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Rewards exercise 2024

What to do if you did not receive a step/promotion/bonus in April 2024



Agenda

- **Main lines of the rewards exercise 2024**
- Discretionary decision
- What can be done?
- FAQs
- ANNEX:
 - Overview of the means of redress - “official / legal route”
 - Documentation
- Contact

Main lines rewards exercise 2024

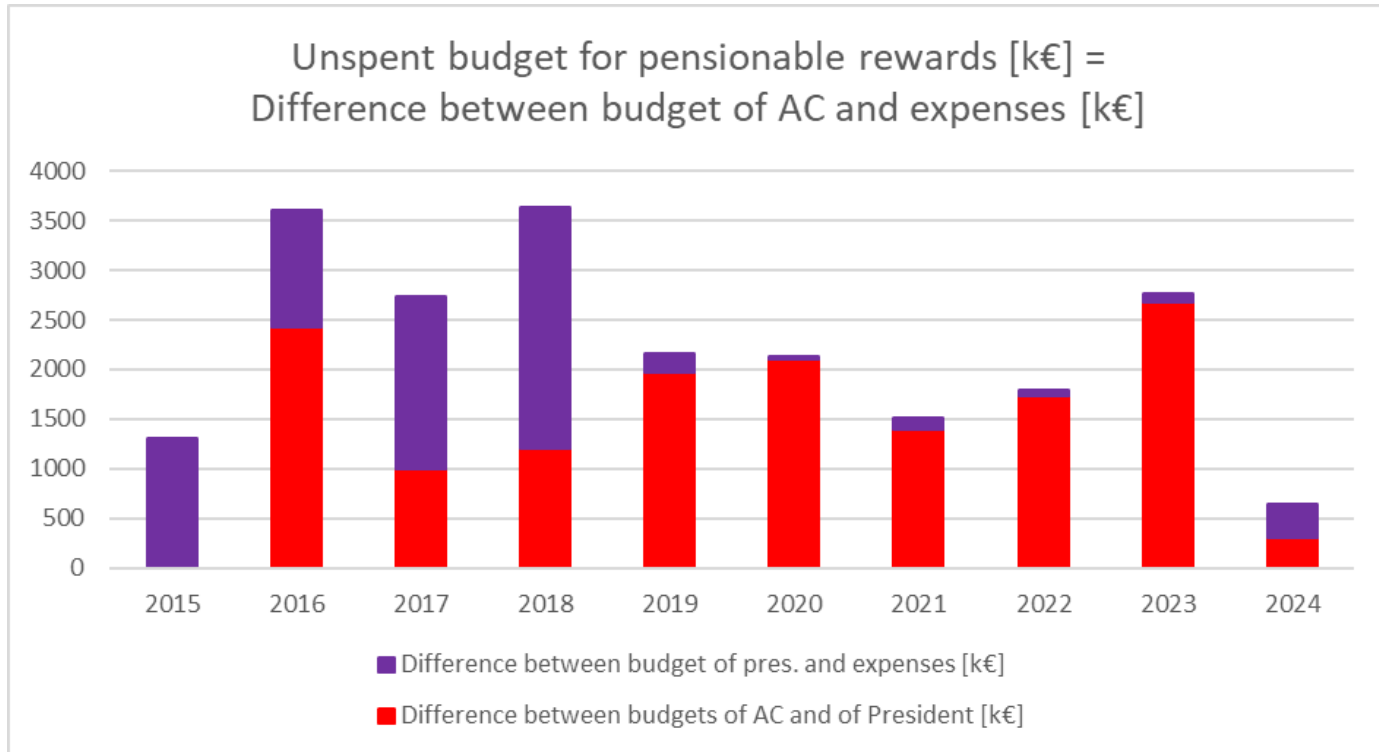
- 3 rewarding rounds: April, July, December 2024
 - April 2024:
 - Pensionable rewards = career advancements:
 - step / promotion: up to 60% of eligible staff
 - double step: up to 20% of eligible staff
 - Non-pensionable rewards = bonuses
 - Individual: 2000-9000€ - "up to 30% of eligible staff may receive individual bonuses"
 - Strategic: 2000€
 - Ceiling: 9000€ over bonus rounds of July & December 2023 and April 2024
 - July & December 2024:
 - Non-pensionable rewards = bonuses
 - Individual: 3000-9000€ - "may be awarded within the available unit budget"
 - Strategic: 3000€
 - Ceiling: 9000€ over bonus rounds of July & December 2024
- Maternity & adoption leave “neutralized”, i.e. should not have positive or negative influence on rewarding exercise.
- "Specific attention" to be paid to the following categories of staff:
 - Staff on maternity and adoption leave
 - Newcomers
 - Part-timers
 - Staff who changed jobs or were on partial mobility
 - Staff who did not benefit from pensionable rewards over several years
 - Staff in statutory functions (e.g. Staff Representatives, Confidential Counsellors)
 - Young professionals

