

Kluwer Patent Blog

Call for a strike at the European Patent Office

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The Central Staff Committee of the European Patent Office and the trade union SUEPO have called for a strike on Tuesday 15 December 2020 during the meeting of the Administrative Council. SUEPO has announced the strike will be the start of a year of social conflict to defend the future of the Staff and their families.

In a letter to EPO personnel today, the CSC called upon colleagues to join the strike: “Regrettably, we can only report a continued erosion of our work package, an erosion that has even accelerated during these times of pandemic.

All the while, our President maintains that the staff he meets are happy, that social dialogue is working at full speed and that all is going well in EPO-land (our production has not suffered, even today). This is in stark contrast to the emails, phone calls and messages we keep receiving by many colleagues who are increasingly suffering from the unabated production pressure and management by spreadsheet, topped up by the social isolation due to the pandemic.”

The strike had been called for last week by SUEPO in a letter to its members. It makes clear that social dialogue at the EPO has not improved, let alone flourished, under the presidency of António Campinos, although he managed to settle a number of conflicts with former staff members and SUEPO leaders who had been fired or demoted in the years of the authoritarian Benoît Battistelli.



The SUEPO letter shows social conflict is still rife at the EPO: “During this year of pandemic our management has not hesitated to continue the attacks on our working conditions: Education allowance, career, contracts. The attack on our salaries and pensions through the application of an imposed Salary Adjustment Procedure (SAP) is the latest and more brutal attack on all of us. It produces a cut of real salaries (purchasing power) and pensions of roughly 3%. This is only the first year of the application of the SAP. More cuts are only a matter of time. If not fixed, this SAP mechanism will melt our salaries and pensions (-25% in 10 years, and -50% in 20 years, if we have similar adjustments in the future)

The EPO is a rich Organisation. Even in this year of pandemic the EPO will make hundreds of millions of Euro benefits. With the current cut of our salaries and pensions the management has

declared they will retain a further 1 billion Euro only in 5 years from cuts on salaries and pensions. This money taken from our salaries will be used to make the already huge pile money of the EPOTIF even bigger. Billions of Euros invested in the stock exchange! This constitutes an anomaly for a public institution such as the EPO, only because its managers pretend to play investment bankers in a crazy game of Monopoly. Enough is enough.

Contempt for staff and representation. Management seems to believe that Staff of the EPO is in a state of paralysis and will not react, no matter how hard they will be hit, as if the pandemic would have anaesthetised our senses. Only that can explain the current attacks after years of loyal and competent work. Indeed, year after year, Council meeting after Council meeting, managers and Heads of Delegations keep praising the results of our work, the great working atmosphere, the huge production with ever reducing working staff. Only to come some days later with new and inventive attacks on our working conditions. Changes are always imposed, making a mockery of the consultation with Staff Representatives. For the president this is only a power game where he has all the cards. We are tired of being always the losers of this game. We don't want to play your game Mr Campinos: Enough is enough.

SUEPO is decided to fight this new attack. The future of the Staff, the stability for our families, the respect of the engagements made (pensions, careers, schools) are more important than the big pile of cash the president wishes to have as a new toy. Nobody should play with our salaries and our pensions. Enough is enough. We propose to staff to stand up and face these attacks. 2021 will be a year of social conflict until these attacks cease and what has been stolen returns to its legitimate owners. To start this social conflict, we propose to send a strong signal: One day of strike of all staff of the EPO during the plenum of the Administrative Council on 15 December. (...)"

Open letter CSC about settlement of disputes

In the meantime, the Central Staff Committee not only joined the call for a strike but also sent an open letter today to the chairman and members of the Administrative Council, urging them to do something about the problems with the settlement of disputes at the EPO.

"The current state of the legal means available to the staff of the EPO under Article 13 EPC for the settlement of disputes between the European Patent Organisation and its employees is a cause for serious concern. Numerous changes to the internal means of appeal have been introduced (...) The completely intransparent selection procedure and the unilateral appointment resulted in staff having little to no confidence in the internal appeals system, in the opinions delivered by the internal Appeals Committee and the decisions based thereupon. Despite several requests from the Staff Representation to be re-involved in the selection procedure (see enclosure), the term of office of the chair and vice-chairs apparently was renewed in October 2020. (...) The chance of involving the Staff Committee and thereby help to restore staff's confidence in the internal appeals system has thus been missed for three more years.

Almost six years after the introduction of the new career system and numerous appeals resulting from it, not a single substantive decision has yet been taken by the President on that matter – despite the numerous changes in the internal appeals system allegedly aimed at increasing its effectiveness. Since the question of the legality of the new career system is of central importance for all staff members and for the Organisation, such a long procedural delay in such an important matter could at this point be considered as denial of justice. (...)

The disputes on the provisions relating to the abolition of the lump payment in case of invalidity as amended in March 2015 (CA/D 2/15) share a similar fate. Although the internal Appeals Committee delivered several opinions in June 2020, the President has still not decided on all cases. This seriously delays the complainants' access to the ILOAT.

As no agreement could be reached on the salary adjustment procedure, the recent decision CA/D 4/20 and its implementation will lead again to a vast number of litigation cases. This will further increase the burden on the internal appeals system and probably on the ILOAT.

The ILOAT already has a large backlog of several hundred complaints filed against the EPOrg. The ILO governing body stated on several occasions that the high number of cases from the EPOrg impairs the effective and unimpeded functioning of the ILOAT in the interest of all international organisations that have recognized the jurisdiction of the ILOAT. It has therefore limited the number of EPOrg cases dealt with in each session to about 30 to 40 and is considering further measures.

This has a detrimental effect to legal certainty and legal peace and could result in that the means of legal redress available to EPO staff for labour disputes may no longer be considered being sufficient and the immunity from national jurisdiction of the EPOrg may thus be at stake.”

The Central Staff Committee has urged the Administrative Council to work towards reforming the internal means for appeal; to further increase significantly the resources of the internal Appeals Committee and its members; to ensure unhindered access to legal redress for all employees; and to urgently enter into discussions with ILOAT (...) to ensure that all complaints are dealt with expeditiously.

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