

**Translation of Communiqué 48- Meeting of President with the CSC**

(any similarities between totalitarian states dead, alive or teetering on the brink is entirely coincidental)

<p>Dear colleagues,</p> <p>On 27.01.2014, I met the Central Staff Committee. The points initially on the agenda were social democracy and the salary method. As in the meantime I received through the CSC a petition to call on strike, it was jointly decided to include this initiative to the agenda.</p>	<p><i>There follows an explanation of why I am right and everyone else is completely wrong.</i></p>
<p><b>1. Call for strike, "PEACES" initiative:</b></p> <p>Even if some claims are clearly not grounds for strike under our regulations, I informed the CSC that an electronic ballot will be organised within the statutory deadlines. A more detailed communication on the initiative to strike will follow.</p>	<p><i>Damn. I suppose I won't be able to get away with stonewalling again and I haven't got time to change the rules so we will have to go ahead.</i></p>
<p><b>2. Social democracy:</b></p> <p>In International Organisations the employer has a double role towards staff: not only that of an employer, but in addition it must also act as a social regulator. So the European Patent Organisation and its executive, the Office have to take decisions on a wide range of topics, such as working conditions, human resources, salaries, social security, pensions, education allowances</p>	<p><i>The management has complete power over you. Ha ha. We can do whatever we want, and there is nothing you can do about it. I can – and will – do whatever I want.</i></p>
<p>The raison d'être of our Organisation and Office is to help innovation by delivering high quality patent products and services. Therefore, the</p>	<p><i>These two things have absolutely nothing to do with each other but it lets me make some nice friendly sounding statements about staff representation when what I mean is that we need to be strong and tough on the staff reps</i></p>

<p>development of a strong social dialogue is of paramount importance. I am convinced the Office needs a strong representation of staff so we can move forward to keep the EPO in its leading position. This is what staff deserves!</p>	<p><i>to stop them interfering with my machinations.</i></p>
<p>During the first 3 years of my mandate, I focused on building a strong social partnership using the current legal structures by, for example, strengthening management membership at the GAC, holding regular meetings with the CSC, discussing the social agenda, establishing ad hoc working groups with staff representation on all strategic projects, etc.</p> <p>However, experience showed that when projects with an impact on staff were discussed, the current framework for social dialogue was inadequate. This reflects the general history of social relations at the EPO, which has been characterised by mistrust and conflict. All previous attempts at improvement within the existing structures have also failed.</p>	<p><i>I have concentrated my efforts on squashing and reducing the already minimal rights of the staff and their representatives by making sure that the GAC is dominated by my faithful minions.</i></p> <p><i>I have regularly called the CSC in to shout at them and intimidate them.</i></p> <p><i>I have made that all working groups are constituted to ensure that I receive unquestioning loyalty and obedience.</i></p> <p><i>Unfortunately your representatives are clever and have moral courage, and insisted on using the rights and structures in place to ensure that their views were taken into consideration as far as possible. This is entirely unacceptable and will have to change. Attempts to circumvent the existing consultation structures were spotted and opposed. Damn.</i></p>
<p>These negative outcomes are a consequence of the vagueness of the current rules. Even the number of staff representatives or the composition of the Central Staff Committee are not clear. The election rules vary according to site and in the past have been de facto set by one faction to exclude another. Around 85% of the people claiming working time to represent staff are unelected<sup>1</sup>. The processes and criteria by which they are chosen are not transparent as, often, is their use of time allowances.</p>	<p><i>Unfortunately, the current rules give you and your representatives some power and the right to be heard as well as the right to challenge decisions they do not like.</i></p> <p><i>I have decided to take control of the election process to ensure that only my stooges will get in and so that there will be no more dissent. It is unacceptable that there are members of the Staff Rep who disagree with me. This will have to change. It is also unacceptable that staff has access to democratically elected representation.</i></p>
<p>The current situation thus leads to a lack of accountability. Staff interlocutors lack, or claim to lack, either the authority or the capacity to adopt consistent positions and even go so far as</p>	<p><i>Presently staff representatives are free to take their own views even when these are clearly incorrect and inconsistent, in that they contradict the view of the management. Staff representatives clearly take time to</i></p>

<sup>1</sup> Note : these are the staff representatives on recruitment boards, disciplinary boards, the promotion boards, the GAC, the COHSEC etc.

