

Kluwer Patent Blog

No strike, little progress in restoring social peace at the European Patent Office

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A strike at the EPO, which was to be held during the meeting of the Administrative Council in Munich later this week, has been called off.

The EPO's trade union SUEPO had submitted a call for a strike, which would have been the first one since Campinos took office last year, 'after a rather disappointing meeting with the President on 16 May'. But according to SUEPO, the 'call for strike – and no doubt also the [letter from FICSA](#) and the [resolution unanimously adopted at the recent USF Congress](#) – seems to have focused senior management's minds.'

During a meeting with both the Central Staff Committee (CSC) and the SUEPO Central on 3 June, 'the President showed understanding for several points, according to a SUEPO announcement. 'This resulted in some concrete commitments and limited progress.' It added: 'As SUEPO Central prefers to negotiate, to sit around the table and to arrive at strong, negotiated solutions, those, admittedly small, steps gave rise to the SUEPO delegation agreeing to propose to General Assemblies at the different sites not to strike (for now).'



The SUEPO gave 'a brief overview of the commitments/statements made by Mr Campinos, for each of the points mentioned in the call for strike, irrespective of how we actually assess them (e.g. positive, insufficient, negative):

1. Fair settlement for all SUEPO Officials/staff representatives abusively sanctioned by the Battistelli administration ? The President intends to start a new approach (apparently involving an external mediator), addressing the open cases first. No commitment was made with respect to the consideration of the status quo ante or the necessity to find an urgent solution.
2. Fair reporting, instead of artificially underrating hundreds of colleagues "far below expectations" ? Communiqué was published to reassure staff that an incompetence procedure is not automatically triggered by a "far below" assessment, but is and remains a highly exceptional procedure. Additionally, commitment to continuing meetings and negotiations with CSC and SUEPO to arrive at an unambiguous regulation on the implementation of Article 52 ServRegs.

3. Respect for staff instead of threat of incompetence procedures ? See above + A dedicated meeting will be organised with VP1, geared specifically at production pressure and CQI.
4. Fair career progression for everyone, no managerial arbitrariness ? Our proposal to align the 2019 budget envelope for pensionable rewards in the Rewards Guidelines (EUR 10.8m) to the one of about EUR 12.8m contained in CA/D 1/181 will not be followed. For next year the reward envelope will be reevaluated. ? The President stated that – from next year onwards – the presence of staff representatives in the Harmonisation Committee should no longer be taboo. ? Putting into place transitional measures for the past from old to new career system: Staff representation was asked to table a proposal in writing.
5. People-oriented management, instead of management by fear ? Confirmation by President that – unlike what has happened in the IT area (now “BIT”) – there will be no change of management in HR 2 (...) ? President will consider whether staff matters should feature more prominently in his Strategic Plan
6. Fair assessment of the financial situation, no pension reform based on a heavily biased study ? The President published his commitment not to trick staff with a sudden launch of a pension reform, should one be needed. (...)
7. Fair salary and pension adjustment procedure for the coming years, no erosion of purchasing power ? President stated that any future salary method should protect staff and pensioners from inflation. (...)

SUEPO letter to EPO president and Administrative Council

In a letter that the SUEPO sent to president Campinos last week, with a copy to all delegations of the Administrative Council, the SUEPO warns social tensions are far from over and expresses concern that Campinos has celebrated “major” achievements, whereas they are, ‘in our opinion, only a few, relatively minor steps towards the necessary re-establishment of the Rule of Law at the EPO. These steps are simply the beginning of a long process, and are far from being sufficient to restore social peace after years of massive staff rights violations under Mr Battistelli.’



In the letter, the SUEPO also criticizes the way in which Campinos expressed himself about pending cases of sanctioned union and staff representatives. Although last year the Administrative Tribunal of the ILO [reversed dismissals and downgrading of three SUEPO leaders](#) by former EPO president Battistelli, this has not led to quick actions by Campinos in similarly questionable cases: ‘You wrote: “[T]he office cannot accept any terms of settlement especially where demands involve excessively high financial compensation”. (sic)’ According to the SUEPO, ‘[t]his statement is highly disingenuous. The individuals in question only ask what is owed to them, to restore the status quo ante: nothing more. What is owed may now be substantial, but by no means excessive.’

EPO president António Campinos came in charge in July 2018 and said [listening to the staff](#) would be a high priority for him. Disappointingly to many, this has not led to important changes nor a better social climate. A [recent internal survey](#) showed EPO staff has a very negative view of management effectiveness, low confidence in senior management decisions and lack of clarity about direction. Alarming and ominous as well: only 39 percent of staff member think they are treated with respect.

It is not clear whether the dismal EPO staff survey, the situation of dismissed staff representatives and/or social tensions more in general will be discussed during the AC meeting on 26 and 27 June in Munich. In the past the Administrative Council has often been criticized for failing to control the presidency's policy and actions.

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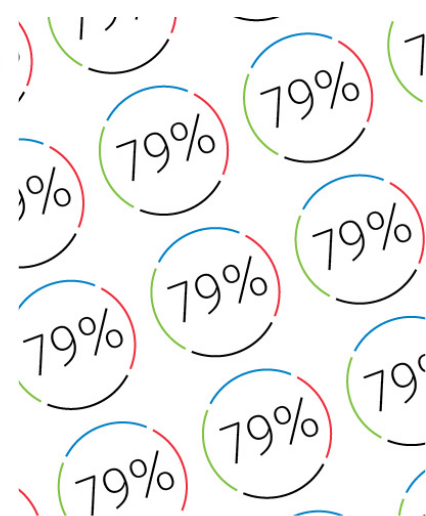
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