Main lines rewards exercise 2024

- Catch up mechanism (Annex II of guidelines): eligible staff, who did not receive a step advancement or promotion during the last 4 consecutive years (2020-2023) will advance one step in grade (promotions are excluded). These colleagues are included in the 60% quota.
- Problems (among others):
 - quota of staff rewarded is arbitrarily decided by the President every year
 - criteria for the ‘strategic bonus’ are undefined, and arbitrarily decided by the President
 - lack of transparency of how the decisions are taken – system is opaque by design, and seems to leave a lot of room for arbitrariness:
 - Criteria such as weighting of different performance indicators is opaque
 - Criteria for calibration opaque
 - Harmonization committee's functioning is opaque
 - etc.
 - Budget usually underspent
- The Internal Appeal Committee (IAC) recently delivered opinions on individual rewarding cases which state that if a colleague’s performance report is satisfactory, the EPO should provide adequate, clear and coherent reasons for its decision not to grant a reward.

Source: [“GCC/Doc 01/2024 - General guidelines on Rewards 2024”](#)

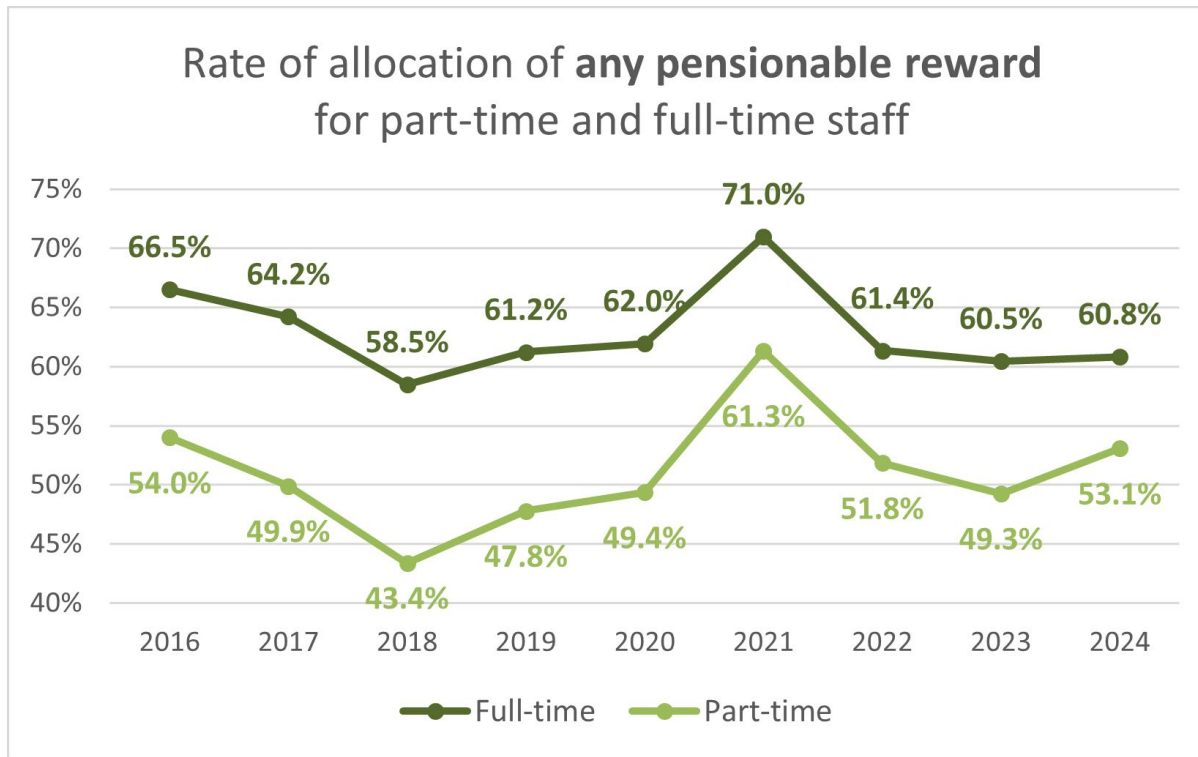
Snapshots rewards exercise 2024: underspending



