



**Zentraler Personalausschuss  
Central Staff Committee  
Le Comité Central du Personnel**

Munich 09.11.2018  
sc18151cp – 0.2.1/5.2

## **Staff Representation Disciplinary Cases – Urgent action needed**

Dear colleagues,

In June 2018, the ILO Administrative Tribunal, with a series of judgments, set aside disciplinary measures inflicted on EPO staff representatives / SUEPO officials, and on one former staff member now employed by SUEPO. It is clear to even the inattentive observer that the cases resulted from a political campaign launched by the previous President and his Administration, aimed at weakening any opposition to their plans.

In the meantime the new President, Mr. Campinos, has concluded the two cases concerning Malika Weaver and Ion Brumme. However, this does not clean the slate.

### **Amnesty**

In Judgment 4047, the matter was remitted to the EPO to enable the charges against Elizabeth Hardon “*to be considered afresh*”. In Judgment 4052, the case was sent back to the EPO for the President of the Office “*to undertake a new examination*”. In this latter case, the Tribunal ordered that the examination “*shall take into account the instruction to the President contained in Administrative Council Resolution CA/26/16 dated 16 March 2016.*”

In that Resolution, the Council requested the President to consider the possibility of involvement of an external reviewer for arbitration or mediation.

We do not see this happening. Quite on the contrary - Elizabeth Hardon will soon face a new disciplinary committee instigated by the same old Administration, and apparently with the same old charges - even though the Administration's behavior has already been castigated by the Tribunal. In June 2019, the Tribunal will rule in the case concerning Laurent Prunier, the last of the staff representatives / SUEPO official dismissed by the previous President. He was disciplined despite CA/26/16, and for extraneous motives, similarly to Elizabeth, Malika and Ion. We cannot see that the Office has learnt from the other cases.

The Judgments have preserved the President's dispositive powers. We, for our part, consider that amnesty would be a fair execution of the Judgments. In all cases, it would also serve social peace and justice.

## Reparation and protection

A second pillar of the justice system, namely the functioning of the internal Appeals Committee, also needs to be repaired.

Staff representatives face difficulties accommodating their workload in the Appeals Committee with the workload in their other duties, mostly patent examination. Judgments 3971 and 4050 made public these difficulties, resulting in disciplinary measures against Aurélien Pétiard and Michael Lund, which the Tribunal considered “*within the range of acceptability*” or “*not to be disproportionate*”. It is now absolutely clear that those disciplinary measures were politically motivated as part of an intimidation campaign against staff representatives.

We consider that reparation of the torts inflicted on Aurélien Pétiard and Michael Lund would also serve social peace and justice.

This would draw a final line under an inglorious chapter in the Office’s history.

Against that historical backdrop, special attention must now be paid to ensure that members of the new Appeals Committee have both a minimum level of independence and peace of mind. As staff representatives, they are increasingly facing the same quandary as their predecessors: trying to reduce the backlog when workload is being increased on all fronts. This is why we expect that management will refrain from undue pressure, vexations or threats of retribution against them in their day-to-day business.

The Central Staff Committee