primordial to analyse the relationships and the different identities as built through language use in the EU HRM Legal Corpus. As

aforementioned, the prescriptive nature of the language used in the Legal Corpus is intended to train Staff Members to build a corporate identity in order to better embody the institution as a collective. However, when analysing the use of pronouns, it is particularly striking that the pronoun ‘we,’ that could serve to reinforce a group identity of shared values and behaviors, is never used in the EU HRM Legal Corpus. When searching for other pronouns or adjectives that may help visualize or construct a sense of collective identity, we find the presence of one hit for ‘our’, just to realize that the context is rather different from the one expected. In fact, it refers simply to practical arrangements related to travel insurance (C(2008) 6215): “If you encounter a problem during a mission before you do anything else, please contact our insurers (see Annex IV), who are on hand 24 hours a day, and follow their instructions” (p. 19). Moreover, once again, confirming the main prescriptive nature of the Corpus, this provision clearly shows the unbalanced dichotomy and the total lack of a sense of group identity among Staff Members and their Institutions.

The absence of the pronoun ‘we’ suggests that the Legal Corpus does not consider Staff Members as a homogeneous collective. It also contributes to the perception that there is no shared identity among European Civil Servants to bring along loudly vis-à-vis the non-Staff Members. In other words, the group formed by European Civil Servants does not appear clearly as a cohesive entity in the set of EU staff rules and does not show in practice the added value that working for the European Union brings for its members.

Another key term that is crucial for the study of identity and relationship building among EU Staff Members is the word ‘value’. According to the Oxford English Dictionary²¹, values are “principles or standards of behavior; one's judgment of what is important in life.” The synonyms given for ‘value’ are “moral principles, ethics, moral code, morals, moral values, standards, moral standards, code of behavior, rules of conduct, standards of behavior”. It is then, for the purpose of this research, very important to examine any explicit reference to these terms in the EU HRM Legal Corpus.

The Corpus counts 49 hits for the term ‘value’, as shown in Figure 78. However, when analysing the co-text of the investigated word, it is clear that in no instances the word ‘value’ is used with the meaning described above; rather, it is used with a completely different connotation, that of “the material or monetary worth of something.”

Concordance Hits 49		
Hit	KWIC	File
1	also include the rental value of any dwelling owned	C(2004) 1364 Household allowance.txt
2	's roof. This rental value shall be fixed at 12%	C(2004) 1364 Household allowance.txt
3	also includes the rental value of any dwelling owned	C(2004) 1364 Persons to be treated as dependent children.txt
4	usufructuary. This rental value shall be fixed at 12%	C(2004) 1364 Persons to be treated as dependent children.txt
5	European Union the capital value, updated to the date	C(2011) 1278 Transfer of pension rights.txt
6	transfer of the capital value, updated to the date	C(2011) 1278 Transfer of pension rights.txt
7	including the updated capital value of the pension rights	C(2011) 1278 Transfer of pension rights.txt
8	whole of this capital value. It may correspond to	C(2011) 1278 Transfer of pension rights.txt
9	able to supply the value of the pension rights	C(2011) 1278 Transfer of pension rights.txt
10	the transferable actuarial value pursuant to Article 11(1) or 12	C(2011) 1278 Transfer of pension rights.txt

Figure 67 KWIC results for the term ‘value’

²¹ Value. (2018), the Oxford English dictionary, available at:

<https://en.oxforddictionaries.com/definition/value>

With regard to the lack of explicit reference to European values – or any other value! – it was also deemed relevant to analyse the overall discourse in the Corpus in relation to the concept of the social good, which is defined by Gee (2011b: 118) as the action or behaviors which provide benefit to the general public, or better “anything a social group or society takes as a good worth having”. In fact, considering the social good as something that benefits a vast number of people in the largest possible way, the EU HRM Legal Framework lacks such a concept. Taking into consideration the communicative aspect of the European staff rules vis-à-vis the external public, the general message of the importance of promoting shared European values for the EU citizen is unfortunately nowhere to be found in the EU HRM Legal Corpus. This corroborates our initial hypothesis about Civil Servants identity construction as based more on a set of habits acquired through prescriptive rules than on a set of common values.

As mentioned in the context of studies of this research, at the time of writing this chapter – May 20019 - the European Union is being active on different fronts to determine its value vis-a-vis the European citizen. In a period of time defined by large migratory flows to Europe from Africa and from the Middle-East, in a time where the clock of Brexit is still ticking and no clarity about the outcome of the process is on the horizon, in a year of EU parliament elections, the different Institutions are running massive campaigns on the value that Europe brings to its citizens. Within this broader perspective, it is interesting to look at

the new European Multiannual Framework (MFF).²² The MFF of the European Union is a seven-year framework program determining the European Union program and budget management. It is decided upon unanimously by the European Union Council, after having received the agreement of the European Parliament. The MFF sets the amount of budget spending for each of the following seven years, with regard to each EU policy areas (also called 'headings'). This text is passionately devoted to the future challenges of the European Union and its discourse is mainly built around the values at stake. In order to highlight the importance of shared European values, each heading of the MFF includes a reference to the added value of the EU, and one full heading is dedicated to 'Cohesion and Values.' Another interesting feature is the high occurrence of the word 'value' throughout the text, a word that is included 167 times in a text which counts a grand total of 48.104 tokens. This clearly reveals a shift in European discourse in order to project a view of a homogeneous European community in the texts addressed to the general public. This is only one of the examples of the new communication strategy of the European Union. Via its Institutions, the Union tries

²² At the time of writing this dissertation, the text which is taken into consideration is the European Commission's proposal for the MFF 2021-2027. Ref: European Commission (2018), *Communication from the Commission to the European Parliament, the European Council, the Council of the European Economic and Social Committee and the Committee of the Regions - A Modern Budget for a Union that protects, empowers and defends. The Multiannual Financial Framework for 2021-2027 (COM/2018/321 final)*. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A321%3AFIN>

to reach out to its citizens and to the general public, with vast communication campaigns aimed to determine its value and its identity.

However, the findings of this research clearly indicate that this message is not consistently conveyed since, without progress in practical matters, this strategy will remain mere official statements. It is not only with communication campaigns that the values and the identity of the European Institutions are made public but by fostering them so as to make them endemic to its functioning and the management of their Staff Members. And improving the EU HRM Legal framework could be the right starting point to a better and more cohesive discourse on Europe.

As mentioned in the introduction of this research, the declared values of the European Union, and hence its own identity, are expressed in the following statement²³:

The European Union's fundamental values are respect for human dignity and human rights, freedom, democracy, equality and the rule of law. These values unite all the member states – no country that does not recognise these values can belong to the Union. (European Parliament, 2020)

The discourse and identity built around these values are not integrated into the EU HRM Legal Corpus since, as aforementioned, no direct mention to these values is made nor

²³ Available at: <https://europarlamenti.info/en/values-and-objectives/values/>

a reference to what Staff Members of the EU should stand for. Regarding the creation of an identity for the EU Staff Members, again it could be stated that a sense of worthiness and dignity for those working for the European Institutions is not guaranteed if only the EU HRM Legal Corpus is taken into consideration. There are although other channels of communicating such values and sense of belonging within the European Institutions, both internally than vis-à-vis the general public. This is the case for what is called the *better regulation package*, a set of revisions of all European regulations, mainly those which are to the benefit of the European Citizen, which has been launched in 2015 by the European Commission. According to this initiative²⁴:

To achieve better results, the Commission is opening-up policy and law-making and listening more to the people it affects. Better regulation relies on evidence and a transparent process, which involves citizens and stakeholders (for example, businesses, public administrations and researchers) throughout. The Commission identifies areas for improvement to the existing body of EU legislation. And when proposing new policies and laws, the Commission is focusing on the things that really do need to be done by the EU and makes sure they are done well. Applying these principles will help the Commission to meet its objectives at minimum cost and

²⁴ Available at: https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en

administrative burden. It also responds to concerns raised by EU citizens. (European Commission, 2020)

The sense of belonging of Staff Members while initiatives like that are undertaken could only improve, albeit the identity shown to the general public. Such initiatives, in fact, foster the sense of belonging and the guiding principles of the European Union. A particularly interesting policy in this area is that of constructing a *better workplace for all* (European Commission, 2017). This Commission's communication was launched on 19 July 2017 and was aimed to improve the inclusion and diversity management inside the European Commission. In particular, the inclusion and diversity strategies aim to reach the following:

The Diversity and Inclusion strategy focuses on four main target groups: women, staff with disabilities, LGBTI people and older staff. The strategy contains cross-cutting but also specific measures to address the concerns of each of these groups, including: For women, specific management programs and support for existing and new women networks. For disabled staff, involvement in the planning of access and mobility facilities in Commission buildings. For LGBTI, awareness activities and training for managers and staff, in particular, to address any unconscious bias. For older staff, monitor whether they face any discrimination when applying for new jobs. (European Commission, 2017, p. 4)

The tone set by this document is far different from the dry language used in the EU HRM Legal Corpus. This could be expected to be both texts from different genres, the latter being strictly legal, although nothing would impede the use of a more user-friendly language in the rationale of some parts of the EU Staff Regulation and its implementing rules. The

initial part of the Commission's Communication also emphasizes the idea of clarity and commitment towards diversity management:

The European Union's founding values of freedom, democracy, equality, human dignity and the rule of law are as relevant today as ever before. They continue to guide EU legislation, policies and activities to advance equality, non-discrimination and diversity across Europe. This currently includes: [...]. But upholding values starts at home. Whatever we promote to the Member States must first apply here in the European Commission. This Communication helps us achieve that by setting out the first comprehensive strategy promoting diversity and inclusion for all Commission staff. (European Commission, 2017, p. 3)

As can be observed in this text, the direct link to the European Union's values is immediate and of great impact. Particularly outstanding is the use of first-person plural pronouns in the statement underlined above, which conveys the idea of a cohesive collective unit committed to the European values. As previously mentioned, this is a clear example of how language is used to forge a common identity, where 'we' is used to referring to the European Commission staff vis-à-vis the general public. The social good of this policy, as described by Gee (2011b), is obvious and clearly transmitted since the message suggests the idea that 'this is what we believe, and this is who we are' as a group. However, as previously mentioned, such a message is completely missing when it comes to internal HR legal rules.

This Commission's Communication is complemented with a Diversity and Inclusion Charter (European Commission, 2017), envisaged to the benefit of all staff working for the European Commission and for external reference. The tone of the Charter is formal but

inclusive, although the dimension of group identity and membership conveyed by the pronoun ‘we’ is fundamentally missing. The dichotomy between the Institution and its Staff Members appears again to lessen the impact of the communication.

In fact, the wording of the Diversity and Inclusion Charter is similar to that of the European Union Charter of Fundamental Rights; in both documents, the language is plain and neutral, the morphological and syntactic structure simple. It clearly seems that there is an attempt to recreate the style of the EU Charter of Fundamental Rights, in order to confer a higher prestige to this document and highlight the importance of focusing on diversity and inclusion. It should be noted, however, that, since the Commission’s Charter on Diversity and Inclusion is a binding commitment of the employer towards Staff Members, it could have been written in a more participative way in order to highlight the metadiscourse on equality and diversity and the identity and values of both the Commission and its staff. This connection is not present in the Charter of Diversity and Inclusion but surely is present in the Commission’s strategy to the benefit of Staff Members and European Citizen, who could connect with the Institutions better via its staff.

4.2.1.4.5 Fostering Common Values: the Case of the HRM-related Legal Provisions at the United Nations as Compared to the Provisions of the EU

In order to further explore how European values are fostered through discourse, this research will now briefly focus on a very interesting example of HRM-related legal basis for bringing values and identity of staff to the general public, the Staff Rules and Staff Regulations of the United Nations (United Nation General Assembly, 2016), and will compare these with the provisions of the EU. The UN General Assembly established the

Staff Regulations of the United Nations by resolution 590 (VI) of 2 February 1952 for the first time. The UN Staff Regulation has been amended 78 times since the first version with different resolutions, the last one dating from 1 January 2018.

The language of the UN Staff Regulation is rather similar to the EU Staff Regulation because they use the same genre and legal nature of the provisions and follow a very similar structure in chapters and subject matters. The real difference in the language though lies in the preamble and the first articles of both documents. The current preamble reads:

Under the Charter of the United Nations, the General Assembly provides staff regulations which set out the *broad principles of human resources policy* for the staffing and administration of the Secretariat and the separately administered funds and programs. The Secretary-General is required by the staff regulations to provide and enforce such staff rules, consistent with these principles, as he considers necessary. (United Nation General Assembly, 2016, p. 4)

Moreover, the introductory chapter on the scope and purpose of the UN Staff Regulation reads:

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the United Nations Secretariat. They represent the broad principles of human resources policy for the staffing and administration of the Secretariat. (United Nation General Assembly, 2016, p. 9)

The consolidated text, although strictly legal, is introduced by a rather informal narrative with the rationale and the changes introduced with the last UN resolution. This

confers an angle of accessibility to the document, in particular for external readers such as candidates or even for the general public. The text is, in fact, easy to read through, both in terms of structure than in term of clarity of language, fostering the weight of its principles and values throughout the text.

With regard to the first article of the UN Staff Regulation, the difference vis-à-vis the EU Staff Regulation is even more noticeable, since it entails its values in the text:

(a) Staff Members are international civil servants. Their responsibilities as Staff Members are not national but exclusively international;

(b) Staff Members shall make the following written declaration witnessed by the Secretary-General or his or her authorized representative:

“I solemnly declare and promise to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other source external to the Organization.

“I also solemnly declare and promise to respect the obligations incumbent upon me as set out in the Staff Regulations and Rules.”

(c) The Secretary-General shall ensure that the rights and duties of Staff Members, as set out in the Charter and the Staff Regulations and Rules and in the relevant resolutions and decisions of the General Assembly, are respected;

(d) The Secretary-General shall seek to ensure that the paramount consideration in the determination of the conditions of service shall be the necessity of securing staff of the highest standards of efficiency, competence and integrity; [...]. (United Nation General Assembly, 2016, p. 10)

This is the case also for the provisions related to ‘core values’, for which the EU Staff Regulation, albeit the EU HRM Legal Framework, does not have a corresponding:

[...] (a) Staff Members shall uphold and respect the principles set out in the Charter, including faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. Consequently, Staff Members shall exhibit respect for all cultures; they shall not discriminate against any individual or group of individuals or otherwise abuse the power and authority vested in them; [...]. (United Nation General Assembly, 2016, p. 10)

The narrative throughout the UN Staff Regulation is intended to build a solid system of values and a defined identity of Staff Members working for the United Nation. This is of a particular effect with the inclusion of the declaration in Article 1 since the impact of such direct language is not only far-reaching for internal staff but also – and maybe more – for the general public. Indeed, an external actor to the UN system of Human Resources Management can immediately define the identity of UN Staff Members as the ones who sign the declaration in which they commit to use “*loyalty, discretion and conscience*” (United Nation General Assembly, 2016 page number). This last particular term is rather revealing for the hypothesis of this research since there is no particular mention to a common European

conscience in the EU Staff Regulation. If we consider a similar article in the EU Staff Regulation, the wording is quite different:

An official shall carry out his duties and conduct himself solely with the interests of the Union in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Union. (European Council, 1962, p. 19)

The principle of loyalty seems rather similar in both documents, but the inclusion of the word 'conscience' confers to the UN Staff Regulation a different angle as compared to the EU Staff Regulation. While UN Staff Members are encouraged to act in conscience, that is, according to a set of values, in the EU Staff Regulation this dimension seems to be completely neglected and the personnel is compelled to be loyal and attentive to the concerns of the institution. Thus, the impact of the term conscience is rather important since this simple term helps build the bridge from the values to the identity of the Staff Members, and it is also very relatable for external actors and the general public (Trebits, 2008). Again, this reinforces the aforementioned thesis that EU Staff members identity is more based on a pattern of habits than on a set of values.

To this regard, it is also worth mentioning that the mode of the UN Staff Regulation vis-à-vis the general public is similar to the one used by the EU Institutions for internal

staff.²⁵ As previously described, the EU Staff Regulations and its implementing provisions are all available online in the different websites of the EU Institutions, although there is currently no compendium of their application and their aim for people working outside the Institutions, making the understanding of the framework more difficult for external access.

The United Nations have decided to publish the UN Staff Regulation in both a downloadable version and a compendium one. However, while within the EU Institutions compendia are available only internally for the EU Institutions' Staff Members, the UN Staff Regulation is accessible for everyone and the content is displayed in a more readable and visual way. This surely fosters a meta-understanding of the values behind such legal rules and the identity of the UN Staff Members, without leaving the important prescription component of the discourse or its legal value.

4.2.1.5 Context

4.2.1.5.1 *Deixis*

According to Halliday (1973), there are two main elements that need to be considered while examining the context of discourse: the so-called context of culture and the context of the situation. The first aspect refers to the behaviour of the participants in a given discourse depending on their cultural attitudes and values. The context of the situation, as the words

²⁵ UN Staff Portal, available at: <https://hr.un.org/handbook/staff-rules>

suggest, refers to the behavior of the participants in a given instance of time. Halliday also theorised the concept of metafunction understood as the factors involved in the use of language:

- 1) Ideational meaning: this is linked to the sociolinguistic field variable. The ideational metafunction is about the natural context in the broadest sense, including consciousness, and it is concerned with texts as representations. It basically refers to what any text is about in the general context.
- 2) Textual meaning: this is linked to the sociolinguistic mode variable. The textual metafunction is about the verbal world, especially the flow of information in a text, and is concerned with text as a message. It focuses on the channel of each communication.
- 3) Interpersonal meaning, which is linked to the sociolinguistic tenor variable. The interpersonal metafunction is about social aspects of the world, especially the relationship between speaker/writer and receiver, and is concerned with text as exchanges. It relates to the relationship between the actors of any communication (Halliday, 1973).

In light of this framework, and in order to study the context and the function of the EU HRM Legal Corpus, this research starts by considering the Corpus' key pointing words, also referred to in Linguistics as deictic terms. Deictic words are those whose meaning is determined by the context (Halliday, 1973). As mentioned in previous chapters, the features of legal English in the EU HRM Legal Corpus include the substitution of compound adverbs based on the simple deictic terms such as 'here', 'there' and 'where' while referring to texts,

rules or documents in which they appear or to one in the subject. Some examples include the use of ‘hereby’, ‘hereinafter’, ‘thereby’.

To this extent, one interesting instance of the use of legal English in the Corpus is the use of the deictic term ‘whereas.’ This word appears 52 times in the EU HRM Legal Corpus and it is normally utilised in the preamble of implementing provisions and also Model Decisions. In particular, the term is used in the rules adopted in the last years, as a remark and link to principles such as modern human resources management and equal opportunities. This feature is important as it introduces a rationale of each of the provisions, leading towards a more comprehensible internal legislation vis-à-vis the principle that the same rules guarantee. For example, the newly adopted implementing provision on teleworking (C(2009) 10224) reads:

Whereas: [...] Teleworking is part of a modernising trend in organisations which focuses more on results-based management and objective-driven performance and allows greater flexibility for work organisation by making use of new information technology. By helping to balance work and private life, it also contributes to the Commission's equal opportunities strategy. (European Commission, 2009, p. 3)

The intention of the Legislator is here to contextualize the concept of teleworking within the working environment and shed light on the importance of guaranteeing equal opportunities. If we analyze the use of ‘whereas,’ we realize that it is one of the features from the Corpus where a diachronic variation could be seen. In fact, taking into consideration one of the oldest implementing provisions, the meaning and the communicative purpose of the

preambles introduced by ‘whereas’ is completely different from the one used in the last implementing provisions such as the one referring to teleworking.

Another case in point is the implementing provision on persons to be treated as dependent children (C(2004) 1364). In this provision, while expecting a rationale which would lead the reader towards equal opportunity principles or social measures, for example, we can only find in the text a purely legal rationale full of legalese:

Whereas: [...] 1. It is necessary, in view of the judgment of the Court of 7 May 1992 in Case C-70/91 and in the light of experience, to revise the general provisions for giving effect to Article 2(4) of Annex VII to the Staff Regulations adopted by the Commission in 1989;

2. Generally, under Article 2(4) of Annex VII to the Staff Regulations treatment of a person as a dependent child may be allowed only exceptionally ‘by special reasoned decision of the appointing authority’; the appointing authority, in assessing the facts and circumstances invoked in support of applications for such treatment, thus enjoys a wide margin of discretion; in the interests of equal treatment for all officials, certain objective criteria should, however, be established in order to ensure that these powers of assessment are exercised uniformly;

3. To this end, there is a need to define the factors to be considered in assessing whether the maintenance of such a person involves heavy expenditure for the official, [...]. (European Commission, 2004, p. 3)

As evinced above, the frame of the context to adopt a revised implementing provision on the subject matter is mainly of a legal nature and it is described as the result of a court

judgment which has been upheld by the Civil Service Tribunal. There is indeed also a consideration on the principle of equal treatment of Staff Members, but the concept is still framed in the general internal implementation of the provision. As mentioned, in the last implementing provisions or model decisions, the introduction to the context of each rule has shifted to a more general one, which may be intelligible not only to the internal staff but also to the general public, as they would be facilitated to understand the context in which each of the implementing provisions of the EU HRM Legal Framework is regulated.

Another good example, by which a clear rationale on the regulation is presented, is included in the revised implementing provision on working time (C(2014) 2502), where the text explicitly mentions the modern component of a revised regime:

Whereas: [...] A flexible approach to working time is an essential component of modern human resources management. Staff can adjust their working hours while taking into consideration the needs of the service. Staff can more easily balance their work-life needs, in particular in situations where their expatriate status does not allow them to rely on family networks. Flexitime contributes positively to gender balance and organisational efficiency in the Commission. (European Commission, 2014, p. 3)

Looking into the analysis of the context of the EU HRM Legal Corpus, it is interesting for the aim of this research to see the situated meaning of some of the words used in the Corpus, in particular of the situated meaning of the pronouns 'he' and 'she' vis-à-vis the discourse around gender in the Corpus.

4.2.1.5.2 Intertextuality

For the purpose of this research, it is also necessary to analyse the concept of intertextuality and its use in the EU HRM Legal Corpus as it may be helpful for providing a wider context. The general idea of intertextuality, a term introduced by Kristeva in the 1960s, is that a text cannot exist in isolation; instead, a full understanding of its rationale, purposes and form may be affected in different ways by the knowledge of other texts, as intertextuality is “a mosaic of quotations; any text is the absorption and transformation of another” (Martin, 2011, p. 149).

From both a legal and a communicative point of view, it is clear in the Corpus that each provision brings along a direct link to the main legislation, i.e. the Staff Regulation and Conditions of Employment of Other Servants of the European Union. The Staff Regulation is, in fact, the main referential text, being the implementing provisions produced only to give voice to the basic concepts as expressed in the main legal text. This element of intertextuality is rather explicit in each rule. The preambles, as previously described, bring two main elements: one related to the legal basis, normally introduced by the expression ‘having regard to’ and one related to the purpose and rationale, normally introduced by the term ‘whereas’. Therefore, it could be stated that there is not one implementing provision or model decision which does not refer to the Staff Regulation in the overall Corpus. A typical reference is worded as follows: ‘Having regard to the Staff Regulations of officials of the European Communities (hereinafter referred to as “the Staff Regulations”) and the Conditions of employment of other servants of the European Communities, and in particular articles [...]’

The explicit intertextuality helps in finding references in the intricate legal world of the European Institutions. In fact, with the revision of the Staff Regulation which entered into force in January 2014, the Legislator included a clearer legal provision on the adoption of implementing provisions. This was done with an article – Article 110 - which lays down in great details the complete process to adopt rules according to the main legal basis, the Staff Regulations: “The general provisions implementing these Staff Regulations shall be adopted by the appointing authority of each institution after consulting the Staff Committee and the Staff Regulations Committee [...]” (European Council, 1962, p. 74).

On the other side, in the EU HRM Legal Corpus, there is also another explicit example of intertextuality among different rules that establishes a link between the rule related to the working time and that related to teleworking. In fact, being the different texts of the EU HRM Legal Corpus a legal genre, it also needs to be considered that any reference to different provisions must be clearly and directly stated, sometimes to the benefit of redundancy, as described in the previous chapters. This is also reflected in the discourse of the Legal Corpus, where expressions such as ‘authority referred to in the first paragraph of Article 6’ to determine the Appointing Authority in the Staff Regulations, or ‘(Element X) as referred to in Article 110 of the Staff Regulation’, where element X could be income, ceiling, activity or right are frequently used to highlight this relationship between different rules and provisions.

Although, as described above, the language of the EU HRM Legal Corpus is rather precise and technical, as expected in legal discourse, there are instances open to generally common-sense interpretation. The frame of reference for these instances is still the legal

genre, and some common concepts are determined in a clear legal way as far as possible. For example, in the EU HRM Legal Corpus, the term ‘reasonable’ appears in 27 instances, mainly in the implementing provision on the recruitment of disabled persons, in housing and household allowance policies.

In some implementing provisions, for example, the anti-harassment one, the texts in the Corpus details examples of behavior that make reference to specific examples, as in the description of sexual harassment includes the following text:

Sexual attention becomes sexual harassment if it is persisted in once it has been made clear that it is regarded by the recipient as offensive, although, unlike psychological harassment, a single incident may constitute sexual harassment if it is sufficiently serious. [Footnote: for example, groping, torn clothing, etc.]

[...] General advice: Some people are not always aware of the impact of their behavior. If a certain type of conduct is felt to be inappropriate or embarrassing, it is advisable to make this clear [...]. (European Commission, 2016, p. 4)

In conclusion, the EU HRM Legal Framework includes examples of intertextuality, either related to the links among the different provisions included in it, or to general examples related to common experience. While the latter is a highlight for the directness and easiness of reading from the recipients of the different provisions, the forms result in more complicated intelligibility of the Framework itself, as it creates difficulties in following the fil rouge and the relation among all the different provisions.

4.2.1.5.3 Cohesion

Another powerful tool for investigating the context of the EU HRM Legal Corpus is the study of its cohesion (Baker, 2006; Gee, 2011a and 2011b). Cohesion refers to the way we make use of the language to make connections between ideas in a text and make it clear to the reader (Gee, 2011b). According to Gee (2011a), there are five types of cohesive devices in a text:

- 1) Pronouns, which are used to avoid repetitions and link the different clauses better;
- 2) Determiners and quantifiers
- 3) Substitutions and ellipsis, used as subsidiary terms to avoid repetitions or leaving the sentence blank in order to do the same;
- 4) Lexical cohesion, which involves the use of synonyms, hyponyms or any other device to recap the concept expressed before with the use of an anaphoric noun and create textual continuity. For example, 'this situation' could summarise the concept expressed in a previous paragraph or sentence;
- 5) Conjunctions, adjunctive verbs and other conjunction-like phrases: there are different categories, such as words and phrases used to list: for example, 'first', 'second', 'third', 'to begin', 'then', 'finally', etc., words and phrases used to give examples: 'namely', 'for example', 'for instance', 'in other words', etc., words and phrases used to generalise: 'in general', 'generally', 'usually', etc., words and phrases used to focus on results: 'therefore', 'so', 'as a result', 'accordingly', 'thus', 'hence', etc., words and phrases used to express alternatives: 'alternatively', 'on the other hand',

‘rather’, etc., words and phrases used to summarise: ‘in conclusion’, ‘to conclude’, ‘in brief’, ‘overall’, etc.