The total budget withheld from staff since 2015 = **22,29 million EUR** = enough for 1 step to every eligible staff member! The president has never explained why many staff members have been denied pensionable progression although the budget approved by the Administrative Council (AC) allows for it.

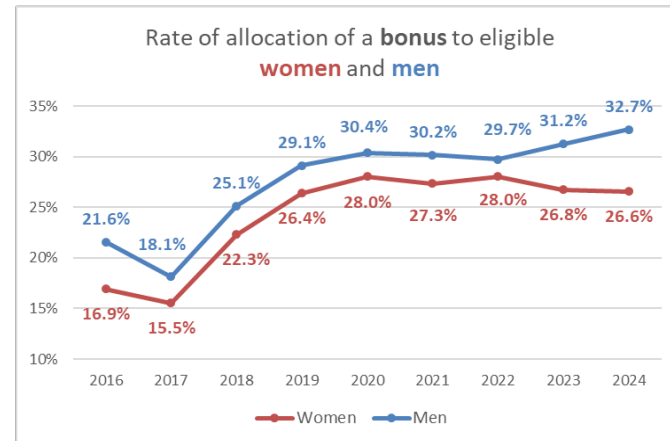
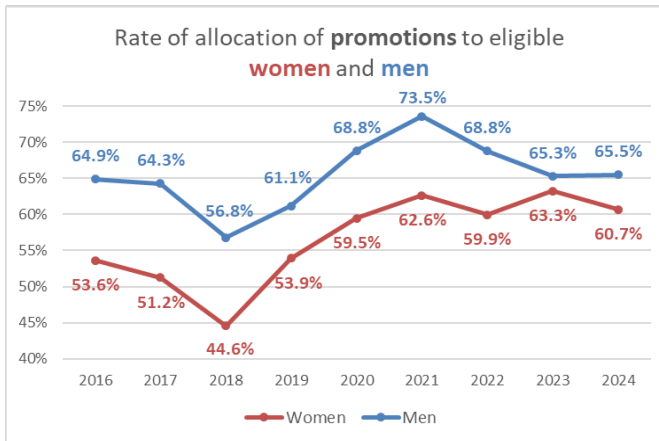
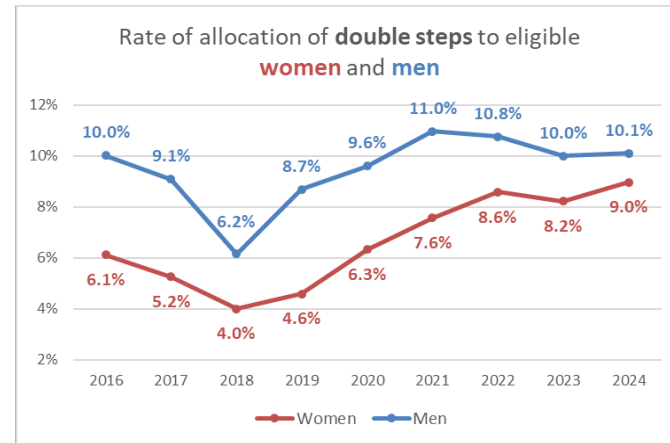
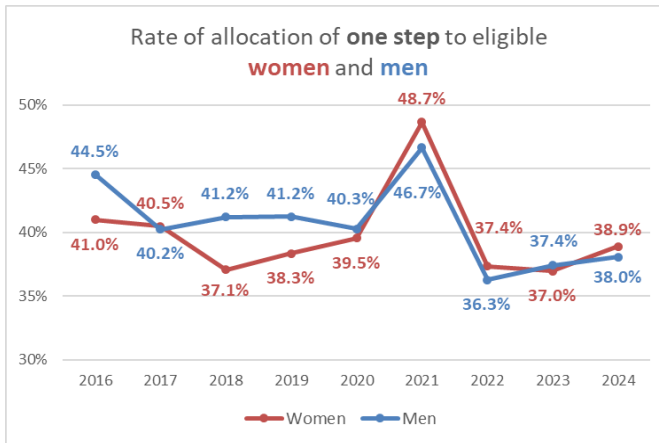
Sources: 2016 and 2017: CA/D 1/16, page 191; 2018: CA/D 1/17, page 193, 2019: CA/D 1/18, page 171, 2020: CA/D 1/19, page 177; 2021: CA/D 1/20, page 147; 2022: CA/D 1/21, page 163, 2023: CA/D 1/22, page 163, 2024: CA/D 1/23, page 166

