

Working Group on Resources and Communication

Overview of topics

PART I: SOCIAL DEMOCRACY FRAMEWORK

Topic 1: Composition and functioning of GCC

Current situation	<ul style="list-style-type: none"> • Parity committee, comprising all full members of the CSC (10) and an equal amount of representatives of the Administration, with the President (or his delegate) as chairman. • The members of the GCC express their opinion through a non-binding vote for or against proposed measures. The GCC does not deliver written opinions. (Art. 38 ServRegs)
Position of SR	<ul style="list-style-type: none"> • Structure <ul style="list-style-type: none"> ○ Remove MAC members from the GCC; • Procedure <ul style="list-style-type: none"> ○ Re-introduce the obligation to deliver an opinion; ○ Increase period for submitting proposals to the GCC; ○ Provide members with GCC documents as soon as they are available ○ Discuss GCC documents proposed by SR ○ Allow for proper preparation/discussion of topics before they are sent to the GCC (e.g. in dedicated Working Groups with the relevant specialists/experts) ○ SR appointees to the GCC from all staff ○ SR should also be allowed to invite experts to GCC meetings on related topics ○ General review of the rules of procedure, possible simplifications

Topic 2: Composition of COHSEC and LOHSECs

Current situation	<ul style="list-style-type: none"> • LOHSEC: <ul style="list-style-type: none"> ○ <i>Haar</i>: Since March 2018, the President of the BoA is allowed to have one expert – without the right to vote – to the LOHSEC for questions affecting Haar, as per Article 1(5) of Impl. R. Article 38a ServRegs. This approach was agreed by the Administration and communicated to the staff representation. ○ In the MoU signed by the President of the Office and the President of the BoA on 27 June 2019 (Article 3(2)) it is stipulated that the BoA Unit will be “appropriately represented in the LOHSEC Munich”. ○ <i>Question related to the occupational Health Physician and alternates nominated to the LOHSECs</i>: in accordance with the implementing rules to Art. 38a ServRegs an alternate is appointed. The rules do not specify any further. The Occupational Health Physician competent office-wide can be nominated to the different LOHSECs. ○ Members can only be nominated from amongst elected SR • COHSEC: <ul style="list-style-type: none"> ○ Possible Technical review of the rules (e.g. quorum, role of experts in medical or safety) ○ Members can only be nominated from amongst elected SR
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Position of SR	<ul style="list-style-type: none"> • LOHSEC: <ul style="list-style-type: none"> ○ It has been expressed that alternates in the LOHSECs should be physicians, to ensure that they are able to fulfil their duties. ○ SR appointees to the LOHSEC from all staff • COHSEC: <ul style="list-style-type: none"> ○ Allow for meaningful meetings with documents for consultation ○ Provide the GCC with COHSEC opinions ○ SR appointees to the COHSEC from all staff
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Topic 3: SR involvement in Harmonisation, Appraisals, and selection boards

Current situation	<ul style="list-style-type: none"> • SR does not participate in these committees or selection boards.
Position of SR	<ul style="list-style-type: none"> • Increase involvement of SR in statutory bodies and WGs. • Mandatory participation of SR in these committees and in selection boards • Acceptance of decisions will increase with SR participation • SR appointees to the selection boards and these committees from all staff • Involvement of SR when deciding if a contract is prolonged/not prolonged/converted to permanent contract (as it is common practice in many member states).

Topic 4: Social dialogue at the proper level and proper consultation

Current situation	<ul style="list-style-type: none"> • The president claims to be the only counterpart for social dialogue in the Office • Reorganisations and reforms are planned behind closed doors without SR involvement
Position of SR	<ul style="list-style-type: none"> • SR should talk to the respective VPs/PDs on topics related to their DGs/PDs (e.g. to VP1 for F.O.s/examiners topics; to VP4/CIO/CTO for BIT related topics etc.) • Issues which affect staff (or parts of staff) should be properly discussed with SR either during joint management/SR meetings or in dedicated Working groups

Topic 5: Amendments of appointments to lists of statutory bodies in the course of the year

Current situation	<ul style="list-style-type: none"> • The reasons for changing appointments in the course of 2019 are provided in the publication of 19 June 2019 “Amended composition to reflect changes in management”. <p style="text-align: center;"><i>President agreed to include a statutory obligation to proceed with publications on the intranet with short news on the changes and the reasons thereof, when amendments are made in the course of the year</i></p>
Position of SR	<ul style="list-style-type: none"> • Change history in the documents listing the appointments. • Appointments can be amended by both sides if/when necessary

Topic 6: Election of Staff Committees

Current situation	<ul style="list-style-type: none">• Direct elections to both LSCs and CSC, staff members cannot be a candidate nor member in both simultaneously. (Art. 35 ServRegs and Circular No. 355)
Position of SR	<ul style="list-style-type: none">• Direct elections to LSCs only• LSCs appoint representatives to the CSC• Elections at the four sites at the same time• Joint election committee for SR elections; Chair of the election committee appointed by SR• Reserve lists for all committees to allow for replacement during the mandate (resignation, retirement etc.)

