

Zentraler Vorstand . Central Executive Committee . Bureau Central

Vienna, 10.12.2013
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Communiqué 42, a further Violation of the right to strike

Dear Mr Battistelli,

Union structures have emerged in all democratic societies, to fulfil precisely the purpose of legitimately representing affiliated staff in the most effective way and in the interest of both employees and employer.

Unfortunately, you have always refused to recognise unions – any union - in the EPO as legitimate Social Partners. On the contrary, your intentions to impede their normal functioning are quite apparent.

With the introduction of the new regulations on strike and in particular of Circular 347, you have attempted to curtail the rights of legitimate Unions, who in any democratic society are entitled to negotiate and call for actions when negotiation fail – without the need of obtaining the approval of the employer for any strike. You have also curtailed the Unions means of communication. All of this has already obliged SUEPO to sue the Office in front of national courts.

Meanwhile, several groups of staff members, wholly independently from SUEPO, have organized no less than three petitions to strike under the contested Circular 347.

1. In the first initiative, LIFER, you and your services could not avoid organizing the ballot – although many got the impression that PD43 tried her best to make the process as cumbersome as possible.
2. In the second initiative, FAIR, you said that the quorum necessary was 10% of all staff – and not of a given site, even if the petition to strike concerned only a local place of employment. Thereby you effectively denied small places of employment any right to call for a strike on local issues.
3. In the third initiative, ILFRE, you alleged that it was organized too shortly after the first one and that it does not comply with the “spirit of the rules” (of which you are the sole creator, judge and interpreter), so you refused to organize a ballot. Now, with Communiqué 42, you declared any strike under the ILFRE banner illegal, and further seem to imply that strikes should be reserved for “non-political” subjects (which, of course, *you* will decide whether or not it is the case). Finally, you say that the claims are groundless or without substance – just because you say so.

These three initiatives have exposed your intentions as well as the limits of Circular 347. It has also not gone unnoticed that you do not follow even the rules (Circ. 347) that you have introduced yourself.

Further, we have taken due note of your ability to embellish dubious concepts with fancy words. For instance, instead of being a programme to promote health and prevent sickness, your "well-being" policy is little more than a sickness control regulation. Communiqué 42 is yet another example of abuse of language. You would be mistaken to think that staff cannot discern facts from mere assertions. We doubt that they will be impressed by the assertion that your present policy is for "*strengthening the mechanisms available for structured social dialog*" (§12), or by your allegation that you are "*flexible and open to dialog*" (last Paragraph). Also unimpressive is the suggestion that your refusal to organise a ballot under Circular 347 is "*reinforcing of the right to strike*"².

You will understand that, against this backdrop, we are more than sceptical about your most recent plan to reform "Social Democracy". There is no democracy in a system where, in **addition of being vested with executive power as well as wide legislative power, the President takes on the role of interpreter of the law and judge**. When such a system is, then, aggravated by repressive rules and intimidation³, we feel that at present there is no healthy premise for any talk of "Social Democracy".

Of course, SUEPO would welcome a sincere opening of *bona fide* negotiations. However, if you are serious about working towards "Social Democracy" in the real sense of the term, we recommend that the first steps be:

- Abolish all repressive measures that have been introduced so far under your responsibility;
- Restore an atmosphere of dialogue – true dialogue – where all can feel safe in expressing ideas and even dissent, where their voice is heard with respect, and where their ideas are not summarily thrown out without even the courtesy of a convincing explanation.
- Accept that legitimate Unions have a right to *negotiate* on behalf of their members, and to have their interests taken seriously.

Sincerely,



Joachim Michels

Chairman of the Central SUEPO Committee

- on behalf of the same, and

- on behalf of the local SUEPO committees in Berlin, Vienna, Munich and The Hague

² [see Communiqué 30](#)

³ such as the explicit threat made in Communiqué 43 made to staff and their representatives (who are not even responsible for the ILFRE initiative!) in case of any participation or incitement in what you call "*illegal actions*" (§11)