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Personalausschuss
Staff Committee
Le Comité du Personnel

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Info session: performance report



Your appraisal (performance) report

- Documents your work for the Organisation
- Is used as basis in career¹, selection, and incompetence decisions
- **It is an important document!**

1: Recent appeal committee opinions on the reward exercise show that the report - and the objective data / figures underlying it - is the key element for steps/promotions (see e.g. RI/2020/043 – [INAP](#)).

TIMELINE:

-> **15.02.2023 at the latest:** Receipt of performance report;

-> **+ 2 weeks from receipt:** Add comments Disagree? Ask for conciliation
by email to RO (reporting officer) and CSO (countersigning officer);

-> **Within 2 weeks of receiving conciliation report:**
Disagree? -> Reasoned objection to Appraisal committee by email to
performancemanagementtool@epo.org;

-> **Within 90 days from final decision:**
ILOAT complaint: Review of the appraisal report as discretionary decision

Commenting – How to:

- Present the facts that in your opinion have been omitted or not presented correctly, join evidence as PDF where necessary
- Then reason why the assessment made in the report should in your opinion be different
- Draft your comments while having the (potential) reader in mind: not your LM, not your CSO, not someone from the Office, possibly an ILOAT judge¹
- Ask for help if necessary
- Do not wait until the last moment

¹ on the importance of commenting timely in the report: Judgment 4638, consideration 12: “The amount of comments made by the complainant in his writings in front of the Tribunal and of annexes produced contrasts with the laconism of those comments which he has presented in the framework of the appraisal procedure, the conciliation procedure and the objection procedure foreseen by the process internal to the Organisation.” (translation by presenter).

Conciliation – How to: In the meeting:

- Present the facts that in your opinion have been omitted or not presented correctly, bring (written) evidence along
- Then reason why the assessment made in the report should in your opinion be different
- Be accompanied by a colleague or a staff representative

Appraisals Committee: no hearing, only written procedure, its 15 members are appointed exclusively by the President

- Committee's review is limited as to “whether the appraisal report was arbitrary or discriminatory”
- President (or his delegate) takes a final decision having regard to the assessment of the Appraisals Committee

Article 110a(3),(4),(5) ServRegs

Administrative Tribunal (ILOAT - Geneva)

- Full review of the appraisal report as discretionary decision is available:

“The Tribunal recognises that assessment of an employee’s merit during a specified period involves a value judgement; for this reason, the Tribunal must recognise the discretionary authority of the bodies responsible for conducting such an assessment” [...]. The Tribunal will set aside a report only if there is a formal or procedural flaw, a mistake of fact or law, or neglect of some material fact, or misuse of authority or an obviously wrong inference drawn from the evidence [case law cited].”

Article 113 ServRegs

For the ongoing reporting exercise (2023)

- Raise any issue or difficulty to work towards your objectives with your LM, immediately and in writing!
- If necessary, do so repetitively
- Speak with your colleagues about objectives!
- If one or more people make your professional life difficult, seek help (staff representation, confidential counsellor)

Incompetence procedure

- Purpose is to “deal with and remedy cases of lack of ability and efficiency”
- To be distinguished from issues of unsatisfactory conduct – disciplinary proceedings

Articles 52, 53a,b ServRegs and Circular 397

Incompetence procedure – process (1)

Staff member with
an unacceptable
performance

is to be provided with

- Description of unacceptable behaviour
- Notification of expected improvements
- Timeline for improvement
- Support

Performance returns

All is well! 😊

No return to
satisfactory level of
performance

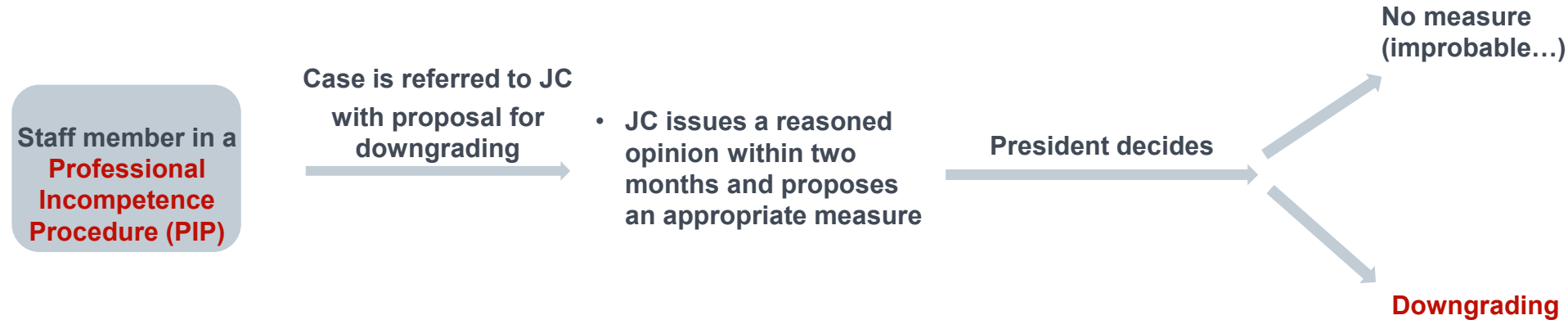
**Three consecutive reports indicating an
unacceptable level of overall performance**

+

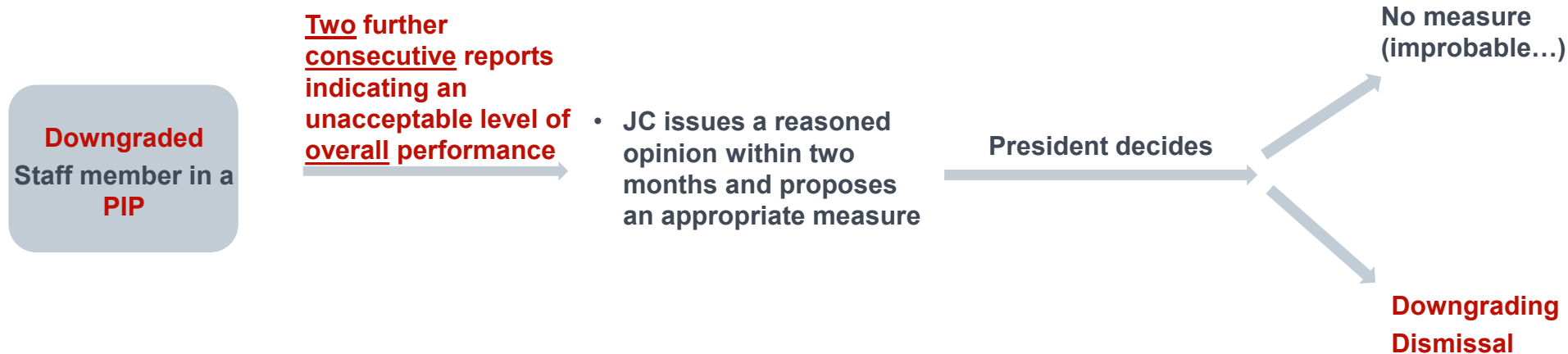
**Warning that a professional incompetence
procedure may follow**

**PIP may be
launched**

Incompetence procedure – process (2)



Incompetence procedure – process (3)



Incompetence procedure – what to watch out for

- Record and report in writing to your LM any circumstance possibly affecting your performance
- If necessary, repetitively
- If medical issue : Seek help + report to OHS
- In an appraisal report: pay attention to the terms: “unacceptable”, “(far) below expectations”, “sub-average”, “persistent difficulties/shortcomings” ...
- Get in touch with Staff Representation as early as possible