



## **Report of the 222nd meeting of the GAC on 18.05.2010 in Vienna**

### **Summary**

The 222nd meeting of the GAC (General Advisory Committee) was the third GAC meeting of 2010. In contrast to the 221st meeting, the agenda was unusually short for what was originally intended to be a two day meeting, demonstrating again the administration's lack of planning capability. The agenda comprised the annual document concerning public holidays for the following year (i.e. for 2011), a document on room standards at the EPO and the new PAX reference examiner data.

### **Introduction**

Despite the short agenda, the 222nd meeting of the GAC was originally intended to be a two day meeting. Given the circumstances, and the letter which we sent to the President following the 221st meeting, we would have expected that some of the topics which were inadequately discussed during the 221st meeting would be added to the agenda for the 222nd meeting, which would have justified a two day meeting. However, this the administration omitted to do. Rather, we have been called to an additional ad-hoc meeting at the end of May for this purpose! In the end, the 222nd meeting lasted only a single day.

The administration is increasingly submitting proposals to the GAC without having discussed them first with the Staff Committee in other fora. For example, amongst the documents discussed at the 222nd meeting, neither the proposal on room sizes nor the PAX reference data were discussed with the Staff Committee prior to discussion in the GAC. This is despite the fact that, at least theoretically, a PAX Implementation Board exists for just this purpose. It thus seems to us that the administration is trying to reduce staff consultation to the minimum of statutory (i.e. GAC) consultation that it can get away with. This is, of course, regrettable. Moreover, in the past the President nominated mainly A6 staff to the GAC. This year, however, the number of A6 full members has been reduced to just one.

It is also clear that the mainly A5 staff members now nominated are not empowered to suggest amendments to proposals submitted, even if we suspect that they would support such amendment. It thus seems that the President is taking active steps not only to reduce the amount of staff involvement, but also to degrade the involvement that remains.

As with the previous meetings this year, at the start of the meeting, we repeated our objections to the constitution of the GAC this year. Accordingly, we were attending the meeting under the caveat that, should the constitution of the GAC indeed prove to be irregular, then the whole consultation process is flawed.

### **Public holidays in 2011**

The administration's proposal concerning public holidays for the following year is sent to the GAC each year for opinion.

As the reader will know, generally Vienna has the most public holidays. Up until 2008, staff at the other sites received a number of extra days vacation as compensation. From 2008, the administration has presented to the GAC a proposal where, rather than getting the appropriate number of days vacation as compensation (to be taken at the staff member's convenience), staff in Munich, The Hague and Berlin get at least one compulsory

bridging day (until now, always on a Friday). There are two reasons given for this. The first is to save costs. However, despite now having two years experience, the administration was not in a position to inform us of actually how much has been saved. The second is to harmonise closing between the four sites. However, the bridging day is a working day in Vienna!

This measure has been the subject of numerous appeals, in particular from part-timers (who, because they often don't work on Fridays, are over proportionately affected by the measure). Despite this, the administration presented essentially the same document as in 2008 and 2009, including a compulsory bridging day on the 3rd of June at all sites other than Vienna.

We thus gave essentially the same negative opinion as the last two years. In this, we pointed out that the proposal clearly reduces the flexibility of staff to take vacation when they choose, whilst giving nothing extra in return. Moreover, it is unfair to staff working part-time who follow a schedule according to which the bridging days would not be working days, since the entitlement to annual leave of these staff members will be reduced by (the proportional fraction) of one day. We also noted that the bridging day has been chosen to coincide with the weekend generally used for the Amicale inter-Office weekend. Traditionally, the President has granted additional leave for staff to attend this event. By making this a bridging day, the Office is in effect gaining 500 man days of capacity. Moreover, the third of June is a working day in Vienna. Staff at that site will thus be expected to work normally on that day, despite not being able to contact staff at other sites for their work and without full support for example for IM problems.

The members nominated by the President gave a positive opinion on the proposal.

### **Room standards at the EPO**

The administration presented a document on room standards to the GAC. Whilst the document provided no information as to the motivation behind the proposal, the chairman informed the GAC members that this topic was kicked off by a discussion in the MAC in May last year. The MAC is seemingly of the opinion that the space available within the Office

buildings is too large. This has been calculated as being between 40 and 60 square meters per staff member, if you include meeting rooms, canteens etc. It seems that in some member states, the figures are generally smaller, owing in part to use of open plan offices. To us, it seemed that taking into account the total area, including meetings rooms, canteens, corridors and the like as the starting point for considering what size staff offices should be is a rather strange way of thinking! Nevertheless, PD 44 (building services) were asked to perform a study (which we did not see), the result of which is basically the document submitted to the GAC.

In the GAC, the administration's expert (the Principal Director of PD 44) noted that the office is not currently planning to grow. However, as staff retire, they will be replaced. Thus over the coming years, several hundred new staff members will join the Office. Basically, it is intended that these staff members will receive smaller offices (at least in Munich) than those used by current staff. The expert said that in such a situation, it was possible that the Office would release office space - for example by not renewing contracts for the rented buildings.

