



PD 2.1 Future Job Design Workshop Nunspeet 4-6 April 2011 “We have a day-job. Change is *not* the night-job”¹

Summary:

There are intensive discussions going on about PA-staff's future – so far without PA staff. This week's Future Job Design Workshop provided some insight into the complexity of the planned process. If you are interested in what may be in store for you in the line of flexibility-requirements, training-demands, threats and opportunities, then read on. Also examiners may be interested in the passage entitled “New job content: The paralegal”. This plan will require a larger scale discussion on desirability and feasibility. The Central Staff Committee will soon invite you for staff consultation rounds requiring your active participation so that we can meaningfully represent you.

The setting

Some 60 PA managers and observers from DG1, Human Resources, PDPG, Occupational Health Service and the Central Staff Committee met at Nunspeet (NL) to openly discuss the future job design for the situation after introducing successor platforms for Epasys, Phoenix and Trimaran. It is forecast that the new tools will bring with them significant efficiency increases by relieving PA staff of a lot of the routine file-actions. The residual work will be more complex. Furthermore, new fields of activity for current PA staff are being considered. Teaming up with examiners by re-distributing legal or basic technical parts of the examiners' current work could offer interesting job-content and provide additional work-force in examination at a time where the President does not want to enlarge the post-budget.

In two days of intense work in groups and plenary sessions the discussions focussed on how to help staff cope with the demands of the imminent change and which jobs might be feasible in future. It looked at the four-year period leading up to 2015.

More work with less staff – and the same amount of managers?

A starting commitment has been made by VPs 1 and 2: Change will be introduced at the rate of retirement or transfer of staff to other departments after successful job applications. Making staff redundant is not being considered. It is estimated that up to 2015 about 25% of current PA staff will have left the service. Staying with the current organisational set-up to mirror the joint cluster structure, this implies the same amount of SISEs, but smaller. This brings less flexibility in staff numbers. The likely solution is to be found in increasing the individuals' capacity to deal with broader and more complex job content – introducing a

¹ P. Vermeij, VP2, 6 March 2011
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problem yet to be solved: The increasing complexity requires *expertise*, whilst the increased workload demands *diversification*. Prima facie, the two are irreconcilable.

Maintaining the same SIS-structure implies no decrease in the number of managers or OD-directors. A significant effort is asked from Formalities Officers if they have to cope with more work with less, but at the same time needing more competencies. So it is understandable that they feel that such effort should be shared by their superiors, too. A stable overhead-structure, supported by less staff, must be perceived as genuinely adding value. Staff are getting increasingly outspoken about their doubts. This is not going to improve in future – unless purposefully tackled by managers. There is furthermore the danger that the job of manager will be experienced as less attractive, which may make it difficult to find enough good candidates to replace retiring managers in future.

Without steady recruitment the PA-population is ageing. Those now leaving the service for job-opportunities elsewhere tend to be the more recently recruited. Many of the remaining PA-staff are the senior, very experienced FOs who will be required to competently deal with the more complex work left over after automation. They have done their fair share already when showing flexibility in the interest of the service on numerous occasions in the past. The more demands are added to an already full portfolio, the bigger the chance of incurring psycho-social risks. Offering real career opportunities might provide the incentives to interested staff for investing into further qualification and certification for a career in PA. But then PA management should stop encouraging them to leave.

At any event, training will have to feature prominently in the work of Formalities Officers in the next few years. It may imply training whilst working in PA for activities elsewhere, so managers will have to get used to supporting individuals in training requests which are good for staff, good for the Office, but potentially detrimental to the smooth-running of the unit. Capacity-planning for SISes will become increasingly more complex in coming years and it is dawning on managers that the process will be asking as much of them than it will be asking from FOs.

The extra efforts for the transition period leading up to achieving significant savings will require slack in staffing which currently does not appear to exist. Before that background the plans to soon part company with Euro-contractors whose contracts are expiring seem illogical. There is fully trained, much needed capacity there that should be used.

Looking outside

PA had sent managers onto fact-finding missions to private (banks, insurances) and public sector organisations (other patent offices, courts and immigration authority) that had gone fully electronic recently. It was refreshing to hear that the message they brought back, also from the very competitive business environment of banks and insurances, was that involvement of all those concerned regularly, repeatedly and meaningfully - as well as being totally transparent about one's actions - were preconditions to successful change. They cannot be economised on.