When analysing the use of cohesion in the EU HRM Legal Corpus, we can observe that there are many different cohesive elements, although the length of each different provision, and the articles and chapters related, is not so great as to let a discursive text to develop. With regard to the use of pronouns as cohesive devices, this dissertation has already analysed its use in the previous section, in particular, the third person singular masculine in the Corpus. However, the use of pronouns will be considered further in the part specifically related to equality and diversity management. An overall consideration of the use of the pronouns shows that the pronouns in the Corpus are rather used to avoid repetitions and that they normally refer to agents such Staff Members, Officers and Servants.

In certain cases, in the Corpus, it is frequent to find adjectives such as ‘above mentioned’, mainly used to refer to concepts or rules that have been previously mentioned in the text of the different provisions. In the case of the use of adjectives as cohesion devices, in the EU HRM Legal Corpus, it is possible to find the adjective “said” in expressions such as ‘the said amount’, ‘the said regulation’ or ‘the said condition’ in an attempt to refer to concepts or rules that have already been mentioned in the document. The said as an adjective in legal writing is used with the meaning of aforementioned and it is usually employed to replace a long word with a short one, although this may sound weird to people who are not used to the legal style, The following example of the use of ‘said’ in the Corpus to refer to previous regulations clearly illustrates how the word is used to strengthen a sense of cohesion within the legal framework:

The general provisions for giving effect to the Staff Regulations referred to in Article 110 of those Regulations, shall apply to servants covered by these Conditions of Employment whereby virtue of these Conditions of Employment the provisions of the said Regulations apply to those servants. (European Council, 2009, p. 233)

With regard to the use of ellipsis, few cases can be found in the EU HRM Legal Corpus. An example of ellipsis, however, can be found in the Commission Decision on leave (C(2013) 9051), in sentences like “The special leave confers only a single entitlement to travelling time for every three working days granted, whether split or not.” (European Commission, 2013, p. 13).

With regard to lexical cohesion, the Corpus presents a few examples. With regard to the use of adverbs, there are five hits for the adverb ‘finally’, and the conjunction ‘for example’ counts twelve hits in the entire Corpus. This is not surprising since the nature of the Corpus is a legal one; therefore, articles and provisions are supposed to be exhaustive and leave little margin of manoeuvre in their interpretations. The use of the term ‘for example’ is not, in fact, included in the Staff Regulations, but mainly in some implementing provisions related to mission, teleworking and leave, carrying an increased pragmatic aim, in comparison with the provisions included in the Staff Regulation. The genre of the Corpus also explains the lack of commonly used adverbial locutions such as ‘in general’, ‘generally’ and ‘usually’. This is to be seen in conjunction with the lack of argumentative conjunctions, such as ‘in conclusion’ and ‘to conclude’.

In the Corpus, it is possible to find few hits for the conjunction ‘for instance’ as it mainly appears in the implementing provision on anti-harassment. This concentration of

similar locutions suggests that the drafter is in fact particularly keen to use this form, while nonetheless, the consideration on the pragmatism in the use of such locution is evident in the implementing provisions which bring a more ‘hands-on’ meaning, which, in the case of the anti-harassment provision, aims to explain the legal concepts included in it to the benefit of the readers.

Some of the main cohesive devices used in the EU HRM Legal Corpus seem to be those referred to give an emphasis on results: the Corpus is rich in hits related to ‘therefore’ (31), ‘accordingly’ (9), ‘thus’ (25) and ‘hence’ (4). With the use of these result-bases conjunctions, the drafters bring attention to the logical framework of legal provision applicable to EU Civil Servants, corroborating the logic of the legal arguments and the rationale behind each provision.

The main cohesion device in the entire Corpus though is related to the direct referencing to the different articles. This style is embedded in the full texts as a recognizable marking of the EU legal style. The highest number of hits for a cohesion’s device in the Corpus goes to the term ‘referred to’, whereby the terminology appears 477 times. One indicative example in the Staff Regulation is the use of the form ‘authority referred to in the first paragraph of Article 2’, to indicate the Appointing Authority. Since Article 6 determines the nature of such authority, it is actually referred to in 49 different occasions.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the immediate superior of the member of the

temporary staff to the authority referred to in the first paragraph of Article 6. (European Council, 1962, p. 31)

This structure aligns with the principle and the intent to give legal clarity to the readers of the texts, although at the same time it might convey a sense of cumbersomeness, mainly in instances where the sentences are already rather articulated or present embedded forms. To the benefit of a more targeted analysis of the equality and diversity discourse in the EU HRM Legal Corpus, the next chapter of this research will scrutinize some aspects related to inclusion, equality and diversity by focusing more specifically on the discourse of the EU Charter of Fundamental Rights.

4.2.2 Discourse Analysis of the EU HRM Legal Corpus: Equality and Diversity

4.2.2.1 Introduction to Equality and Diversity Discourse in the EU HRM Legal Corpus

As described previously in this dissertation, discourse analysis focuses on the construction and use of language in different texts and it takes into consideration the relationship between language and the socio-cultural context in which language is used (Paltridge, 2006, Gee, 2011a). With this perspective in mind, and taking into account the fact that discourse analysis also entails the way in which language represents different views of the worlds and provides a different understanding of it (Paltridge, 2006), this section deals with the discourse around equality and diversity in the EU Institutions, more specifically it will explore how these issues are addressed in the EU HRM Legal Corpus. In particular, this part of the dissertation will examine the context in which the EU Staff Members experience

this discourse and its value vis-à-vis the general public, especially the European Union citizens.

During the last years, the European Institutions have been working proactively to foster a better working environment in Europe, which initiatives and papers aimed to increase the awareness of European citizens on the matter. One very indicative example is the creation of a portal on Employment, Social Affairs and Inclusion, where documents, factsheets and video are at the disposal of the general public, with the aim of fostering a non-discriminatory in all European workplaces²⁶.

In a setting of different organisational dynamics, each individual is faced with an established set of norms and rules, but also values that determine and contribute to the creation of one's own identity within the organisational structure (Baker, 2006; Cotter & Marschall, 2006; Penas & López Sáenz, 2006; Edward, 2009; Gee, 2011a and 2011b; European Commission, 2016). Through the use of language in a communicative context, EU Civil Servants structure their experiences of reality (Foucault, 1972) and try to 'digest' them as their own. As a matter of fact, as determined by Wodak and Fairclough (1997), "Organisations are socially constructed through acts of languages which create situations, knowledge, social identities and relationship between people and groups" (p. 258). This implies that organisations are by nature the birthplace of individual diversity and that

²⁶ See: <https://ec.europa.eu/social/main.jsp?catId=158&langId=en>

common ground should be constructed to foster better cooperation and integration of all Staff Members. To this endemic component common to all organisations, an additional layer needs to be added in the case of international organisations, such as the European Union's Institutions, since these institutions need to consider the diversity of nationalities and languages that construct a unique melting pot of cultures and interactions. Thus, diversity management in the EU Institutions entails the management of peculiar social and value systems, albeit the organisational component (Bhatia & Bremner, 2014). Apart from these factors, it needs to be emphasized that, when embedding diversity policies in the human resources management of EU Institutions, a strong cohesion must be established between such policies and the values held by the European Union as the employer. If the management of equality and diversity is not cohesive with the principles and values that have crafted the identity of the European Union itself, a dissonance might be perceived both internally by Staff Members and externally by the general public.

Therefore, it is crucial to analyze the discourse constructed around equality and diversity principles as the founding values of the European Union by considering the core legal basis of the human resources management inside the EU Institutions, in so far as they are the fundamental basis for the management of EU Staff Members. The human resources practices which derive from the equality and diversity discourse in the EU HRM Legal framework will then be analysed in Chapter 5, which discusses the results of a sociolinguistics questionnaire for EU Staff Members. The use of the questionnaire aims to strengthen the results of the discourse analysis of the EU HRM Legal Framework, determining whether there is, in fact, a shift from pure diversity management as a set of policies, to a proper business case (European Commission, 2016) and in other words,

whether the EU Institutions are genuine or they are just ‘ticking the box’ by including an equality and diversity measure in their policies, or whether they are convinced of the added value of being ‘united in diversity’.

Moreover, the internal framework of rules and provisions set the foundation of what all Staff Members need to know and how they are requested to perform their duties. In other words, the discourse of the EU HRM Legal framework set the performative view of the organisation vis-à-vis its Staff Members (Cotter & Marschall, 2006; Bréda, Delattre & Ocler, 2008; Holmes, 2015). For the purpose of determining the discourse around the values of equality and diversity in the EU HRM Legal Corpus, the latter is analysed in this research in the Austinian sense of the term (Austin, 1995), i.e. as an overall ‘speech act’. Consequently:

Almost any speech act is really the performance of several acts at once, distinguished by different aspects of the speaker's intention: there is the act of saying something, what one does in saying it, such as requesting or promising, and how one is trying to affect one's audience. (Ingber, Bach & Harnish, 1982, p. 2)

This might seem like a bold assumption, but it should be noted that the EU HRM Legal Corpus, by nature, prescribes and guides the behavior of all EU staff in the different stages of their working life in the EU Institutions. Even the least qualified and experienced Staff Members have been consulting the Corpus, at least on some occasions, for guidance or for understanding the rules regulating different aspects and requests. As mentioned, the EU HRM Legal Corpus regulates the legal aspects related to career, working time, family allowances and emoluments, request for special leave or pension management, albeit social measures and insurance aspects.

Since the nature and the tone of the Corpus is clearly prescriptive, as determined in the previous part of this dissertation, it is to be expected that the impact of equality and diversity discourse in the Corpus will be received by Staff Members as a fixed and well-established framework to determine and foster equality in the EU Institutions. By analysing different aspects of this discourse, this research aims to prove the hypothesis that organisational corporate texts are iconic and can display a certain agency, which can make the difference in the EU internal context and its set of values (Cotter & Marschall, 2006).

4.2.2.2 Discourse on Gender in the EU HRM Legal Corpus

As aforementioned, the overall discourse on gender displayed in the EU HRM Legal Corpus has been considered insufficient to guarantee that staff gender mainstreaming is implemented successfully. This can be easily evinced by a reading of the different provisions included in the EU HRM Legal Framework, to the extent by which they do not meet the basic standard of a genuine inclusive language. This is partly due to the fact that the Corpus still included instances in which the different gender parties are not equally represented, partly because no effort seems to be made to use, for example, a gender-neutral language as recommended in the paper issued by the European Parliament (European Parliament, 2018). A genuine attempt to include a more gender-neutral language is better to be seen in different policies of the European Commission, for example, such as the Better Workplace (2017), which includes precise indications on a gender-neutral language. The EU staff gender mainstreaming strategy has its foundation in Article 1.c of the EU Staff Regulations, which reads as follows:

Any reference in these Staff Regulations to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa unless the context clearly indicates otherwise. (European Council, 1962, p. 4)

As mentioned in 4.2.1.3.1, This article was firstly introduced with the reform of the Staff Regulation of 2004, supposedly to address the need of including the first element of gender equality into the text. At first sight, it seems that this article was introduced as a disclaimer denying the responsibility for not including any reference to the feminine gender, and possibly to avoid revising the reference to male Staff Members in most parts of the Staff Regulations. The concealed message of the Legislator, however, is plainly evident as an attempt to avoid changing all the pronouns in the Staff Regulation and at the same time to raise awareness of the need to use an inclusive language that respects the gender identity of female Staff Members.

Although the article was included in the 2004 Staff Regulation reform, at a time where all texts were drafted directly in English, it may be interesting to examine whether this particular choice of words is due to a covert translation from French. It seems this is not the case, as the French version of the Staff Regulation uses the verb 'faire' (to make), which convey much direct meaning to the sentence:

Toute référence dans le présent statut à une personne de sexe masculin s'entend également comme faite à une personne de sexe féminin, et vice versa, à moins que le contexte n'indique clairement le contraire. (European Council, 1962, p. 4)

Nonetheless, while analysing the gender-neutral language in the Corpus, what is interesting to find in the French version is possibly a covert translation, or better a calque,

from a non-native drafter, of the concept of ‘person of a male sex’ (personne de sexe masculine) and ‘person of a female sex’ (personne de sexe féminin), since in the English language would have been better expressed as ‘female person’ and ‘male person’ – a variation which does not exist in French.

Another interesting factor which in this case contribute to reinforce the statement that this text is neither direct nor simple, in both English and French, is the use of the Latinism ‘vice-versa’. The Latinism does not appear, for example, in the German version (being ‘umgekehrt’ the term used), nor in the Spanish one (being ‘a la inversa’ the term used), as already highlighted previously.

Another remarkable feature of the article 1.c of the Staff Regulations is that there are no instances in the text where the term ‘she’ is used on a stand-alone basis, which reveals that the principle of gender sensitivity is not reflected in the text. There are only seven hits where the combined form ‘he or she’ is used, as will be observed in the Corpus analysis carried out. This makes the part of article 1.c that reads “and vice-versa unless the context clearly indicates otherwise” rather redundant since the context never indicates otherwise. The overuse of generic masculine pronouns in the Staff Regulations clearly shows that there is not a real commitment to gender equality in terms of language use.

In order to further explore the principle of gender sensitivity in language, it is necessary to analyse the use of masculine and feminine pronouns not only in the Staff Regulation but also in the EU HRM Legal Corpus. Without prejudice to the existence of Article 1.c, as also unravelled in the Corpus research, it can be concluded that there is no consistency on the use of the terms ‘he’ and ‘she’. As analysed in the chapter devoted to

Corpus Linguistics, different forms are used to express the subject or object in the feminine or masculine form: 'he', 'she', 'he or she', 'he/she', 'him', 'her', 'him/her', 'him or her', 'his', 'her', 'hers', 'his/her', 'his or her'. In particular, to refer to both female and male, we can find in the Corpus the combined forms 'he or she', 'he/she', 's/he'. In the only Staff Regulations as a text, two forms are present: 'he or she' and 'he/she'.

It seems that the form 'he/she' was included in the Staff Regulation reform of 2004, which reveals that the inconsistency in the use of masculine and feminine pronouns responds to the different policies of linguistic diversity located in the layers of the EU HRM legal framework. This is a crucial factor in determining the consistency in the style of the different parts of the Corpus, as in many instances the diachronic variation plays an important role in it.

It should also be noted that the presence in the EU HRM legal Corpus of the generic masculine pronoun 'he', for example, is rather limited in all implementing provisions. In these texts, in fact, the feminine form is used in combination with the masculine one in many instances, while in the Staff Regulation it is quite the opposite. In the Staff Regulations, the use of the generic masculine pronouns seems to be the absolute practice. There are certain exceptions though, as described below, but still, this neutralising or generic use of the masculine pronoun may be perceived as discriminatory against women. In fact, the use of the masculine standalone form or the masculine/feminine form in the Corpus is rather inconsistent. We can observe that the use of the generic masculine form is a settled and established practice in the Staff Regulation and Condition of Employment of Other Servants, while the combined masculine/feminine form is preferred over the neutralising masculine

pronoun in the language of implementing provisions. Unfortunately, the consistency in such sense is rather disappointing, since there is no clear rationale on the use of the two forms. Neither is present in the Corpus the use of the gender-neutral form ‘they’, as recommended in the paper Gender Neutral Language of the European Parliament (European Parliament, 2018). In order to better understand the practice of the use of the neutralising masculine or combined masculine/feminine forms in the Corpus, a detailed account of the different forms in the different texts of the EU HRM Legal Corpus is included in Table 79.

Table 12. Use of masculine and feminine pronouns in the different texts of the EU HRM Legal Corpus

IMPLEMENTING PROVISION	MASCULINE FORM ONLY	MASCULINE AND FEMININE	MIXED
Staff Regulation and Condition of Employment of Other Servants	HE	HE/SHE	yes
Job-sharing C(2004) 1314 of 14/04/2004	HE		
Duties of Commission drivers C(2004) 1318 of 07/04/2004	HE		
Recruitment of disabled persons C(2004) 1318 of 7/04/2004		S/HE	
Calculation of pension rights C(2004) 1364 of 15/04/2004	HE		

IMPLEMENTING PROVISION	MASCULINE FORM ONLY	MASCULINE AND FEMININE	MIXED
Persons treated as dependent child C(2004) 1364/2 of 15/04/2004		HE OR SHE	
Family allowances C(2004) 1364/4 of 15/04/2004		HE OR SHE	
Household allowance C(2004) 1364/4 of 15/04/2004		HE OR SHE	
Disciplinary procedures C(2004) 1588 of 28/04/2004 and C(2010) 8180 of 24/02/2010		HE/SHE	
Sickness or accident absences C(2004) 1597/11 of 28/04/2004	HE	HE OR SHE	yes
Anti-Harassment C(2006) 1624/3 of 26/04/2006		HE OR SHE	
Middle management C(2008) 5028/2 of 9/09/2008 and C(2016) 3288 of 16/06/2016		HE OR SHE	

IMPLEMENTING PROVISION	MASCULINE FORM ONLY	MASCULINE AND FEMININE	MIXED
Missions guide C(2008) 6215 of 18/11/2008 and C(2017) 5323 of 27/09/2017		HE OR SHE	
Teleworking C(2009) 10224 of 18/12/2009 and C(2013) 9045 of 16/12/2013		HE OR SHE	
Temporary occupation of management posts C(2009) 7839 of 19/10/2009		HE/SHE	
Family leave C(2010) 7494 of 05/11/2010		HE/SHE	
Parental leave C(2010) 7572 of 05/11/2010		HE/SHE	
Employment of Contract Staff C(2011) 1264 of 02/03/2011 and C(2013) 8967 of 16/12/2013	HE	HE OR SHE and HE/SHE	yes
Transfer of pension rights C(2011) 1278 of 03/03/2011	HE	HE OR SHE	yes

IMPLEMENTING PROVISION	MASCULINE FORM ONLY	MASCULINE AND FEMININE	MIXED
Reclassification of Contract Staff C(2013) 2529 of 03/05/2013 and C(2014) 2222 of 07/04/2014		HE OR SHE	
Assistance with home care or sick child C(2013) 4876 of 07/08/2013		HE OR SHE	
Outside activities C(2013) 9037 of 16/12/2013	HE		
Classification C(2013) 8970 of 16/12/2013	HE		
Working time C(2014) 2502 of 14/04/2014		HE OR SHE	
Part-time work C(2013) 9046 of 16/12/2013	HE	HE OR SHE	yes
Leave C(2013) 9051 of 16/12/2013	HE	HE OR SHE and HE/SHE	yes
Education allowance C(2013) 8971 of 16/12/2013		HE/SHE	

IMPLEMENTING PROVISION	MASCULINE FORM ONLY	MASCULINE AND FEMININE	MIXED
Place of origin C(2013) 8982 of 16/12/2013	HE		
Removal expenses C(2013) 9040 of 16/12/2013	HE		
Leave on personal grounds for officials and unpaid leave for temporary agents and contract agents C(2013)9054 of 16/12/2013	HE		
Appraisal of officials and temporary agents C(2013) 8985 of 16/12/2013	HE	HE OR SHE	yes
Promotions C(2013) 8968 of 16/12/2013		HE OR SHE	
Reimbursement due to officials assigned non-EU C(2013) 8990 of 16/12/2013	HE		
Housing policy C(2013) 8965 of 16/12/2013	HE	HE/SHE	yes

IMPLEMENTING PROVISION	MASCULINE FORM ONLY	MASCULINE AND FEMININE	MIXED
Living conditions allowance C(2013) 9032 of 16/12/2013		HE/SHE	
Policies for engagement of temporary staff C(2013) 9049 of 16/12/2013	HE		
Appraisal of contract staff C(2014) 2226 of 07/04/2014	HE	S/HE	
Adviser functions C(2016) 3214 of 07/06/2016	HE		

After examining these data in detail, one finds that the majority of implementing provisions use only one form, either the neutralising masculine or the combination of masculine and feminine, which is the preferred form in most of the provisions. More specifically, twenty provisions use the form ‘he,’ but only twelve of them employ it as a standalone variation. Of all provisions, twenty-seven rules use the combined masculine/feminine form, although only seventeen use this form in an exclusive and consistent way. Two implementing provisions use a masculine/feminine combination but mixing both ‘he and she’ and ‘he/she.’ The implementing provisions which have been repealed by an updated version (such as the appraisal of Contract Staff and teleworking, for example) display the same language use, guaranteeing the consistency of the text compared

to their repealed version. In the diachronic dimensions of different provisions, this consistency shows little improvement towards the use of an inclusive language.

In order to explore in-depth the most interesting features related to the use of the masculine and feminine pronouns in the EU HRM Legal Corpus, this research examined the provisions with a high degree of inconsistency in the use of those pronouns. The first provision analysed is the very same Staff Regulations and Condition of Employment of Other Servants, where the use of the generic masculine form predominates, implying that the masculine gender is the norm and those masculine pronouns can be used as inclusive or generic forms to refer to both men and women. However, this rationale is not consistently applied throughout this provision as we can find examples where the combined 'he/she' form is used, implying that both pronouns need to be included to ensure that gender-inclusive language is used:

The divorced spouse of an official or a former official shall be entitled to a survivor's pension, as defined in this Chapter, provided that, on the death of the former spouse, he/she can justify entitlement on his/her own account to receive maintenance from him by virtue of a court order or as a result of an officially registered settlement in force between himself/herself and his/her former spouse. (European Council, 1962, p. 121)

This example is excerpted from Article 27 of Annex VII, and it was added in the 2004 Staff Regulation reform. An analysis of this example reveals that the addition seems to be in line with the ongoing non-sexist language use practices in 2004, which tended to use both pronouns to avoid being interpreted as biased or discriminatory against women (Council of

Europe, 2004). There is another implementing provision, the Commission Decision on disciplinary procedures (C(2004) 1588), that also includes the same form 'he/she.' However, it is to be noted that other implementing provisions of the same period of time use inconsistently either only the generic masculine or the combined 'he or she' forms. A possible explanation for this, since the diachronic variation, seems not to be the cause of it, maybe related to the different individual drafters who wrote the text or, more specifically, as described previously, to the *chef de file* that is the department in the Commission services in charge of each particular subject matter. These inconsistencies may, therefore, be attributed to their particular interpretation of the policies of the EU on the use of non-sexist language in the EU documents and communications. Nonetheless, thorough scrutiny of the different rules on the same legal topic (in this case, pensions), confirms a lack of consistency in the use of gender pronouns that cannot be attributed to either the time when the provision was drafted or to the particular subject matter. The implementing provision on transfer of pension right, for example, addresses the same subject matter, but uses the gender forms 'he' and the combination 'he or she' interchangeably, and never use the form 'he/she'.

Another remarkable example is the implementing provision on absences as a result of sickness or accident (C(2004) 1957), where the majority of the gender forms used are the combined 'he or she,' except for one example where only the generic pronouns 'he' and 'him' are used:

Part-time work on medical grounds will be granted by the Medical Service either on its own initiative or following a request by the official or other servant. If it is the official or another servant who requests part-time working on medical grounds, he

must ask the Medical Service for a medical examination and produce a reasoned attestation from the doctor treating him. (European Commission, 2004, p. 7)

Of the remaining implementing provisions which use an inconsistent mix of pronouns, two include all the forms ('he', 'he/she' and 'he and she'), three include the forms 'he' and 'he or she' and one includes the form 'he' and 'he/she' (see table 79 above). Of particular interest is the provision on the engagement of Contract Staff (C(2013) 8967), where we can find a prevalence of the combined form 'he or she,' one instance in which the drafter included the form 'he/she,' and one more instance in which only the variant 'he' is included. The use of the inclusive or generic form 'he' in this provision is particularly revealing when analysing non-sexist and gender-inclusive language within the EU legal framework since the pronoun refers to the role of the appeal assessor:

The appeal assessor shall be the Director-General carrying out this duty at the moment of his or her first intervention in the appraisal procedure. He may delegate the role of appeal assessor to a member of senior management. (European Commission, 2013, p. 12)

The role of the appeal assessor is normally performed by the Director-General in the European Commission and the use of the inclusive 'he' draws the attention to the fact that such high role in the hierarchy is occupied by a man. Thus, the use of the masculine form only may affect the social perception of professions as, even if they are used in a generic sense, this can "lead to a male bias in mental representations" (Horvath et al., 2016:1). This is a clear example of how the use of masculine forms as generics can activate more male representations, which contributes to rendering women invisible at the workplace, especially

beyond certain hierarchy levels. In contrast, when referring to the role of Contract Staff, which by nature is not involved in any managerial role, a combination of masculine and feminine pronouns is used. The use of gender-fair alternatives, in this case, indicates that women can also be associated with this particular role.

To validate this hypothesis that word choice reflects implicit gender bias and may affect the social perception of professions, the implementing provision on the appraisal of Contract Staff (C(2014) 2226) was analysed. This provision follows a very similar pattern in the use of gender forms to the provision on the engagement of Contract Staff since the combined forms 'he or she' are used when referring to the role of Contract Staff and the generic pronoun 'he' is used to make reference to a countersigning officer:

The countersigning officer shall verify whether the appraisal procedure has been respected and whether the report has been drafted in a coherent manner, in accordance with these general implementing provisions and consistent with the Staff Member's performance. He shall confirm, complete or modify the report. (European Commission, 2014, p. 5)

It should be noted that, similarly to the appeal assessor, the countersigning officer is a member of the hierarchy, normally ranking as high as a Director. This confirms that masculine pronouns are preferred for referring to high-ranking roles, whereas word pairs combining masculine and feminine pronouns are usually chosen for referring to low-ranking roles.

Another interesting example of inconsistent and biased use of the gender forms in the Corpus can be found in the implementing provision on housing outside the EU. In this text,

the variations included are ‘he/she’ and ‘he.’ It is particularly interesting to notice that ‘he’ is the form used with verbs related to rent and payment (rent, reimburse, pay) and ‘he/she’ is used with verbs related to arrangement and information (find, inform) (see figure 80).

Concordance Hits 5		
Hit	KWIC	File
1	the proof of payment immediately after he has paid the rent. Reimbursements or	C(2013) 8965 Housing policy non EU.txt
2	, is staying at a hotel because he/she has not yet found an	C(2013) 8965 Housing policy non EU.txt
3	automatic renewal, of his lease contract. He/she shall also immediately inform the	C(2013) 8965 Housing policy non EU.txt
4	official continues to rent an accommodation he had rented before taking up duties,	C(2013) 8965 Housing policy non EU.txt
5	ends or his lease is terminated, he shall reimburse to the Delegation any	C(2013) 8965 Housing policy non EU.txt

Figure 68. KWIC of the term ‘he’ in the implementing provision on housing outside the EU

Without prejudice to the fact that pronoun choice might be unintentional, these patterns may convey information about the writer’s attitude towards policies related to non-sexist language. They also reflect bias related to gender stereotypical roles, where the man is the one in charge of paying the rent and the woman the one in charge of practicalities, such as liaise with housing agents to find a place to rent and inform the administration.

A different example can be found in Table 77, in the implementing provision on leave, where, as described above, the patterns of pronoun choice vary from the generic form ‘he’, to the more inclusive word pairs ‘he or she’ and ‘he/she’. It is worth mentioning that all the pronouns used in this text refer interchangeably to Staff Members as well as to the Appointing Authority, with no difference in the use of masculine or word pairs regarding the role hierarchy. It can, therefore, be concluded that in this provision inconsistencies in the use of pronouns do not reflect bias related to gender roles and do not contribute to reinforcing the social perception of professions.

