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Le Renouveau pour
vous



List
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Reform of Staff Regulations: the need for clarity, fairness and unity

The List “**Near You // Le renouveau pour vous**” believes it necessary to analyse politically what happened in 2004 and the consequences which has been the result for the staff. Why a “new” analysis? Because since our inception we are sensitive to the injustices created by this reform of which the principal victims – but not the only ones – have been staff recruited after 2004.

Moreover, from the beginning, we perceived the risks of a dangerous division at the heart of the European Civil Service that are inherent in this reform. We therefore need to fight all together for implementation of corrective measures.

What have we seen?

In 2004, at the request of Member States and without being capable of resisting their pressure, the College undertook a financial and administrative reform. Two important principles were defined at that point: the respect for acquired rights and the principle of legitimate confidence, both enshrined by case law at the Court and which constitute a guarantee for all staff.

This is how the Commission got Staff Regulations changed for staff already in post and defined more important changes for staff recruited after 1 May 2004. We must emphasise that all Member States, old as well as new, accepted the changes. Successful competition candidates recruited after 2004 have been subjected to deleterious changes in several areas:

- Pension age is fixed at 63 years, with a diminution of the rate of accumulation of the pension to 1.9%
- Recruitment at salary levels some 20% less, theoretically compensated by faster career progression than what has been seen before: however, these “promises” of compensation were never kept to by the Institutions since the practical application of these promotion rates, where they took place, compensated the new recruitment conditions only marginally.

In parallel, the changes applied to staff in post before 1 May 2004 were also very penalising, and for the post-2004 staff, added on to the negative aspects mentioned above.

- Loss of the right to transfer back to the home country, or the country where their children were studying, of part of their pay (up to 35% of basic salary) with a corrective coefficient;
- Housing allowance reduced from 5% to 2% of pay plus a fixed sum;

- End of universal schooling allowance, which is now only accorded to those staff whose children go to a fee-paying school;
- Loss of 4 automatic points on the pay scale in exchange for supposedly more frequent promotions, the rates of which have never been respected;
- Non-application of the career coefficient at a value higher than 1, which has not allowed staff in former grades C1, B1 and A4 to decompartmentalise, in terms of pay;
- Addition, in reality, of a second crisis deduction, as the “suppression” of the first one was replaced by the reduction in various allowance amounting to the same sum, culminating progressively in a diminution of pay of up to more than 11%;
- A rise in retirement age from 60 to 63 years, for staff in post before 2004 who were younger than 50 or had less than 20 years’ service;
- An end to “capital corrector” coefficients greater than “country corrector” coefficients.

How can we analyse this situation

It is blatantly obvious that these changes were totally unacceptable, as much in themselves as in the fact that they nurtured the division of staff into different categories, with different careers – a situation which is in flagrant contradiction with the values of fairness and equalisation “from the top” of which the European Union, and the Commission in particular, profess themselves supporters!

Imposed by Member States without the agreement of staff, this reform was in addition conceived to get around the residual rights of staff in post. How? In an “indirect” manner, by the lessening of the rights of newly recruited staff, who could not therefore claim the previous rights, even altered. The objective: to constitute a precedent for the following reform (we are at that point) with a generalised “levelling down”...

If we were making a moral judgment, we could say this tactic was infamous, and besides it has been used on several occasions. A tactic which has become a “management technique(!)”, already used to “reform” some national civil and public services with brutal and sometimes humiliating methods, inspired by the practices of the private sector (for example, the cohabitation of different employment conditions for airline pilots).

The reforms of 2004 and 2013 betray an intention and a will which is more and more explicit: that of the dismantling over time of the European Civil Service. From that, what better method than the division of that Civil Service by the proliferation of unjust situations?

The consequence: a strong sentiment of discrimination, reinforced by the facts

It is evident that the diminution of the rights of Civil Servants recruited after 2004 would lead to strengthening claims which are strictly categorical in nature, fed by this injustice deliberately introduced by Member States. What sentiment has resulted from it? That of being second class Civil Servants, no doubt reinforced by four important factors:

Despite the effort deployed (not less than €100,000 spent by R&D in appeals) the appeals to justice have failed. The Court has in effect given legal validation to the revision of staff regulations; we should recall that it was an important matter of solidarity: in the event, no contribution was asked from affected staff and we didn’t even ask them to join the union.

