



Report of the 235th meeting of the GAC on 07.11.2011 in The Hague

Summary

The 235th meeting of the GAC (General Advisory Committee) was the eighth GAC meeting of 2011. The meeting was the first of two extraordinary meetings of the GAC. These are, meetings which were not originally foreseen, but rather were arranged in order so as not to overload the remaining planned meeting with proposals which the administration had not been in a position to present earlier in the year. The agenda comprised a minor amendment to the guidelines for basic and further vocational training and two documents relating to Part Time Home Working.

Amendment to the Annex of Circular No. 267

Circular 267 is the staff circular setting out the guidelines for basic and further vocational training at the EPO. The annex to this sets out what financial assistance the Office may provide staff members who voluntarily attend training outside the Office. Currently, the ceiling for this assistance is not more than 50% of the fees, up to a maximum of €1250. There is also a minimum figure of €125 below which the Office won't make any reimbursement. These figures have not been updated since 2002.

To this meeting of the GAC, the administration thus presented a proposal to increase these figures in line with Euro area inflation over the period since 2002 to €1560 and €156 respectively. For the future, it is proposed to adjust the amounts annually by the arithmetical average of the salary adjustments for Austria, Germany and the Netherlands (a similar mechanism is used for updating lump sum removal expenses annually).

In the GAC we considered that it would have been useful to have received additional information on the use that the Office has made of this provision until now. We thus suggested that the Learning & Development department should carry out a study of the requests filed and amounts paid in the past 10 years.

That said, the GAC unanimously welcomed and gave a positive opinion on the proposal.

Part Time Home Working

The possibility for staff to perform Part Time Home Working (PTHW) was originally looked into by the Future of Work domain as part of the Strategic Renewal project. PTHW has already been discussed twice in the GAC, namely in the 214th meeting, following which a pilot project was set up and the 229th meeting, following which pilot project members were permitted to continue with PTHW pending a final decision on the extension of the pilot to the whole Office.

Following completion of the pilot, a report was drawn up by the PTHW project manager. This is available from the intranet. In a communiqué dated 12.10.2011, the President announced that the pilot was deemed to have been successful and that the Office thus intended to move to large scale implementation of PTHW. How this would happen would be finalised after consultation in the COHSEC and the GAC. In the GAC, we protested about this announcement. If the President does not wish to prejudice consultation in the GAC, he should not announce beforehand that he intends to implement a proposal, implicitly regardless of the outcome of the consultation. Rather, he should await the outcome of the consultation.

To this meeting, the President submitted two

documents. One was a draft CA document proposing insertion of a new Article 55a into the ServRegs and the addition of a paragraph to Article 107(2) of the ServRegs. The other document was a draft circular setting out guidelines for PTHW at the EPO. In our opinion, however, there were a number of items which should have been submitted in addition, but were not. These included the risk analysis sent to the COHSEC and the report of the results of the pilot project. We thus again pointed out that the administration has an obligation to provide the GAC with enough information for it to be able to give a reasoned opinion on any proposal submitted to it. It is not the job of the GAC members to have to search out the information themselves.

From feedback received outside the GAC, it seems that most pilot project members appreciated being able to work from home part of the time. Additionally, there seems to be interest amongst other staff members to be allowed to take up PTHW. Against this background, following discussions in the GAC, we thus gave an opinion in which we welcomed and supported the concept of allowing staff to perform PTHW.

There is, however, a difference between welcoming and supporting a concept and giving a positive opinion on the form in which the Office intends to implement the proposal as described in the documents submitted to the GAC.

The draft CA document

New Article 55a ServRegs provides a legal basis allowing PTHW at the EPO. However, it states that the rules for this will be established after consulting "the relevant joint committee".

This is a cause for concern because it opens the possibility to draft local guidelines in the future and submit them to the relevant local committee for opinion. We made it clear that we would not support any such locally adapted PTHW regulations.

The new paragraph (c) in Article 107(2) ServRegs foresees that any decision related to PTHW cannot be appealed internally via the Internal Appeals Committee. Rather, the staff member must file a complaint directly at the ILOAT in Geneva. This is extremely bureaucratic for the staff member and expensive for the Office. Moreover, no convincing reasons were provided as to why such decisions should be excluded from the internal appeal procedure. Apparently, the reason behind this proposal is to allow a final decision to be reached relatively rapidly. However, this reason would equally apply to any other decision taken in the Office.

In our opinion, if the Office considers that the current delays for the processing of internal appeals in front of the IAC are unacceptably long, the obvious solution to this problem is to provide

additional and sufficient resources for Directorate 5.3.2 and for the IAC.

The draft circular

The draft circular comprises three sections. A policy section, a section comprising implementing rules and a section comprising individual agreements. We had observations to make on all three sections. Firstly, the policy section was not completely in conformance with the rules. Secondly, with respect to the rules, it is clear that the Office is not being particularly generous with respect to the help being given to staff who take up PTHW, in particular in the light of the savings which the Office expects to make. Thirdly, we do not see why staff, who are in any case bound by the ServRegs, should have to enter an additional agreement in order to be allowed to perform PTHW. It is also not clear to what extent use of the draft "individual" agreements is obligatory or if managers and staff members can deviate from them. Moreover, the extent to which such agreements are binding on both parties is not clear.

In addition to setting out the problems that we saw in the proposals, we stated however that we believe that, if the Office attend to these points in a spirit of good will, then the benefits of the project would be increased, both for staff and the Office. We additionally noted that we believe that further effort is necessary to make the current proposal more attractive and safer for staff, if the Office wishes to make a success of this project. In this respect, the Office setting as an objective saving office space might be counter productive.

The members nominated by the President likewise gave a positive opinion on the proposal but also had a number of comments to make on the content of the documents presented. Interestingly, a number of these comprised pointing out that we had objected to a section and recommending that the matter be reviewed.

The members of the GAC nominated by the CSC.