Topic 7: Possible LSC Haar

Current situation	<ul style="list-style-type: none">• Staff members in Haar are represented by LSC Munich.
Position of SR	<ul style="list-style-type: none">• The Presidium of the BoA is not the proper body for consultation as proposed in A38(8) ServRegs. The constitution (6 Chairs, 6 members, no non-members) of the Presidium indicates that it is unsuitable for Staff Representation purposes.• Also, the GCC, is not suitable for consultation of the PBoA because it includes 10 of the President's men.• MSC suggests that a separate body should be created for Haar; including representatives of non-members and members (i.e. appointees of the President and the Council, respectively).

Topic 8: Rules on Replacements for LSC and CSC

Current situation	<ul style="list-style-type: none">• There are only rules for replacement of resigning/retiring full CSC members, who shall be replaced by the alternate member who received the most votes in the last elections. (Art. 7(6) Circular No. 355) Chairmen / Vice Chairmen / Secretary of LSC and CSC are elected from among their members for a period of three years and may only be changed if the Chairman resigns or retires. (Art. 2(1)-(2) Circular No. 356)
Position of SR	<ul style="list-style-type: none">• LSCs (and CSC) should be allowed to keep a reserve list, from which the colleague who received the most votes in the last elections can replace a member who resigns or retires during the mandate.• It should be possible to appoint new chairmen / Vice chairmen / Secretary yearly.• A chairperson can step down and can be replaced without having to resign completely from SR duties

Topic 9: Term of Mandate

Current situation	<ul style="list-style-type: none">• The term of office of a Staff Committee member shall be three years with a possibility of two consecutive re-elections.• The staff member cannot however serve three consecutive re-elections on either the Central Staff Committee or a Local Staff Committee (Art. 35(7) ServRegs)
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Position of SR	<ul style="list-style-type: none"> • Possibility for unlimited re-elections; • It is the LSC's and staff member's own choice on which committee they want to serve; • Term of office to be reviewed;
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Topic 10: Expansion of pool of candidates for SR appointees to the ApC

Current situation	<ul style="list-style-type: none"> • SR appointees to the ApC are elected among elected SR
Position of SR	<ul style="list-style-type: none"> • SR appointees to the ApC from all staff; appointing from SR only is a source for potential conflict of interest • Proper time allocation to ApC members (to be defined by the ApC Chairman)

PART II: RESOURCES AND COMMUNICATION

Topic 11: Time Allocation

Current situation	<ul style="list-style-type: none"> • CSC chairman 100%, CSC full members 75%, others 50%. (Circular No. 356) <ul style="list-style-type: none"> ⇒ In response to staff representatives' request for quick fixes, the following was proposed by the administration in a letter of 15 May 2019 from PD43 to CSC Chairman: <ul style="list-style-type: none"> - The Office proposed 75% exemption for LSC chairs - It could be allowed, within the overall time budget, to redistribute up to one quarter of the individual time exemption per trimester either to other colleagues of the committee concerned (CSC or LSC concerned) or to the next trimester, provided that an individual limit of 75% is respected.
Position of SR	<ul style="list-style-type: none"> • Time budget insufficient to perform their statutory role – work of Staff Representation already has and still will change, not only in substance, but also, in particular, in quantity. • SR requests more time exemptions for SR activities and more flexibility in the distribution of these time exemptions: on this matter, they would like to count the time exemptions in days instead of in percentages to allow for a better internal distribution between members of each committee. This would also allow for each staff representative to distribute his own time exemptions among the year, as he/she wishes, to enable them to cope with the peaks (e.g. appraisals exercise.) • In a suggested revision of Circular 356, SR suggested to have a common pool of time exemptions per staff committee. Broken down, the suggested exemptions amount to 220 days for the CSC chairman, up to 200 days for full CSC members and LSC chairmen, and up to 120 days for alternate CSC members and LSC members. • Distribution within the overall time budget of each committee under the responsibility of the respective chairperson, with a given limit of max. Number of days also for the alternate CSC and LSC members.

