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Story-telling by Mr Battistelli

Dear colleagues,

Communique No. 20 contains a number of serious allegations regarding the behaviour of the Staff Representation (SR). The President's report of the meeting with the CSC does not match our recollection and we communicate our views on this matter with this response.

The "Social agenda"

The President perpetuates that the so-called "Social Agenda" remains a joint one. Whilst some of the points on this agenda were proposed by the SR, most of them have been solely dictated by the President who is strongly pushing for his "solutions" without having properly defined and substantiated what the problems to be solved are.

The (mal)functioning of the working groups is a serious concern for the SR. Most of these WGs have unclear mandates and they are neither provided with adequate data nor time to complete their tasks. Often they are bypassed by senior members of the administration (e.g. PD 4.3) or simply overruled by the President himself. The justified concerns of the SR are regularly ignored or dismissed, but the final proposals are claimed to be jointly supported. We consider the minimum requirements of effective social dialogue are not being met. In too many cases, the outcome amounts to a straightforward abuse of the *bona fide* participation of the SR.

The tone

Contrary to Mr Battistelli's assertions, the meeting with the CSC started in a very tense atmosphere. Mr Battistelli complained in particular about the content of earlier SUEPO publications mentioning strong suspicion of nepotism at the EPO, and posing the question if the Office wasn't slowly verging on institutional racism. He claimed that mutual respect should govern our interactions. On that we agree.

Contrary to what the President asserts in Communiqué 20, SUEPO has not withdrawn its statement that a strong perception of nepotism and national/cultural bias exists. We reiterate here that it is our obligation to genuinely reflect the legitimate concerns of the EPO staff, irrespective of what Mr Battistelli's personal views might be. We sense that staff are currently very concerned about what is perceived as an increasingly nepotistic and authoritarian behaviour in senior management. A decision making process which exhibits the appearance of discrimination can only undermine confidence in management at the EPO.

All this is indicative of a smoke-screen, which we believe has the aim to distract staff from the real issues, focussing solely on the alleged misbehaviour of staff or SUEPO representatives, whilst pushing at the same time for substantial reforms that will negatively affect us all.

The substance

On promotions, whilst the President declares that "2013 will be like 2012", it is not clear if he intends to again refuse to approve deserved promotions from hard working staff as he did in 2012. He refused to provide us with the figures of the promotions to be expected in 2013. He has stated that he has no direct intention to solve the problem created in 2012, but offers a working group to discuss changes to the career system without defining the goals or problems that this working group should address. He claims that these, as yet undefined, changes will resolve the problems with the budgetary thresholds, but it appears that this would be achieved by reducing the number of promotions rather than addressing the unfair limitations of the thresholds.

On salary method, Mr Battistelli claims that it is not him personally but the Administrative Council who is pushing for a performance element in our new salary method. However, he does not clearly distance himself from these Council claims; on the contrary, he refuses to clarify his intentions in this regard until the second half of 2013, thus actively withholding information pertinent for social dialogue on a variety of linked elements of our working conditions. Due to the principle of separation of power, the "Council" may not amend our salary method without a respective proposal of the President. Our current salary method would then remain unchanged. We are of the opinion that an individual performance element for the annual salary correction is not only contra-productive, but it also endangers the social-atmosphere and consequently the cohesion and the quality of the work performed at EPO.

On "well-being", Mr Battistelli announced his own set of measures: these include five unacceptable (for SR) points, at least one of which has never been mentioned in the Working Group, and the others have not been properly discussed. To add insult to injury, he calls this set of measures "*Improving working conditions and well being for staff*" when in fact they introduce more stringent and direct control of sick leave. It was the SR who requested a discussion on Well-being: the "control freak" measures proposed by the President are not an appropriate response. So much for social dialogue.

On pensions, it is now clear that Mr Battistelli will not defend the implementation of an EPO pension system at the level of that of the EU institutions, although he has constantly stated that an amendment of EPO-PPI (Protocol of Privileges and Immunities) would be the sole meaningful solution to the unlawful introduction of the New Pension System in 2009. What he will do instead is not clear, but we will continue to defend the implementation of a fair and unified Defined Benefit system for ALL staff.

We should also not forget that the entering into force of very worrying texts such as Circulars 341 and 342 (the Investigation Guidelines) have only increased our suspicions about the motives of senior management at all levels in the Office. These directives are simply implemented by Mr Battistelli without arguing the need for change and they very much depart from normal practice in modern, democratic states and EU institutions.

Conclusion: We should prepare to act soon

Words are fine... mais les faits sont têtus. Currently, we receive working documents that have been drafted by the administration according to the President's direct instructions. The legitimate concerns of the SR are not properly taken into account and instead the SR is criticised as being uncooperative. In practice, the suitability of the SR for social dialogue is questioned as soon as the SR does not support in full the Presidents proposals. The current proposals tabled by the President threaten to attack key elements of our working package. We see it as our duty to inform you of the situation and ask you to support your local SUEPO Committee in defending your rights.

The situation is very serious. The SUEPO Committees of our four branches agree on the need for a central approach to protect staff from both unfair and unjustified cuts in conditions or extra work pressure contemplated by Mr Battistelli. In this context, action plans are currently being drawn up to accommodate a wide range of industrial actions such as Quality actions, demonstrations at high-profile events and meetings, flexi-strikes, picket strikes, and the distribution of communications and information to interested circles.

Such actions will only be implemented if we conclude that they are absolutely necessary. Please remember though, it is only through widespread staff support that any actions will help preserve the long term interests of both the Organisation and its 7000 Staff as well as dependents and pensioners.

The Central Bureau of SUEPO