Snapshots rewards exercise 2024: under rewarding



Part timers have been consistently under rewarded over the years.

Snapshots rewards exercise 2024: under rewarding



Since the start of the new career system, women have received consistently fewer rewards than men. While the difference in allocation of single steps has now become similar, there remains a disparity in rewarding of double steps, promotions, and bonuses, and for the latter the gap is growing.

Despite claimed dedication to D&I on behalf of management, there is no sign that women will be compensated for their slower careers.

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Discretionary decision

Rewards process:

- 1) Line Manager (LM) makes proposal
- 2) Calibration – harmonization: opaque process, see also [here](#)
- 3) President decides

-> Staff members are entitled to know the reasons why they were not rewarded

-> In order to assess the reasons given against the criteria for challenging discretionary decisions (according to ILOAT ¹ in Geneva):

- Abuse of power
- Breach of procedure
- Error of law
- Error of relevant fact
- Consideration of irrelevant facts
- Discrimination
- Failure to consider relevant facts
- Manifestly wrong conclusion based on correct facts

1: International Labour Organization Administrative Tribunal

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What can be done in case you didn't get a step / promotion / bonus?

Step 1: informal: communicate with line manager(s) (LM)

Step 2: official: file a request for management review (RfR)

Step 3: official: file an internal appeal (IA)

Step 1: communicate with line manager(s) (LM)

- Short email or conversation:
 - Summary of relevant facts
 - Express your perception and feelings (Disappointment ? Frustration? Breach of trust?...)
 - Once you have decided whether you will file a request for review (RfR), announce it to your line manager out of courtesy as they will be involved in the review process

- What to expect
 - Line manager (LM) cannot revert the decision (the decision power lies with the President)
 - Verbal explanation of why there was no reward
 - Verbal indication of how to get reward in future, but LM cannot commit to it
 - Talking to LM does not extend the deadline for “official / legal” route (i.e. filing RfR)

 - We have observed a pattern of LMs trying to discourage colleagues from using the internal means of redress (i.e. filing RfR & internal appeal (IA)) -> please consult staff representation if you feel this is the case.
 - Remember that using the internal means of redress (i.e. filing RfR & IA):
 - Is a right (CODEX – Article 109 ServRegs.)
 - By design, it is the only way to have any chance at reverting the decision
 - At the EPO, if a problem is not officially recorded, it doesn't exist!