Change initiatives pursued in the sample organisations recently managed to implement new electronic procedures introducing efficiency increases without forced redundancies. Whilst posts were reduced, no individuals lost jobs. Change was managed accommodating natural decrease due to retirement and transfers.

PA senior management is thus aware of what works elsewhere. We hope that they are not going to try to re-invent the wheel.

New job content: The paralegal – Killing two birds with one stone?

Always assuming that the platform change and the all-electronic dossier treatment will make PA staff so efficient that there would soon be more staff than needed for the traditional PA work, other meaningful and inspiring work would have to be found for the spare staff. If such work was to be found in the examining area it would contribute to the examining capacity at the same time. Furthermore assuming that examiners have been recruited for their technical competence, are there tasks in examination that could be taken over by staff with different professional backgrounds? The idea would be to provide legal training to FOs to qualify them at paralegal-level to competently treat non-technical parts of the procedure. To that end, PDPA would like to start a Paralegal project with 15 participants.

We see the merit of the idea, but many issues are unclear and we still have to consider whether we find it worth supporting. The discussion will raise controversy. Is such split of duties compatible with the EPC? Will examiners be enthusiastic about the change in their working environment? What will the effect be on examiner/SIS-staff relations? Can PA release sufficient capacity to make it worth the effort? Once established, will it institutionalise different levels of examining staff, allowing for recruitment of (a percentage of) future examiners at a lower level?

Considering the significant training effort involved in attaining paralegal certification it would be fair to assume that taking on paralegal duties should create further career opportunities. In that context, the selection even of the pilot population is important. The opportunity needs to be advertised, selection criteria defined and actual selection fair and beyond doubt. All paralegals, pilot population or steady state, must be volunteers wanting to make the investment and accept the responsibility.

As possibly transferring examiner job-content to support staff requires training investment, there are also some early thoughts being spent on whether there is some of the more technical work that could be performed by *paratechnically* qualified staff. Here, again, a lot of brainstorming needs to be conducted with heavy DG1 and DG5 input to establish the idea's merit and viability.

We shall seek further consultation as any pilot project takes shape more concretely.

What next?

We were concerned about the non-involvement of the affected group, the Formalities Officers. It was re-assuring that many managers individually shared that concern and felt that they could have benefited from such input during the workshop discussions. You will soon be having feedback sessions with your managers. For these sessions, you might want to consider the following:

The promising bits

Many interesting projects are likely to be launched and new jobs may be designed, which offer the capacity for professional growth. As this often implies acquisition of more skills and accepting more responsibility, staff representatives will be pushing for reward in the form of the appropriate grading. PA management and the observers are clearly focussing on *people*. Initiatives will be checked for the value they bring.

The worrying bits

As VP2 stressed, the efforts necessary to enable this change must be accommodated within the day job, so it is clear that the staff capacity has to be provided accordingly. Apparently, there are some 12 spare posts in the allocation for project-work. It is unclear whether these

posts are presently occupied. If not, not getting rid of current Euro-contractors would be a good start, but there was no commitment by the VPs on that front.

Okay, the VPs committed orally in front of a large group of interested and affected witnesses, but we would like to see clear commitment to all staff in the form of concrete steps, like demonstrating how the manpower-buffer for the change process *will* be secured, how the development of staff *will* be resourced also from DG4, how DG1 *will* get involved in discussions on where work *can* be shared, how the President will allow for examination to be properly resourced without VP1 having to cry for savings in PA to enable him to increase examining capacity before savings can possibly be achieved.

The complete reliance on electronic tools for treating applications may offer savings, but it also entails risks. The users must see their concerns addressed to avoid frustration if system failure and bugs put even more pressure onto the daily work in future.

The talks with us

There are many questions open on the what, the when and the how? VP2 and PDPA are together offering a policy-discussion with the CSC. We would like to prepare well for that, together with you. We would be interested in feedback from your unit meetings, your thoughts on the still fairly nebulous plans and the concerns and ideas you have. The local Committees will soon communicate schedules for meetings with you.

The Central Staff Committee