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Staff Dignity in the EPO?

Dear colleagues,

On 1 February 2011, an intranet communication entitled [Staff dignity](#)¹ was issued by VP4 to inform us of the Administration's decision on the Internal Appeals by Staff Committee (SC) members from the suspension of Circular No. 286². In the Communication it states:

"The President has decided to follow the principal recommendation of the IAC³ in these cases and to acknowledge the unlawfulness of the suspension of Circular No. 286."

The only possible conclusion that can be drawn from the fact that Circular No. 286 was never legally suspended, is that it is still in force. Unfortunately the Administration arrives at rather the opposite conclusion, i.e., that Circular No 286 remains suspended and that the President will continue to decide on dignity procedures on a "case-by-case basis" under Communiqué No. 24.

A consequence of this action is that the EPO staff is again without adequate access to the necessary means to address dignity related problems.

The administration claims that the suspension of the Circular was necessary because a number of serious problems. However, the so-called flaws of Circular No. 286 mentioned in the intranet publication have never been justified and this was also commented on in the IAC opinion. The Staff Committees view is that the problems experienced with the Circular were much less flaws in the Circular itself rather problems with the manner in which the Administration implemented the Circular, including serious under-funding/resourcing. (See SUEPO 2008 document for further details⁴)

Most of the problems which the administration cited as grounds for the suspension were all raised in the first (and only) annual report on the circular. The CSC has always maintained

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http://my.internal.epo.org/portal/private/epo/organisation/news/?WCM_GLOBAL_CONTEXT=/portal/wcm/myconnect/epo/intranet/organisation/dg4/vp4/announcements/2011/1296579947534_appeals_against_the_suspension_of_circular_no_286

2 Circular No 286 was the legal basis for the informal and formal procedures to be followed in case a staff member considered that their dignity had been violated, until its suspension in May 2007.

3 Internal Appeals Committee

4 Status Report on Staff Dignity policy 2008 <http://www.suepo.org/archive/su08377cp.pdf> See section 4 and Annexes A & B

that these problems could have been resolved and has invested a significant effort in seeking solutions to these problems. In particular:

1. we have proposed modifications to Circular No. 286 which would resolve all of the issues raised by the Administration,
2. we have proposed/agreed to a quick/pragmatic procedure which could put an amended Circular 286 back in force now, with a fixed time frame for review to address further issues and the integration of better informal support.

We also note that a number of those responsible on the Administration side have made constructive proposals as to how to proceed. However, we are at a loss to understand the current actions of the Administration. The delays and the rejection of the recommendations of the Internal Appeals Committee have already resulted in the appellants filing complaints with the ILOAT.

We have been informed that a new proposal is being prepared by the administration and that we can expect to see this within the next 2 weeks.

The CSC considers an effective staff dignity policy essential: it is part of the EPO's duty of care; vital for the well-being of staff; and part of the protection of fundamental rights. The continuing legal uncertainty which results from the Administrations actions will cause further problems. It is a declared goal of the President to improve social relations in the EPO and to reduce the number of appeals. We do not see how these actions contribute to such goals.

We hope that the promised proposal from the administration will fully address the concerns of staff. We urge the President to review his decision in this respect, to engage with Staff Committee nominees and to put effective conflict resolutions procedures into force, including effective formal means for protection of dignity.

One way to achieve this, is to put an amended version of Circular No. 286 in force which will resolve the problems with time limits and language issues raised by the administration; and establish a clear agreed plan with a specific time-frame to address further improvements and changes.

We will inform you when we have further information. In the meantime, should you have any problems related to attacks on your dignity, please do not hesitate to contact a Staff Committee member of your trust.

Your Central Staff Committee