Topic 12: Communication and mass emails

Current situation	<ul style="list-style-type: none">• Mass emails are not permitted; publications are sometimes delayed or not published at all.• The pilot on mass emails is still on-going, it is thus reasonable to wait for this pilot to be over in order to better assess the potential effects of a less restricted use of mass emails.• Apart from the pilot, mass emails are not allowed, usage of intranet site and RSS feed encouraged.<ul style="list-style-type: none">⇒ In response to staff representatives' request for quick fixes, it was proposed in the letter of PD43 to CSC Chairman of 15 May 2019 to discuss the possibility to publish certain announcements and newsletters in the organisational central area to increase visibility. It is important to find a mutually agreeable workflow for publication in case of inaccuracies or misrepresentation.⇒ Currently, SR use of info screens is not provided for. Necessary to reflect and find agreement on possible rules and method to be adopted for the SR to publish announcements on these screens. It is also important for the LSCs and the CSC to agree on a common approach for these kinds of announcements. Proposals on this topic are welcome in the framework of this JWG.
Position of SR	<ul style="list-style-type: none">• The CSC should be able to send emails to all staff without any restriction; LSC should be able to send emails to staff at their duty station.• Publication without delay and restriction

Topic 13: Rooms

Current situation	<ul style="list-style-type: none">• Presently, the line is that for staff representative activities (50%/75%) the Office offers appropriate premises (specific rooms as SR on top of their rooms as examiners). However, SR have shared offices in their Patent Examiner function (50%/75% of the time), during which they are expected to perform only and exclusively tasks pertinent to this role.
Position of SR	<ul style="list-style-type: none">• SR considers that a shared room is a further limitation to their role as staff representatives since staff could come to them with issues at any moments and they do not have the privacy required to have a discussion on a face to face basis.• The limitation that core tasks can only be carried out in one's 'normal' room, whereas StaffRep tasks can only be carried out in one's StaffRep room is entirely unworkable, and should be removed.

Topic 14: Training and duty travel budget

Current situation	<ul style="list-style-type: none">• SR Training budget was barely used in recent years (49% currently, mainly for team buildings).
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Position of SR	<ul style="list-style-type: none"> • SR training budget needs to be transparent to SR – today it is not known how much of the budget has been used & what is remaining • SR should be in charge of its training needs, no interference from administration • Training budget should be available also for SR secretaries and experts
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Topic 15: Duty travel requests and requests for live meetings

Current situation	<ul style="list-style-type: none"> • General policy: the Office's strategic goals require responsible travel planning, which means aiming to reduce environmental impact of air-travel and to respect our duty to our stakeholders, by ensuring that our travel is targeted and cost-effective. • Use of ViCo facilities is encouraged.
Position of SR	<ul style="list-style-type: none"> • SR holds weekly CSC Vicos • In addition, SR requests live meetings for proper discussion on topics and strategy which cannot be dealt with in Vicos • Planning and organising of live meetings should be the sole responsibility of SR; combining them with WG/Administration meetings where possible, but should not be mandatory.

Topic 16: Secretarial support

Current situation	<ul style="list-style-type: none"> • De-blocking requests are needed to open up a vacancy, just like in any other department to explain business case. • Many tasks such as DTR approval, time deductions are already with PD43 secretariat. • Past descriptions for secretarial support showed overlaps with HR tasks.
Position of SR	<ul style="list-style-type: none"> • The pending vacancies for secretarial support in TH and VI – for at least a 1 FTE secretary in MU and TH, and a 0,5 FTE secretary in BE and VI should be de- blocked. • Resources for secretarial support are insufficient. Requests to replace retired secretaries are more than a year old (loss of 4/5 secretaries) • SR requested access to secretaries as one of the quick fixes they wish to discuss in this working group • Secretarial resources and acknowledgement of that role (career perspectives etc.); no automatic rotation

Topic 17: Performance assessment

Current situation	<ul style="list-style-type: none"> • Performance assessment based only on time dedicated to core tasks • The incompetence procedure is triggered only in very exceptional circumstances.
Position of SR	<ul style="list-style-type: none"> • Guiding principle: SR work should be neither detrimental nor beneficial to staff members • Proper reintegration of former elected SR

Topic 18: Benchmarks

Current situation	<ul style="list-style-type: none">• Only benchmarks for international organisations are requested
Position of SR	<ul style="list-style-type: none">• Comparison on employment law in member states regarding staff representation involvement (especially in Germany and The Netherlands)

Topic 19: Protection for elected staff representatives

Current situation	<ul style="list-style-type: none">• No additional protection of elected staff representatives
Position of SR	<ul style="list-style-type: none">• Staff representatives cannot be disciplined (e.g., dismissed, downgraded, etc.) without prior approval of an independent authority (e.g. AC)• For staff representatives on contract the duration of the contract shall automatically be extended by the duration of the mandate (standard in many member states.)

Topic 20: Staff Representation and Newcomers

Current situation	<ul style="list-style-type: none">• SR are not invited to Welcome Week for newcomers.• In the past, SR and SUEPO have been invited to Welcome Week
Position of SR	<ul style="list-style-type: none">• As SR is an integral part of the Office staff representatives should be invited to the Welcome Week so that they can present the work of staff representation