What can be done in case you didn't get a step / promotion / bonus?

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Step 2: Request for review: filing

- Substep 2a: determine **deadline = 3 months** after the earliest of:
 - having been informed in writing by the line manager of not having received a reward
 - having been informed verbally¹ by the line manager
 - 26 April 2024 (salary slip)
- Substep 2b: Set a reminder for yourself of the above date;
- Substep 2d: Make a folder on your (personal) hard drive on the topic and copy the following documents to it:
 - a copy of the performance appraisal from 2023 (from successfactors);
 - all other documents related to the performance of 2023 (e.g. related to a conciliation procedure);
 - any other written traces deemed relevant: emails / files proving good collaboration / other contributions to the EPO and the team, proof of inequitable / difference in treatment, specific circumstances,...
- Substep 2c: Fill in the [template](#) and adapt it to your personal circumstances, follow the accompanying instructions, save it in the above-mentioned folder and send to managementreview@epo.org before the deadline;
- Substep 2d: Reception of email from “MANAGEMENT REVIEW” with reference number – safeguard it;

1: this is prudent in case a written record of the conversation exists

Step 2: Request for review: management review meeting

Substep 2e:

- Usually with Reporting Officer (N+1 = LM) and Counter Signing Officer (N+2).
- Be accompanied by a 3rd party - staff representative or a trusted, experienced colleague -, announce who will accompany you beforehand. Why ?
 - Help with pertinent questions, procedure & legal framework
 - Can take notes & serve as a witness
 - Recover a “power balance”: it can be intimidating to be faced with 2 superiors. 3rd party “dials down the tone”, emotional support
 - Both up front for preparation, and during meeting
 - Clarify the role of the 3rd party beforehand: take notes ? does the talking ? only moral support ?
- Prepare facts & questions:
 - Documentation: source documents, records of performance / muse reporting sheets / written exchanges with manager/ ...
 - What was staff member’s (anonymized) ranking within the team? Within the directorate? Principal directorate? DG?
 - Factors and weights to achieve this ranking?
 - How were specific circumstance taken into account in ranking?
 - How was the examination work already performed on files transferred outwards taken into account in the ranking?
 - Why is there an inconsistency between a satisfactory performance report and the lack of rewards?
 - Etc.
- Pen & paper : take notes
- Share notes in pdf format with attendees

Step 2: Request for review: “reviewed decision”

Substep 2f:

- Reception of written reviewed decision (email – **date C**); or
- No reply within 2 months (after sending RfR – **date C**) -> implied rejection

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Step 3: file an internal appeal (IA) ¹

- Step 3: file internal appeal (IA):
 - before **date D** = **date C** + 3 months
 - Template generally distributed to all SUEPO members
 - 200€ registration fee
 - Exchanges: rejoinder, Q&A between the appellant, the EPO, and the Internal Appeals Committee (IAC)
 - Internal Appeal Committee (IAC) delivers a written opinion within +/- 2 years:
 - case 3.1: original decision upheld
 - case 3.2: IAC recommends reassessment

- Step 4: Presidential decision
 - **date E**
 - case 4.1: follows opinion of IAC -> go to step 5 (reassessment) or 7 (ILOAT in Geneva)
 - case 4.2: does not follow opinion of IAC -> go to step 7

¹ See also: "[Lodging an internal appeal](#)", EPO intranet

Steps 5 - 7: Reassessment / ILOAT

- Step 5: Reassessment ¹ :
 - Case 5.1: appellant rewarded with retroactive effect: case won
 - Case 5.2: appellant not rewarded -> go to step 7

- Step 6: Presidential decision: **date F**
 - Follows reassessment panel recommendation

- Step 7: ILOAT (Geneva)
 - Within 90 days of **date E or date F**
 - Fill in and send complaint form (see [ILOAT website](#))
 - Paid legal representation recommended – SUEPO trade union can usually advise on this part ²
 - Re-evaluates the case

1: The “ad hoc” reassessment panel is nowhere to be found in the CODEX, and appears to comprise members of higher management (COO, PD)

2: See [SUEPO – legal support](#) – please contact your local SUEPO section ([q/SUEPO](#)) for more information.