Another important aspect to highlight in this research is related to the situated meaning of the discourse on gender in the EU HRM Legal Corpus. In other words, without

prejudice to the disclaimer of Article 1.c of the EU Staff Regulations, the question is how the continuous use of masculine forms as generics throughout the entire Corpus is perceived. In interpreting any type of communication, there are two different types of meaning which the recipient can perceive (Gee, 2011a). On the one side, the general meaning, when the recipient has general expectations on how the language is normally used. On the other side, a specific context meaning in which the recipient interprets the situated meaning of communication in a specific context. To this extent, words and sentences in a specific communication do not always align with the general understanding or use of a word, although they contribute to building a general practice in the actors of any communications. It is the hypothesis of this research, in particular in relation to gender discourse, that the massive use of the masculine version of pronouns and adjectives might contribute not only to decreasing the level of gender sensitivity in the legal framework, but also to interpret its discourse as biased and discriminatory against women. This is a flagrant contradiction to the principles of the EU regarding the use of gender-neutral language (European Parliament, 2018). To this regard, the direct intertextuality used in the EU HRM Legal Corpus clearly contributes to this decrease in gender sensitivity since the use of masculine references for Staff Members is present throughout the entire Corpus. This situation can then contribute to the creation of a prototypical image of an EU Staff Member as a male, and to the creation of a *null gender*, which means assuming that the default and standard gender is male and not female (Fuertes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015). As masculine forms, even when they are used in a generic sense, usually activate male representations, the visibility of women within the EU legal framework is drastically reduced.

Besides the use of gender-neutral pronouns, looking into the substantives in the area of gender mainstreaming, as described in Chapter 3 of this dissertation, it is interesting to note that no shift has been made on a diachronic dimension on the use of more inclusive titles. In fact, some examples of the use of non-gender-neutral substantive in the EU HRM Legal Corpus are related to terms such as ‘chairman’, which is used instead of ‘chairperson’ or simply ‘chair’. The term appears 47 times in the Corpus (Figure 45). Its occurrence is not a particular surprise, given the fact that in Europe there still is a European Ombudsman and not Ombudsperson. The use of terms which are not gender-neutral, such as chairman in this example, reinforce gender stereotypes such as “man as professional” and “woman as silence” (Fuertes-Olivera, 2007).

But how is this creation perceived by the EU Civil Servants? Although the questionnaire object of the analysis in Chapter 5 of this dissertation will help to address this question, it appears clear by now, from the analysis conducted on the texts so far, that the lack of consistency in reference to a gendered form does not help to construct an identity in line with the principle of equality and neutral language. This may be one of the reasons why the Commission’s Communication for a better workplace for all (European Commission, 2017), does not refer to a gender strategy per se but rather to actions envisaged only to create more favorable conditions for women. For example, the European Commission’s target for the immediate future is to include 40% of female staff in managerial positions and to promote networking as a mentoring opportunity for women. Similarly to the actions related to the area of persons with a disability, women are included in the program of the Communication with the aim of getting their inputs in order to understand the barriers they might encounter in their career and the ways to boost their self-confidence.

This last initiative is particularly significant since, once again, the target group (women) results to be the one which needs to align with the corporate organisational structure. In the Communication, in fact, there is no reference to the change in the structure or the working practices, for example, and neither there is a focus on gender mainstreaming as a business case. The Communication simply refers to rather superficial provisions which target women only, to the benefit of better gender equality (Fuertes-Olivera, 2007; Hankivsky, 2013; Kutateladze, 2015).

4.2.2.3 LGBTI Discourse in the EU HRM Legal Corpus

With regard to the area of LGBTI, the European Union has been striving to implement different policies, starting from Directive 2000/78/EC on the fight of discrimination in the workplace, among others, based on sexual orientation (European Commission, 2016). The road ahead is long though, as the European Union is still far from witnesses the complete extension of civil rights to LGBTI persons, in case, for example, of recognition of same-sex marriage (Altan & Al., 2014).

With regard to this area, as described in the EU Charter of Fundamental Rights, in Title III and in particular in Article 9, this research particularly focuses on the terminology related to partnership and marriage, since this is the most evident dissonance in the EU HRM Legal Corpus. As the aim of this section is to explore the way in which language is used to construct diverse sexual orientations and identities in the Legal Corpus, by analysing the expressions related to partnership and marriage this research intends to identify whether this discourse affirms or negates LGBTI rights. The results of the research so far highlight that the terminology ‘civil marriage’ appears only in four instances in all Corpus, and precisely

in the implementing provision on leave (C(2013) 9051). No hits have been recorded in the primary legislation, the Staff Regulations and when searching for similar expressions, such as ‘same-sex marriage’, no hits have been recorded. In one instance in the Corpus, in the implementing provisions on leave (C(2013) 9051), ‘civil marriage’ is associated to ‘partnership’ directly, with a good example of neutral language –particularly in the use of the pronouns: “In the case of a civil marriage/partnership, the official must provide his/her leave manager with a copy of the marriage/partnership certificate or a certificate issued by the relevant national administrative authority” (European Commission, 2013, p.11).

In the EU HRM Legal Corpus, and in particular, in the Staff Regulation, there are few instances of the concept of non-marital partnership. In fact, as defined by the Staff Regulation, “For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled” (European Council, 1962). Whereby Article 1.2.c of Annex VII reads as follows:

- (c) an official who is registered as a stable non-marital partner provided that:
 - (i) the couple produces a legal document recognised as such by a Member State, or any competent authority of a Member State, acknowledging their status as non-marital partners,
 - (ii) neither partner is in a marital relationship or in another non-marital partnership,
 - (iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law,

- (iv) the couple has no access to legal marriage in a Member State; a couple shall be considered to have access to legal marriage for the purposes of this point only where the members of the couple meet all the conditions laid down by the legislation of a Member State permitting marriage of such a couple. (European Council, 1962, p. 96)

This article was introduced with the 2004 reform of the Staff Regulations and it is interesting to notice that, in the most recent implementing provisions, mainly those drafted after 2013, the terminology related ‘partner’ and ‘partnership’ has shifted towards more inclusive expressions in the different provisions, mainly in those related to family-related matters, such as removal and leave. In fact, before 2013, the term ‘partner’ was only present in the implementing provision on job sharing, whereby partner was defined as the co-worker who shared part of the job with another. The use of this term is fundamental in fostering an inclusive language, to the extent necessary to avoid the dichotomy husband-wife and introduce the idea of same-sex couples.

In the Corpus though, the term partnership clearly collocates with the term ‘registered’, but rather significantly, in the latest provisions of the Corpus, it also collocates with the term ‘marriage’. This is the case for instances, for example, related to the management of leaves. As mentioned before, this shows a clear improvement in the linguistic equalisation between partnership and marriage. This shift in the use of language reveals an attempt to use more inclusive terms so as to give more visibility to the LGBTI community within the EU.

Another feature in the Corpus shows that the term ‘spouse’ has been introduced in the EU HRM Legal Corpus with the 2013 revision and is used in different instances together with the terms ‘husband’ and ‘wife’. Although a positive shift to a more neutral language is taking place, there are still instances where the terminology is neither fostering the integration of LGBTI persons nor contributing to construct diverse sexual orientations and identities within the EU staff. For example, in different provisions, mostly related to payments and allowances, the term ‘wife’ and ‘husband’ is still present, which may be perceived as discriminatory against the LGBTI collective. A particularly significant example is the very definition of the entitlement to the household allowance in the Staff Regulations for spouses working for the EU Institutions: “In cases where, under the foregoing provisions, a husband and wife employed in the service of the Union are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher” (European Council, 1962). This is a clear example of how an analysis of language use brings to light biased and discriminatory attitudes towards a collective which, as these expressions indicate, is still underrepresented within the EU staff’s regulations.

Another interesting feature in the EU HRM Legal Corpus related to the language of LGBTI is the reference, in the anti-harassment provision (C(2016) 6595), to sexual harassment. In fact, Article 2.2 of the above-mentioned provision determines that “Sexual harassment may take different forms (physical, verbal, written or other), and involve persons of the opposite sex and of the same sex”. Considerations should be given to the fact that this is a positive linguistic feature in the provision since there might be biases about the fact that sexual harassment could be perpetrated by men to women only.

As part of its efforts to promote diversity and inclusion at the workplace, in 2016 the European Commission published a report called *The Business Case for Diversity in the Workplace: Sexual Orientation and Gender Identity*.²⁷ According to this report, making LGBTI employees feel more included in the workplace is not only a question of promoting equal treatment but also a business case. This is a breakthrough definition for the European Commission to take, as it goes beyond the mere equality policies and tries to make it an added value for the organisations around Europe (European Commission, 2016). According to the Commission report, LGBTI employees who feel included and supported are more likely to make a positive contribution to the organisation and display an increased commitment. Good practices for promoting LGBTI inclusion within a company may include setting networks of LGBTI employees, adopting formal regulations such as charters and codes of conduct and providing awareness-raising and training initiatives.

The Commission, in fact, in its informal communication to staff, stresses the importance of making LGBTI staff feel comfortable and open about their identity. In the Communication (2016), a specific reference is made to the fact that “[...] These concrete actions come on top of the rules already enshrined in the Staff Regulations and the inclusive interpretation which, when necessary, has been made of them. [...]”. (European Commission, 2016). It seems that this specific reference is made to the inclusive interpretation of the

²⁷Available at: http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=35768

concept of marriage and rights of husband and wives. But as previously stated, it would be of a much greater impact if these provisions in the Staff Regulations were not subject of an inclusive interpretation but were written in an inclusive language in the first place.

This, in fact, seems to uphold the hypothesis of this research that the cultural shift towards a more inclusive language and more effective equality and diversity policies are taking place as an ongoing process within the EU Institutions in the last few years, although it has not been done in a full-fledged way. When analysing all the aspects of the current legal framework, the case of the language used in the LGBTI related communication is a clear example of how the EU Institutions are not ensuring that the language used in the EU documents and communications is unbiased. Thus, it seems that the EU Institutions need to consider a better horizontal application of staff policies that help to affirm LGBTI rights and allow their Staff Members to construct diverse sexual orientations and identities.

4.2.2.4 Discourse on Persons With a Disability in the EU HRM Legal Corpus

Overall, in the areas of inclusion of persons with a disability, the EU HRM Legal Corpus does not provide any specific reference to equal opportunities, work-life balance or affirmative actions, albeit the mention to the fact that the Appointing Authority could consider such options. This could be justified by the fact that affirmative actions need to be as specific as possible, although, as mentioned at the beginning of this research, any provision included in the EU HRM Legal Corpus brings a different gravitas. Nonetheless, looking into the Staff Regulations, Article 1.d, and the specific provision on inclusion for persons with disabilities (C(2004) 1318), it is possible to find an interesting definition, which reveals a commitment to integrating people with disabilities:

[...] A person has a disability if he has a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his full and effective participation in society on an equal basis with others. The impairment shall be determined in accordance with the procedure set out in Article 33.

A person with a disability meets the conditions [...] if he can perform the essential functions of the job when a reasonable accommodation is made.

‘Reasonable accommodation’, in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

The principle of equal treatment shall not prevent the appointing authorities of the institutions from maintaining or adopting measures providing for specific advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers.

(European Council, 1962, p. 4)

The article comes from the 2013 reform of the Staff Regulation and this recent addition might be the reason for a better language than the one used previously in other provisions, such as the implementing rule on the recruitment of persons with a disability. In fact, the Article 1.d of the Staff Regulation is clear and to the point. The structure of the text follows a simple logic of defining the condition of a person with a disability and the concept of reasonable accommodation, which is determined because of the first part of the said definition. The article terminates with a specific reference to affirmative actions, although,

as mentioned above, there are no particular specificities and the provision in the EU HRM Legal Corpus leaves the opportunity to have these policies tailored to the specificity of each Institution.

What is of a particular structural and semantic relevance is the embedded clause in the first paragraph of the article, whereby “a person has a disability if he has a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his full and effective participation in society on an equal basis with others” (European Council, 1962). The embedded clause ‘in interaction with other barriers’ carries a very important significance since the disability itself is not the only factor which may hinder the effective participation of a person in society on an equal basis. This shift of agency conveys a very significant message, that the effective participation in society on an equal basis with others is also the responsibility of an agent external to the disability itself (i.e. other barriers). Once the barriers are overcome, active participation in society is fostered (Cooren, 2004).

This is a very important message for the identity of persons with disabilities, vis-à-vis their interaction with others and their participation in society. It is also an important stake for the EU Institutions since this narrative brings responsibilities in the inclusive and equality policies. This is a clear instance in the EU HRM Legal Corpus where it is possible to find a shift in the sensitivity and neutrality of the language used, from the use of terms such as ‘disable’ or ‘handicapped’ to ‘person with a disability’, from the agency perspective of the disability hindering the equal opportunities to a more inclusive narrative on the responsibilities of the organisation.

With regard to the terminology around the discourse on persons with a disability, as mentioned previously, the language in the EU HRM Legal Corpus includes in different parts the term ‘disabled’, and in some circumstances even the term ‘handicap’. A more neutral terminology can be found in some of the provisions, where the Legislator prefers the use of the term ‘disability,’ and hence the variation ‘person with a disability’ is used. In general, there seems to be a clear preference for ‘people’ with disabilities over the use of ‘persons’. Although this preference may come from the common use of the language, the term ‘person’ is to be preferred, as it focuses more on the individual than on the disability itself (UN Assembly, 2007).

This shift in the use of language does not confer a proper sense of cohesion of the text though, as the different provisions where a neutral language was not used should have been updated to the new standards. This would have been the best way to foster a cohesive narrative vis-à-vis the inclusion of persons with a disability. This is of particular importance, since the recipients of the discourse on persons with a disability, being them the subjects of such provision or external parties, situate its meaning according to their own experience (Gee, 2011a). The prescriptive nature of the EU HRM legal framework discourse might have helped in fostering such a shift in the narrative, with a more cohesive referencing. This shift in the use of language fosters a better integration and more positive identity for staff with a disability as the newly built narrative assumes that they are persons in the first place, who (happen to) have a disability.

This newly established identity in the EU Institutions is also fostered by the very positive actions undertaken in the Commission’s Communication for a better place for all

(European Commission, 2017). In the Communication, one interesting aspect of the positive actions undertaken by the Commission, besides the ones related to buildings and accessibility, reads as follows:

The Commission will:

- Set up a new online information portal which will feature relevant information for colleagues with disabilities, who will be invited to participate in the project;
- Establish a single help and contact point for all staff with disabilities to address their specific requests. The contact point will help ensure that their rights and requests concerning specific needs are given appropriate follow-up. It should also be available for consulting, encouraging and supporting line managers in recruitment, accommodation and retention of colleagues with a disability;
- From 2018 onwards, provide all newcomers at the entry into service with an optional questionnaire about special needs, if any, to have a better understanding of the different facets of disability;
- Support staff with disabilities networks by providing a space for exchange;
- Create a dedicated Connected or Yammer space to facilitate exchanges; -
- Encourage all staff and managers to benefit from training on unconscious bias and discrimination relating to disabilities. (European Commission, 2017, p. 24)

Contrary to measures undertaken for other categories, such as elderly staff for example, in the area of persons with a disability, the Commission is rather focused in the pursuit of its undertaking and puts persons with a disability at the centre of their actions. The

aim of the measures is, in fact, twofold: on the one hand, Staff Members with a disability are included as subjects and drivers of the affirmative actions. On the other hand, the Commission plans to improve and increase the understanding of disabilities for its staff with areas where exchange programs and interactions are envisaged. The narrative here brings attention to the fact that persons with disability can contribute to explain and make understand better any aspect of their disability. As a result, the identity of the subjects is elevated, as they can act as “teachers” and consultants for the rest of the workforce. This is definitely a very good and important point in the mentality shift of everyone towards disabilities and helps to foster a concept of diversity other than otherness.

4.2.2.5 Discourse on Elderly in the EU HRM Legal Corpus

With regard to the management of diversity in terms of age, as per Article 25 of the EU Charter of Fundamental Rights (European Parliament, 2000), the EU HRM Legal Corpus does not contain very significant information, apart for one specific use of the adjective ‘young’, as specified in the previous chapter. This use is included in the implementing provision related to the engagement of Contract Staff (C(2013) 8967) and, although this category of staff is used for the engagement of the less experienced workforce, the neutrality of the term can definitely be questioned.

Moreover, in the Corpus, we can observe that the term ‘old,’ commonly used in a non-neutral way, is not used with the meaning of elderly, but rather it refers to children’s specific age vis-à-vis their rights to education allowances. As mentioned in the previous chapter, this lack of narrative on elderly staff is to be expected because, since the genre of the Corpus is of a legal and working related nature, the set of rules and norms are aimed for

persons in working age (Mautner, 2007). As a matter of fact, Article 25 of the EU Charter of Fundamental Rights (European Parliament, 2000) states that “The Union recognises and respect the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.” As can be observed, working life is not included in such categories by the Charter.

Examining the discourse around elderly staff, one interesting aspect on their management does not come from the EU HRM Legal Corpus but from the Communication of the Commission for a better workplace for all (European Commission, 2017). In the Communication, the Commission considers the diversity and inclusion strategy related to elder staff stating that “older staff: inclusion can mean having the same opportunities to work on interesting projects as younger staff, being valued for their experience” (European Commission, 2017). Although the construction of the sentence is rather peculiar, with the subordinate clause bringing a less important meaning, the interesting aspect is the use of the term ‘older’ instead of ‘elder’. According to the Merriam-Webster Dictionary²⁸:

Elder/eldest and older/oldest both mean "more/most advanced in age." There's no controversy about these words, but there are a few important differences [...]. 'Elder' and 'eldest' are only used to refer to persons, whereas 'older' and 'oldest' are used to

²⁸ Available at: <https://www.merriam-webster.com/words-at-play/difference-between-elder-eldest-and-older-oldest>

refer to both persons and things. The main point stressed by many usage experts is that elder and eldest are used only of persons, while older and oldest can be used of both persons and things. Additionally, some stress that elder and eldest should be reserved for seniority within a family. Nevertheless, the use of older/oldest in these contexts is very common. Perhaps due to their other senses, it is thought that elder and eldest hold a suggestion of reverence that older and oldest do not. The Roman scholar Gaius Plinius Secundus (AD 23 – AD 79) is more commonly known as Pliny the Elder to distinguish from his similarly named nephew, Pliny the Younger (AD 61-62 – c. AD 113). The term elder statesman refers to an eminent senior or retired member of an organization, especially one who gives advice to current leaders. An elder has a noun sense to refer to a person of advanced age (respect your elders) that is not shared by older. (Merriam-Webster Dictionary, 2019)

While the term ‘older’ denotes a sense of debility and decline, being used to define objects besides persons, the term ‘elder’ denotes a sense of respect and reverence. For this reason, the latter might be a better term to define the category, particularly in the HRM-related strategy to foster inclusion. When defining the strategy to value the talents of elderly staff, the Commission states the following:

The Commission is committed to ensure that there is no discrimination in the careers of older staff. Any incidence of discrimination is strictly pursued. As first steps to foster inclusion, and in order to maximise the benefits from the expertise and experience of its older staff, the Directorate-General for Human Resources will notably monitor the mobility and development patterns and their success rates in

applying for new positions in the institution, so as to identify any possible bias. In addition, the Commission implements a range of measures which also benefit older staff. Training is offered for the staff of all ages, aiming to continuously help them maintain and broaden their knowledge and competencies, throughout their careers, and to remain at work until the legal retirement age. Suitable working arrangements, and reasonable accommodation when pertinent, including with regard to working time, are an option which is likewise open to older staff.

As first steps to foster inclusion, the Directorate-General for Human Resources will monitor the mobility and development patterns of older staff and their success rates in applying for new positions in the institution. (European Commission, 2017, p. 19)

Although not part of the EU HRM Legal Corpus, this paragraph is of a particular interest vis-à-vis the discourse on equality and diversity inside the EU Institutions and it is worth analyzing it from an identity-building point of view. There are four participants involved in this text:

- 1) The European Commission, represented by the Directorate-General for Human Resources (DG HR);
- 2) Elderly Staff Members;
- 3) Other Staff Members, as recipients of the Communication;
- 4) The general public, since the Communication is published on the Internet.

In order to explore the impact of the discourse around the elderly staff in the Commission Services on identity-building processes, it is important to determine the intention of the author of this text, DG HR. The Commission's plan is, in fact, the following:

- 1) Ensure that there is no discrimination towards elder staff, and in case pursue the matter;
- 2) Monitor elderly staff's mobility, their development patterns and their success rates in applying for new positions in the Institution (as a first step in the policy);
- 3) Implement a range of measures, among which training (aiming to continuously help elder staff in maintaining and broadening their knowledge and competencies) and suitable working arrangements, including those related to working time. (European Commission, 2018)

Unfortunately, in none of the actions listed above, it is clearly indicated what should be expected to happen after the implementation of a solid inclusion policy. There is no information about how the Commission intends to take advantage of the valuable and broad experience of elderly Staff Members and turn it into an asset and a benefit for the organisation and for the other Staff Members. However, the experience of the elderly staff is, in fact, mentioned in the text in an embedded clause, "and in order to maximise the benefits from the expertise and experience of its older staff" (European Commission, 2017, p. 19). The use of embedded clauses allows speakers and writers to organise how they want to present the information and convey a perspective on the information they want to communicate (Gee, 2011b). Thus, it is rather clear, from the text and the actions DG HR

aims to undertake, that the benefits from the expertise and experience of elderly staff are not at the centre of the discourse, nor the focus of the strategy on inclusion.

From this perspective, the identity of the category ‘elderly staff’ is built and perceived as one for which caring is envisaged and granted. They are supported in case discrimination happens and they special arrangements and reasonable accommodation are offered if needed. Moreover, this concept of caring is envisaged for elderly Staff Members in the form of training and is connected to the term ‘help.’ When analysing the use of the term ‘help’ in the sentence “training is offered for the staff of all ages, aiming to continuously help them maintain and broaden their knowledge and competencies, throughout their careers, and to remain at work until the legal retirement age” (European Commission, 2017), it is clear that it reinforces the elderly staff will need more help to remain at work.

This particular narrative conveys a sense of necessity for the Commission to design measures and initiatives for the management of elderly staff, rather than starting from the embedded clause concept of maximising the effect of fostering such exchange of expertise and competencies. The identity created with this discourse is not of a benefit for elderly staff, mostly vis-à-vis other Staff Members, albeit the general public.

Contrary to the way in which identity is built through language for persons with a disability, where the narrative brings the attention to the fact that persons with disability can contribute to explaining and making understand better any aspect of their disability, hence “elevating” their identity to the role of leader and mentors, the identity of elderly staff does not undergo the same process and remains flat and detached, merely linked to a role which depends on their seniority and not on their competencies.

The fact that the message from the Commission definitely brings light and attention to this category of staff is a novelty in the world of the EU Institutions, as we have seen the almost total lack of a discourse related to the elderly in the EU HRM Legal Corpus. Nonetheless, the focus is not brought to the added value of the category, but to the measures which are going to be undertaken for them. This is definitely not the aim of a solid inclusion policy for elderly Staff Members, where the perspective of the category for which measures are undertaken should be highlighted as the main focus and the benefits of their inclusion should be emphasized for all Staff Members to appreciate.

4.2.2.6 Equality and Diversity Discourse in the EU HRM Legal Corpus: the Provisions Related to Protecting the Dignity of the Persons

A big step towards a more inclusive working environment inside the EU Institutions, as mentioned in Chapter 2 of this thesis, has been made with the 2004 reform of the EU Staff Regulation. The reform brought new elements in the rationale of a discrimination-free working environment, in particular with the introduction of concepts such as the one on the ‘dignity of the person’ and its protection. Possibly the most interesting example, and at the same time the most relevant for the examination of the discourse on inclusion, equality and diversity because of its subject matter, is the definition of harassment in Article 12.a of the Staff Regulations:

1. Officials shall refrain from any form of psychological or sexual harassment.
2. An official who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution. An official who has

given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution, provided the official has acted honestly.

3. 'Psychological harassment' means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behavior, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

4. 'Sexual harassment' means conduct relating to sex which is unwanted by the person to whom it is directed, and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender (European Council, 2004, p. 20)

Article 12.a clearly focuses on behaviors and definitions. Starting from the former, the text is clear and concise and it is structured to make a strong point in the simpler and most direct way, as in a sort of "biblical" statement: officials shall refrain from any form of psychological or sexual harassment. An analysis of the terms underlined above reveals that

- 1) The use of the modal 'shall', as commonly used in the Corpus, gives a clear prescriptive message to the Staff Members and a deontic tone to the sentence, leaving no indication that other possibilities are available to staff;
- 2) The term refrain is completely coherent with the syntax of the sentence as well because it conveys the message that they are not expected to indulge in any type of

harassment. According to the Oxford English Dictionary²⁹, the meaning of the verb ‘to refrain’ is “to avoid doing or stop yourself from doing something” and both connotations, that of avoiding and that of stopping, are included in the meaning of the verb, which is clearly indicated and well used in this context;

- 3) The compound ‘any form’ is very well versed in this sentence, as it conveys a general sense, a sort of “catch-all” dimension, to the object of the sentence, i.e. psychological and sexual harassment. This fosters the idea that there are different forms of harassment, all of which are to be avoided inside the institutions of the European Union.

Once again, it can be concluded that the prescriptive language used in Article 12.a, with the use of modals and other prescriptive verbs, is similar to the discourse employed in other parts of the Legal Corpus. This style of discourse clearly reflects the notion that the provisions and documents addressed to EU staff are intended to create a common pattern of behavior that is in conformity with what is expected of them so that Staff Members will be able to embody the institutions they represent. The emphasis given to practices and behaviors of staff is strongly underscored by the use of expressions such as “improper conduct”,

²⁹ To refrain. (2018), the Oxford English dictionary, available at: <https://en.oxforddictionaries.com/definition/to-refrain>

“physical behaviour”, “gestures or other acts” or “conduct relating to sex” in the definitions of psychological and sexual harassment.

Closer scrutiny of the two definitions of harassment shows that both sentence patterns are similar, as they include a simple structure composed by a subject, a verb and an object, and that the choice of wording is very precise. The first definition reads as follows:

Psychological harassment is any improper conduct which takes place over a period, is repetitive or systematic and involves physical behavior, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person. (European Council, 2004, p. 20)

The above definition takes into consideration all the aspects of such conduct in an attempt to include all the information related to harassment. Although the definition is rather long and, as a result, may not give all the elements the same level of relevancy, it includes all objective elements of a definition. Again, all the words that have been underlined in the above definition put an emphasis on how the discourse of the Legal Corpus intends to shape their staff identity around certain practices and behaviors. In the particular case of Article 12.a, the Staff Members are expected to protect the dignity of other persons by avoiding certain practices that may “undermine” their “dignity” or their “integrity.”

The definition of sexual harassment follows a similar pattern, although in a shorter format:

Sexual harassment is a conduct relating to sex which is unwanted by the person to whom it is directed, and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender. (European Council, 2004, p. 20)

Again, the text details the different aspects of the conduct which lead to sexual harassment. What should be noted is that this definition is, to an extent, broader than that of psychological harassment. Intentionality is not mentioned in the definition, but only the purpose or the effect of the act. An emphasis is put not only on how certain type of behavior may offend other people, which is related to the protection of a person dignity, but also on how certain acts contribute to creating a disturbing environment, which may be harmful for the institution.

