

Middle management: will forced mobility and the new appointment rules make it possible to use the talents and guarantee the independence of the heads of unit?

(Document for the debate)

The Commission is currently in the process of preparing a "decision on middle management" that concerns its 1,126 heads of unit, including all grades. This decision is clearly crucial because, as well as the future of these heads of unit, **the daily lives of thousands of officials, temporary workers and contract agents that will be affected by it.** From this perspective, we can only regret that this decision, due to be implemented on 1 January 2016, has once again been negotiated with the DGs and staff representatives in undue haste over a few meetings and without information on the analysis of the "problems" to be overcome. **There has been no balanced and open social dialogue making it possible fully to understand the ins and outs of this reform!**

This is all the more important as what is proposed by the Commission could have a huge impact on the culture of the organisation. What we must avoid is the mechanical and impersonal application of "pre-established" mobility systems inspired by optimistic theories that are not in touch with what is needed. We need mobility that promotes the potential of the heads of unit or the candidates for these posts, rather than penalising them or forcing them to live in constant anxiety about mobility. We really need to prioritise an organisation culture based on trust and recognition and aimed at developing the potential of every member of staff.

Two important elements of this draft decision are definitely worthy of greater consideration.

FORCED MOBILITY

This draft decision plans forced mobility for those heads of unit who have already occupied two posts in the same DG over a period of at least 7 years and no more than 12 years. This mobility would be supervised by the DG HR, which will set the objectives for each DG and organise these collective mobilities twice a year. The heads of unit required to become mobile will then be required to apply for a post in other DGs before attending selection interviews, on the basis of which each DG concerned will draw up a short list of at least three candidates per post. What is striking is that:

- **This forced mobility is hardly justified.** Mobility is undoubtedly beneficial in general terms, but the DG HR has trouble explaining why forced mobility is necessary and what problems it is intended to resolve. In particular, the DG HR has not provided a specific analysis of the problems caused by non-mobility with regard to the heads of unit. **Exactly what problems are this forced mobility intended to resolve? Nothing is clear.**

- **This forced mobility is meant to be at a substantial level from 2016. The DG HR makes no mystery of the fact that VP Georgieva wants to "shake things up".** Unfortunately, no specific information was provided by the DG HR during the social dialogue, although it seems that 200 heads of unit out of 1,126 could be affected by forced mobility in 2016. **Such a decision could have a harmful impact on the Commission and its staff if it is not carefully managed for the benefit of all, heads of unit and unit employees alike.** As numerous DGs have requested, negotiated multi-year objectives should therefore be introduced and made subject to year-on-year flexibility and assessment. It is also a good idea to consider a transition period during which the system can be tested on a medium scale and be subject to a transparent assessment by an ad hoc joint committee.

- The forced mobility system risks becoming a regular pattern of permanent mobility in each of the DGs. First of all, with the average time in a head of unit post being, according to the DG HR, between 3 and 4 years, and the new mobility rule imposing a change of DG or a new application via an appointment procedure after two posts in the same DHG, the result is that heads of unit would remain in a single DG for an average period of approximately 7 years. Such full-on mobility could cause instability. It also gives rise to some very complicated calculation problems: for example, what does a "single DG" mean after the raft of consecutive reorganisations within the new Juncker Commission, such as the DGs GROX, NEAR and DEVCO?

- **Forced mobility raises serious questions about the use of skills at the heart of the approach of VP Georgieva.** Within the pool of heads of unit involved in forced mobility, will they be expected to have interchangeable competencies? Is the DG HR at least committed to the abundant use of "derogations" to avoid losing specialist skills at crucial moments? All of this aside, it is far from certain that such "match-making" will be perfect, so what will happen when the DGs do not have candidates qualified for a particular post? What will happen if heads of unit are not considered qualified for any of the posts for which they apply? What will happen if the DGs have to accept heads of unit who are "moderately" competent? Will they be given the support of extra training, for example? Therefore the effectiveness of the Commission is at stake.

- Forced mobility becomes an opportunity for the DG HR to play a central role in the appointment of heads of unit. In other words, the DG HR will appoint the heads of unit under the forced mobility system, taking this traditional AIPN responsibility out of the hands of the Directors General.

We can certainly hope that the DG HR plays a positive "policing" role with regard to the mobility system: **once again, it is crucial that this change in the appointments procedure is clear and enables, in all cases, meaningful consultation by the Directors General concerned.**

- **The forced mobility system leaves the door wide open to a completely new mechanism for "appointment" to non-management posts for candidates who fail to find a post during forced mobility exercises.** These candidates will undoubtedly benefit from an extra year to reapply for other head of unit posts, either under the forced mobility system or when head of unit posts are advertised. **However, the management of heads of unit during this extra "deferral" year appears vague, to say the least.** It is important to avoid forced mobility resulting in the selection of the "wrong" heads of unit on particularly questionable grounds. **What is at stake is no more or less than the independence of the heads of unit and the European Civil Service in general.**

- **The forced mobility system only concerns the Commission's heads of unit at the main sites, and not the heads of representation and delegation, or heads of unit seconded to agencies.** For all that, the draft recognises that the question of the sites is important: it may not be easy to find candidates for Luxembourg or Ispra, or candidates from Luxembourg or Ispra who want to apply for Brussels: it would appear that realism carries the day. **It is interesting to note that heads of unit on secondment are not concerned by this, which means that the growing number of heads of unit in executive agencies (and the different deputy or sector heads in agencies and candidates for posts in their agencies) are intended to remain on detachment.** This does not correspond to the often claimed approach, particularly in the 9 DGs of the research family, of transferring heads of unit from "political" posts to "operational" posts and vice versa.

