



On completion of the conciliation on CAs, problems persist

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The social dialogue meeting on contract staff, known as conciliation, has recently ended: a step forward was taken, but problems persist!

The conciliation requested by the unions has just ended. Its political objective was to settle the main differences that continue to exist between the Commissioner in charge of human resources and the trade unions in the negotiation concerning the implementation of the 2014 Staff Regulations (the new GIP) for contract staff.

We were involved in several stages of the social dialogue by conducting a regular dialogue with the staff concerned, encouraging them to take action and incorporating their claims into the negotiations.

*For **contract staff on open-ended contracts**, particularly those working in the delegations, the implementation of the 2014 Staff Regulations offers some mobility possibilities (including to headquarters), promotion, reclassification to higher grades and the opportunity to enter a number of internal competitions for permanent positions. Some management positions will be open to these members of staff. This is clearly a distinct improvement.*

*For **contract staff on fixed term contracts**, the implementation of the 2014 Staff Regulations offers the possibility of contracts up to 6 years, the anti-cumulation rule now excludes periods served as a temporary worker or national expert on detachment (it was extended to 7 years instead of the previous 6 years), reclassification to a higher grade can be obtained when starting a second 3-year period, a performance appraisal for CA staff is conducted from the third year, after which entrance to one or two internal competition is permitted, internal access to vacant posts is encouraged, etc.*

The last stage of the social dialogue, called conciliation, helped improve the situation (see below). It is now necessary to consult the Staff Regulations Committee and have the new provisions for the implementation of the Staff Regulations adopted by the College, hopefully before the end of the summer. The adoption of these GIP should have repercussions at the EEAS, in the executive agencies and other services and institutions.

The conciliation that the unions requested of the College has just ended. Its political objective was to settle, in difficult circumstances – see annex 1 below – the main differences that persist between the Commissioner in charge of human resources and the trade unions in the negotiations concerning the implementation of the 2014 Staff Regulations for contract staff. We were involved in the different stages of the social dialogue – administrative, technical and policy – while conducting a regular dialogue with the staff concerned, through the intermediary of the [Contract Staff Collective](#), encouraging them to take action and incorporating their claims into the negotiations.

What was achieved during the social dialogue on contract staff?

The results were significant, bearing in mind the circumstances at the Commission, although this message would be difficult to deliver and make heard.

For ***contract staff on open-ended contracts***, particularly those working in the delegations, the implementation of the 2014 Staff Regulations offers some mobility possibilities, including to headquarters, promotion, reclassification to higher grades and the prospect of several internal competitions for permanent positions. Some management positions will be open to these members of staff. This is clearly a distinct improvement.

For ***contract staff on fixed-term contracts***, the implementation of the 2014 Staff Regulations offers the possibility of contracts up to 6 years, the anti-cumulation rule now excludes periods served as a temporary worker or national expert on detachment (it was extended to 7 years instead of the previous 6 years), reclassification to a higher grade can be obtained when starting a second 3-year period, an assessment of the performance of CA staff is scheduled from the third year, after which access to one or two internal competitions is possible, internal access to vacant posts is encouraged, etc.

So, there have been some improvements, although they appear to be modest and therefore do not fulfil all the expectations and needs of the staff and the services.

What was achieved during the policy dialogue and the conciliation?

The main conclusions of the policy dialogue of 5 April 2017 show that progress has been made, albeit modest.

There is now greater recognition of the years of professional experience when recruiting contract agents than previously. Recruitment to the basic grade is based on five years' experience instead of six, and recruitment to the higher grades in function group 4 is awarded on the basis of 17

years' experience instead of 21. These developments are encouraging for all future CA staff recruited, as well as for the reclassification of current CAs.

On the face of it, the internal jobs market remains closed to CA ter staff. Despite our demands for a jobs market that is open to all CAs (on both fixed-term and open-ended contracts) within the Commission to enable it to recruit and retain top talents, the Commission refuses this request on what it calls "practical" grounds. The truth is that the DG HR is worried that, by opening up CA 3 bis posts to competition, it will be inundated with applications from CA 3 ter staff.

On the contrary, it could be argued that the Commission has everything to gain from using the experience of CA 3 ter staff in the Offices, executive agencies and representations and delegations in order to benefit from skilled staff who are already trained and operational.

The only concession on this subject is that the services concerned can decide to open CA 3 bis posts to CA 3 ter staff if they consider it necessary. The administration believes that CA 3 ter staff will be used more frequently than we imagine. In addition, Commissioner Öttinger is committed to evaluating practices after one year, which is positive. Nevertheless, these proposals are still too modest to satisfy the staff concerned.