Looking into the language of the provisions related to protecting the dignity of the person inside the EU Institutions, it is worth analysing the use of embedded clauses, with the aim of underpinning the clarity of the language and the completeness of the discourse for the audience. According to Gee (2011b), integrating or packaging clauses allows speakers and writers not only to organise how they want to present the information but also to take a particular perspective on the information they want to communicate. In the construction of the discourse, it is necessary to notice that embedded clauses are not asserted, but rather at most presupposed and that sometimes the information they convey might be considered as less relevant. This implies that the perspective of the writer is communicated in a more direct way, and given more relevance if it is included in the main clause and not in the subordinate

or embedded clause (Gee, 2011b). This is of particular relevance for the examination of the discourse on equality and diversity in the EU HRM Legal Corpus, where there are some examples in this regard such as the above definition of sexual harassment from Article 12.a. The main clause of the definition foregrounds and asserts the aspect that “sexual harassment is conduct relating to sex” but does not reflect the question of the integrity of the individual. The embedded clauses, however, put the emphasis on the idea of conduct being “unwanted by the person” and on “the purpose of offending” or “creating an intimidating [...] environment”. Thus, it seems that the information placed in embedded clauses, which emphasizes the integrity and dignity of the person, is considered less relevant. The second clause of the definition asserts that “sexual harassment shall be treated as discrimination based on gender,” which conveys the message of assault to the integrity of the individual, but to a lesser extent. A closer analysis of this sentence indicates that by matching “sexual harassment” and “discrimination based on gender” the drafter is minimizing the act of sexual harassment.

Another interesting feature of the definition of sexual harassment is the absence of the term ‘any’ in relation to the conduct of the subject. While psychological harassment is defined as “any improper conduct”, sexual harassment is defined simply as “conduct relating to sex.” This issue is crucial in the determination of behaviors, as it might suggest that there are some conducts related to sex which are not improper. As this is clearly the case in a normal social context, for example in case of courtship, it leaves some questions on whether the definition of sexual harassment should be made stronger, particularly because of the impact it may have on a working environment.

A particularly relevant aspect of Article 12.a is the second indent, which is devoted to the role and consequences for victims of harassment and for those who bring evidence to it. It is of particular interest to understand that this indent is included between the first statement and the two definitions in order to convey the message that harassment should be proven since one is the victim only when sexual harassment is ascertained. It also conveys the message that in case there are proofs but not conviction (the explicit reference is missing in the text, but the context leads the reader to infer this concept), the *bona fide* of the Staff Member has to be provided.

The inclusion of this second indent between the first rule and the two definitions of harassment distracts the attention of the reader away from the subject matter. It would have had more impact – and clarity – if the first indent had been linked with the two definitions, which are per se legally complicated as they aim to be exhaustive. The decision to include the second indent at this point in the text may be due to the importance, from a legal point of view, of guaranteeing equal treatment of all staff vis-à-vis any accusation of harassment. In fact, one is deemed to be guilty once proven.

It should also be noted that, in the implementing provision of anti-harassment (C(2006) 1624/3), the term ‘victim’ is used more freely, although a thorough explanation is included in the text:

In the informal procedure, therefore, the term ‘Victim’ refers to any person who defines themselves or identifies themselves as such. However, it is important to remember that there is a fundamental legal distinction between a person who feels they are the Victim of harassment and one who has actually suffered harassment and

is therefore recognised as a Victim on the basis of proven facts, having gone through the formal procedure. (European Commission, 2016, p. 9)

This explanation includes the significance of the identification of the victim vis-à-vis the personal belief and the organisational structure. The matter is of particular importance in the policy and in any working environment, where the safety and dignity of all staff should be guaranteed by the Institutions as a basic requirement for a conducive working environment.

A positive remark, though, is that the legislator included in the implementing provision on anti-harassment (C(006 1624/3) a clear list of behaviors which are not appropriate, for both psychological and sexual harassment:

Psychological harassment can manifest itself in various forms, in particular by:

- offensive or degrading comments, in particular in public, bullying, antagonism, pressure, offensive behavior, even refusal to communicate;
- insults relating to someone's personal or professional competence;
- insulting or threatening remarks, both oral and written;
- belittling someone's contributions and achievements;
- being isolated, set apart, excluded, rejected, ignored, disparaged or humiliated by their colleagues;
- impairing their social relations;
- setting unrealistic working objectives;

- Contrary to their job description, not giving someone any work, or systematically giving them work which does not meet their profile.

Such behavior, while unacceptable, may in isolation appear of little consequence. When occurring on a regular basis, however, such conduct can cause serious harm to the person at whom it is directed. Some kinds of behavior may hurt certain people without constituting psychological harassment. A remark, a dispute, a clash of personalities at work, a management decision which is difficult to accept (allocation of new tasks, for instance), a duly substantiated negative assessment, even repeated, cannot therefore necessarily be considered psychological harassment.

A range of different types of behavior can be considered sexual harassment, such as:

- promises of some kind of reward (favourable career moves, etc.) in return for sexual favours, or threats of reprisals if such requests are turned down;
- repetition of coarse or suggestive remarks, or sexual innuendo;
- use of crude and obscene language and gestures;
- repeated and exaggerated compliments on the appearance of a work colleague;
- physical contact, rubbing against someone, pinching, deliberate unwanted kisses;
- acts of voyeurism or exhibitionism;
- use of pornographic material. (European Commission, 2006, p. 15)

It should also be noted that the implementing provision on anti-harassment also indicates that the difference between the two forms of abuse lies in the fact that “unlike

psychological harassment, a single incident may constitute sexual harassment if it is sufficiently serious". The anti-harassment provision is one and maybe the only rule which combines the prescriptive markers of the legal text, with all the considerations related to clarity and legal certainty, and the performative markers related to action in situation of acts of harassment. The text includes examples and guidance on rights and procedures, to the benefit and perusal of all Staff Members. Moreover, this is one of the implementing provisions which are legally applicable to all persons working in the EU Institutions, and not only Staff Members since the rules apply at the same time to Civil Servants and external personnel:

Each and every person working at the Commission, regardless of grade or contract of employment (this includes the trainees and all those working under a contract under national law), may, if they feel they are the victim of psychological harassment or sexual harassment by a member of staff of the Institution, initiate an informal procedure. (European Commission, 2006, p. 5)

This is a strong commitment of the European Union for protecting the dignity of each person, fully in line with the European values and the EU Charter of Fundamental Rights. The EU HRM legal framework guarantees, to this extent, a fair set of rules protecting the dignity and equal treatment of all persons, in line with the policies and directives of the different EU Institutions. What this research aimed to determine was whether the situated meaning of the main elements of the discourse on equality and diversity inside the EU Institutions (Gee, 2011b) – in particular those found in the HRM legal framework, could definitely benefit from a better awareness of the importance of word choice and sentence

structure. Considering all the EU Institutions initiative towards a more inclusive working environment, the trend is definitely going in the right direction.

As mentioned previously, the intertextuality of the equality and diversity features definitely suffers from the fact that different actors are involved in the drafting production of norms and rules and because of the diachronic element of the Corpus. To this extent, the identity of the Civil Servants working for the EU Institution may be strengthened by a more consistent perspective on the use language, which reaffirms the core values and principles of the European Union by embedding them in all its language production, as starting from the one which brings a legal value to each Staff Member. In fact, as hypothesized in Chapter 2 of this dissertation, the magnitude of the effect of such an effort would be bigger and more streamlined vis-à-vis the EU workforce. This refers to the fact that the EU HRM Legal Corpus brings a gravitas which is definitively higher than any of the internal staff policies or guidelines. In particular, it should be noted that each EU Institution, including each agency or body of the European Union, has legal independence when dealing with questions related to HRM policies. Although many provisions could be taken from the Commission strategy, the size of some institutions and the number of their staff prevent to run full-fledged HRM policies in all areas. In this regard, the argument of improving the identity of Staff Members in the backbone regulation of the EU Institutions, the EU HRM Legal Corpus, has the merit of fostering the use and message of an inclusive language.

**CHAPTER 5 – THEORETICAL FRAMEWORK AND DATA ANALYSIS –
QUESTIONNAIRE FOR HR AND LEGAL OFFICERS WORKING FOR THE EU
INSTITUTIONS**

5.1 Theoretical Framework of the Analysis of the Questionnaire for HR and Legal Officers in the EU Institutions

The third part of this dissertation develops around the submission and analysis of the results of a questionnaire for HR and Legal Officers working for EU Institutions, and the investigation of the language use and the discourse around their understanding of the values of equality and diversity (Brace, 2004; McGuirk, 2016). The decision to run this questionnaire lays in the benefit that this qualitative method brings into the research on the subject matter. According to McGuirk,

Qualitative research seeks to understand the ways people experience events, places, and processes differently as part of a fluid reality, a reality constructed through multiple interpretations and filtered through multiple frames of reference and systems of meaning-making. (McGuirk, 2016, p. 10)

The aim of the questionnaire is to complement the data analysed with the corpus and discourse analysis, reaching a deeper insight into the subject of this dissertation. This aim is pursued by investigating how the different provisions included in the EU HRM Legal Corpus (rules, decisions, directives) are perceived by the Staff Members working in the different European Institutions, and how they interpret and live the discourse created around the Framework.

As mentioned in Chapter 2 and 4, the decision on the population of the questionnaire is based on the duality of the sample HR and Legal Officers are at the same time the subject of the legal framework as any other Staff Members working for the EU Institutions, and they offer deep knowledge and expertise on the subject matter. This is particularly relevant and significant to address the third research question of this dissertation, which aims to gather experiences and then suggestions for the development of a more inclusive language inside the Institutions of the European Union. With regard to the methodology used for the development of this part of the research, it should be noted that the criteria and key principles listed below were taken into consideration when designing the questionnaire for HR and Legal Officers (Brace, 2004; Krug & Sell, 2013; McGuirk, 2016; Wiersma, 2011).

The first important criterion that has been considered in creating the questionnaire is the minimization of the effort on the side of the respondents to the survey (Krug & Sell, 2013); this aspect has been considered as crucial, given the broad scope of the research and the participants' work. In order to achieve this goal, the different questions and statements on the Likert scale in the questionnaire were designed to be as clear, concise and short as possible. The ideal scenario envisaged was that, upon reading the question or statement, each participant would immediately feel comfortable in contributing to their responses, without any additional explanation needed.

Another important aspect considered while designing the questionnaire relates to the clustering of questions and statements. The survey has been structured, as explained in more detail further on, in order to help the participants to understand the topic and, most importantly, the aim of each part of the questionnaire. It is important to underline that the

survey was made accessible in all its part to the respondents, who could freely go back and forth the different parts of the questionnaire before submitting it. The different sections and survey items of the questionnaire have been designed to guide the participants in its completion, starting from more general questions and statements, to more specific ones. The aim of this approach was two-fold: on the one hand, to make the participant's journey through the survey easy and smooth, increasing the possibility of a high completion rate, and, on the other hand, to help the participant in facing the most sensitive or controversial questions by focusing on the general and more comfortable items first.

An additional element that has been considered is the relevance of the different questions and statements to the education and experience of the participants. As the results display, not all participants showed a high level of sensitivity vis-à-vis the language of inclusion in the EU HRM Legal Framework; nonetheless, in designing the survey, it was made sure that all participants could at least give ground meaningful inputs based on their professional experience as Human Resources and Legal Officers working for the EU Institutions.

The same criterion of relevance has been taken into consideration while submitting questions and statements about other people's beliefs. For example, for items such as '*the language of the EU HRM Legal Framework minimizes the need to create additional communication to Staff Members on different provisions*' (item 26, block C), in order to be able to assess this item on a Likert scale, the participants were requested to contribute not only with their opinion on the matter but to bring elements from their previous and current working experience.

A decisive criterion in the development of the survey is the mode of submission of the questionnaire for HR and Legal Officer working for the different EU Institutions.

As explained in the first chapter of this dissertation, the European Institutions are present in all the European Union territory, mostly in Brussels and Luxembourg, but basically in each of the European countries. Being the questionnaire aimed to triangulate the data of this research on the EU HRM Legal Framework, the target respondents are working fundamentally in all Member States of the European Union.

For this reason, the most logical approach was to circulate the questionnaire by using an online survey tool. The added value of this choice is in the possibility to reach a relatively large population of different participants at the same time. Another advantage is that the format guarantees more freedom for the participants taking part in the survey and allows the researcher to analyse the data in a timely manner. The added value of the administering online surveys lays in the easiness of accessing the questionnaire (via computer or phone) and the incomparable easiness in its distribution. With the use of LimeSurvey, each participant could access the questionnaire via a link and was requested to multiply the collection of data by distributing this link to their personal contacts, with a background in HR or legal matters, as relevant for the work in the European Institutions.

5.2 Data Analysis and Results

5.2.1 *The Questionnaire for HR and Legal Officers in the EU Institutions*

5.2.1.1 Structure of the Questionnaire and Development of the Survey

The questionnaire on the language of the EU HRM Legal Framework has been designed to be composed of six different blocks, together with an introductory part eliciting basic data from participants, and it aimed to collect as much input as possible on the language used in the different provisions of the staff administration policies. The five-point Likert scale questionnaire consisted in a total of sixty items scored from 1 to 5 (where 1 represents ‘strongly disagree’, 2 equals ‘disagree’, 3 equals ‘neither agree nor disagree’, 4 equals ‘agree’, 5 equals ‘strongly agree’) and was divided into six different blocks, identified from A to F. The full text of the questionnaire is available in Annex III.

The first introductory part of the survey comprises questions aimed to identify the basic demographic data of the respondents’ population. These questions were regarding respondents’ mother tongue, their working experience, in total and inside the EU Institutions, and their field of experience, Human Resources Management or legal. The first block (*A. Personal and professional knowledge*, including items from 1 to 9) aimed to assess in deeper detail the participants’ knowledge of the EU HRM Legal Framework, their familiarity with the European Union values and with the different provisions and policies on equality and diversity management. Moreover, block A aimed to determine the knowledge in all the four different fields as analysed in this dissertation, i.e. gender mainstreaming, LGBTI rights, rights of the persons with a disability and rights of the elderly.

The questions included in the second block of the questionnaire (*B. The language of the EU HRM Legal Framework*, including items from 10 to 26) aimed to establish whether the HR and Legal Officers, in their pivotal role vis-à-vis staff and the legal framework regulating their permanence and career in the EU Institutions, are aware of the language used in the EU HRM Legal Framework. In particular, the questions aimed to determine if their knowledge is developed to the extent necessary to foster equality and diversity and to understand the actions needed to obtain an inclusive and bias-free language for the management of human resources inside the EU Institutions. The different questions were focused on the linguistic features of the Corpus, the quality and clarity of the language to the extent necessary to be perused by all persons inside and outside the different EU Institutions.

The third block of the questionnaire (*C. The language of the EU HRM Legal Framework – EU values and staff identity*, including items from 27 to 34) focuses on the participants' understanding of the European Union values, and the belonging to the EU Institutions system; the aim of the different statements in the questionnaire was to check the participants' awareness of the importance of the EU values and how are they embedded in the different provisions.

The same aim and structure have been repeated in the fourth block of the questionnaire (*D. The language of the EU HRM Legal Framework – Equality and diversity*, including items from 35 to 41), whereby the different items focused to test the participants' responses about the neutrality of the language in the EU HRM Legal Corpus, and the assessment of the language on equality and diversity principles.

The fifth part of the survey (*E. The language of the EU HRM Legal Framework – Equality and diversity categories*, including items from 42 to 51) followed through and was designed to identify, in the specifications for each of the equality and diversity categories, how the language of the EU HRM Legal Framework is being used.

By eliciting direct feedback from the participants, the last block of the questionnaire (*F. Suggestions to improve the EU HRM Legal Framework*, including items from 52 to 60) focuses on how the EU HRM Legal Framework could address in a more substantial and solid way the creation of an inclusive language and a culture of equality in the workplace of the EU Institutions; this part is divided into Likert-scale items, which the participants had to score, and into a set of free fields and open questions to suggest improvements of the language of the legal framework.

As previously mentioned, with regard to the mode of submission, the questionnaire was created by using an online tool called LimeSurvey³⁰. LimeSurvey is a free licensed tool for creating online surveys, whose type of license allows adapting the open-source code to the specific need of the author of the survey. An advantage of using LimeSurvey is that it supports more than eighty different languages and includes a design editor, which allows changing and defining the structure and layout of the survey. Its features include the possibility to have an unlimited number of surveys, questions and participants, a broad

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<https://www.limesurvey.org/>

selection of pre-established questions (twenty-eight types) and the possibility to avoid advertisement.

The layout of the surveys created with LimeSurvey is rather simple, and – being an open-source software – the system can be installed on the author's computer or server, guaranteeing the full control over the data acquired. The survey as designed, whose complete layout is reported in Annex III, was launched on 5 July 2019 and it was closed on the LimeSurvey platform on 13 August 2019. It was circulated in a targeted mode inside the different European Institutions via a network of HR and Legal Officer with the aim of collecting replies from different officers on the topic of the language of the EU HRM Legal Framework.

5.2.1.2 Population Sample

Fifty-three Staff Members working in different EU Institutions took part in the survey: thirty-six responses were fully completed, while seventeen were partially submitted. The analysis of data took into consideration all the responses received, both the complete and the incomplete ones. It is, in fact, a predicament of the author of this dissertation the fact that all responses bring an added value to the survey's results (Schafer, Joseph & Graham, 2002; Groves, 2006; Wiersma, 2011; Fuchs, Bossert, & Stukowski, 2013), and that the data are analysed according to a cluster of questions as per the questionnaire's design. To this extent, the same level of response rate is present in the different parts of the survey, fostering better management of data quality.

With regard to the population sample, it should be noted that the fifty-three respondents of the questionnaire on the EU HRM Legal Framework language have eighteen

different mother tongues (see Figure 81). As previously mentioned, the data entries related to the mother tongue of the participants entailed the inclusion of the twenty-four different EU languages, recognised as official by the European Union³¹.

The participants' mother tongues missing from the questionnaire's responses are Danish, Estonian, Irish, Latvian, Portuguese and Slovak. Given the scale of the survey and the participation rate, the diversity in term of participants is to be considered as very good. It should be noted that, in two instances, the participants have marked as "other" the field related to their mother tongue. This is indeed possible as the condition *sine qua non* working for the European institutions refers to the nationality more than the mother tongue of the Staff Member, and there are some languages in the different European Member States which are not recognised as official by the European Union, for example, the Catalan language.

Out of the different mother tongues, it is of particular interests the presence of four English mother tongue participants. In some instances, as it would be evinced in the further analysis of the questionnaire, their contribution reveals to be rather important for the analysis of the language of the EU HRM Legal Framework and its improvement.

³¹ The languages of the EU are Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, and Swedish – See: https://europa.eu/european-union/about-eu/eu-languages_en.

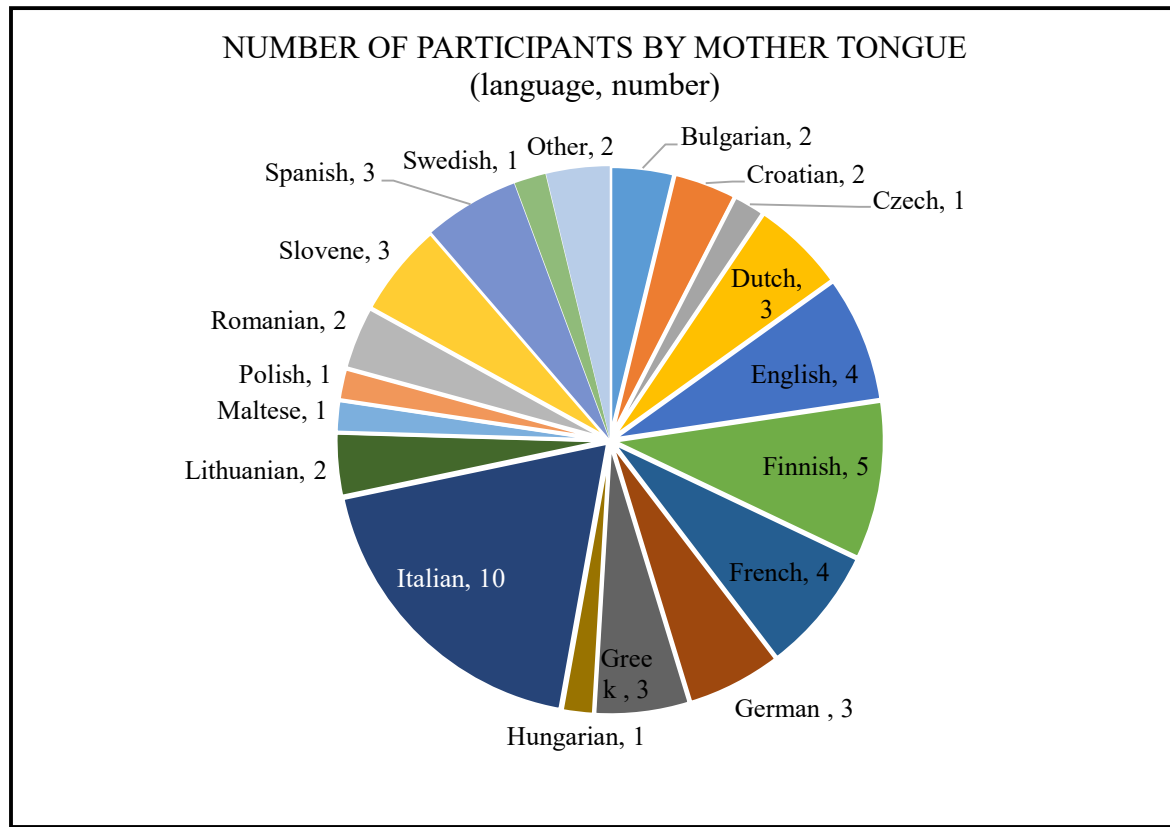


Figure 69. Number of participants to the questionnaire by mother tongue

With regard to the age of the participants of the questionnaire on the EU HRM Legal Framework, they mainly fall into the established category ‘*from 35 to 44 years old*’ (see Figure 82). Reasonably enough, there are no participants who are younger than 25 years old and just two who are older than 55. This is to be expected, as the average age of the population workforce in a typical working environment usually ranges from 35 to 44 years. This range age is, in fact, the most populated one in the case of the participants to the survey, with 50% of the respondents. It is followed by sixteen respondents (29.63%) ranging in the group ‘*from 45 to 54 years old*’, and then eight respondents (14.81%) in the group “*25 to 34 years old*”.

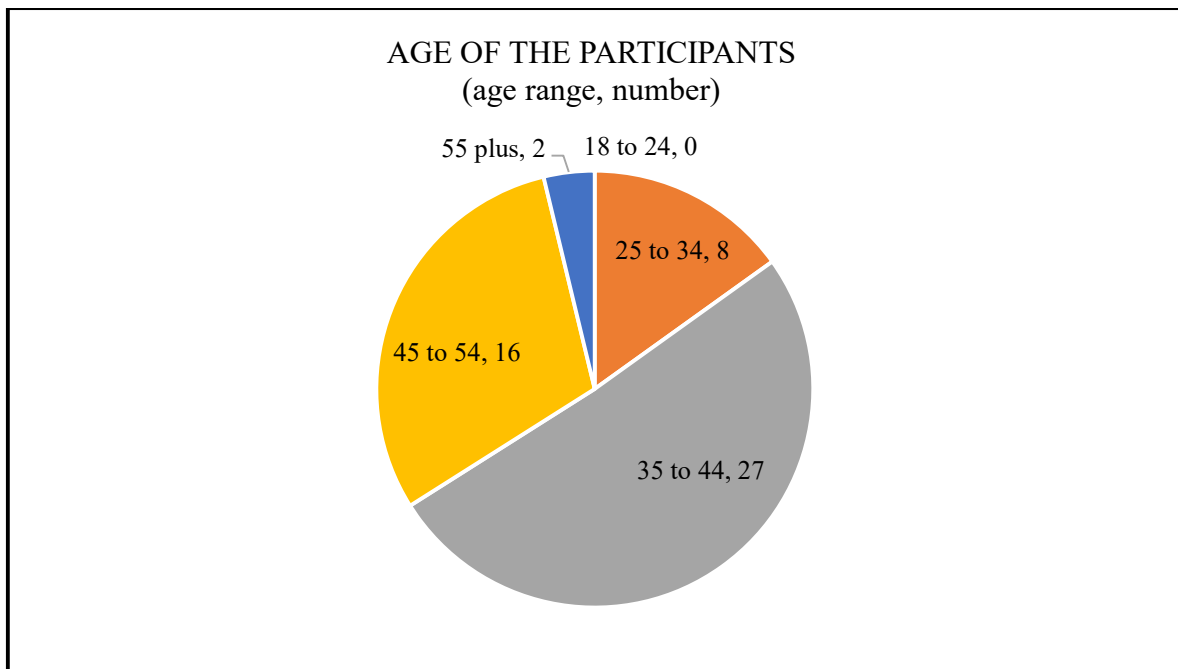


Figure 70. Number of participants of the questionnaire by age range

The data related to age are fully in line with the data related to working experience, as it could be evinced in Figure 83. Most of the respondents have ‘*from 10 to 20 years*’ professional experience, both inside and outside the EU Institutions; in particular, this corresponds to 48.15% of the respondents with a total experience ranging from 10 to 20 years in total, and 46.30% of the respondents with the same professional experience (in lengths) working inside the EU Institutions.

These data are of particular importance for conducting this research since the different replies of the participants are based on quite a solid working experience in term of years and a very good level of maturity in the EU Institutions’ workplace. To sustain the argument on the reliability of the data received, it is to be noted that seven respondents (12.96% of the overall participants) declared to have more than twenty years of experience in the EU context.

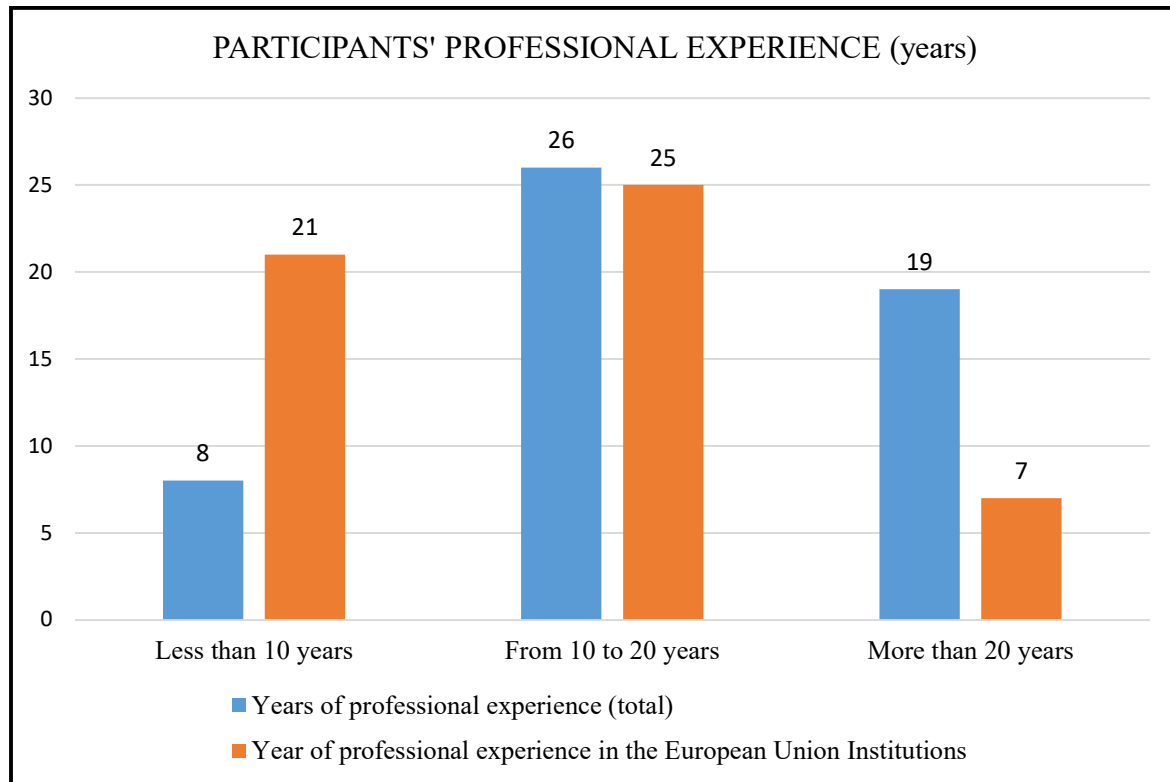


Figure 71. Participants' professional experience (years)

With regard to the field of professional experience, the majority of responses were registered by participants with professional experience in the field of Human Resources Management (forty-one in total, corresponding to 77.36%), more than the legal field (twelve responses, corresponding to 22.64%). This was also to be expected, as the different legal provision are subject-matters related mostly to the management of staff, and hence typically related to the work of personnel departments. Nonetheless, as explained in different instances in this dissertation, the added value of gathering responses from staff working in the legal field lays in the professional experience in dealing with legally complex texts.

