



Recruitment and selection EPO-style

Staff representatives are observing a constant erosion of fairness and due process in recruitment and selection procedures. In the recent PD 4.3 Restructuring, the department dealing with recruitment was significantly weakened. Normally we would expect change to result in improvement. This publication intends to inform staff about the weird and wonderful ideas of the current HR management in the field of staff selection.

Are we managing to attract the right staff to the Office?

External recruitment nowadays largely happens for examiners. The current effort put into examiner recruitment, at times where many colleagues are retiring, is far less than required. This could be down to both a social package that no longer offers the competitive edge as well as insufficient efforts being made to really go and look. This appears to be resulting in an increase in appointments under three year fixed term contracts with transformation into permanent employment if the language requirements are met. Originally introduced as limited 'language'-contracts for applicants from new member states, they are now extended even to candidates from member states having an EPO working language as official language. We feel that the recruitment section should be strengthened with view to making extra efforts to find the right staff, rather than lowering the requirements in general.

What value do staff representatives add to selection procedures?

Selection Boards are statutory bodies. Staff representatives participate to ensure fair and equal treatment of all candidates and to contribute to finding the candidate best suited for the advertised position.

When is a post vacant?

HR managers nowadays argue that formal involvement of staff representatives is only required for real vacancies, in which an empty budget post is being filled. In reorganisations like PD 4.3 Restructuring or IM Transformation, where colleagues apply for similar positions in the same department, these procedures are deemed by HR to be 'informal', making the involvement of staff representatives 'optional', reducing transparency. For colleagues participating in internal selections, e.g. following a call for interest, it is irrelevant if the procedure is for a genuine vacancy or one that is artificially created in a restructuring. Colleagues always have a legitimate interest that the procedure is fair, regardless of what sort. This should be safeguarded by the proper (i.e. early and complete) involvement of staff representatives, including them in the approval of the vacancy announcement and in pre-selection. This should be no different for the 'calls for interest' we are increasingly seeing.

When is a post a post or merely a set of duties?

Staff representatives are currently excluded for the selection of LPSs (Local Procedural Specialists in Formalities). Like deputy line managers, it is argued that they are selected for an enriched set of duties within the same job profile. But both LPSs and Deputies are the

restricted pool from which later SCAPes (Senior Cluster Advisors and Procedural Experts) and Line Managers are selected, both positions in a higher group of grades. So, the LPS selection is de facto a pre-selection allowing preferred access to a later career progression. To ensure fairness in this selection, an agreement was made with the then PD Administration The Hague, Mr Ganten. This had ensured involvement of staff representatives since that time. Now, this agreement is no longer being honoured. The result is that these selection procedures no longer involve staff representatives and transparency and fairness cannot be ensured.

Selecting the best, or the right, person for the post

This is where the current senior management gets really inventive. For a selection according to the book, it is necessary to seek candidates from as broad as possible a geographical basis. But what happens when management already has the name of the successful candidate? A properly run selection procedure might reduce the chances of that "preferred" candidate. In such cases it is convenient to limit the scope of the selection procedure, reducing fairness and competition. This practice has resulted in some serious inconsistencies. Recently, a post was described in a way that it was very similar to that of the Director Change Management in Patent Administration, and was filled by internal transfer of a director. But for the permanent contract now foreseen for the Director Change Management in Patent Administration we appear to have to go outside to find the best we can. For the post of Principal Director of Human Resources it was not considered necessary to seek the best available candidate and this procedure was therefore limited to internal candidates. It is clear that such tactical choices of selection procedures have a significant impact on the transparency and fairness of selection procedures within the EPO.

Everybody's equal – but some are more equal than others.

No contract extensions were possible in Patent Administration, all contractors whose contracts have expired have had to leave. All? No, not quite! The job of Director Change Management in Patent Administration is currently on contract. But not for much longer. The procedure for this post involves an externally advertised vacancy, meaning that also (a) EuroContractor(s) may apply. Well, with that we will be able to trawl widely for the best fit for the post.

Unpublished selection criteria

A pattern is emerging which indicates certain knock-out criteria are applied when selecting for posts in management functions in DGs 4 and 0. French passport and/or mother tongue appear to be a prerequisite. Education at the École nationale d'administration (ENA) is a clear asset. Candidates fulfilling these criteria do not only have preferred access to the Office, they also face the prospect of spectacular careers. A hitherto impossible leap from A3 to A6 is possible after only 2½ years in the Office and without having to face external competition. There may have been more internal competition if it had been made clear that selecting candidates from the echelons of A4/1 staff was an option. Or fancy going from A2 EuroContractor to A5 permanent director within only 4½ years in the Office. Vacancies needed for such careers are duly created – by lateral transfers of previous post occupants. The favouritism applied to the filling of such policy-making positions is simply not fit for an intergovernmental organisation employing colleagues from 38 member states and the practice is quite distasteful. In the past, staff representatives would have successfully appealed such abuses. However, since the President has crippled our entire appeals system, legal challenge is no longer a feasible option and the President and his merry (wo)men simply do as they please.

So, what can be done to improve this situation?

Well, we have tried the President's so-called social dialogue. It seems that, when we raise such problems, we are either ignored or criticised as launching personal attacks. The senior management of the Office not only controls the agenda of the purported social dialogue. They are also restricting participation of staff representatives in such a manner that meaningful dialogue is becoming very difficult, if at all possible.

Our attempts to bring these issues to the attention of the Council and the national ministries do not appear to be resulting in any interest. It seems that the only tool we currently have to resist what we see as immoral behaviour of senior management ripping at the fabric of our Organisation, is concerted and determined industrial actions.

The Central Executive Committee of SUEPO