<p>to advance personal views and interests in discussions with management, they also often express non consistent positions in the consultation process between working groups, statutory bodies, CSC and GAC.</p>	<p><i>understand the intentions of the management and highlight the errors and deficiencies in what I plan. This is highly unfortunate and will have to be stopped.</i></p>
<p>These structural weaknesses explain why dysfunctional modes of expression (unlawful actions, personal attacks, systematic recourse to litigation) have taken the place of social dialogue.</p>	<p><i>Staff representatives even go so far as to openly challenge my decisions by means such as appeals. This is not acceptable in the framework of providing strong representation of staff. The task of the staff representation is to represent my views to the staff and convince the body of staff of my infallibility.</i></p>
<p>The project presented in order to improve social democracy at the EPO aims at setting the framework for a strong social partnership based on direct democratic elections for the staff representatives and clarification of their roles and resources. It will be subject to GAC consultation and, in the light of that consultation, presented to the approval of the Administrative Council in March 2014. [...]</p>	<p><i>This is why I am going to take over running the staff committee elections. We will go through the charade of GAC consultation - but it won't change anything. In future, staff representatives will be elected by ballots controlled by the management to ensure only the right people get in.</i></p> <p><i>As a further safeguard, input from staff representatives will only be permitted in working groups that either have been rendered effectively powerless or which have little real importance.</i></p> <p><i>There will be regular meetings with staff representatives to ensure that they are toeing the line and to remind of the consequences of dissent.</i></p> <p><i>The GAC will be dismantled and even further turned into a puppet committee. In effect, I will ask myself what I think and then wait for everyone to tell me how amazingly clever I am. To ensure unquestioning obedience, staff representative role in this and other bodies will be reduced. Resources made available to staff representatives will be reduced. It is proposed to provide one (rusty) bicycle to allow staff representatives to travel to other places of employment for meetings if they really want to.</i></p>
<p><b>3. Salary method:</b></p> <p>The meeting was an opportunity to discuss the main principles of the future salary adjustment formula. As already stated in various communiqués, it should be based on the principles well accepted by the staff which</p>	<p><i>If you know what is good for you, you will behave otherwise I can make sure some very unpleasant things happen.</i></p> <p><i>Remember: I have absolute power and by the time any major discussions are to be held, you will no longer have any</i></p>

<p>underpin the success of the method until now. To be clear, I do not envisage proposing the introduction of any individual performance related component in this method.</p> <p>The technical work has started in a parity working group and both sides think that common efforts could result in a balanced proposal acceptable by all stakeholders.</p> <p>Against this background, social unrest and the absence of constructive dialogue might hinder rather than support the forthcoming discussions with our Governing Body.</p>	<p><i>representation and even fewer rights than you have now.</i></p>
<p><b>Conclusion</b></p> <p>During the meeting, arguments on the strike ballot, the social democracy and the salary method were exchanged. As in Autumn last year, I proposed to the representatives of the CSC - nominated to act as "interlocutors" by the initiators of the "PEACES" initiative - to discuss possible improvements to the strike regulations and to contribute to the discussion on Social Democracy before submission to the GAC and as already proposed earlier to initiate the review process of the Investigation Guidelines in Spring this year. Despite this attempt to enter into a constructive dialogue on the most substantive matters at stake, the representatives of the CSC - after several interruptions of the meeting - decided to answer negatively and choose the "strike option". Nevertheless, I look forward to reaching progress on solutions based on a mature dialogue with your representatives.</p>	<p><i>We will have to change the strike regulations again to make them unusable. It was never intended that strikes should still be possible.</i></p> <p><i>We are working on making the investigations guidelines even more stringent and intimidatory so that any staff representatives who challenge me can be appropriately dealt with.</i></p> <p><i>I will have to impose ever stricter measures to further squash the staff.</i></p> <p><i>And the best thing – I managed to bamboozle the Council into apathy and they will let me get away with whatever I want to do.</i></p> <p><i>The EPO is redefining the words “social” and “democracy”.</i></p>