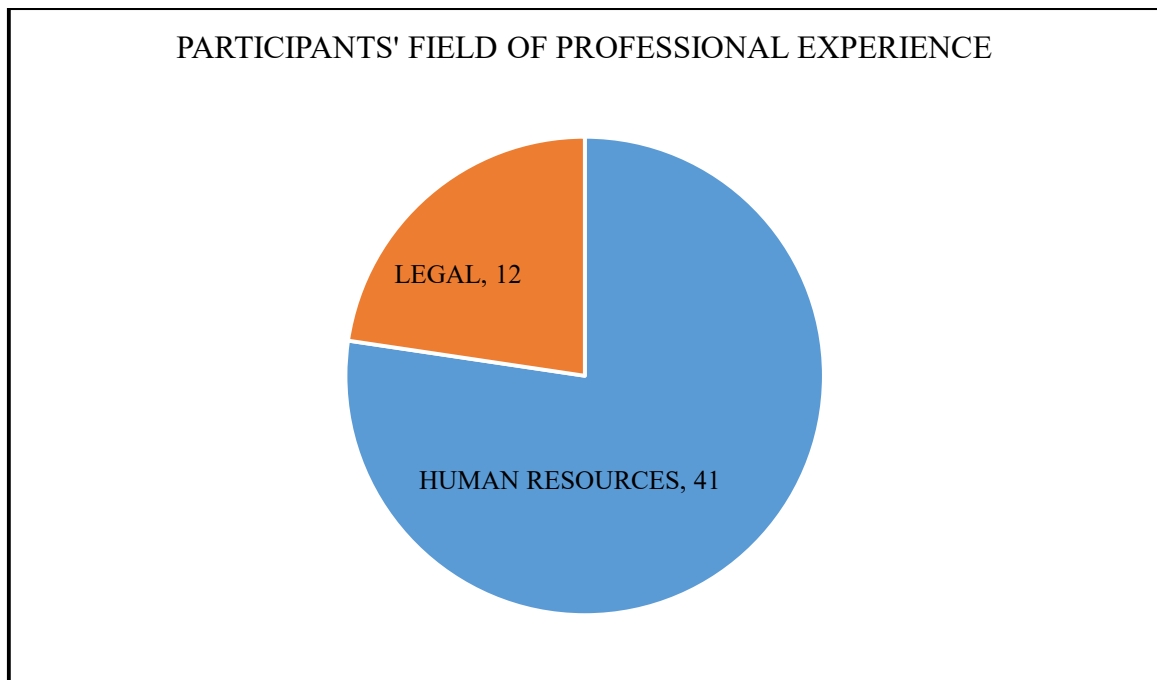


Figure 72. Participants' field of professional experience

Another important aspect of the demographics of the different participants of the EU HRM Legal Framework questionnaire is their assessment on their knowledge of the English language. As Figure 85 highlights, the great majority of participants declared a proficient knowledge of the English language: four at mother-tongue level (7.55%), thirty-four at C2 level of CERF³² (64.15%), thirteen at C1 level of CERF (24.53%). Only two participants,

³² Common European Framework of Reference for Languages (CERF),
<https://www.examenglish.com/CEFR/cefr.php>

corresponding to 3.77% of the overall respondents) declared that their English knowledge is only at a good level (B2 of CERF).

Once again, these data are of particular importance to determine the consistency of the responses and reliability of the sample of the questionnaire. Almost all participants are more than proficient in their knowledge of the English language, which implies a very good understanding of the linguistic features used in the Framework.

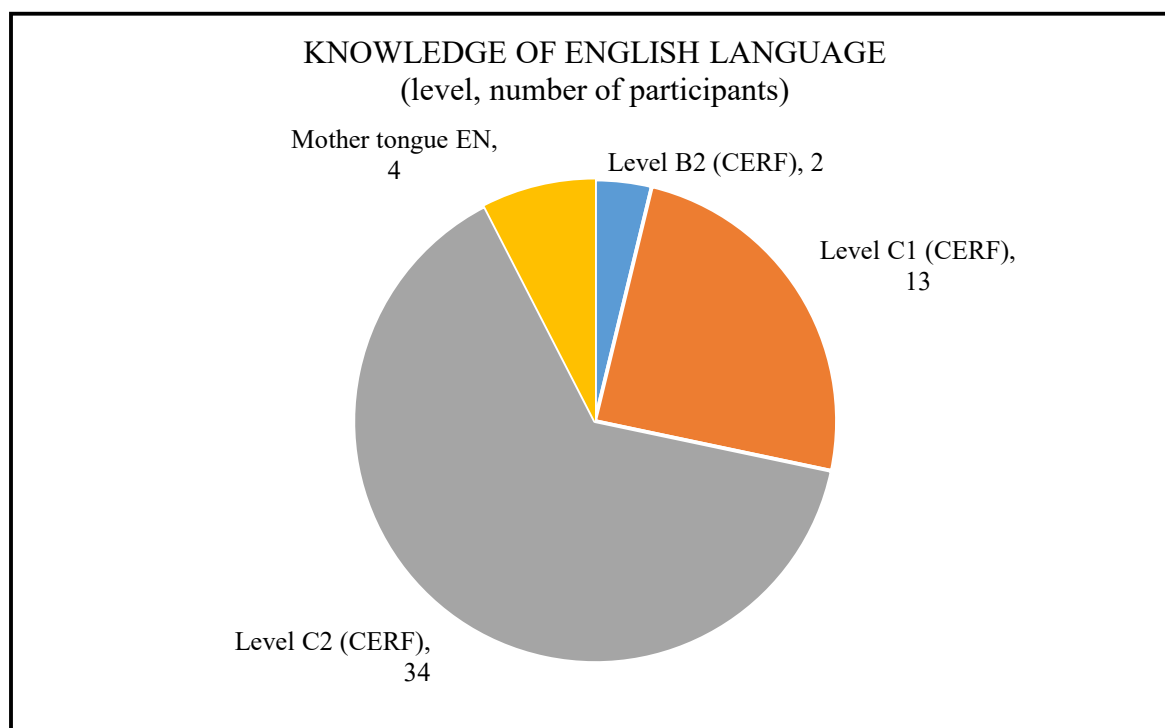


Figure 73. Participants' knowledge of the English language

5.2.2 Results of the Analysis of the Questionnaire for HR and Legal Officers in the EU Institutions

5.2.2.1 Personal and Professional Knowledge of the Participants

With regard to the personal and professional knowledge of the participants of the questionnaire on the language of the EU HRM Legal Framework (block A), forty-nine respondents to this part of the survey about their knowledge of staff regulations and general implementing provisions assessed their knowledge as good or very good (see Figure 86). In particular, the participants' knowledge of the text included in the EU HRM Legal Corpus is mostly positive, with an arithmetic mean of 4.16 and 4.08 respectively.

Some differences in the responses to the first two items of this block (item 1 and 2) could be found in the knowledge of the General Implementing Provision / Implementing Rules / Model Decisions vis-a-vis the knowledge of the Staff Regulation and CEOS; this was expected, as some participants working for the European Commission services, for example, could have a very basic knowledge of Model Decisions, as they apply only to agencies.

Even more importantly, the results of the replies to the questions related to the familiarity with the European values (*'I am familiar with the values of the European Union'*, item 3) are very positive since most participants strongly agree with the statement (74.14%). Only two participants 'strongly disagree' or 'disagree' with the statement (3.45%), while the vast majority replied to the statement in a positive way. Forty-three of the forty-nine respondents either strongly agreed or agreed with the statement, producing an arithmetic mean of 4.29. These data bring immediately the attention to the fact that the knowledge and

familiarity of the respondents with both the EU HRM Legal Framework and the values of the EU are basically at the same level.

Moreover, the results of the questionnaire show that the respondents are less familiar with the EU Charter of Fundamental Rights and with the different policies on diversity management. As it could be evinced from Figure 86, the more the statements are focused on a specific aspect of the equality and diversity principles, the less likely the respondents were to select the most favourable response “strongly agree”. In fact, the replies to block A of the survey show that the participants assess their knowledge of policies related to equality and diversity as good or very good in thirty-two cases (65.30% of total respondents), but the standard deviation decreases for the specific policies on gender, LGBTI, persons with a disability and rights of the elderly.

These results are not surprising since it seems that the replies of the respondents are proportionate with the extent to which the different equality and diversity policies are contemplated in the modern Human Resources Management field. In particular, this is the case for the cited Commission policy *A better workplace for all*, whereby a bigger emphasis is put on gender mainstreaming rather than, for example, the rights of the elderly.

With this perspective in mind though, from the block of the questionnaire related to the participants’ personal and professional knowledge, it is especially relevant that five out of the forty-nine respondents (10.20% of the total) strongly disagree with the statement ‘*I have a comprehensive knowledge of HR policies related to LGBTI rights*’ (item 7). As described above, the negative replies to the statements on the specific fields of equality and diversity are in a crescent trend, mainly because gender mainstreaming is a rather well-

known topic in the modern management of Human Resources, as much as the topic related to LGBTI rights.

From the analysis of the questionnaire, in particular with regard to above-mentioned item 7, it is surprising to register that a high percentage of responses fall into the bottom two boxes ("disagree" and "strongly disagree"). This might mean that the participants are not familiar with the LGBTI rights *per se*, or that such policies are either not present in their institutions or are not perceived as needed. This last hypothesis could be also the explanation of the highest number of respondents that 'neither agree nor disagree' with items 7, twelve in total (24.49%), which was registered for the same statement.

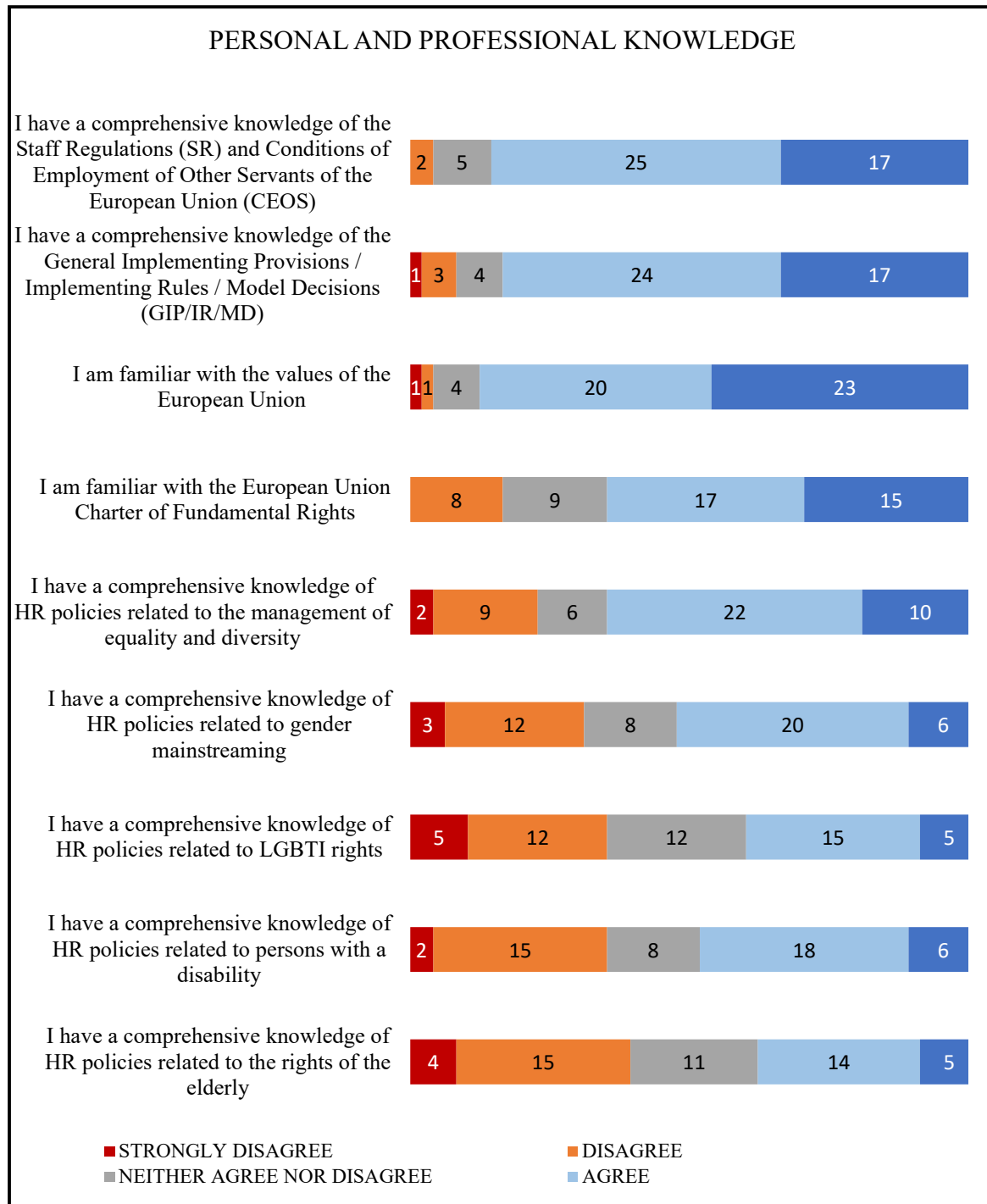


Figure 74. Participants' personal and professional knowledge

5.2.2.2 The Language of the EU HRM Legal Corpus in General

The second block of the questionnaire (*B. The language of the EU HRM Legal Framework*, items 10 to 26) focuses on the knowledge and experience of the participants vis-à-vis the language used in the EU HRM Legal Framework and has been designed to assess the participant's view on the syntactical structure of the different texts included in the EU HRM Legal Framework, the presence of Latinism and archaic forms, the use of modal verbs and – more in general – the simplicity of the language and the clarity of the different provisions. This is the longest part of the questionnaire, as the data collected are of key importance for this research. In fact, the inputs of the respondents to this section will serve to determine whether the analysis of the discourse around the EU HRM Legal Framework is in line with the perception of the persons who are deeply involved in its peruse and development, i.e. the HR and Legal Officers working for the EU Institutions.

The first consideration to be pointed out while analysing the data for this section of the survey is the confirmation that almost all participants (93.02%) consult the different provisions in the EU HRM Legal Framework in English, as forty out of the forty-three participants 'strongly agree' or 'agree' with the statement '*Generally, I consult the different provisions included in the EU HRM Legal Framework in English*' (item 10). It is also remarkable the fact that the number of participants who 'strongly disagree' or 'disagree' with the different statements of this section is null. This result, together with the high level of English knowledge of the participants, confirms the quality of the replies and the relevance of the inputs from all the HR and Legal Officers participating in the survey.

Furthermore, with regard to the clarity of the language of the EU HRM Legal Framework, and in particular of the Staff Regulation and CEOS (item 12), the number of respondents who answered ‘neither agree nor disagree’ (27.59%) and ‘disagree’ (17.24%) increased considerably compared to other areas of the questionnaire. These results indicate a general level of disagreement on the clarity of the language used in the EU HRM Legal Framework but it should also be noted that that the participants did not express a strong disagreement about the same statement. This last predicament is also supported by the fact that no replies were registered as ‘strongly disagree’ or ‘strongly agree’ with regard to the clarity of language. The items of the questionnaire included in block B devoted to the clarity of language (items from 12 to 15) were designed to assess whether there was a different perception among the participants among the use of language in the three components of the EU HRM Legal Framework, being the main regulations (Staff Regulations and CEOS), the General implementing Provisions / Implementing Rules and the Model Decisions. This seems not to be the case, as the three categories of rules received very similar replies. A slightly higher percentage of positive replies related to the clarity of language (32.76%) were registered in the case of Implementing Provisions and Model Decisions (items 13 and 14), although the difference with the other category (Staff Regulation, item 12) is basically negligible (29.31%).

This is not entirely surprising as it confirms the data previously gathered. As described in the chapter devoted to the discourse analysis of the EU HRM Legal Corpus, in fact, the analysis shows that the language of Model Decisions is, on the one hand, adapted and tailored to the reality of the European Agencies’ workplace, with a much clearer focus on their practical implementation. But, as described in Chapter 4, the rather lengthy and

broad consultation process for the finalisation of Model Decisions, whereby the administration and the staff committees of more than forty agencies are involved in the process, adds an additional layer of complexity to the final text. This seems to result in the same high level of opacity and lack of clarity in the final texts of all different categories of text in the EU HRM Legal Framework, from the Staff Regulation to Model Decisions.

The same trend of neutral or negative responses is registered with regard to the assessment of the different linguistic features on the EU HRM Legal Framework. More specifically, with regard to the presence of archaic forms, Latinism and redundant structures and clauses (items 16, 17 and 18 respectively), there were no participants that responded 'strongly agree' or 'strongly disagree'. Once again, there is no strong response from the participants about the three linguistic features mentioned above. This can be explained by the fact that either the participants are accustomed to such features, for reasons related to the *genre* of the EU HRM Legal Framework, or because these features are not heavily present in all the Framework, as also the results of the discourse analysis seem to suggest, to the extent of influencing negatively the perception of the participants to the questionnaire.

Slightly different results are obtained regarding the statement '*In the EU HRM Legal Framework, modal verbs (must, should, shall, etc.) are used consistently*' (item 19). Three respondents, corresponding to 6.97% of the respondents, strongly disagree with the statement, and eight disagree (18.63%). At the same time though, the positive replies amount to fourteen (32.56%); these data are quite surprising, although what can be evinced is that, in the first place, not all participants reacted negatively to the statement and, in the second place, those who reacted negatively felt strongly. This is also confirmed by the comments

received in the free questions and in the part related to the improvement of the legal framework.

In the same block B of the questionnaire, there are three items, where most of the participants seem to disagree or strongly disagree with (see Figure 87). They are: '*The cross-referencing of different articles in the Staff Regulations is easy to follow*' (item 20), '*The language of the EU HRM Legal Framework is consistent with a modern management of human resources*' (item 25) and '*The language of the EU HRM Legal Framework minimizes the need to create additional communication to Staff Members on different provisions*' (item 26), with percentages of, respectively, 43.10%, 46.55% and 51.72% in the bottom two box scores.

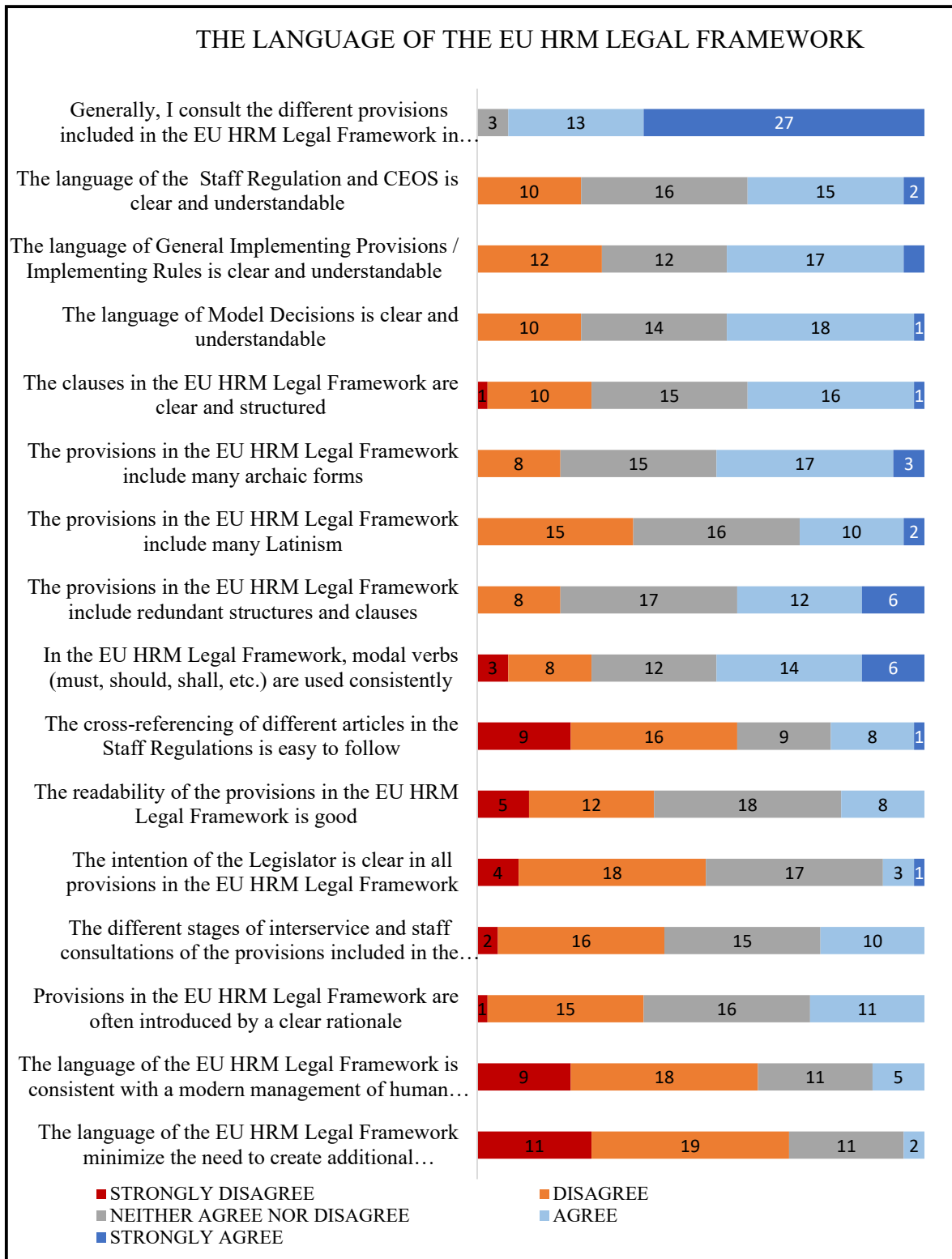


Figure 75. Participants' responses on the general language of the EU HRM Legal Framework

The item referring to cross-referencing in the Framework, in particular, is the one of few where most ‘strongly disagree’ replies were recorded (*‘the cross-referencing of different articles in the Staff Regulations is easy to follow’*, item 20). This datum is completely in line with the findings of discourse analysis’ results as described in the previous chapter, and in particular with the assessment of the diachronic dimension of the EU HRM Legal Framework. The cross-referencing in the EU HRM Legal Framework is the results of different layers of language use and additions over the last decades, to the extent that the complexity of the provision is evident to most participants in the survey, as 58.13% of the respondents strongly disagree or disagree with the statement in item 20.

Similar data were gathered regarding the readability of the EU HRM Legal Framework and the intention of the legislator (*‘The intention of the legislator is clear in all provisions in the EU HRM Legal Framework’*, item 22). Although the number of neutral responses is quite high (51.16%), more negative than positive replies are recorded, with an arithmetic mean of 2.51. These results are also confirmed by the comments received from different participants to the survey, as described in more detail in the following section.

As previously mentioned, this part of the questionnaire on the language of the EU HRM Legal Framework entailed the possibility for the participants to include their inputs on the language in which they usually consult the Framework. As Figure 87 shows, to the statement in item 10 (*‘Generally, I consult the different provisions included in the EU HRM Legal Framework in English’*), the vast majority of the respondents (93.02%) consult the different provision directly in English, although there are instances where this is not the case.

In fact, analysing the replies to the question '*If you consult any of the provisions in the EU HRM Legal Framework in any other language could you please elaborate on which case and why?*' (item 11) there are interesting inputs, which highlight a rather common approach on the side of the participants to the survey.

Most of the respondents who replied to this item, explained that they sometimes refer to the French version of the Framework, as "[...] sometimes the French version is the original one". This can, in fact, be the explanation on the use of French as a second language to consult the different provisions in the EU HRM Legal Framework. Besides the fact that one's mother tongue may help to understand concepts in a clearer way, French is in many cases the language in which the less recent provisions were being redacted, as the English version of the different provisions is a translation from the original French.

To this extent, one respondent made a very specific example, which relates the provision on part-time:

When a provision is not clear I do switch to the French version of the Staff Regulations or of the implementing provisions to try and understand exactly the meaning. For example Commission Decision C(2015) 9720 on part-time - art. 3 paragraph 3 in English "The number of (half-)days acquired in this way may not exceed half of the working days in a given month" difficult to understand in my opinion. The French version says "L'utilisation au cours d'un mois du nombre de (demi-)journées ainsi acquies ne peut dépasser la moitié des jours ouvrables d'un mois donné." the meaning is clear now :-)

As the consultation of the different provisions in a language other than English is mainly done in French, one participant to the survey helped to highlight the complexity of the matter, by referring to the “elaborative” aspect of the French language vis-à-vis the English one:

Sometimes first drafts are only written in French, so I read it in French. It is often clear that texts are originally written in French, which is an indirect and elaborative language. This conflicts often with the modern attempts to have legal provisions in plain language, which would make them more understandable to both (non-legally trained) HR staff and all other Staff Members.

Another participant highlights the differences in the use of modal verbs in the two-language version (English and French), pointing out that the matter might become more complex at times, where the two-language version report discrepancies:

As the original legal text mostly has its origin in a French version, there's sometimes a need to consult that version to understand e.g. if a "shall" is really a "shall" or perhaps a "must". Sometimes there are discrepancies between the version which can then give very different meanings which makes the interpretation difficult at times.

The use of English modal verbs in the *genre* of the EU HRM Legal Framework softens the tone of the speech (as hedging device) and makes it more acceptable, so it is necessary to review the use of modal verbs in the EU HRM Legal Framework, in particular in the English version, to ensure that it conveys a less assertive and prescriptive tone than the French version.

Another participant also confirmed these discrepancies, which may be solved with the perusal of an additional language version to check that modals are used appropriately to tone down the illocutionary force or to add extra emphasis: “I consult in French on a very regular basis, plus occasionally in German, plus in other languages when linguistic comparisons are needed”.

With regard to the last two statements of this block of the questionnaire related to the language of the EU HRM Legal Framework in general (item 25 and 26), the data obtained from the participants’ responses offer the least controversial interpretation of the questionnaire, as most of the participants strongly disagree or disagree with the following two statements: ‘*The language of the EU HRM Legal Framework is consistent with a modern management of human resources*’ (item 25) and ‘*The language of the EU HRM Legal Framework minimizes the need to create additional communication to Staff Members on different provisions*’ (item 26). In the first item, with a rate of 62.8% and an arithmetic mean of 2.28, in the second case with a rate of 69.8% and an arithmetic mean of 2.09; this result is the one in which the lowest agreement has been recorded in all surveys. This datum is of crucial importance for this dissertation, as it touches upon the very core of this research. As evidenced by the discourse analysis of the language of the EU HRM Legal Corpus (Chapter 3), the provisions included in it are not developed enough to foster equality and diversity inside the EU Institutions.

