The EPO Justice System: institutionalized injustice?

HISTORY 2013-2015

BASED ON AUDITORS REPORTS
CA 20/15, CA 21/15 AND CA 20/16

Amended version: October 2016
And the winner is ... 

Note: the term “allowed” for the Internal Appeal is misleading since the IAC only issues recommendations. However, the terminology will be used in the present document to be consistent with the Auditors Reports.
Remarkable efforts made to “tackle efficiently” the backlog without resolving the problem*. 

All - but 2 cases - were negative: i.e. more cases for the ILO Administrative Tribunal

*the backlog figures stated in CA 20/16 show a modest improvement as they include “on-going procedures”
Here too despite the same remarkable efforts to “tackle efficiently” the caseload, the overall backlog problem remains unresolved* and justice will further be delayed

*following the latest session in March 2016, the situation has further deteriorated
Summary of results

- Increased “Productivity” of both the IAC* and the President:

<table>
<thead>
<tr>
<th></th>
<th>IAC opinions</th>
<th>President decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>100</td>
<td>38</td>
</tr>
<tr>
<td>2014</td>
<td>155</td>
<td>139</td>
</tr>
<tr>
<td>2015</td>
<td>194</td>
<td>243</td>
</tr>
</tbody>
</table>

- Clear deterioration in successful appeals for all staff in 2015:

<table>
<thead>
<tr>
<th></th>
<th>IAC allowed</th>
<th>IAC in part</th>
<th>President allowed</th>
<th>President in part</th>
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</thead>
<tbody>
<tr>
<td>2013</td>
<td>12</td>
<td>13</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>2014</td>
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<td>15</td>
</tr>
<tr>
<td>2015</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

- The President’s decisions are now aligned with those of the IAC ... or vice versa?
  - In their last report, the Board of Auditors noted that in 85% of the cases, the President did not follow the recommendations of the IAC,
  - In 2015 this is no longer necessary: all case are dismissed or considered irreceivable by the IAC.

*Please note that in 2014 (partly) and 2015, the IAC had no staff representatives nominated by the CSC
Conclusions

- The Internal Justice system is **broken**!
  These data show that the current Administration simply tries to win conflicts with its employees rather than successfully resolve the issues behind them.

- The ILOAT, the first and only instance, is **flooded**!
  Under the circumstances of the current internal processes, it should not come as a surprise that the Auditors "observe" a growing number of ILOAT files (page 59/16 of CA/20/16).