APPOINTMENT OF HEADS OF UNIT

The general principle of the draft decision on middle management remains traditional in the sense that it confirms the **virtually exclusive authority of the Directors General as the appointing authority for the heads of unit.** Nevertheless, a number of changes or omissions must be noted.

- **The draft decision on the appointment of heads of unit makes no mention of their pre-deployment training.** It is interesting to note that the heads of unit in post must transfer out of a DG after two posts and at least 7 years in a single DG, although candidates for head of unit posts are not subject to any similar mobility obligation. **This would mean imposing mobility on people who have no experience of mobility within the Commission...** It would be best to begin at the beginning and organise an inter-DG mobility for those candidates deemed competent to apply for head of unit posts, which would involve the identification and support of talents.

All candidates should have experience of at least two three-year postings in two different DGs (apart from "artificial" reorganisation). **What is more, it seems dangerous to appoint heads of unit who have no proven experience as team leaders** (such as, for example, assistants to Directors General and cabinet members) when the Commission's draft decision quite rightly insists on the responsibilities and competences of heads of unit as "heads of a collective". We therefore expect the Commission's declarations of intent on the skills required for middle management to be followed by action.

- **The draft decision on head of unit appointments subjects them (including those heads in post) to tests at an assessment centre, although the Director General can ignore the results of these tests.** While it seems reasonable for the Directors General to have the power of appointment, there must be clarification of the appointment procedures for heads of unit and measures to limit the possibility of arbitrary selections. The use of the assessment centre tests could be systematised and form an integral part of the appraisal of all heads of unit, provided that the Director General justifies his/her appraisal compared to the assessment centre results, among other criteria. **Any head of unit appointment should therefore be fully justified by the Director General with regard to the merits of all candidates on the short list after attending the assessment centre. Negative decisions on the applications should be explained so that applicants who are not selected understand the reasons for their failure and can improve their skills accordingly.** In other words, the appointments should be turned into an opportunity to develop skills, rather than into a system of penalties and professional disenfranchisement.

- **The draft decision on the appointment of heads of unit provides that the Director General must consult the relevant Commissioner before the final decision.** It is not immediately clear how this measure will prove useful. Is it possible that the Commissioner might be opposed to a sufficiently transparent recruitment process for political reasons? It goes without saying that we must prevent a politicisation of the recruitment of heads of unit that would mean ignoring the policy of talent identification and the use of skills advocated by the Commission itself.

- **The draft decision on the appointment of heads of unit provides that they will be able to apply for AD9 posts from an AD8 grade + 2 years' experience.** It is therefore possible for AD8 candidates recruited on average at the age of 34 in AD5, with 2 to 3 years seniority per grade to become head of unit after sufficient experience in the context of the work of the European Commission. In contrast to the proposals of Generation 2004, it does not appear desirable to open the head of unit career path to AD5 officials, even if they have proven management experience, but insufficient experience within the organisational and political framework and context of the Commission.

- **The draft decision on the appointment of heads of unit also provides that it will be possible for them to lose their post and their title of head of unit during a reorganisation** (in addition to mandatory mobility of a head of unit who has occupied two posts in a DG for at least 10 years or has remained in the same post for a maximum of 7 years). The Director General is not required to find a post for heads of unit in post and in addition, from now on, the advisor posts may no longer be used as a parachute for heads of unit who have become "unwanted" or "troublesome". The draft is particularly vague and provides only that the heads of unit concerned will be appointed to a non-management post for one year under the terms of article 44, paragraph 2 of the Staff Regulations. **All of which once again calls the independence of the heads of unit into question. Woe betide those who are not prepared to be "yes men" and "yes women" in their DGs.** Therefore providing a framework for the power of the Directors General during reorganisations is crucial so that serious decisions that fail to confirm heads of unit in their posts are taken with complete transparency and accompanied by the necessary grounds.

CONCLUSIONS

U4U agrees with the principle that increased and well-managed mobility should lead to the better use of talents and increased job satisfaction for the heads of unit and therefore for the staff working in the units.

Nevertheless, U4U has serious reservations about the current position of the draft decision on middle management. On the one hand, the draft fails to provide any serious analysis of the reasons for forced mobility and, in practice, any guarantees on the use of skills. On the other hand, it seriously compromises the independence of the heads of unit by turning the forced mobility system into an antechamber for decisions to withdraw the functions from those heads of unit who might suddenly no longer be deemed "competent", and by providing the Directors General with the opportunity to downgrade heads of unit to administrators or principal administrators.

U4U concedes that it is possible for heads of unit to lose their functions, but this must only be done after an objective and thorough analysis of their skills. The philosophy of the mobility policy must not be to penalise heads of unit or keep them in fear of losing their independence or their moral standing within the institution. It must be based on the use of talents and provide itself with the means to achieve this ambition. **In its present state, the draft decision fails to provide such guarantees and transforms forced mobility and reorganisations into stressful, and even potentially punitive, experiences, which risk having a major impact on the efficiency and independence of middle management.**

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