



How social is the President's agenda for 2013 Communiqué No. 19 from a different perspective

Summary

In Communiqué No 19 the President describes his social agenda. We agree that some elements he mentions should be part of the social agenda, like pensions, the salary adjustment procedure or careers, but not necessarily with the same proposals or solutions. Other items should be on the agenda, which the President avoids mentioning. In the current paper, we want to report on the coming steps on the social agenda and warn you that you should be ready to defend your rights in view of the importance and urgency of the topics discussed.

1. "Consultation" the President's way

The Central Staff Committee's last meeting with Mr Battistelli on 17 January brought no result. Before the next meeting on 21 February 2013, the CSC will meet VP4 and the newly appointed PD4.3 (Ms Bergot) on 12 February. VP4's proposed agenda was less ambitious than the President's social agenda, so we have added a [number of topics](#)¹ to the agenda of that meeting and asked specific questions to be answered.

Indeed, the current procedure used by the President is one of creating a working group without, or with only a vague, mandate, letting it work for some months, disregarding the input of staff representatives and then holding a meeting with the CSC just to inform us

that the WG has worked enough and that it is time for him to decide. He then sends a document to the GAC, subsequently disregards comments made by the GAC-members in their opinion and implements whatever pleases him, without further explanation to the bodies he involved. As we had entered these discussions in good faith, it took us some time to work out the President's modus operandi. That way some new regulations like the reform of the internal appeals system or the introduction of the investigations guidelines were introduced with too little time for elected staff representatives to consult you. Staff representation cannot accept such a procedure for topics concerning all of us like the **pensions**, the **careers**, the **salary adjustment procedure**, the **financing of Vanbreda** or even for those affecting only some, like the **reimbursement of home leave expenses**, since they can lead to a lot of

¹ <http://www.suepo.org/archive/sc13015cl.pdf>

frustration and endless and varied legal fights.

On all these subjects, we need an in-depth good faith consultation in order to achieve a consensus on a proposal which both the President and the Staff Committee can support when asking the Council to adopt them. As a basic rule, it should be more for the President to adapt to the International legal and cultural environment of the EPO rather than for the EPO to adapt to ideas copied from one single national system and trying to impose them on an environment, in which they simply can't work. We saw Ms Brimelow try the same not long ago and mess up about every subject she touched, causing endless social conflict during her whole term of office.

We are not looking for repeating this, but if the President chooses to go confrontational, we are ready for it and staff should also be.

2. On specific issues

On Pensions

This is a very important and very urgent issue. However, the President did not put it on the agenda of the meeting we held with him in January. We had to put it there ourselves. It didn't make any difference, though. The President was not willing to discuss how to make progress or provide information. What remains is the impression that he is getting cold feet on the very important issue of the internal tax. In a [separate publication](http://www.suepo.org/archive/su13012cp.pdf)², we give more detail on the pension issue. And let us not forget that we *suspended* strong industrial actions because of Mr Battistelli's promise to solve the issue. That promise strongly contributed to social peace during his term - so far.

² <http://www.suepo.org/archive/su13012cp.pdf>

On careers

The President has arbitrarily blocked promotions in 2012 without any good reason, not even budgetary (see [SUEPO The Hague's publication](http://www.suepo.org/archive/su13005hp.pdf)³). He announced to managers that he plans to introduce a new career to be effective from 2015. He so far refuses contributing to fair implementation of the current system. We have shown that the promotion system will not work in 2013 and even less in 2014 under the current constraints imposed by the President. The President intends to put a working group in place to discuss careers. To avoid the mistakes of the past it needs a proper mandate *before* it starts its work. This mandate should include solving the present deadlock artificially created by the President, at least by an urgent transitional measure. If consensus is not reached very soon, all colleagues who had reasonable expectations to be promoted to A4(2), A4 or B5 will be extremely demotivated, which would very likely result in a substantial loss of production.

On the salary adjustment procedure

In the January management meetings the President floated the idea that an individual performance criterion could be introduced in the salary adjustment procedure. He keeps stressing that this idea is not his proposal, but rather that of some delegations of the Council. We take it, though, that he is happy with the Council continuing to push the ideas he himself avidly supported as Head of the French delegation. Such an idea is absolutely unacceptable for us. And it contradicts his intention stated in the HR Roadmap, in which he recalled the principles of the salary adjustment procedure and indicated that "collective performance" could be introduced "on

³ <http://hague.suepo.org/archive/su13005hp.pdf>

top" and not within. "Individual performance" is already in our career system and one must be careful not to introduce that factor elsewhere in the system.