For years the Commission hid behind the existence of these appeals in order to refuse to negotiate on the compensatory measures “promised” beforehand, such as, for example, the internal competitions for staff recruited after 2004, or reclassifications. Besides that, the disunity between trade unions – which U4U along with R&D have fought against since their creation – at the time did not allow the launch of an alternative approach. That is why U4U and R&D have worked over the last three years with as much tenacity as conviction in favour of a Trade Union Majority and a common front;

Worse and even more scandalous! Some staff were recruited on post-2004 conditions based on competitions published before 1 May 2004. Those “in the know” or sometimes the “happy few” in spite of themselves, managed to get themselves recruited before the cut-off date, on the previous employment conditions. Even if this case affects only a few staff, it can be considered as even more discriminatory in respect of those who, at the same competitions, were recruited on the new conditions.

Finally, the guarantee contained in staff regulations concerning promotion rates has not been applied in a coherent way, whether for pre-2004 or post-2004 staff, despite the best efforts of promotion committees. It is thus both urgent and imperative to undertake a rigorous analysis of the actual results compared with the guarantees contained in staff regulations, and then to propose practical measures to be implemented to correct existing unfairness.

What has already been done and what can we still do today?

Our approach within the Union is to apply the necessary solidarity without pitching one part of the staff against another.

We do not either forget that post-2004 staff are not just AD grades, but also AST and AC. Let us equally remember that R&D and U4U have committed themselves to defend affected staff. Through this, we have obtained, at Commission level, recognition of the prejudice suffered by staff.

R&D and U4U have supported this approach combining solidarity and unity within the Trades Union Majority and Common Front by claiming and obtaining important albeit insufficient corrective measures:

- The promotion committees have always paid particular attention to the measures to be implemented in favour of newer staff so as not to delay their career still further by underlining the anomalies noted and suggesting corrective measures to be adopted;
- Generalisation of the suppression of the 3 years’ wait before certification of those at grade AST5 who attain this grade;
- Recruitment to grade AD7 instead of recruiting only to grade AD5, so as not to perpetuate the harmful effects of situations of under-grading created after 2004;
- A formal commitment to organise internal competitions to accelerate the careers of staff recruited after 2004 (cf the note from Vice-President Sefcovic of 30 May last). It is a matter of internal competitions for AST grades as much as for AD. We are already committed to negotiate the best conditions for these competitions to be able to fulfil staff’s needs!
- Provision in the proposals for reform of staff regulations for the possibility to appoint Heads of Unit at grade AD9 by nomination-promotion from staff at grade AD8 (and Section Heads at grade AD7) so as to accelerate the careers of these post-2004 staff and to prepare for their

progress by allowing them to have a possibility thereafter to access higher management posts (Directors and Directors General) by internal promotion and thus avoiding political parachuting.

- The possibility to extend fixed-term contracts from 3 to 6 years for those at grade AC, and access to internal competitions for permanent posts which would constitute an important positive step.

How to continue these efforts?

The List “Near You // Le renouveau pour vous” which represents R&D and U4U is deeply worried by the current divisions among staff, by its human dimensions at the heart of the Institution as well as by the political consequences for the European construction.

It is absolutely necessary to surmount this division because the revision in staff regulations will finish by creating a new category of secretary Civil Servants – the post-2013 staff. It is at the cost of these new staff that a part of the savings of the latest reform will be made, savings which will be invoked to prepare for the dismantling of the European Civil Service. And this will happen even though staff representatives have fought successfully for future secretaries to be Civil Servants and will benefit from salaries rather higher than those proposed by the Commission.

It is very important to maintain the unity of the European Civil Service, all the more so since the least advantaged category is made up of staff on contracts who increasingly replace Civil Servants.

We believe it is necessary to return to union negotiations to rectify the misapplication of staff regulations, which has done enormous wrong to staff.

Other than the improvements demanded and provisionally obtained by us in the framework of the new regulations, U4U and R&D have in effect asked DG HR for a negotiation on careers, to improve the situation of all staff, in particular the post-2004, for example by finally returning to the promotion rates set out at the beginning and by organising internal competitions for a truly significant number of posts.