Additional measures are being taken by each institution by elaborating side staff policies and strategies to this extent, such as for the example the policy of the European Commission *a better workplace for all*. The analysis of the survey’s results seems to confirm

this finding as it can be observed that the number of positive replies to the two statements (respectively 8.62% and 4.35%) is the lowest of the questionnaire and that no replies have been registered with a 'strongly agree' value.

5.2.2.3 European Values and Staff Identity

As described in the first part of the analysis of data from the questionnaire, participants seem to be well aware of the values of the European Union; this fact brings a solid background to the analysis of the data contained in the part of the survey related to European values and staff identity, as the participants are confident in replying to the questions of this block (item from 27 to 34), showing that the implementation of the European values is not fully reflected in the language of the EU HRM Legal Framework.

In fact, only a minority of respondents to the survey (29.72%) agreed or strongly agreed with the statements related to the Framework being a reference for EU values or their sense of belonging to the EU Institutions (item 27).

To complement these data though, it should be noted that the respondents' population seem to be equally split on the first statement of this part of the survey (*'The EU HRM Legal Framework is a reference for EU Staff on the values of the European Union'*, item 27). Approximately one-third of the respondents (35.13%) is in the bottom two box scores ('strongly disagree' or 'disagree'), one third (35.13%) remained neutral ('neither agree nor disagree'), the last third (29.72%) rank in the top two box scores ('strongly agree' or 'agree'). Similar results have been recorded with regard to the participants' assessment of their belonging to the EU Institutions (item 29). Although the extreme negative replies decreased

slightly (3.36%) and the extreme positive ones increased (3.57%), the overall split of the participants is very similar to the one over the questions related to EU values.

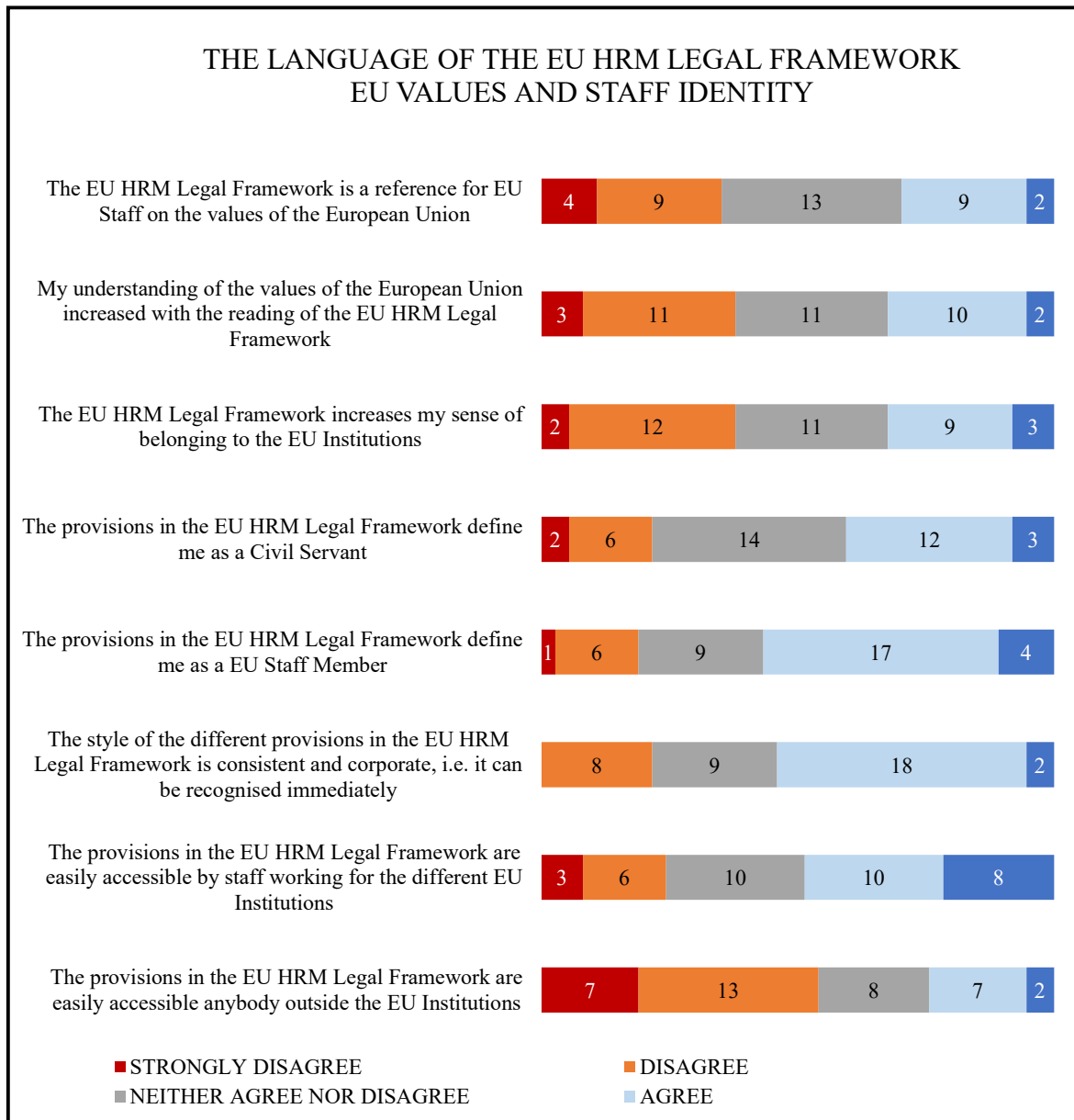


Figure 76. Participants' responses on the language of the EU HRM Legal Framework – European values and staff identity

With regard to the corporate style of the language used in the EU HRM Legal Framework (item 32), positive responses have been recorded for the statement ‘*The style of the different provisions in the EU HRM Legal Framework is consistent and corporate, i.e. it can be recognised immediately*’. 54.05% of the participants strongly agreed or agreed with this item. This seems to indicate a certain level of corporative behaviour of the Staff Members working for the EU, at least with regard to the style of its internal legal framework.

More detailed analysis on the section devoted to their sense of belonging to the EU Institutions (See Figure 88), with regard to the similarities between being a Civil Servant or a Staff Member, show that the differences between the two set of replies in item 30 and 31 are not major, although most replies tend to indicate that the participants feel more defined as Staff Members (56.75%) than Civil Servants (40.54%). The dichotomy between “Civil Servants” and “Staff Member” has been analysed in Chapter 4, in the section devoted to analysing the discourse of the EU HRM Legal Framework. It is a contention of this dissertation that the identity created by the discourse around the internal HRM Legal Framework diversifies the values behind being a Civil Servant or a professional in a private company. In particular, the hypothesis of this research is that the construction of this identity is forged around behaviours and not values (Baker, 2006; Cotter & Marschall, 2006; Penas & López Sáenz, 2006; Edward, 2009; Gee, 2011a and 2011b; European Commission, 2016).

This dichotomy arises as rather balance from the replies of the survey, although it should be noted that the expectations that the EU HRM Legal Framework could clearly create a culture of “servants” for the benefit of the Union are not met if we observe the results of the survey. While more than half of the participants believe that the language of the EU

HRM Legal Framework is “recognizable” (54.05%), few believe that the Framework is easily accessible inside the EU Institutions, albeit to the general public (24.32% of the participants agreed or strongly agreed with the statement in item 34, ‘*The provisions in the EU HRM Legal Framework are easily accessible by anybody outside the EU Institutions*’). In fact, the results of the replies to the last two questions of this block of the questionnaire (‘*The provisions in the EU HRM Legal Framework are easily accessible by staff working for the different EU Institutions*’, item 33, and ‘*The provisions in the EU HRM Legal Framework are easily accessible anybody outside the EU Institutions*’, item 34) show a rather different assessment by the participants to the questionnaire on the accessibility of the staff internal rules.

While the statement in item 33 generally records positive replies (48.64%) – possibly due to the nature of the working experience of the participants, being HR or legal - item 34 records one of the highest rates of negative responses by the participants, as 54.05% of the respondents strongly disagree or disagree with the fact that the EU HRM Legal Framework could be easily accessible from outside the EU Institutions. This datum confirms the findings of the section devoted to discourse analysis and most participants consider that the discourse of the EU HRM Legal Framework could possibly be improved so as to facilitate its comprehension and accessibility from outside the EU Institutions.

5.2.2.4 Equality and Diversity in General

As the main aim of the survey is the analysis of the language of inclusion of the EU HRM Legal Framework, sixteen Likert-scale items were designed to address general and specific aspects of equality and diversity principles in block D of the questionnaire. One first

assessment is based on the fact that the analysis of the part of the questionnaire related to equality and diversity data marked the highest number of neutral responses in all the survey ('neither agree nor disagree'), as the participants' replies are more neutral vis-à-vis the statements as proposed, as it can be evinced from the results reported in Figure 89.

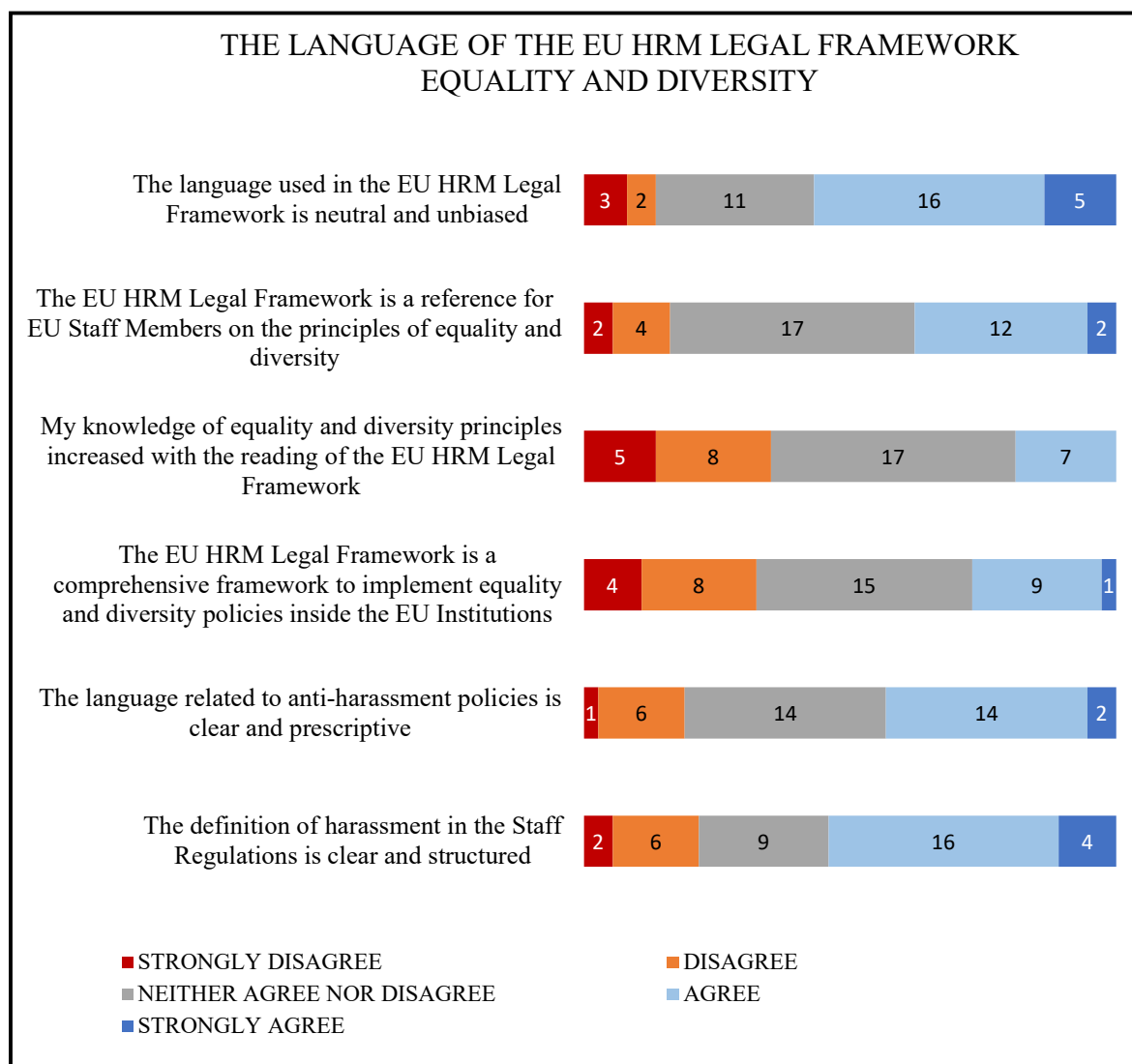


Figure 77. Participants' responses on the language of the EU HRM Legal Framework – Equality and diversity

As the replies show, participants see the EU HRM Legal Framework still as a reference for the application of the principles of equality and diversity. Only six out of the thirty-seven respondents (16.22%) to this part of the questionnaire disagree or strongly disagree with the statement *'the EU HRM Legal Framework is a reference for EU Staff Members on the principles of equality and diversity'* (item 37). Nonetheless, it should be noted that in this part of the questionnaire the item *'My knowledge of equality and diversity principles increased with the reading of the EU HRM Legal Framework'* (item 38) had the highest number of negative responses, with an arithmetic mean of 2.7. This is relevant for this research to the extent necessary to prove that the value of the EU HRM Legal Framework for Staff Members are not sufficient to foster a culture of inclusion, albeit serve as a basis for staff development in fostering equality and diversity principles.

It is very interesting to see that, although the above-mentioned statement (*'My knowledge of equality and diversity principles increased with the reading of the EU HRM Legal Framework'*, item 38) is quite similar to the one related to the values of the European Union (*'My understanding of the values of the European Union increased with the reading of the EU HRM Legal Framework'*, item 28), the results are rather different.

With regard to the understanding of the values of the European Union (item 28), one-third of the responses (32.43%) fall in the top-two boxes. This is fully in line with the fact that the EU HRM Legal Framework seems not to bring an added value in increasing the knowledge of the participants about the EU values. Item 38, on equality and diversity principles, had more neutral responses (45.94%), compared to the equal split of the responses on the values statement of item 28. Overall, the replies in the bottom two box scores are

fewer in the equality and diversity statement (item 38) compared to the European values statement (item 28). This can be explained with a parallel analysis of the two sets of statements, as included in Figure 90. It should be noted that, in order to foster comparability, only the completed responses were considered.

When it comes to the knowledge of equality and diversity principles, most of the respondents seem to be rather confident, as more than half of the participants (65.30%) in the questionnaire responded positively to the submitted statement (*'I have a comprehensive knowledge of HR policies related to the management of equality and diversity'*, item 5). This is not the case though of the replies to item 38, and as explained above the number of neutral responses increase as well as the number of very negative ones (strongly disagree), with – respectively – 45.96% and 13.51% of the respondents.

From these responses, it can be deduced that, as previously found out in the analysis of the discourse of the EU HRM Legal Corpus (Chapter 3), the proficiency of the respondents in term of equality and diversity principles is not as good as their core technical knowledge, and that the confirmation that the EU HRM Legal Framework does not seem to be an appropriate tool to increase the knowledge of HR and Legal Officers on the principles of equality and diversity.

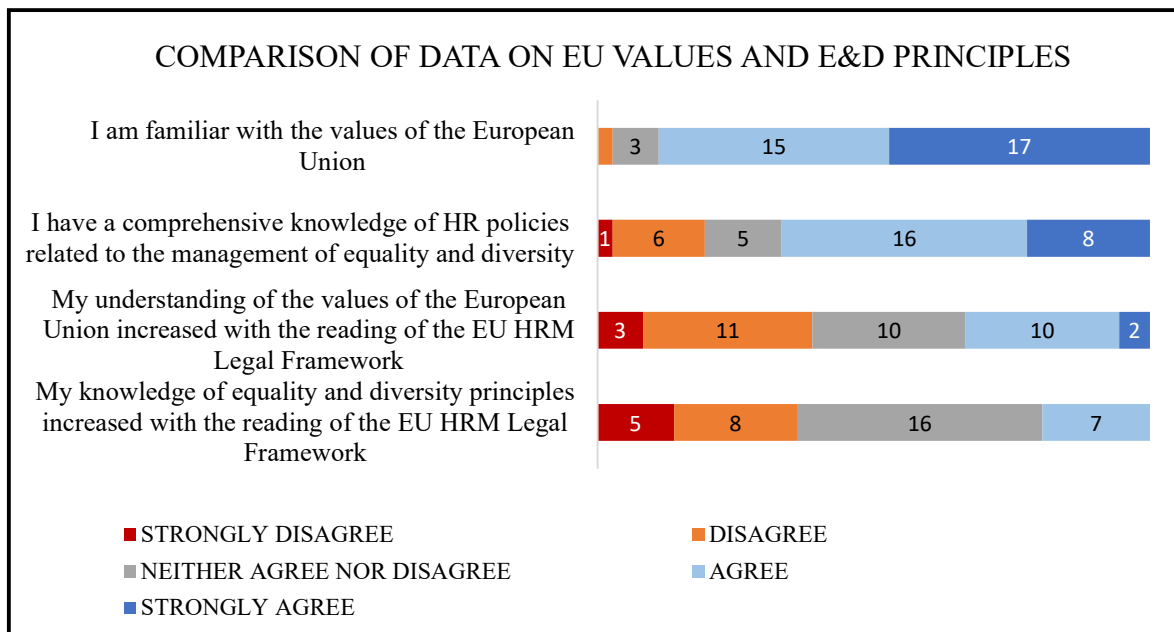


Figure 78. Comparison of respondents' data (completed replies only) on their knowledge of European Union values and equality and diversity principles.

According to the participants, the language of the Framework is perceived as neutral and unbiased in general terms, as the respondents who disagree or strongly disagree with the statement “*The language of the EU HRM Legal Framework is neutral and unbiased*”(item 35) are only five (13.51%). In this section of the questionnaire, participants were given the possibility to include comments after some items, such as ‘*The language used in the EU HRM Legal Framework is neutral and unbiased - if you disagree / strongly disagree with this statement could you please specify why*’ (item 36). The inputs received were only four, and they mainly refer to the lack of gender neutrality in the different provisions of the Framework. One respondent pointed out that “it could be further improved in relation to modern & updated policies & good practice in this area”, which indicates that the language of the Framework does not take into account the notion of gender neutrality. Another participant claimed that “All articles and pronouns used to indicate an official or contract

staff or a person, are masculine pronouns” and a third participant declared that “Language in the Staff Regulations and CEOS is not gendered balanced.”

These additional data show that there is a moderate degree of sensitivity among the participants with regard to the use of masculine forms in the language and that this sensitivity is not as high as it might be expected. In fact, this feature can be found on the gender-related statement’s responses (item from 43 to 45); although in general the neutral responses are in line with those of the current block, a general increase in the negative ones has been registered for the statement in item 39 ‘*The EU HRM Legal Framework is a comprehensive framework to implement equality and diversity policies inside the EU Institutions*’, with 32.43% of responses on the bottom two boxes.

The last two questions of this block of the questionnaire relate to the respondents’ assessment of the language related to anti-harassment policies: item 40 (‘*The language-related to anti-harassment policies is clear and prescriptive*’) and item 41 (‘*The definition of harassment in the Staff Regulations is clear and structured*’). As mentioned in the framework of the chapter devoted to discourse analysis, the language of anti-harassment policies is particularly important in the context of protecting the dignity of the persons working for the EU Institutions. The definition of harassment is considered balanced and structure by the participants to the questionnaire.

A definite improvement in the positive responses (top two boxes) could be also seen with regard to the language of anti-harassment policies, whereby most respondents replied positively to the two items related to this particular issue, with respectively 42.24% and 54.05% of ‘agree’ and ‘strongly agree’ responses for the items ‘*The language related to anti-*

harassment policies is clear and prescriptive' (item 40) and *'The definition of harassment in the Staff Regulations is clear and structured'* (item 41). This is an indication of how the results from the questionnaire on the EU HRM Legal Framework are in line with the finding of the discourse analysis, particularly on the fact that the anti-harassment implementing provision is one of those which use the language in a rather prescriptive way, giving examples of behaviour and bringing the reference to common knowledge for the staff working in the different EU Institutions.

5.2.2.5 Data Related to Equality and Diversity Categories

When analysing the language of equality and diversity in relation to inputs on a more specific basis, i.e. on each different category as subject to this dissertation (gender, LGBTI, persons with a disability and elderly staff), the replies to the questionnaire shift to a rather neutral dimension, with the higher number of responses as 'neither agree nor disagree', and a trending decrease of very positive replies ('strongly agree'). For example, as Figure 91 shows, items from 48 to 51 collect the highest number of neutral replies, ranging from 62.16% of neutral responses for item 48 (*'In the EU HRM Legal Framework, the term 'persons(s) with a disability' is used consistently'*), to 48.64% of neutral responses for item 51 (*'The EU HRM Legal Framework entails clear provisions for the inclusion of elderly Staff Members'*). This is to be expected, for two main reasons: on the one hand, the participants are already "warmed up" on the subject matter of the research and already involving their knowledge and expertise, question by question; on the other hand, more specific questions or statements trigger a deeper reflection on the knowledge of the principles of equality and diversity.

With regard to the data collected on gender mainstreaming, some interesting results are revealed by the analysis of the data from the participants to the survey.

The chapters devoted to corpus analysis and discourse analysis in this dissertation have clearly shown different examples where the gender neutrality of the different provisions is – *de facto* - not respected. Moreover, among the equality and diversity policies' categories, gender is the one which brings more gravitas to the cause, due to the political and sociological Discourse over the last few years.

It is the hypothesis of this research, in particular in relation to gender discourse, the fact that the massive use of the masculine version of pronouns and adjectives might contribute to decreasing the level of sensitivity towards a neutral gender language. Although the Corpus Linguistics research as carried out and outlined in Chapter 3 shows a *de facto* imbalanced use of masculine and feminine pronouns, only a minority of participants to the survey identify the issue of consistency in the use of gender pronouns.

This is the case for the first two statements of block E of the questionnaire on the language of the EU HRM Legal Framework on specific equality and diversity categories '*The language used in the EU HRM Legal Framework is gender-neutral*', item 42, and '*Feminine and masculine forms in the EU HRM Legal Framework are used consistently*', item 43. While there is a moderate percentage of respondents who strongly disagree or disagree with both statements (29.72% of the respondents in both cases), there is an equally important percentage of respondents who replied in the positive with 'agree' or 'strongly agree' (48.64% for item 42 and 35.13% for item 43). These results are surprising, particularly those related to the gender neutrality of the language, since, as already mentioned, is *de facto*, not the case.

The percentages shifted slightly to the bottom two boxes for the statement related to the use in equal term of the masculine or feminine form '*Feminine and masculine forms in the EU HRM Legal Framework are used equally (i.e. the same number of times*', item 44 in this case, the number of negative replies increased to 37.83%, as well as the number of neutral responses 'neither agree nor disagree' (43.24%) as to indicate the increased neutrality of the respondents to this particular aspect of the language use.

An additional increased in the number of neutral responses is to be found with regard to item 45 ('*In the EU HRM Legal Framework, references to hierarchical and managerial positions are expressed equally in the female and masculine forms*'), as the number of respondents who neither agree nor disagree with the statement is more than half (51.35%). Particularly revealing is the fact that such lack of strong assessments to the bottom two boxes is produced by respondents who are in the vast majority Human Resources Officers (thirty-one out of thirty-six completed surveys). This element is revealing, as the policies on gender mainstreaming, albeit the general equality and diversity ones, are a typical portfolio of an HR Officer nowadays, in particular in big organisations such as the European Institutions' setting.

Such gender policies, whether embedded or not in the legal framework of the organisation, specifically target women in managerial positions. Once again, it is surprising to see that the results of the replies of the questionnaire do not reflect such important aspect of sensitivity to the language, for example in the very high number of neutral replies to the statement in item 45 ('*In the EU HRM Legal Framework, references to hierarchical and managerial positions are expressed equally in the female and masculine forms*'), which corresponds to 51.35% of all respondents.

With regard to the items designed to elicit responses on the language of LGBTI inclusion, the participants to the questionnaire responded on two items: '*In the EU HRM Legal Framework, registered partnership and marriage are referred to equally*' (item 46) and '*In the EU HRM Legal Framework, the term "spouse" is used consistently*' (item 47). The data resulted from the corpus analysis on the language of the EU HRM Legal Framework, in fact, showed that the language fostering LGBTI rights, based on the use of the neutral terminology, is not cohesive in the Framework. The respondents to the survey seem to confirm these findings, in particular with the responses on the statement related to marriage (item 46), whereby 56.75% of the participants replied to the negative on the consistency in the terminology used.

An additional interesting factor comes from the analysis of the responses received with regard to the terminology related to persons with a disability. Thirty-three participants, almost two-thirds of the respondents to this part, seem to have a rather neutral take on the language to this extent as 62.16% of them were undecided about the terminology used.

This could mean more limited knowledge of the rights of persons with a disability and a not much-developed sensitivity to the topic. This last hypothesis seems to be confirmed by the fact that only 32.43% of respondents find that the use of the term 'disabled' brings a biased or negative connotation (see item 49, '*The term disabled entails a biased connotation*').

Finally, with regard to the rights of the elderly, it should be noted that the statement '*The EU HRM Legal Framework entails clear provisions for the inclusion of elderly Staff Members*' (item 51) registers one of the highest numbers of neutral responses, with more than half of the population (51.37%). Once again, this neutral replies could be attributed both to limited knowledge of the rights of the elderly and a scarce sensitivity on the matter.