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To file or not to file RfR & IA ?

- Pros:
 - Some successful cases (after internal appeal): career advancement awarded with retroactive effect
 - Feedback for management that the career system and decision-making process needs improvement
 - Statistics of number of RfRs & IAs are recorded in the [social report](#) and are a recurring signal to the administration that the career system needs improvement
 - Procedure helps understand how the career system and EPO function
 - SUEPO has worked with a lawyer to provide improved templates for the internal procedure (RfR, IA)
 - “Psychological”:
 - engagement in career
 - standing up for oneself – professional pride of seeing one’s contribution rewarded
- Cons:
 - Takes time & energy: colleagues should be prepared to collect written evidence to support their case and put in the drafting effort
 - Staff representation & SUEPO committee members can assist with providing verbal opinions but cannot carry out the drafting
 - Paid legal representation sometimes necessary – SUEPO committee can advise¹ and SUEPO members get discount rate

1: See [SUEPO – legal support](#) – please contact your local SUEPO section for more information.

Does using the internal means of redress (i.e. filing RfR & IA) have consequences on future career advancements / opportunities?

- No pattern observed – in fact punitive damages have been awarded to complainants when it was proven that an organisation was showing retaliatory behaviour towards complainants for using the internal means of redress (i.e. filing RfR & IA) ¹.
- Successful cases all used the internal means of redress, i.e. filed a RfR followed by an internal appeal (IA).

