

## **Fear, Isolation and Punishment: the saga continues**

While Mr Battistelli pays lip service to social dialogue, very little is being done to introduce healthy practices and improve management within the EPO.

If you were already at the EPO in 2006 you may remember that during a top management meeting a number of strange ideas were discussed (see [the 2006 presentation](#), particularly slide 18):

- if "motivation" is for a great part in the genes, did we recruit the right staff?
- can we change "behaviour" to a "desired behaviour" without moving an examiner into his uncomfortable zone?
- for the ones unwilling to put effort in their daily work, make them feel uncomfortable by **punishment, isolation, fear?**

The expression "those unwilling to put effort" referred to the "left third" of the Gaussian curve of productivity. That is, one third of EPO staff, no matter how good they may be objectively, would be branded as "under-performers", and potentially singled out for "special treatment".

We exposed these scandalous proposals, and Staff were understandably shocked. Not so the Management, whose primary concern was not to deny the proposals, and to try and identify the source of the leak.

Staff representatives introduced an internal appeal against what they consider were measures fostering a culture of corporate harassment. Our claims were very reasonable, we requested that the proposals were withdrawn and that the President distance himself from such measures and make a statement that such measures would be considered inappropriate in the EPO.

In a letter dated 15 January 2007, Mr Pompidou stated that "the choices of the sample items to induce the debate was unfortunate". But he did not distance himself from them. Neither did he declare them unlawful. He did not consider any safeguards necessary for staff – despite the fact that the sole legal means protecting staff dignity (Circular 286) had been suspended.

During the Presidency of Ms Brimelow, our concerns were never addressed and the appeal stagnated in the backlogged system. Enter President Battistelli. In November 2011, Ms Bergot (current PD 4.3) approached the appellants to explore the possibility of an amicable settlement. After years of social unrest created by senior management, the appellants were hoping to be able to improve relationships and hoped that Mr Battistelli felt the same. The appellants indicated that they would be satisfied with a mere public statement, from the president to staff, saying that intimidation and repression are inappropriate, and that he would not accept such methods. The appellants thought this would be an elegant way out of the predicament, involving no costs and enabling the

matter to be closed.

Unfortunately the appellants' hopes were once more dashed. Weeks and months elapsed and they heard nothing more: their proposal was neither accepted nor rejected. On 19.06.2012 the claimants received the final decision of Mr Battistelli, rejecting their appeal - and with it, any possibility of an amicable solution. Thus, after some six years of internal legal proceedings, a complaint has now been lodged before the Administrative Tribunal in Geneva.

The EPO decided to be represented by an external lawyer, who has requested that the ILO-AT "declares the complaint filed in abuse of process and to give the complainant a warning that a vexatious complaint may lead to a cost award against its author". Further the lawyer asserts that the claimant would have "harshly infringed the respect owed to the organisation (the EPO)" and would be "more interested in litigation than dealing in good faith with his employer".

We are astounded by such claims. Bear in mind that this is not the isolated action of an external lawyer, the EPO's pleadings legally represent the views of the EPO and are checked by senior members of DG5. It seems that under Mr Battistelli not only has he refused to clarify that repressive methods are not to be applied by EPO management, but he permits his lawyers to use similar methods.

It is clear that now Mr Battistelli has shown his cards. His policy is unmistakably one of censorship; fear, isolation and punishment - towards anyone who dares to denounce his or other top management methods.

The Staff Representation will maintain this appeal, but given the backlog of ILOAT cases and the artificial limitation in dealing with EPO cases, we do not expect a judgment until long after Mr Battistelli has left the EPO. It seems that the only means of protection for staff against such measures will remain well supported industrial actions.

The Central Executive Committee of SUEPO