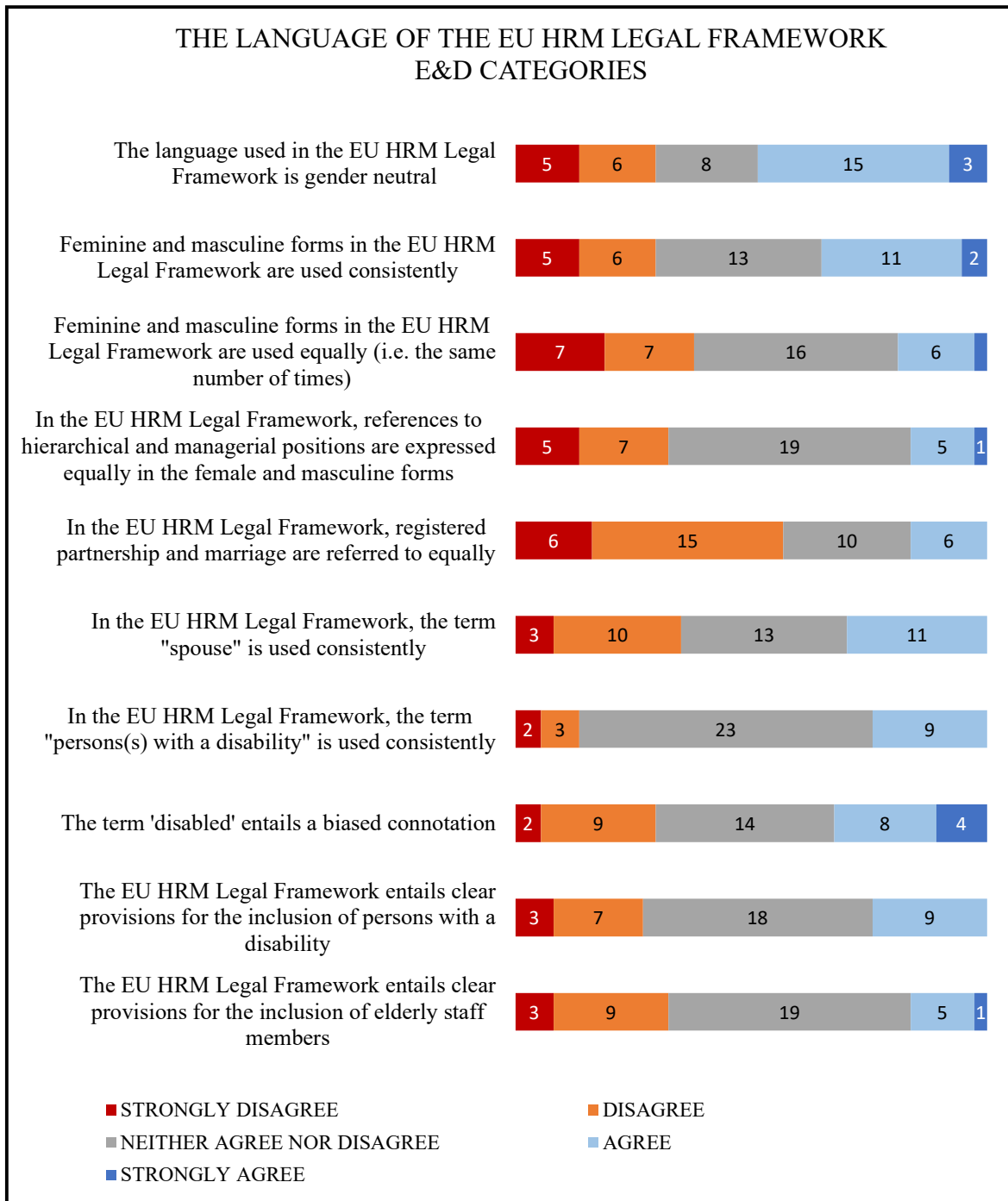


Figure 79. Participants' responses on the language of the EU HRM Legal Framework – Equality and diversity categories

5.2.2.6 Suggestions to Improve the Language of the EU HRM Legal Framework

Block F of the questionnaire (items from 52 to 60) envisages the collection of data from six different statements and the identification of improvements and open suggestions by the participants to the survey. Most of the responses (88.33%) seemed to agree or strongly agree with item 52 related to the fact that the EU HRM Legal Framework needs to be improved in terms of simplicity and clarity. With regard to the easiness of consultation by Staff Members and outside the EU Institutions, items 53 and 54 registered the highest rate of responses in the top two boxes, with 83.33% and 77.78% respectively.

Interestingly, the items regarding the accessibility to the EU HRM Legal Framework from outside the EU Institutions score similarly in this part of the questionnaire to the ease of access inside the EU Institutions. One important item in the questionnaire is number 55, *‘The current Staff Regulation could benefit from a complete revision of its structure and language’*. As described in the previous chapter of this dissertation, the lack of coherence in the EU HRM Legal Framework is vast, to the extent that it is a contention of the author of this dissertation the fact that a full revision of the Framework may be necessary to increase its value in term of readability and communicative power.

Most participants (72.22%) seem also to agree on the fact that the EU HRM Legal Framework could benefit from a complete revision of its structure and language (item 55), mostly to the benefit of an increase communication value of equality and diversity principles. Similarly to all the questions in block E of the questionnaire, where the language of equality and diversity categories are investigated upon, the number of neutral responses in this last

part of the questionnaire becomes higher; as explained in the previous part, this can definitely be an indication of an increased need to bring more awareness on these principles to the population of HR and Legal Officers working for the different EU Institutions.

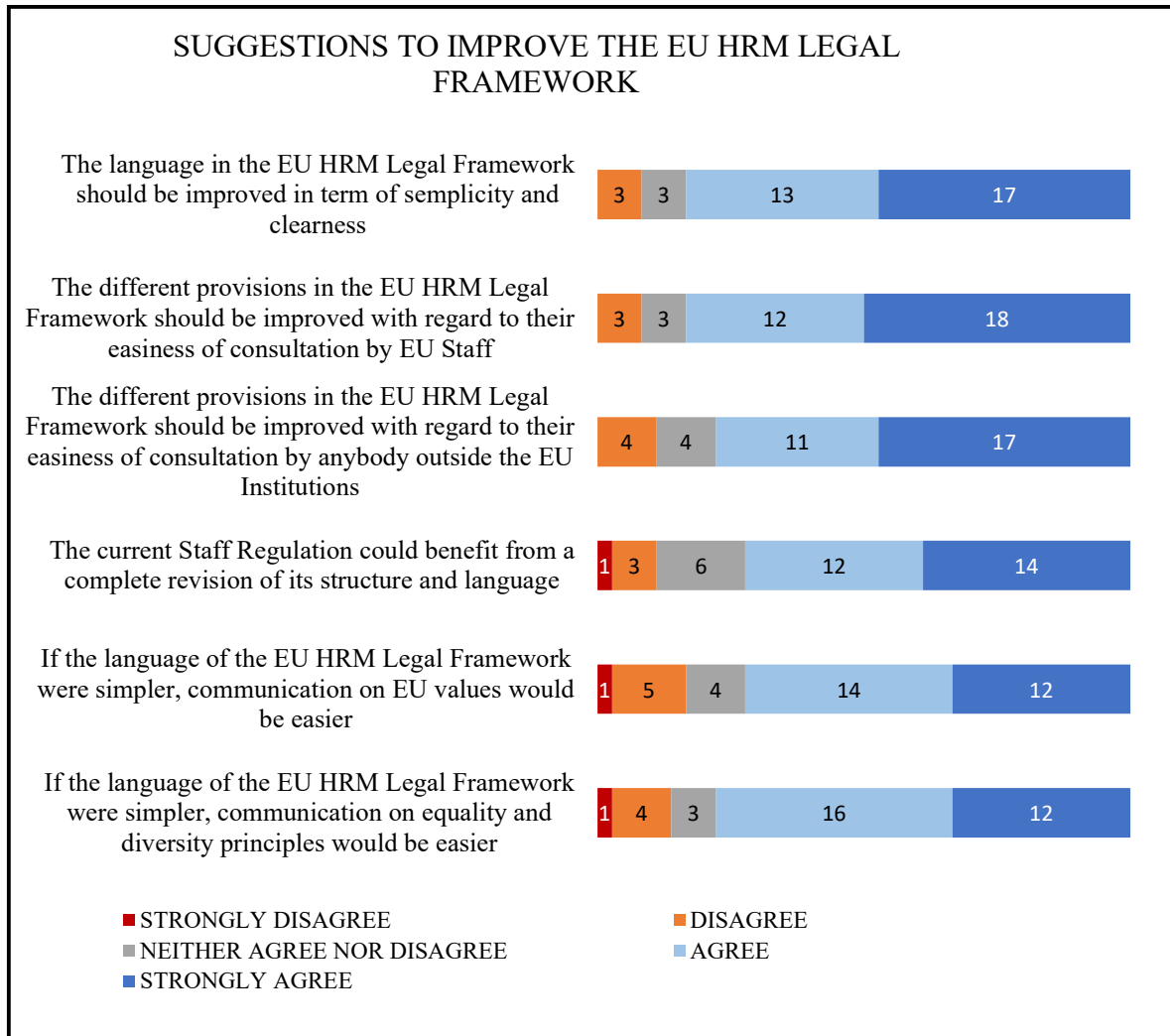


Figure 80. Participants' suggestions on how to improve the language of the EU HRM Legal Framework

As mentioned in the previous part of this chapter, this last block of the questionnaire was designed specifically to collect proposals and ideas on how to improve the language of

the EU HRM Legal Framework. With this purpose in mind, the survey included three open questions which were aimed to collect the participants' feedback:

- How would you improve the language of the EU HRM Legal Framework?
- How can equality and diversity principles be more visible in the EU HRM Legal Framework?
- Please include here any other inputs or suggestions

With regard to the first one of these three open questions, in item 58 (*'how would you improve the language of the EU HRM Legal Framework?'*), twenty open responses were received. These replies range from simple and concise suggestions, such as "complete revision of the Staff Regulation", "use of simpler and clearer language", "use shorter sentences, less direct translations from the French language" or "modernize the language", to deeper thoughts and suggestions.

These above-mentioned thorough suggestions could be clustered in different tiers; a first group relates to the use of a simpler and clearer language, to the extent possible. This is the case with a reply such as "Use richer language to ensure there is logic is comprehensible to reduce the ambiguity" or as "In my opinion, the Framework could benefit from inputs by English proficient users and HR experts from the private sector with more contact with the modern language". This type of suggestions though is also framed vis-à-vis the genre of the different provisions of the Corpus, which brings an endemic dimension of complexity given the legal genre entailed in the EU HRM Legal Framework. For example, two respondents declared the following:

The problem with *legal texts* is that they *are by nature complex* and not so easy to read/understand for non-lawyers. So there is definitely room for improvement, but that does not necessarily mean that "higher clarity" can be achieved.

Such a framework is quite broad and not always straightforward. While language can be used to simplify certain provisions, there is no easy solution to improve the existing language. Any attempt at improving the language may end up reducing the impact of different interpretations; it may also result in more straitjacketing of how to apply such rules and regulations, possibly to the detriment of EU staff in general.

These two replies are very similar in terms of the core issue as brought forward, the message of the respondents revert on two axes: on one hand, it is true that the genre of the EU HRM Legal Framework, being of a legal nature, is complex and difficult by nature but, on the other hand, measures could still be taken to simplify the language and make it clearer to the general public.

In addition to the above-mentioned suggestions on the use of legal English, some participants suggested a better use of friendly platforms:

Legal formal texts may be still necessary to be used in Court and define general rules. However, practical and user-friendly guides to implement the legal frameworks could be drafted to be used by the practitioners (staff/administration). That would be a useful complement to the EU Legal Frameworks.

Alternatively, the employment of mother tongue drafters:

Write it as mother tongue English and deconstruct the language of some of the provisions. However, in some cases they are highly complex, sometimes following staff consultation, and deconstruction without creating confusion would be challenging. This is usually the purpose of implementing rules.

These last two suggestions though touch upon the very core of this research, by suggesting – once again – the necessity to complement the EU HRM Legal Framework with additional policies to foster equality and diversity within the EU Institutions. As described in the previous chapters, it is a conviction of the author of this dissertation the fact that such simplification and the use of external support to understand the text would not be necessary if the EU HRM Legal Framework of the EU Institutions could be written in a more structured and simple language so as to take into account the diversity of the persons who peruse it and, most importantly, their identity creation within the European Union context.

The second cluster of suggestions refers to the role of Human Resources Managers in the EU Institutions, and in particular to their role in guaranteeing that the language of the different provisions is in line with modern management of resources. To this extent, a respondent claimed that “By adopting vocabulary used in describing modern HR concepts. This will much-needed modernisation of institutions and easy to understand the legal framework for non-HR or legal staff, including citizens”. An even more articulated input on the matter is submitted by one of the participants to the survey:

- Have HRM trained people helping to draft a framework first. It is very likely, reading all the provisions, that only legally trained people, with little background or knowledge in HRM (not 'Personnel', which is very much the hallmark of the SR,

CEOS etc.) matters have been holding the pen. In my view, the SR and CEOS breath early 20th-century personnel practices based on old bureaucratic principles, which are a bit corrected with well-meant patchy new provisions on harassment, teleworking and some training ('learning') activities. Hence, the notion of HRM in the Commission is actually window-dressing, because the shop behind is run by an outdated way of managing, based on a dusty anachronistic culture. Not very attractive to our upcoming Millennials.

- Ensure that communication specialists (how to present summaries for example) join in as well and linguists who are trained in writing plain English.

- Make the first draft in a language which is direct and to the point (English, Dutch).

This participant demonstrated to have a very specific idea of the function of Human Resources in the EU Institutions and of the necessity of modernization of their function. Given the broad portfolio of HR Managers in the EU Institutions, it is also a belief of the author of this dissertation the fact that it may be beneficial to regain control of the narrative on equality and diversity policies for Staff Members, and even more so by embedding them into the EU HRM Legal Framework.

An opposite view, leaning towards the legal side of the Framework, comes from one of the participants' suggestions for improvements. This suggestion mainly refers to the fact that simplifying the language could lead to less flexibility in the legal interpretation of the rules and this might be seen as a minus in the framework of proper management of staff resources:

Not sure whether I'd agree with the question. The language of the EU HRM Legal Framework tends to be rather precise and concise, for as much as legal language permits it. If the language were 'simpler', there is a genuine risk that the rules may lose nuance, and thus adversely affect the proper application of the EU values and endanger the correct implementation of the rules on equality and diversity.

Given the conciseness of the provisions, however, there is a margin to improve the understanding of the EU HRM Legal Framework. The latter would greatly improve if the Staff Member would be given user-friendly access to a platform/tool which would enable a combined reading of all relevant clauses on a particular topic (combining relevant Staff Regulation provisions, Implementing Rules, and jurisprudence), similar to e.g. the use of the Vademecum in public procurement (the language and cross-referencing in the latter is far worse than in the HR Legal Framework).

Margin must be left to case-law to interpret the clauses of the Legal Framework. If the provisions would be 'too clear' (i.e., very precise), it may have the benefit that Staff Members may understand the clause better, but it would entail the risk that (i) the legislation may overlook essential aspects/circumstances, which were either not yet present or envisaged at the time of the adoption of the act (and hence create a legal vacuum, possibly creating greater injustice as compared to the current day rules), and (ii) the Legal Framework would need to be amended far more regularly to take into account the changed circumstances (which would also create legal confusion and uncertainty, due to the likely sizeable increase in amendments as compared to today).

The second open questions of the last part of the survey (*‘How can equality and diversity principles be more visible in the EU HRM Legal Framework?’*) received twelve open responses. The contributions range from general suggestions, such as “EU values could be included in the texts” and “Specific provisions to promote diversity could be introduced for example in the Staff Regulations and CEOS to complement the existing references supporting equality”, to more complex replies, entailing an improvement of the EU HRM Legal Framework and its re-alignment with, for example, the EU better workplace policies:

By increasing the visibility and the communication of the materials and conclusions issued by the Commission on equality and diversity (e.g. A better workplace for all: from equal opportunities towards diversity and inclusion. - C(2017) 5300 final). More and better internal and external communication is needed (Internal: training/videos - External: campaigns in the media).

As described above, and confirming the findings of the analysis of data obtained from the survey, it is necessary to confirm the fact that some participants do not consider the EU HRM Legal Framework as the “place” for these increased equality and diversity measure to take place:

Equality and diversity are pretty much clearly mentioned (albeit in the typical dry way). What matters is how it is implemented in the office. Here training (especially of managers, who should give the example), awareness and information sessions are needed on a continuous basis. If it is an issue in some areas, one could also consider including it in objectives for performance appraisal.

On the other hand, some participants believe that the EU HRM Legal Framework is the place for such improvements. Interesting inputs related to this idea come from a participant to the survey, who suggested an increased alignment with the EU Charter of Fundamental Rights with “a reference to all provisions as regard the Charter of Fundamental rights, not only: diversity characteristics based on nationality and gender. No reference to other backgrounds (e.g. Race, ethnicity, religion, belief etc.)”. This input is of particular relevance for this research, as it touches upon the very link to the EU Charter of Fundamental Right where a corporate use of the language can foster the knowledge of equality and diversity principles for the staff working for the different EU Institutions.

And finally, a very relevant comment – albeit only one! - on the use of masculine/feminine pronouns in the EU HRM Legal Corpus: “By creating overarching agreement how to use masc./fem in legal texts (which is not necessary the duplicated form 'he or she' but an agreement of using 'he' only or plural form where it is possible)”. With this comment, the participant to the questionnaire seems to suggest that the coherence in the use of the different gender forms is far more important than the specific use of masculine and feminine; to this extent, it seems that Art. 1.d of the Staff Regulation, with its disclaimer on the use of masculine pronouns, could be a viable solution for this participant.

Finally, in the last of the sixty questions and statements of part F of the questionnaire, the participants were given the possibility to include any additional comment and suggestion they saw fit to improve the EU HRM Legal Framework. Here below it follows the analysis of the four replies received for item 60, i.e. to the question “*please include here any other inputs or suggestions*”. The first suggestion received relates mainly on the element of

modernity in the language of the EU HRM Legal Framework, in particular, vis-à-vis the figure of “Euro-bureaucrat” as seen from outside the EU Institutions:

I miss very much elements such as 'excellence', 'high performance', 'efficiency', 'effectiveness' and 'engagement' in conjunction with 'workable work'. The SR is mainly about rights, entitlements and its limits, so on the latter part. *There is no HRM vision behind it. The main aura around the SR is about securing extremely favourable working conditions.* What is expected in exchange from staff (performance obligations for instance) is not really apparent. Drop the old fashioned French style bureaucratic model and embrace the principles that drive high performing public administrations, of which we have now plenty of examples, mainly in the Anglo-Saxon and North-European world. *They deliver outcomes that make citizens happier about paying taxes to these organisations and Civil Servants more proud that they work for those organisations.* The only carrots the EU has are the very high salaries and mindboggling leave entitlements.

This input refers mostly to the modern management of staff, more than to the core principles of equality and diversity, although, as previously mentioned, a more consistent and modern involvement of HR professionals in the drafting of the different staff provisions of the EU HRM Legal Framework might also improve its easiness to be understood by the EU Staff Members.

The second contribution is focused on the issue of gender neutrality of the different provisions, with a comment which seems to go against the principles of gender mainstreaming as described in this dissertation:

Regarding the gender neutrality questions in the questionnaire: the SR mostly uses neutral terms (Staff Member, official, etc), though it admittedly refers to 'he' or 'his' when these terms are afterwards referred to in a sentence. Whilst it would be entirely gender-neutral to amend these references to '(s)he' and 'his/her', such approach may risk affecting the readability of the clauses, as they would become more cumbersome to read easily. I would, therefore, more be inclined to keep the approach. If an issue, I'd rather prefer to change all "he"s into "she"s.

The element of modernity included in the first comment seems to clash with the disillusionment of the following contribution:

Rewriting is more often than not not an option. Some of the coherence in the drafting of the rules was lost over time because of (partial) changes that were introduced. I would be open to improvements and would be ready to help out on that (already trying to do my bit at my level when drafting "legislation" or "template decisions"), but the result will never be "good enough" I'm afraid, as we will still be stuck with "legalese".

The complexity of the work and the diversity of the staff population in the different EU Institutions could also be witnessed by the last reply received for block F of the questionnaire. This input seems to go in the opposite direction with regard to the revision of the EU HRM Legal Framework, with a completely different approach:

Model decision should become compulsory as are the implementing rules. All staff everywhere should be governed by the same rules and have the same rights. HR function could be partially centralised as local arrangements create inequality

between staff in different Agencies or other entities. Staff e.g. at Agencies should have access to centralised help desk e.g. in Brussels to ask for advice from DG HR concerning the interpretation of rules instead of having to file complaints or court cases without having first access to correct information or case law-based interpretation of rules. The current system is ineffective and unequal as staff does not have access to exact information of the rules that govern their employment but local HR officers are given the power to both decide and advise and there is no formal other instance to ask for advice from. The legal framework is far from clear and not even fully accessible as some interpretations are only accessible to HR officers but not for staff.

This last open suggestion is a good starting point to highlight the complexity of the EU HRM management system within the European Institutions. Although the latest management trend is aimed at ensuring more uniformity and standards for all staff working in the EU, the road ahead is still long and many more improvement could be done to this regard.

The analysis of the data collected with the questionnaire for HR and Legal Officers working for the EU Institutions on the EU HRM Legal Framework definitely brought an added value to this research, confirming, the results obtained in the chapters devoted to the Corpus Linguistics analysis and the analysis of the discourse of the EU HRM Legal Framework, in particular those related to the identity of Staff Members working for the EU and possible improvements in the simplicity of the language of the EU HRM Legal Framework.

The conclusion of this dissertation, as drawn in Chapter 6, will touch upon all aspects analysed so far and will interlink the findings of the three research methods used to unravel the presence of equality and diversity principles in the EU HRM Legal Framework.

CHAPTER 6 - CONCLUSIONS

6.1 Findings of this Research

As described in Chapter 2 of this dissertation, the core questions of this research relate to how the awareness of the principles of equality and diversity are factually embedded in the core legal regulatory framework for Staff Members of the EU Institutions, in particular in the EU HRM Legal Framework. This Legal Framework is composed by the Staff Regulation and Condition of Employment of Other Servants of the European Union and by their implementing provisions. It should be noted that, given the political and social landscape in which the European Union Institutions operates nowadays, where public consultations have become a very powerful instrument in fostering equality and diversity, it is a reality within the European Institutions' context the fact that all HR-related legal provisions are consulted before the adoption of the modifications to the Staff Regulation and its implementing rules. The core fundamental questions that this research aimed to address is if these consultations, together with the revision of the legal documents against modern management of Human Resources, are fostering a message on equality and diversity, by using a language that could substantiate it.

In order to tackle this important and somehow controversial point, three research questions have been identified as key dimensions of this research. Firstly, the necessity to establish what is the EU HRM Legal Framework's discourse inside the different EU Institutions and how is it related to the universal values of equality and diversity. The methodology used to address these research questions was conducted in two dimensions, which entailed on the one side the semantic and syntactical analysis of a corpus of documents,

including all the HRM-related provisions common for all European Institutions and on the other hand, based on the findings of the Corpus Linguistics analysis, the analysis of the discourse of such corpus of documents together with the comparison of its narrative against other similar genres. Secondly, the willingness to understand how the EU HRM Legal Framework may have an impact on the creation of the identity of the Staff Members working for the different EU Institutions, on a general level but also in particular vis-a-vis the values of equality and diversity. The methodology used to answer this second research question consisted on the analysis of the discourse around the EU HRM Legal Framework in combination with the analysis of the replies received from a distribution of a questionnaire among EU Staff Members. The *fil rouge* of this research developed around a third pillar with the aim to address the question on how the language of the EU HRM Legal Framework can be improved to foster equality and diversity in the European Institutions. This question stems from the preliminary assessment of the Framework, as explained in Chapter 2 of this dissertation, and from the data collected and analysed during this stage. In particular, this question has been addressed via the analysis of the replies to the above-mentioned questionnaire and takes into account the assessment of the actors in the discourse around the Human Resources Management policies in the different EU Institutions.

The findings of the Corpus Linguistics analysis of the EU HRM Legal Framework, as described in Chapter 3, shows that, although positive language shifts are happening, much improvement is to be made in this regard. A first finding relates to the very core origin of the principle of equality and diversity in the European Union, with consideration to the use of the terms “Europe” and “European” in the Corpus. Although the terms are embedded in the different staff provisions in the EU HRM Legal Corpus, they clearly appear only as

administrative terminology more than pivotal terms to embed the value that stands behind the European Union. In this regard, an analysis of the general principles of equality as introduced in the Preamble of the EU Charter of Fundamental Rights, show that the concept of person does not reflect in the Corpus the importance they have in the European policies, with the increased emphasis on security and data protection. Without prejudice to the fact that the genre of the Corpus allows it to a lesser extent, it could have been nonetheless encompassed in it, in particular as the prescriptive nature of the language used in the Legal Corpus should be intended to build a corporate identity in order to better embody the institution as a collective. However, when analysing the use of pronouns, it is particularly striking that the pronoun 'we,' that could serve to reinforce a group identity of shared values and behaviors, is never used in the EU HRM Legal Corpus.

With regard to the awareness and inclusion of LGBTI persons, it appears even more clearly that the idea of diversity, which is the enriching part of the European Union philosophy, is not present in the EU HRM Legal Corpus. In this respect, a more neutral and consistent use of the language, particularly in the use of the terminology related to the union of two persons, might help to reinforce the principle of equality in the mindset of European Civil Servants. One particularly interesting aspect of the Corpus Linguistics research is the diachronic dimension of the language evolution in the Corpus, with an increased shift from the use of the term 'marriage' towards the more neutral term 'partnership'. While this evolution might foster better inclusion of LGBTI persons, this research suggests that such evolution is only developing in a dichotomic direction (male-female) and that it does not include the element of intersectionality (Hankivsky, 2013; Hord, 2016). In sum, this could be determined as an improvement, although there is still much room for further advancement.

The data obtained from both the Corpus Linguistic analysis and the Discourse analysis clearly suggest that the area in which a bigger effort was made to create awareness and equality in the workplace is manifestly the one related to gender. The thorough campaign on gender mainstreaming currently taking place in all Commission services is evidently giving its fruits on the use of a more inclusive language, as gender equality is the part of the EU HRM Legal Corpus, where explicit references to this concept are included in the different rules. A deeper analysis of the use of gender-related possessive pronouns shows that the way ahead to embed the concept of equal treatment for men and women is still farfetched. Although there are instances in which the feminine possessives or pronouns are used, in particular in the most recent texts of Model Decisions, the caveat in the Staff Regulation which states that “Any reference in these Staff Regulations to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex” (European Council, 1962) is a flashing outline. This caveat sets the pace to an incomplete gender mainstreaming and contributes to fostering a distorted identity building of Staff Members working for the European Institutions (Holmes, 2015; Searle, 2015). As explained in Chapter 4, the gender issue is of particular importance to overcome the concept of male as a “null gender”, because the assumption that there is a default gender, and that it is male, contribute to reinforcing the presence of typical gender stereotypes (Fuertes-Olivera, 2007; Wagner, Garcia, Jadidi & Strohmaier, 2015). This idea is also reinforced by the absence of full neutrality in the language of the EU HRM Legal Corpus, whereby the use of biased

language – ‘chairman’ instead of ‘chairperson’, for example – is still strongly present³³. To summarise, the shift in the language of more recent provisions is indeed occurring, although gender mainstreaming might hugely benefit from increased consistency and coherence since, as the results of this research shows, there is a real need for a thorough revision of the language used in older texts.

With regard to the awareness and inclusion of persons with a disability, the research shows that the language used in the EU HRM Legal Framework to refer to this category is far from being inclusive and equitable. The data obtained from this study reveal that terms such as ‘disable’ and ‘handicapped’ are still frequent in the texts of the EU HRM Legal Corpus. As mentioned in Chapter 2 of this dissertation, the 2006 UN Convention on the Rights of Persons with Disabilities refers to a person with a disability instead of a disabled person to highlight that a person is not disabled but has a disability. The European Union ratified the convention almost a decade ago (in 2010) playing a leading role in the monitoring framework for implementing the Convention among EU Institutions. It appears from the results of this research that this monitoring framework is not a *de facto* aspect in the case of

³³ If one may claim the importance and the impact of the language of the EU HRM Legal Corpus in fostering gender mainstreaming within the EU Institutions, it is worth mentioning that the use of bias terms is unfortunately quite flashing in other major instances of the discourse of European Union - keeping in mind that, for example, the European Union has a “European Ombudsman” and not a “European Ombudsperson”

the Corpus analysed. In fact, the language of the EU HRM Legal Framework still includes the term ‘disabled’, and in some circumstances even the term ‘handicap’. A more neutral terminology can be found in some of the provisions, where the Legislator prefers the use of the term ‘disability’, and hence the variation ‘person with a disability’ is used, which proves that there is a shift towards a more inclusive use of language in this area.