Ms Georgieva's proposed policy declaration dated 2 December 2016 has been amended and will incorporate, above and beyond a call for the inclusion of CA staff in the talent management policy, some "improvements", which include:

- the creation of "certificates" for CAs about to complete their 6 years of service vouching for their functions and acquired skills;
- the organisation of a second internal competition for CA staff "before the end of the term of the current Commission",
- the organisation in Luxembourg of the pilot phase of an exercise involving category changes for AC 3 bis staff;
- extending the lists of current CASTs;
- swiftly emptying the reserve lists of the successful candidates from the first internal competition;
- establishing a consistent and coordinated AMC policy for the CA staff.

Despite, once again, some progress, these proposals are still not enough. This policy must be supplemented and improved.

What should be done now?

Right now:

- the administration must provide all contract staff and human resource managers with information as soon as possible, as there are too many uncertainties appearing "on the ground", and the rules and changes in the rules do not appear to be entirely known or understood;
- the CA ter staff recruited from the AMI lists should have a better chance of completing the 6 years provided for in the Staff Regulations;
- the dates of internal competitions and change of category examinations, and the new promotion rates must be set quickly;
- vacant posts must be accessible to CA ter staff;
- those who were successful in the internal competition open to CAs must be recruited quickly;
- the lists of previous CASTs must be extended;
- the revision of the 7-year anti-cumulation rule must be made official.

In the near future:

- a social dialogue on these subjects within the executive agencies and the EEAS;
- the "internal jobs market" must be organised and publicised;
- the function 2 grades – which represent almost half of the contract staff on fixed-term contracts – must start to be gradually replaced by the AST / SC category of officials, created for this purpose, via external competitions, which will increase the number of places in internal competitions and help reduce the number of contract staff, especially those on fixed-term contracts;
- the institution must help to increase and support the training offered to contract staff to enable them to successfully compete in external competitions;
- social dialogue must be initiated urgently for the executive agencies;
- notices of specialised external competitions aimed at contract staff in the "external relations" DGs must be advertised, thus providing them with career prospects.

In the medium term, the institution will promote the creation of an inter-institutional jobs market. It must also examine its regulatory framework from all sides in order to significantly improve the management of its contract staff in due course.

Annex 1: The background to the negotiation

From 2004, the Commission sought to improve the situation of contract staff by integrating some of their claims, initially put forward by the Contract Staff Collective (led by officials and contract staff), in order to improve the budgetary constraints imposed from outside by the Member States and to enable the institution to complete its missions, an objective which we accept.

Indeed, the nature of insecurity has changed. We moved on from an initial phase during the Delors era, during which the lack of officials was compensated for by temporary agents, often graded due to insecurity, then benefiting from internal competitions for permanent positions, to a second phase of outsourcing / privatisation from the 90s, by the creation of technical assistance offices, during which the ad hoc procedural arrangements led to the implementation of administrative practices in resource management that threatened the institution.

The scheme applicable to contract staff, initiated in 2004 and improved in 2014, provided a response to the previous phase and was intended to take on a triple challenge: running the European Civil Service in such a way that it can take on the tasks of European integration in severely deteriorating budget conditions without unduly harming its architecture and, therefore, its durability, competence and independence, while granting these staff members particular attention.

From a social standpoint, this paradigm imposed by the context of European integration could only work on the basis of a compromise in which the weakening of conditions of entry into the services was going to be offset by later, more favourable, changes. We are still not quite there.

The length of the dialogue negotiations after 2014 reflected the technical and policy-related complexity of the situation: the colleagues concerned represent more than one-fifth of the Commission's staff, more if the staff in the executive agencies are included, composed principally of CAs, who are responsible for the actual implementation of programmes, previously done within the Commission itself. However, the lengthy negotiations constituted a handicap by concealing, to a degree, the progress of the 2014 reform; the innovations appear to be natural, with only the problems being clearly perceptible.

In addition, most contract staff, including those on fixed-term contracts, perform open-ended tasks. The turnover of CA staff on fixed-term contracts – more than half of contract staff, but in some DGs almost half their staff – continues to disrupt the functioning of the services and the teams, while increasing the expectations of these staff members.

As well as these subjective elements, we have seen a paradigm shift, with the use of contract staff – particularly those on fixed-term contracts – becoming more wide-spread, performing tasks that,

while not permanent, are at least more open-ended than the period covered by their contracts. It is certain that the negotiations coming to an end will not provide any definitive solution to the issues that the institution is facing.

A medium-term reflection will have to be initiated soon on this subject.