

Report

# French Boss sows the seeds of anti-unionism at the European Patent Office

By [Renaud Lecadre](#) — 28 June 2016, 17:01

Benoît Battistelli, in March. Photo Emmanuel Dunand. AFP

**Benoît Battistelli, President of the European Patent Office, appointed to the job under Nicolas Sarkozy, is coming under fire for staff union discrimination. His fate will be in the spotlight on Wednesday and Thursday when the Administrative Council meets.**

- At the European Patent Office, a French boss is sowing the seeds of anti-unionism

The only continental administrative body presided over by France, the European Patent Office (EPO) is in utter upheaval. The President, Benoît Battistelli, propelled into power in 2010 by Nicolas Sarkozy, is accused of drifting into dictatorship, discrimination against staff unions, and of denying the least legal challenge to his own little empire. A case of the leadership going off course, which will be coming under scrutiny on Wednesday by the Administrative Council of the EPO, which has its headquarters in Munich but also with a branch office in The Hague. And the risk is that the French presence among the international institutions will be eroded just that little bit more.

So what is Battistelli's management accused of? In particular, at least three suicides of staff members during his tenure, one actually at the workplace. *"Every case is a tragedy, and no-one understood the reason for their action,"* was Battistelli's view of the deaths, when *Libération* met him last month in Paris. Not surprisingly, the in-house unions have a different take on events: *"All he sees are people who he thinks are incompetent and incapable, but no-one can be right all of the time against what everyone else thinks. France's entire reputation among the international institutions is at stake,"* says one French member of SUEPO (Staff Union of the European Patent Office).

## Bringing the unions to heel

The EPO employs 6,700 international personnel, on a world market for patents which is fiercely competitive. Inventors (or would-be inventors) are at liberty to opt for any national, European or Asian office, with a view to getting their inventions patented. *"Competition is hard, and the difference in costs between the different offices is considerable,"* says Battistelli in justification for his stance. *"At the EPO we need to work more and work better. And that's the programme for which I was appointed".* Liberal be damned; whatever executive role he may be playing, the main aim seems to be to bring the unions to heel.

SUEPO won 70% of the votes in the staff elections. Battistelli suppressed his in-house union, banning them from using the internal messaging service, and initiated disciplinary procedures against seven of its executives, before attempting to set up a puppet union of his own – which polled 1% of the votes. *“I have been an enthusiast of dialogue with the unions for a long time,”* says Battistelli in his defence. Then he ushers in another initiative: Submitting the right to strike to an internal referendum under his tutelage, and with identification of the voters. Unfortunately, despite this close monitoring, in April 90% of the staff (of a 55% turnout) voted in favour of the latest strike.

When you’re up against the boss, where do you turn? SUEPO went to the Court of Appeal in The Hague, which in February 2015, ordered the EPO *“to allow free access, and not to block emails deriving from suepo.org”*, ruling that the protection of union rights was *“manifestly deficient”*. Battistelli viewed this as a crime of lèse-majesté, an infringement on his executive authority, and took refuge behind the judicial immunity of his international institution. For very good reasons, namely: *“The principle of immunity is not to protect people in a privileged position, but to protect against interference by outside nations.”* SUEPO immediately interpreted this as: *“A black pit for internal democracy, and for union and legal rights.”* The EPO boss does not refute this, but refers in turn to *“serial litigants”*, *“inadmissible”* in his eyes, then stands his ground on his own rights as an executive: *“There are no class actions when it comes to social affairs”*...

## **Sabotaging the bicycle**

Up to now, France has backed the French president of a continental institution. Last April, Emmanuel Macron received Benoît Battistelli at Bercy. *“You have my support in all you are doing to adapt and modernise the EPO,”* the first president is supposed to have said, at least according to the second one. And what about everyone else? Another demonstration by the staff of the EPO, at Munich or The Hague, without stopping in front of the French consulate... *“Bercy is trying to understand his psychopathology,”* is how one French union member tried to come to terms with events. *“France must take on its responsibilities,”* says William Bourdon, advocate for SUEPO. *“It is regrettable and dangerous that a European institution which is supposed to be setting an example is so little under its control.”*

On Wednesday, at the meeting of the Administrative Council, the EPO is going to be taking another look at its resolution adopted last March, when a previous Council expressed its *“deep concerns about the social turmoil inside the Office”*, then noted that *“the internal sanctions and disciplinary procedures have been widely challenged by public opinion”*. It may well be time to turn words into deeds. The President, reinstated last year for a three-year mandate, maintains that he is a victim of a *“press campaign”*, and will defend his stance to the death. His latest initiative: A press release complaining about the sabotage of his bicycle in the EPO car park, with the brake cables cut, a *“deliberate act of vandalism personally aimed at the President”*. Since then he has assigned himself six bodyguards.

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