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su22007cp – 0.2.1/5.1/5.2

## Applications to intervene on strike regulations pending cases: What next?

*The November payroll included the reimbursement of excessive strike deductions with interest to all 4 523 strikers since 2013 (see [December MAC report](#)). Moral damages were however not paid to all strikers and not to those who filed an application to intervene after the delivery of the ILOAT decisions on 7 July 2021 in other cases still pending. This exclusion concerns the applications to intervene [organised](#) by SUEPO back in August 2021. **We strongly recommend that you maintain your applications to intervene on cases AT-5 5167 and AT-5 5179.** Regarding case AT-5 5244, this paper explains what you can expect.*

### I. Case AT-5 5244: Excessive strike deductions of 1/20<sup>th</sup> are unlawful and punitive

The outcome of Judgment No. [4435](#) was fully applied to all strikers since 2013. This also concerned the strike deductions during the period of October 2013 until April 2016 covered by this case and which have now been reimbursed with interests at 5% per annum, less the amounts which could have been deducted on the basis of 1/30<sup>th</sup> (as applicable prior to the introduction of CA/D 5/13).

**All payments have now been concluded. No other reliefs sought (such as e.g. moral damages) can be expected to be granted by the Tribunal on this case. Under those circumstances and in order to avoid to burden the Tribunal unnecessarily, the complainants of AT-5 5244 have now withdrawn their complaint.**

If you intervened on this case, you do not need to do anything. Your intervention will be automatically be considered as moot by the Tribunal.

SUEPO expresses again its solidarity to all staff in the HR Department who strived to conclude all payments by the end of the year 2021 to repair the damages caused by their upper management.

### II. Case AT-5 5167: Mr Battistelli abused his power by not organising the UNITY ballot

As confirmed in the December MAC [report](#), **Mr Campinos did not award moral damages** to all staff who were deprived of their right to vote in the ballot for the strike of the “UNITY initiative” of 16 May 2014.



SUEPO recommends that complainants and those who filed applications to intervene (see instructions [here](#)) maintain their procedures.

### **III. Case AT-5 5179: the SUEPO called strike of 2 July 2013 was lawful**

As confirmed in the December MAC [report](#), Mr Campinos applied the outcome of Judgment [4433](#), **but only partially**, to all those employees who participated in the industrial action of 2 and 3 July 2013. The unlawful deductions for unauthorised absence were reimbursed, the threatening letter from Principal Director Human Resources (Ms Bergot at the material time) was removed from the personal file, but **no moral damages were awarded**.

SUEPO recommends that complainants and those who filed applications to intervene (see instructions [here](#)) maintain their procedures.

### **IV. Internal appeals following the rejection of the Management Review MR/2021-0025 Excessive strike deductions of the January 2021 for the December 2020 strike**

Mr Campinos had rejected the management review in a decision dated 21 June 2021. Staff members consequently filed an internal appeal and paid the registration fee of 200 €.

The outcome of Judgment No. [4435](#) was fully applied to all those employees who went on strike since the introduction of CA/D 5/13. This concerned as well the deductions made on the January 2021 salary slip which were reimbursed with interests at 5% per annum, less the amounts which could have been deducted on the basis of 1/30<sup>th</sup> (as applicable prior to the introduction of CA/D 5/13).

In case the Office now proposes a settlement offer comprising the reimbursement of the appeal registration fee, SUEPO recommends to accept the offer.

### **Conclusion**

The pending complaints and the filing of hundreds of applications to intervene since the announcement of the strike judgments on 7 July 2021 may have been one of the reasons for Mr Campinos to extend the outcome of some of the judgments to all staff.

We regret that Mr Campinos only decided to opt for a partial extension of the outcome excluding noticeably moral damages for the violation of the fundamental right of freedom of association. This shows once again that in order to fully safeguard their rights, EPO staff must go to litigation.

SUEPO Central