



Zentraler Vorstand . Central Executive Committee . Bureau Central

12/09/2016

su16115cp –5.2/4.2.2

## **Follow-up on appeal against the contribution rate to the sickness insurance scheme ("van Breda") in 2010 (RI/57/10<sup>1</sup>)**

Dear SUEPO members, dear colleagues,

In 2010, 263 staff members filed appeals against their salary slip of January 2010, challenging the revised contribution rate to the healthcare insurance scheme for 2010. After six (6) years, Mr Topic has rejected this appeal by a standard letter to all appellants.

It is certainly worth contesting it further in the ATILO:

- The decision is poorly argued;
- The decision is based on the recommendations issued by an Appeals Committee whose composition can be challenged as unlawful ([Judgment 3694](#));
- Receiving a decision after *six years* is unacceptable ([Judgment 3691](#)).

**For the moment, however, you do not have to do anything.**

We are selecting a few test appellants who will proceed with filing a complaint to the ATILO within the statutory deadline (23 September 2016 for colleagues having been notified on 27 June).

- 1) If you were an appellant, you have the right to file an individual complaint to the ATILO, but we recommend that, instead, you file a petition to intervene in the “test complaints” later on.
- 2) If you were not an appellant, obviously you cannot file a complaint. However, if you were in a position of law and fact similar to that of the test complainants, you too, may apply to intervene.

---

<sup>1</sup> Four appeals were actually registered on the matter: RI/57a/10, RI/57b/10, RI/57c/10, RI/57d/10.

**We will provide guidance on how to intervene in due course** (a petition in this respect must be filed at the latest 60 days before the Tribunal deals with the cases, so there is time).

Even though the paperwork involved is considerably less than filing a full complaint, an avalanche of petitions to intervene is going to put a great administrative burden on the ATILO. This can be avoided if the President confirmed in writing that the Office will apply the judgment (if favourable) to all staff affected. The CSC has already [called on the President](#) to provide such guarantee, but they did not receive even the courtesy of an answer. We will keep you informed of any progress in this matter.

SUEPO Central