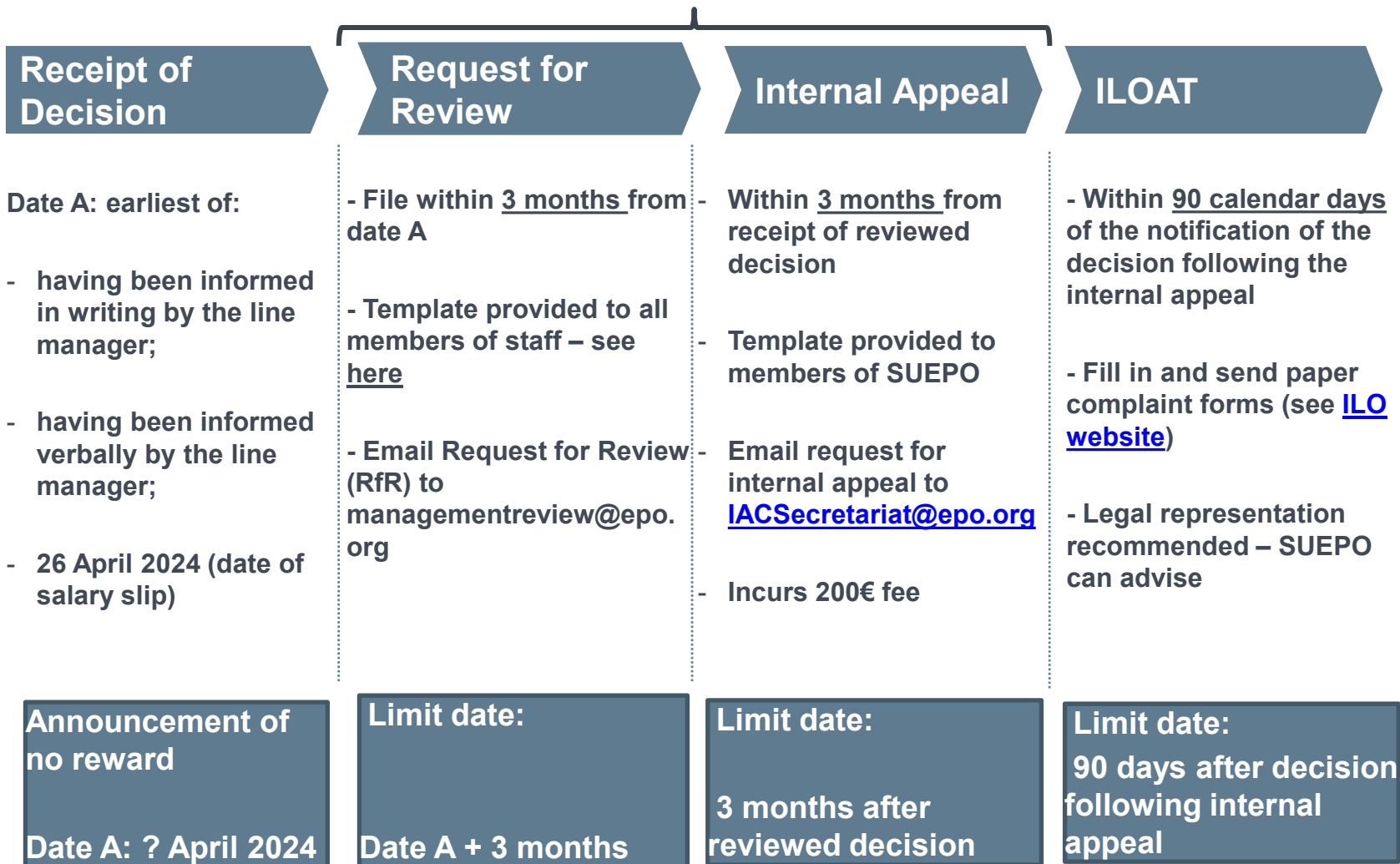
1: This is another reason why it is a good idea to be accompanied by a 3rd party at the management review meeting.

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Overview of the means of redress – “official / legal route”

Internal means of redress



Documentation

CODEX

Service Regulations:

- [Articles 48](#): Step Advancement, Bonus
- [Article 49](#): Promotions
- [Article 94\(c\)](#): Disciplinary measures
- [Circular 364](#): Implementation of the career System, Part IV: Decisions on step advancement, bonuses and promotions (rewards)

Intranet

Presidential communiqué: “[GCC/Doc 01/2024 - General guidelines on Rewards 2024](#)”, 16.01.2024

[EPO Intranet – Conflict Management/ Administrative disputes](#)

Rewards

Staff Committee Publications

Central Staff Committee:

[Reward Exercise 2024: Open letter to the President](#), CSC, 19.01.2024

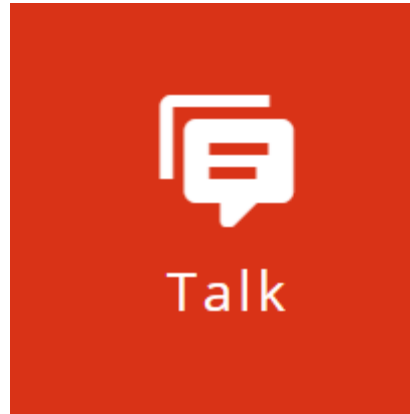
[Report on the GCC meeting of 31 January 2024](#), CSC, 08.02.2024;

[Nobody should be left behind](#), CSC, 01.07.2024

Publications by the Unions

SUEPO Central:

[Contest lack of rewards: Request for Review](#), SUEPO, 01.07.2024



If you need assistance, please contact one of your [staff representatives](#):

- berlinstcomm@epo.org for Berlin
- DHSTCOM@epo.org for The Hague
- MNSTCOM@epo.org for Munich
- pwien@epo.org for Vienna