In view of the "consultation" process used until now by the President, you will understand that we need to clarify the President's true intentions well ahead of any proposal for implementing changes to the salary adjustment procedure which he could consider, in accordance with a long standing practice. This is why in the January meeting, we put the salary adjustment procedure on the agenda and tried to agree on a procedure and a time-line for discussing possible small amendments to the current adjustment procedure. The President wouldn't have any of it, but told us that some delegations wanted individual performance to be introduced in the salary adjustment system and suggested to postpone the discussion.

A propos "deadlines", the President has now written in Communiqué 19 that:

*"Under the legal framework for our **salary system**, the existing adjustment method will be applied this year for the last time. A new arrangement will have to be discussed and proposed to the Administrative Council."(emphasis added)*

The truth is actually that Article 9 of our salary adjustment procedure is written in such way that there is no such deadline. The President only needs to produce a report. As long as he does not propose any change, the procedure goes on applying. In other words, he does not need to change anything.

However, since it is now clear that he wants to propose "a new arrangement" , we have put the subject on the agenda of the VP4 meeting again. This might allow to find out whether he has delegated any

power on such issues to VP4 and to the newly appointed PD4.3 or whether the meetings with VP4 are useless.

In any case, we will put the subject again on the agenda of the meeting with the President on 21 February. It is of utmost importance that thorough discussions on the salary adjustment procedure are taking place in view of the importance of the subject for staff and for social peace in the Office.

We will report on any progress on this issue to you.

On the financing of Vanbreda

Ms Brimelow forced an unacceptable reform⁴ onto us. It has been the subject of many strikes and is under legal challenge. It will create even more problems in future if it is not amended. We have been advocating the idea of using the transitional period of three years (2011-2013) during which a 2,4% rate is applied, to discuss some changes to make it acceptable. We have been trying for more than 1 year within the Health Insurance Working Group (HIWG) to suggest changes to the financing method, even within the actuarial system and without a ceiling. So far, this has fallen on a deaf ear. If nothing is done, the contribution rate will automatically increase in 2014 (2.64%), 2015 (2,9%) and 2016 (3,1%), **irrespective of the level of real medical expenses.**

This is totally unacceptable and will have to feature on the list of our claims, should industrial actions be needed in the next future.

On this file, not only has the President let the HIWG work for one year, but he has disregarded any proposal we have made.

⁴ <http://www.suepo.org/archive/ex09176cp.pdf>

He has not even bothered to answer our letter (link to the letter on actuarial study of December). Currently, VP4 and PD4.3 don't even answer the mails and reminders sent by the Members of the WG. But as we noticed recently, they feel compelled to reply to publications to staff or open letters of ours.

We have therefore asked to have this point on the agenda of the meeting with VP4 and we will put it on the agenda of the meeting with the President. In view of the need to have a decision by the AC in December, and the necessary GAC and BFC consultation ahead, the issue is slowly becoming urgent.

We will of course report to you on any progress on this issue.

On the home leave issue

The "consultation" process has even deteriorated further on this issue. After the total lack of consultation when implementing the change last year, a WG was created to propose a solution. The WG met a few times at the end of last year. The administration proposed a solution which the Staff representatives could not support. A test was run and failed. The Staff representatives proposed an alternative solution which the administration refuse to test. Then some members of the administration wrote a report to the President which our nominees could not even see! Then the President told the CSC in the January meeting that the WG had worked enough and it was time to decide. Then a [GAC document](#)⁵ was tabled and we discovered that a change that had not even been discussed on the WG was implemented, i.e. altogether dropping the right to home

leave outside of Europe. You will find a report [here](#)⁶.

In view of past experience, we can only advise colleagues who have currently home leave outside Europe to take it if possible before 1 April when the new practice could enter into force.

Conclusion: We are very worried that quite a large number of important and sensitive subjects are on the social agenda in 2013. We do not yet have any sign of a genuine willingness to have the voice of your representatives heard in the process of implementing changes which could be dramatic for you. Before deteriorating our working conditions we should remember that already now, we are not able to recruit all the examiners the Office needs.

We will keep you updated on the forthcoming meetings with VP4 and the President.

In the meantime floor meetings are/will be organised to explain the scope of the problems and to find what your impressions and ideas are to fence off what could be a series of strong attacks on our working conditions.

SUEPO will also work on a SUEPO industrial action plan to be implemented from the Spring 2013 and throughout the Summer (if needed).

Please feel free to address any feedback to your local Committee on your views on these subjects.

The Central Bureau of SUEPO

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[http://babylon.internal.epo.org/projects/babylon/gacdoc.nsf/0/02f9efcabf617964c1257b020053650c/\\$FILE/doc03-13.pdf](http://babylon.internal.epo.org/projects/babylon/gacdoc.nsf/0/02f9efcabf617964c1257b020053650c/$FILE/doc03-13.pdf)

⁶ <http://www.suepo.org/archive/su13016cp.pdf>