The same conclusions related to the use of a more neutral terminology can be drawn with regard to the language used to refer to elderly persons. Although the Staff Regulation and its implementing provisions, given their genre, are clearly aimed to regulate a rather specific target age group, differences could be made to avoid the use of terms such as ‘young’ and encourage a narrative of inclusion of all Staff Members belonging to all age groups. The lack of narrative on elderly staff is to be expected since the genre of the Corpus is of a legal and working related nature and the set of rules and norms are aimed for persons in working age (Mautner, 2007). Nonetheless, in the Communication of the European Commission for a better workplace for all (European Commission, 2017), which defines the strategies for better inclusion, there is an interesting use of the term ‘older’ instead of ‘elder’. As described in Chapter 4, while the term ‘older’ may connote a sense of decline and weakness, being used to define objects instead of persons, the term ‘elder’ denotes a sense of respect and reverence and this may be a better term to define the category, particularly in the Commission’s HRM-related strategy to foster inclusion.

After conducting a Corpus Linguistics analysis of the texts included in the EU HRM Legal Framework, a Discourse Analysis of the same Framework was conducted with the aim of using the corpus investigation as a basis for a more in-depth analysis of the discourse

around equality and diversity inside the EU Institutions. One of the main aspects that the research aimed to determine was related to whether the situated meaning of the main elements of the discourse on equality and diversity inside the EU Institutions (Gee, 2011b), in particular those regarding the discourse of the HRM Legal Framework, could definitely help ensure consistency in the use of language. The findings showed that EU HRM Legal Framework guarantees a fair set of rules ensuring the dignity and equal treatment of all persons, in line with the policies and directives of the different EU Institutions. Considering all the EU Institutions initiative towards a more inclusive working environment, the trend is definitely going in the right direction. Of particular importance in the analysis of the Discourse of the EU HRM Legal Framework is the fact that, as mentioned in Chapter 4 of this research, the intertextuality of the equality and diversity features of the language used definitely suffers from the fact that different actors have been involved in the drafting production of HR-related norms and rules, and that the diachronic element of the Framework has become a crucial element of the discourse of the text.

In this regard, this research has proven the fact that the identity of the Civil Servants working for the EU Institution may be strengthened by using a more cohesive language, which reaffirms the core values and principles of the European Union by embedding them within the language used in the texts, starting from the one which entails a hard legal value for each Staff Member. After conducting this research, it is a contention of the author that the magnitude of the effect of such an effort should be bigger and more streamlined vis-à-vis the EU workforce. Given its genre, the gravitas of the EU HRM Legal Corpus is definitively larger than the internal HR-policies per se. The argument of fostering the

European identity of Staff Members working for the different EU Institutions perusing their legal framework has the merit of fostering the use and message of an inclusive language.

As mentioned at the beginning of this concluding Chapter, all these considerations were counter-checked with an analysis of the data collected with the questionnaire for HR and Legal Officers working for the EU Institutions on the EU HRM Legal Framework. This definitely brings an added value to this research, confirming the data results of the Corpus Linguistics analysis and of the analysis of the Discourse. The main objective of this part of the research focused on the understanding of the European Union values and the sense of adherence and belonging of the contributors to the questionnaire. Participants are well aware of the values of the European Union and, therefore, provide a solid basis for the assessment of how these values are perceived by the EU staff. Moreover, although the implementation of the European values is not reflected in the language of the EU HRM Legal Framework, as only a minority of the respondents to the survey agreed or strongly agreed with the statements related to the fact that the Framework is a reference point for the EU values or their own sense of belonging to the EU Institutions as Staff Members, all of them considered the Framework as a tool for increasing their knowledge.

The research also tried to triangulate the data obtained from the Corpus Linguistics and Discourse analysis with the data elicited from the questionnaire. The fields which were touched upon were related to the four main areas studied in this dissertation: gender mainstreaming, rights of LGBTI persons, persons with a disability and inclusion of elderly staff. The data collected which relate to gender mainstreaming showed some unexpected and interesting results. In fact, the corpus analysis and discourse analysis carried out have

factually shown different examples where gender neutrality was not respected in the language used in the different provisions. Although among the equality and diversity policies, gender is the one which brings more gravitas, due to the political and sociological discourse over the last few years, only a minority of participants of the survey considered that there was consistency in the use of gender pronouns. These data contradicted our expectations, in particular, because gender neutrality in the language of the EU HRM Legal Framework is, *de facto*, non-existent, as the Corpus Linguistics analysis in Chapter 3 highlighted vis-à-vis the predominant use of a gender bias language. The peculiar fact is also related to the fact that gender policies, whether embedded or not in the legal framework of the EU organizations, specifically target women in managerial positions. It is then surprising to see that the results of the responses to the questionnaire do not reflect such an important aspect of language sensitivity.

With regard to the other categories investigated, the results of the questionnaire show an increased number of neutral responses, showing that fostering LGBTI rights, based on the use of the neutral terminology, is not consistent throughout the Framework. Nonetheless, participants to the questionnaire seemed to show a lesser sensitivity to the narrative of inclusion of LGBTI staff. Similarly, almost two-thirds of the respondents to the questions related to persons with a disability consider that there is a rather neutral perspective on the language used in the Framework. This may be either due to lesser exposure to the rights of persons with a disability and a not much-developed sensitivity to the issue. This last hypothesis could be confirmed by the fact that only one-third of the respondents find that the use of the term 'disabled' brings a biased connotation. Finally, with regard to the rights of

the elderly, more than half of the population showed a neutral position on the argument, possibly for the same reasons indicated above.

As already mentioned throughout this dissertation, the discourse around the principles of equality and diversity cannot transcend an appropriate use of an unbiased and neutral language, particularly inside the main international organizations with a key leading role in Europe, such as the European Union's Institutions. Language is both a reflection of society and its instrument to build actively the social reality through discourses (Fairclough, 2001). Language does not only reflect interpersonal behavioural patterns, but it builds, creates and defines them. Any bias in the use of language has a direct implication on affording equal opportunities for all the persons working for the European Union.

6.2 Fostering Equality and Diversity in the EU Institutions: a Way Ahead

As described at the beginning of this Chapter, the final aim of this research was consolidating all the data collected and analysed with the aim of suggesting improvements in the language of the EU HRM Legal Framework. Besides the considerations coming from factual findings in the corpus and discourse analysis, a specific part of the questionnaire for HR and Legal Officers working for the different EU Institutions has been designed having this particular scope in mind. As mentioned in Chapter 5, most of the responses of part of the questionnaire designed for this purpose seemed to agree or strongly agree with the statements related to the fact that the EU HRM Legal Framework needs to be improved in terms of simplicity and clarity and with regard to the easiness of consultation by Staff Members and other people from outside the EU Institutions. Most participants seem also to agree on the fact that the EU HRM Legal Framework could benefit from a complete revision

and that its language should be updated, as this could increase communication usefulness and simplicity on equality and diversity principles. These suggestions of the different respondents provided a logic framework, showing that, even though the complexity of the genre of the EU HRM Legal Framework has been established, measures could still be taken to simplify and make it a pillar in fostering equality and diversity principles, albeit the mere European Union values.

As previously explained, it is a conviction of the author of this dissertation the fact that such simplification and textual revision would not be necessary if the EU HRM Legal Framework of the EU Institutions had been written in a simpler and more consistent language, to the benefit of the persons who peruse it and, most importantly, to the benefit of identity creation in the European Union context. Although, in general, the participants of the questionnaire seemed to disagree with this claim, part of the participants suggested that the discourse on equality and diversity principles should not belong to the legal framework regulating its human resources. Confirming the findings of the data analysis of the survey, the results obtained some questionnaire's participants do not consider the EU HRM Legal Framework as the text where these increased equality and diversity measures should be implemented. However, other participants believe that the EU HRM Legal Framework should be concerned with equality and diversity principles and reflect this interest in the language used. In fact, different suggestions refer to the role of Human Resources Managers in the EU Institutions, and, in particular, to their role of guaranteeing that the language in the EU HRM Legal Framework should be in line with modern management of resources.

In general, the participants showed a very precise understanding of the function of Human Resources in the EU Institutions and of the necessity of modernization of its function. Given the broad portfolio of HR Managers in the EU Institutions, it may be beneficial to regain control of the narrative on equality and diversity policies for Staff Members, and even more so by embedding them into the EU HRM Legal Framework. The key aspect of the improvement in the EU HRM Legal Framework stems precisely from the following issue, i.e. while the necessity to have a revision of the Framework has been ascertained in the current study, there are different ways of doing it. On the one hand, as it is currently happening in the European Institutions, the Framework needs to be complemented with additional and ad hoc policies to the benefit of an increased sensitivity of staff on the discourse on equality and diversity. This is currently the case in many European Institutions, and this dissertation unravelled the discourse around such supporting policies with an analysis of the *Better workplace for all* (European Commission, 2017), as these set of policies are bringing a new element of diversity management inside the EU Institutions, and are definitely promoting a more inclusive culture among Staff Members. Nonetheless, these policies' impact is opaque and matted by the fact that the EU HRM Legal Framework – the primary legal law for EU Staff Members – remains one step behind, as its overall narrative suffers from the lack of a real consistency in the language used. As determined in Chapter 4, other international organisations, such as the United Nations, have taken a different turn in the development of their HRM Legal Framework. In fact, the Staff Rules and Staff Regulations of the United Nations (United Nation General Assembly, 2016) embed the narrative on values and staff inclusion in the consolidated version of the Legal Corpus,

fostering a better sense of the discourse around equality and diversity by perusing the magnitude of the different provisions.

In this regard, the second option for improving the drafting of the Framework might be to acknowledge the imperfection of including complementary measures or at least consider them as a transition to performing a complete revision of the language and narrative of the legal framework for Civil Servants working for the European Union. This can be done by perusing the gravitas of the EU HRM Legal Framework for the staff working in the EU Institutions and including systematic elements of simplification of the texts to promote better readability and understanding. This step will allow leaping into the breach of realizing that the appropriate use of language and the consistency of the discourse on equality and diversity is *per se* the first step towards fostering these principles.

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European Central Bank: <https://www.ecb.europa.eu/home/html/index.en.html>

European Commission: https://ec.europa.eu/commission/index_en

European Council: <http://www.consilium.europa.eu/en/european-council/>

European Court of Auditors: <http://www.eca.europa.eu/en/Pages/ecadefault.aspx>

European Parliament: <http://www.europarl.europa.eu/portal/en>

European Union: https://europa.eu/european-union/index_en

Organisation for Economic Co-operation and Development (OECD): <https://www.oecd.org/>

United Nation HR Portal: <https://hr.un.org/handbook/staff-rules>

Annex I - European Union Institutions, Agencies and Bodies

A. EU INSTITUTIONS

According to Article 13 of the Treaty on European Union, the EU institutional framework comprises seven Institutions:

European Parliament

European Council

Council of the European Union ('the Council')

European Commission

Court of Justice of the European Union

European Central Bank

Court of Auditor

The European Union also avails from the support of other Institutions and Interinstitutional Bodies:

European External Action Service (EEAS)

European Economic and Social Committee (EESC)

European Committee of the Regions (CoR)

European Investment Bank (EIB)

European Ombudsman

European Data Protection Supervisor (EDPS)

Interinstitutional bodies: Computer Emergency Response Team (CERT), European School of Administration, European Personnel Selection Office (EPSO) and Publications Office

B. DECENTRALISED AGENCIES

- (1) Agency for the Cooperation of Energy Regulators (ACER)
- (2) Body of European Regulators for Electronic Communications and the Office (BEREC)
- (3) Translation Centre for the Bodies of the European Union (CDT)
- (4) European Centre for the Development of Vocational Training (CEDEFOP)
- (5) European Union Agency for Law Enforcement Training (CEPOL)
- (6) Community Plant Variety Office (CPVO)
- (7) European Aviation Safety Agency (EASA)
- (8) European Asylum Support Office (EASO)
- (9) European Banking Authority (EBA)
- (10) European Centre for Disease Prevention and Control (ECDC)
- (11) European Chemicals Agency (ECHA)
- (12) European Environment Agency (EEA)
- (13) European Fisheries Control Agency (EFCA)
- (14) European Food Safety Authority (EFSA)

- (15) European Institute for Gender Equality (EIGE)
- (16) European Insurance and Occupational Pensions Authority (EIOPA)
- (17) European Institute of Innovation and Technology (EIT)
- (18) European Labour Authority (ELA)
- (19) European Medicines Agency (EMA)
- (20) European Maritime Safety Agency (EMSA)
- (21) European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
- (22) European Union Agency for Network and Information Security Agency
(ENISA)
- (23) European Public Prosecutor's Office (EPPO)
- (24) European Union Agency for Railways (ERA)
- (25) European Securities and Markets Authority (ESMA)
- (26) European Training Foundation (ETF)
- (27) European Union Intellectual Property Office (EUIPO)
- (28) European Agency for the operational management of the large-scale IT systems in
the area of freedom, security and justice (EU-LISA)
- (29) European Agency for Safety and Health at Work (EU-OSHA)
- (30) European Foundation for the Improvement of Living and Working Conditions
(EUROFOUND)

- (31) European Union's Judicial Cooperation Unit (EUROJUST)
- (32) European Union Agency for Law Enforcement Cooperation (EUROPOL)
- (33) European Union Agency for Fundamental Rights (FRA)
- (34) European Border and Coast Guard Agency (FRONTEX)
- (35) European GNSS Agency
- (36) Single Resolution Board (SRB)

C. JOINT UNDERTAKINGS

- (1) Bio-based Industries Joint Undertaking (BBI)
- (2) Clean Sky 2 Joint Undertaking (CLEAN SKY 2)
- (3) Electronic Components and Systems for European Leadership Joint Undertaking (ECSEL)
- (4) European High Performance Computing Joint Undertaking (EuroHPC)
- (5) Fuel Cells and Hydrogen 2 Joint Undertaking (FCH 2)
- (6) The European Joint Undertaking for ITER and the Development of Fusion Energy (F4E)
- (7) Innovative Medicines Initiative 2 Joint Undertaking (IMI 2)
- (8) SESAR Joint Undertaking (SESAR)
- (9) Shift2Rail Joint Undertaking (S2R JU)

D. EXECUTIVE AGENCIES

- (1) Consumers, Health, Agriculture and Food Executive Agency (CHAFEA)
- (2) Education, Audiovisual and Culture Executive Agency (EACEA)
- (3) Executive Agency for Small and Medium Enterprises (EASME)
- (4) European Research Council Executive Agency (ERCEA)
- (5) (Research Executive Agency (REA)
- (6) Innovation and Networks Executive Agency (INEA)

Annex II - List of General Implementing Provisions and Model Decisions

A. GENERAL IMPLEMENTING PROVISIONS (AS OF MARCH 2019)

- (1) Job-sharing C(2004) 1314 of 14/04/2004
- (2) Duties of Commission drivers C(2004) 1318 of 07/04/2004
- (3) Recruitment of disabled persons C(2004) 1318 of 7/04/2004
- (4) Calculation of pension rights C(2004) 1364 of 15/04/2004
- (5) Persons treated as dependent child C(2004) 1364/2 of 15/04/2004
- (6) Family allowances C(2004) 1364/4 of 15/04/2004
- (7) Household allowance C(2004) 1364/4 of 15/04/2004
- (8) Disciplinary procedures C(2004) 1588 of 28/04/2004 and C(2010) 8180 of 24/02/2010
- (9) Sickness or accident absences C(2004) 1597/11 of 28/04/2004
- (10) Anti-Harassment C(2006) 1624/3 of 26/04/2006
- (11) Middle management C(2008) 5028/2 of 9/09/2008 and C(2016) 3288 of 16/06/2016
- (12) Missions guide C(2008) 6215 of 18/11/2008 and C(2017) 5323 of 27/09/2017
- (13) Teleworking C(2009) 10224 of 18/12/2009 and C(2013) 9045 of 16/12/2013
- (14) Temporary occupation of management posts C(2009) 7839 of 19/10/2009
- (15) Family leave C(2010) 7494 of 05/11/2010

- (16) Parental leave C(2010) 7572 of 05/11/2010
- (17) The maximum duration for the recourse to non-permanent staff C(2004) 1597/6 of 28/04/2004, C(2011) 7071 of 5/10/2011 and C(2013) 9028 of 16/12/2013
- (18) Employment of Contract Staff C(2011) 1264 of 02/03/2011 and C(2013) 8967 of 16/12/2013
- (19) Transfer of pension rights C(2011) 1278 of 03/03/2011
- (20) Establishment of Staff Committee C(2011) 6091 of 06/09/2011
- (21) Reclassification of Contract Staff C(2013) 2529 of 03/05/2013 and C(2014) 2222 of 07/04/2014
- (22) Assistance with home care or sick child C(2013) 4876 of 07/08/2013
- (23) Types of post and post types C(2013) 8979 of 16/12/2013
- (24) Outside activities C(2013) 9037 of 16/12/2013
- (25) Classification C(2013) 8970 of 16/12/2013
- (26) Working time C(2014) 2502 of 14/04/2014
- (27) Part time work C(2013) 9046 of 16/12/2013
- (28) Leave C(2013) 9051 of 16/12/2013
- (29) Education allowance C(2013) 8971 of 16/12/2013
- (30) Place of origin C(2013) 8982 of 16/12/2013
- (31) Travel expenses C(2013) 8987 of 16/12/2013
- (32) Removal expenses C(2013) 9040 of 16/12/2013

- (33) Maternity leave and maternity pay C(2013) 9020 of 16/12/2013
- (34) Leave on personal grounds for officials and unpaid leave for temporary agents and contract agents C(2013)9054 of 16/12/2013
- (35) Appraisal of officials and temporary agents C(2013) 8985 of 16/12/2013
- (36) Promotions C(2013) 8968 of 16/12/2013
- (37) Reimbursement due to officials assigned non-EU C(2013) 8990 of 16/12/2013
- (38) Housing policy C(2013) 8965 of 16/12/2013
- (39) Living conditions allowance C(2013) 9032 of 16/12/2013
- (40) Home leave non-EU C(2013) 9035 of 16/12/2013
- (41) Rest leaves non-EU C(2013) 9027 of 16/12/2013
- (42) Policies for engagement of temporary staff C(2013) 9049 of 16/12/2013
- (43) Appraisal of contract staff C(2014) 2226 of 07/04/2014
- (44) Adviser functions C(2016) 3214 of 07/06/2016
- (45) Learning and Development Strategy C(2016) 3828 of 24/06/2016
- (46) Training own initiative C(2016) 3855 of 24/06/2016

B. MODEL DECISIONS (AS OF 18 MARCH 2019)

- (1) MD Engagement Temporary Staff 2f C(2015) 1509 of 04/03/2015
- (2) MD Appraisal of Contract Staff C(2015) 1456 of 04/03/2015
- (3) MD Appraisal of Temporary Staff C(2015) 1513 of 04/03/2015
- (4) MD Unpaid Leave C(2015) 5320 of 28/07/2015
- (5) MD Working Time C(2015) 9562 of 16/12/2015
- (6) MD Reclassification Contract Staff C(2015) 9561 of 16/12/2015
- (7) MD Reclassification Temporary Staff C(2015) 9560 of 16/12/2015
- (8) MD Establishment of a Staff Committee C(2016) 3323 of 27/05/2016
- (9) MD Anti-Harassment C(2016) 6595 of 20/10/2016
- (10) MD Teleworking C(2017) 5308 of 25/07/2017
- (11) MD Learning and development C(2017) 6772 of 09/10/2017
- (12) MD Temporary Occupation of Management Posts C(2017) 7332 of 06/11/2017
- (13) MD Whistleblowing C(2018) 1362 of 27/02/2018
- (14) MD Adviser Function C(2018) 2209 of 11/04/2018
- (15) MD Middle Management C(2008) 2542 of 24/04/2018
- (16) MD Type of Posts C(2018) 8800 of 11/12/2018

Annex III - Questionnaire on the EU HRM Legal Framework

Thank you for taking part in this survey, whose aim is to assess how the EU HRM Legal Framework and its language fosters equality and diversity inside the EU Institutions. The analysis of the results of this survey will be part of my PhD dissertation.

Please note that, for the purpose of this survey, EU HRM Legal Framework is defined as the overall set of rules and provisions composed by:

- 1) The Staff Regulation (SR) and Condition of Employment of Other Servants of the European Union (CEOS)
- 2) General Implementing Provisions and Implementing Rules of the European Commission (GIP) – also adopted by analogy by other Institutions – and Model Decisions for Agencies (MD)

The EU HRM Legal Framework as defined here above does NOT include staff policies in place in the different institutions (for example, gender-mainstreaming policies, mobility policies, etc.).

In the questionnaire, you will be asked to consider both the EU HRM Legal Framework as a whole and in its components, i.e. Staff Regulations and CEOS, General Implementing Provision/Implementing Rules and Model Decisions.

The questionnaire is composed of 60 questions and should take you no more than 15 minutes to complete. It would really help me if you could reply to the questionnaire by 19 July 2019. Please be assured that all your answers will be received anonymously via LimeSurvey and that all replies will be compiled and analysed cumulatively.

Thank you very much in advance for your participation!

Silvia Manessi

PhD Candidate – Universidad de Salamanca (USAL)

MOTHER TONGUE: _____ AGE: _____

KNOWLEDGE OF ENGLISH LANGUAGE (CERF LEVEL): B2 C1 C2

YEARS OF PROFESSIONAL EXPERIENCE (TOTAL): _____

YEARS OF PROFESSIONAL EXPERIENCE IN EU INSTITUTIONS: _____

FIELD OF EXPERIENCE: HUMAN RESOURCES LEGAL

Please, rate your level of agreement with the following statements on a scale from 1 to 5, where 1= strongly disagree, 2 = disagree, 3= neither agree nor disagree, 4 = agree, 5 = strongly agree

1= strongly disagree, 2 = disagree, 3= neither agree nor disagree, 4 = agree, 5 = strongly agree		1	2	3	4	5
A. PERSONAL AND PROFESSIONAL KNOWLEDGE						
1	I have a comprehensive knowledge of the Staff Regulations (SR) and Conditions of Employment of Other Servants of the European Union (CEOS)					
2	I have a comprehensive knowledge of the General Implementing Provisions / Implementing Rules / Model Decisions (GIP/IR/MD)					
3	I am familiar with the values of the European Union					
4	I am familiar with the European Union Charter of Fundamental Rights					

5	I have a comprehensive knowledge of HR policies related to the management of equality and diversity					
6	I have a comprehensive knowledge of HR policies related to gender mainstreaming					
7	I have a comprehensive knowledge of HR policies related to LGBTI rights					
8	I have a comprehensive knowledge of HR policies related to persons with a disability					
9	I have a comprehensive knowledge of HR policies related to the rights of the elderly					

B. THE LANGUAGE OF THE EU HRM LEGAL FRAMEWORK

10	Generally, I consult the different provisions included in the EU HRM Legal Framework in English					
11	If you consult any of the provisions in the EU HRM Legal Framework in any other language could you please elaborate on which case and why?					
12	The language of the Staff Regulation and CEOS is clear and understandable					
13	The language of General Implementing Provisions / Implementing Rules is clear and understandable					
14	The language of Model Decisions is clear and understandable					
15	The clauses in the EU HRM Legal Framework are clear and structured					
16	The provisions in the EU HRM Legal Framework include many archaic forms					
17	The provisions in the EU HRM Legal Framework include many Latinisms					

18	The provisions in the EU HRM Legal Framework include redundant structures and clauses					
19	In the EU HRM Legal Framework, modal verbs (must, should, shall, etc.) are used consistently					
20	The cross-referencing of different articles in the Staff Regulations is easy to follow					
21	The readability of the provisions in the EU HRM Legal Framework is good					
22	The intention of the Legislator is clear in all provisions in the EU HRM Legal Framework					
23	The different stages of interservice and staff consultations of the provisions included in the EU HRM Legal Framework improve their linguistic quality					
24	Provisions in the EU HRM Legal Framework are often introduced by a clear rationale					
25	The language of the EU HRM Legal Framework is consistent with a modern management of human resources					
26	The language of the EU HRM Legal Framework minimizes the need to create additional communication to Staff Members on different provisions					

**C. THE LANGUAGE OF THE EU HRM LEGAL FRAMEWORK
EU VALUES AND STAFF IDENTITY**

27	The EU HRM Legal Framework is a reference for EU Staff on the values of the European Union					
28	My understanding of the values of the European Union increased with the reading of the EU HRM Legal Framework					
29	The EU HRM Legal Framework increases my sense of belonging to the EU Institutions					

30	The provisions in the EU HRM Legal Framework define me as a Civil Servant					
31	The provisions in the EU HRM Legal Framework define me as an EU Staff Member					
32	The style of the different provisions in the EU HRM Legal Framework is consistent and corporate, i.e. it can be recognised immediately					
33	The provisions in the EU HRM Legal Framework are easily accessible by staff working for the different EU Institutions					
34	The provisions in the EU HRM Legal Framework are easily accessible by anybody outside the EU Institutions					

**D. THE LANGUAGE OF THE EU HRM LEGAL FRAMEWORK
EQUALITY AND DIVERSITY**

35	The language used in the EU HRM Legal Framework is neutral and unbiased					
36	If you disagree/strongly disagree with the statement in the previous question could you please specify why					
37	The EU HRM Legal Framework is a reference for EU Staff Members on the principles of equality and diversity					
38	My knowledge of equality and diversity principles increased with the reading of the EU HRM Legal Framework					
39	The EU HRM Legal Framework is a comprehensive framework to implement equality and diversity policies inside the EU Institutions					
40	The language-related to anti-harassment policies is clear and prescriptive					
41	The definition of harassment in the Staff Regulations is clear and structured					

E. THE LANGUAGE OF THE EU HRM LEGAL FRAMEWORK EQUALITY AND DIVERSITY CATEGORIES					
42	The language used in the EU HRM Legal Framework is gender neutral				
43	Feminine and masculine forms in the EU HRM Legal Framework are used consistently				
44	Feminine and masculine forms in the EU HRM Legal Framework are used equally (i.e. the same number of times)				
45	In the EU HRM Legal Framework, references to hierarchical and managerial positions are expressed equally in the female and masculine forms				
46	In the EU HRM Legal Framework, registered partnership and marriage are referred to equally				
47	In the EU HRM Legal Framework, the term 'spouse' is used consistently				
48	In the EU HRM Legal Framework, the term 'persons(s) with a disability' is used consistently				
49	The term 'disabled' entails a biased connotation				
50	The EU HRM Legal Framework entails clear provisions for the inclusion of persons with a disability				
51	The EU HRM Legal Framework entails clear provisions for the inclusion of elderly Staff Members				
F. SUGGESTIONS TO IMPROVE THE EU HRM LEGAL FRAMEWORK					
52	The language in the EU HRM Legal Framework should be improved in term of simplicity and clearness				

53	The different provisions in the EU HRM Legal Framework should be improved with regard to their easiness of consultation by EU Staff					
54	The different provisions in the EU HRM Legal Framework should be improved with regard to their easiness of consultation by anybody outside the EU Institutions					
55	The current Staff Regulation could benefit from a complete revision of its structure and language					
56	If the language of the EU HRM Legal Framework were simpler, communication on EU values would be easier					
57	If the language of the EU HRM Legal Framework were simpler, communication on equality and diversity principles would be easier					
58	How would you improve the language of the EU HRM Legal Framework?					
59	How can equality and diversity principles be more visible in the EU HRM Legal Framework?					
60	Please include here any other inputs or suggestions					