

EPO Employment

CSAIO 12

22 September 2011

Employment - legal framework

Article 5 EPO ServRegs

General recruitment criteria

- (1) Recruitment shall be directed to securing for the Office the services of permanent employees of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of the Contracting States.

Employment - legal framework

EPO ServRegs

- **EURO contracts: 5 % permanent staff.**
- **Article 1 Scope**
 - Fixed-term contracts may only be concluded in response to a temporary staff shortage at the Office, for the purpose of carrying out occasional tasks which by their nature are non-permanent, or for other legitimate reasons which justify limiting the term of the contract.

EPO employment

Employment - legal framework

EPO ServRegs

Article 2 Term of EURO contract:

- Contracts shall be concluded for a maximum term of five years. They may in exceptional cases be extended by a maximum of two years.

Increase contracts & uncertain
nature financial resources:

Non Renewable Contracts.

- “In order to provide for a more efficient management of manpower without creating an expectation of conversion to permanent employment, the Office proposes the introduction of non-renewable fixed-term contracts of a minimum duration of 6 months and a maximum duration of three years.”

...on employment policy

- negotiation with administration about consultation of staff representation, announcing of contracts, information about number, nature and range of tasks of posts (permanent posts for permanent tasks), equal pay and equal treatment, applicability of national labour law and representation of external staff -> **not successful**
- filing of different appeals by the staff representatives
- ordering of two legal opinions about applicability of national/EU law and intervention in the AC with [CA/174/09](#) (also appeal).
- legal assistance external staff by SUEPO lawyers.
- financial support of fired temporary staff.
- external staff made their situation public ([Spiegel](#) and [SZ](#)).
- external staff filed complaints at national labour court.



Outsourcing of certain services...

- After unanimously positive recommendation of IAC (Internal Appeal Committee) regarding consultation of GAC (General Advisory Committee) refusal by president.
- Complaint before ILOAT which lead to judgement [2919](#) in August 2010 in which the tribunal decided:

The President of the Office shall, within 60 days of the date of the publication of the present judgment, consult the General Advisory Committee on the practice of "outsourcing" in accordance with the recommendations of the Internal Appeals Committee

- Set up of a project board and a working group under participation of SR to formulate an Outsourcing Policy.
- No outcome of the labour court complaints yet -> obviously the judges are not sure how they should deal with the immunity (see also [An Essay on the Accountability of International Organizations](#) by Matthew Parish).

Unemployment conditions & unemployment insurance

- **Article 53 Dismissal** (5) The loss of job indemnity shall be one month's basic salary, together with, where appropriate the household and dependants' allowance, multiplied by a coefficient representing the number of years' and fractions of years' service at the Office. The indemnity may not be more than the remuneration payable in respect of 24 months' service or the number of months remaining before the employee reaches the age of 65. The indemnity shall be paid to the employee on the date on which he leaves the Office and shall be calculated on the basis of the remuneration rates in force on that date.

Internal Appeals - legal framework

Article 106 EPO ServRegs Internal Appeal Procedure

- An EPO staff member can file an internal appeal against a measure which adversely affects him. He can also file an appeal if he has requested a decision and after two months has not received one (implied decision of rejection).

Thank you for your attention!