The justification for this was a calculation which purported to show that the standard for what are charmingly referred to elsewhere in the document as "normal A-staff", is a room size of 2.67 window axis, i.e. about 18 m<sup>2</sup> (a window axis is about 7 m<sup>2</sup>). The document claims that "since long" (sic) this has been the room standard in force in Munich. The document then tries to explain how this standard can be read onto the situation in The Hague, and then, in a circular argument, concludes that this The Hague situation should then become the Office standard! However, in the GAC we pointed out that this so-called Munich standard ceased to be applied upon the move to the PschorrHöfe. At this point the de-facto standard for single occupancy offices became 3 window axis i.e. about 21 m<sup>2</sup>. The number of A-staff in general and examiners in particular who have to share offices was at the same time also greatly reduced.

Moreover, we pointed out that the modern rented buildings in Munich (Capitellum and Westsite) and The Hague (Le Croisé) are also built to this standard. From this, we concluded that this is the current, modern, standard outside the Office for single occupancy offices

in both Germany and Holland. We stated that in our opinion the Office should seek to at least maintain this standard, not only for all current and future staff in Munich, but also when planning any renovations or new buildings in The Hague. Moreover, this standard should apply to all staff in single occupancy offices without particular (e.g. managerial) needs, regardless of grade.

We also regretted the fact that an organisation that sets out to be to a model international civil service organisation, whose major capital is its staff, should seek to lower (Munich) or maintain at an unacceptable level (The Hague) staff accommodation. This is particularly so given the size of the Office furniture and IT equipment and the ergonomic needs of staff who are expected to perform office based tasks with increased use of computers which require a high degree of concentration for careers lasting ca. 30 years.

Finally, we noted that the form of the document was catastrophic, which on its own, since the document is available to staff, could cause unnecessary distress amongst staff. For example, from reading the document in isolation, it is not clear that the document concerns room standards for future staff, and it is not intended that current staff should be affected. Additionally, the document is full of linguistic and other errors which proved misleading in the GAC and will lead to misunderstanding amongst staff.

For the above reasons, we gave a negative opinion on the proposal and recommend that the document be withdrawn. We also recommended that before proceeding further, the Staff Committee (both central and local) is involved in this matter with a degree of urgency.

Because of the ergonomic considerations linked with using smaller offices, which might entail different office furniture and other ergonomic considerations, the document was also submitted to the COHSEC (the Central Occupational Health, Safety and Ergonomics Committee) for opinion. At the time of writing, we don't know what opinion the COHSEC gave on the proposal.

It was clear from the discussions in the GAC that not all members nominated by the President were happy with the proposal. After the meeting, they submitted an opinion which,

unusually for them, failed to say that they supported the proposal. Rather, they submitted a number of comments and observations similar to the above.

### **PAX reference examiner data**

In 2006, members of the GAC nominated by the CSC appealed the fact that the then valid PAX reference examiner data was not submitted to the GAC for opinion, as required by Article 38(3) ServRegs and the ILO-AT case law. In 2009, the Internal Appeals Committee (IAC) agreed with the appellants that the reference data should, indeed, have been presented to the GAC for opinion and recommended that the President allow the appeals. This the President did. However, since following the 2006 "GAC appeal", PAX was not actually introduced for the 2006/2007 reporting period, other than setting a precedent, this appeal in itself had no further effect. Following the IAC's opinion, and despite, we understand, some initial reticence, the President finally submitted the 2010 PAX reference examiner data to the GAC for opinion.

In the GAC, we pointed out that the Cluster Reference Examiner Data (CRED) for the 2008 / 2009 reporting exercise were not submitted to the GAC for opinion. The 2008 data were communicated to staff in February 2008, and were currently under appeal due to the lack of GAC consultation. However, as far as we knew, the 2009 data were never actually communicated to staff. This made a mockery of the need to inform staff in a transparent manner about the reporting system. We regretted that this reflected the secrecy and lack of transparency which surrounded PAX and the PAX Implementation Board. The members nominated by the President could only comment that it was possible to extract the 2009 figures from the MUSE data warehouse. In our opinion, this is inadequate as a means of informing staff members.

Turning to the document finally submitted to the GAC, upon which we were expected to give an opinion, this comprised the Cluster Reference Examiner Data (CRED) for each cluster. However, it only gave the final results. There was no information at all concerning the input data or how the figures were calculated. Moreover, the figures were produced by the administration alone. The PAX Implementation

Board, which includes members nominated by the CSC were not involved in any way in producing or over viewing the data. Worse, the document does not present the reader with the data that have actually been used for the calculation or with any details of the calculations actually carried out.

For these reasons, in our opinion the information contained in the document does not allow the GAC to give a reasoned opinion on the proposal and we recommended that the Office should consult the GAC again on this topic.

Moreover, we suggested that in the future the provisional CREDs as calculated in autumn each year be submitted to the PAX Implementation Board as soon as they become available together with all the information necessary to understand and follow the calculations. They should subsequently be forwarded to the GAC for opinion the latest at the first meeting of each year. The final values as calculated in February should likewise be forwarded to the PAX Implementation Board for information and in cases in which the PAX Implementation Boards finds good reasons for a renewed consultation, also to the GAC.

For this document also, the members nominated by the President gave an opinion which failed to state that they supported the proposal. Rather, they also noted that the document failed to set out how the figures were calculated and they recommended to consult the GAC again on this topic and that in future the PAX Implementation Board be involved in preparing the data. Thus, the opinions from both sides, although forwarded to the President as "divergent", actually expressed the same views on the document.

The members of the GAC nominated by the CSC.