

Published 22 February 2016

SOCIAL IMPRINT

## Misery and loathing among the staff in the European institutions

Suicides, burn-out, discrimination, and sacking of union officials at the European Patent Office (EPO) and at the European Central Bank (ECB) ... Staff unions and elected political figures alike are sounding alarm bells over the misery and distress of staff members within the European institutions. One issue in particular is the judicial impunity of these institutions: They do not answer to any national legislation, are not subject to any outside control, and institute their own rules and regulations. Figure that out....



New headquarters of the ECB in Frankfurt, Germany.

Claire Stam

It all started three years ago with [anonymous letters](#). *"They were coming from citizens living in my region of responsibility, alerting me to the serious problems with the management within the European Patent Office (EPO), based in Munich. They asked me not to divulge their names"*, we were told discreetly by Pierre-Yves Le Borgn', Deputy for French Citizens Abroad for the Region of Germany and Central and Eastern Europe.

In response to the calls, the Deputy established contact with the people concerned, and, so far as was feasible, met up with them *"very early in the morning, and kilometres away from EPO headquarters"*. They all made it clear to him the risk they were running by talking to him; *"they immediately begged me not to reveal their identity for fear of disciplinary sanctions being taken against them"*.

## **At the EPO, the atmosphere is getting worse, and conflict is raging with the management**

The institution, which issues the patents for 38 European countries, maintains a presence in Munich, Berlin, Brussels, The Hague, and Vienna. It employs 7000 highly qualified professionals, engineers who speak at least three languages, who dissect the latest inventions in all kinds of sectors. But, ever since 2010, the management and the staff union SUEPO have been in conflict; a date which coincides with the arrival of Frenchman Benoît Battistelli, and his policy of reforms, at the head of the EPO.

So exactly what are the employees upset about? An atmosphere at work tainted with fear and suspicion (*"we have got to the stage where we don't even trust the telephones provided in our offices"* says one of the letters sent to the Deputy), the right to strike drastically limited, being kept under intrusive surveillance amounting to abusive intrusion, disciplinary measures, and the sacking of union representatives. And then there are the investigations and interrogations of staff members within the framework of the EPO *"investigation unit"*. The list of recriminations is as long as it is worrying. And the distress is made worse by the [five suicides of staff members which have occurred at the EPO in the last three years](#).

When contacted by Novethic, the Office proved unwilling to answer our questions. But in [a letter sent to Pierre-Yves Le Borgn'](#) and made public, Benoît Battistelli refers to *"an intense campaign of defamation waged by certain employees of the Office"* against the management of the institution. He maintains that the *"procedures being pursued are due to serious incidents which have occurred within the staff representation organization, and to which any responsible employer would necessarily have to react"*, such as the harassment of an elected member of the central committee who was opposed to the position adopted by SUEPO.

*"I've never seen a conflict like it"*, exclaims the Deputy, who is a lawyer by training and who practiced in the private sector for some twenty years before taking up his political office. In his view, what is happening amounts to *"management by fear"*, all the more serious for prevailing *"within a system which is not subject to any outside control"*.

## **The European institutions: Places without the rule of law?**

This is the heart of the problem. Being an organization which owes its existence to the European Patent Convention, the EPO has its own legislation when it comes to regulating [the working conditions of its personnel](#). There is talk of judicial immunity, of a legal structure which gives the management a free hand when it comes to fashioning its own laws. For example, a Dutch or German labour inspector cannot set foot in the EPO offices unless Benoît Battistelli gives his authorization.

The Patent Office is not an isolated case. 400 kilometres away, in Frankfurt, the financial capital of Germany, is the headquarters of the European Central Bank (ECB). Carlos Bowles,

president of the staff representative committee, does not mince his words: *"These two immense glass towers are invitations to suicide"*.

Two surveys conducted among staff members of the Bank in 2014 and 2015 revealed real distress and misery. According to the evaluation known as the MBI (Maslach Burnout Inventory), carried out by an agency commissioned by the staff committee, a third of the 903 employees questioned, of the 2344 who work at the institution, presented a risk of overstrain; another third showed signs of exhaustion. And 4.5% indicated that they had thoughts of suicide. The root cause was the overburden of work and chronic understaffing due to the massive increase in the tasks involved since the financial crisis in 2007. Added to this are the fixed-term contracts which keep being repeated and the climate of *"nepotism"* resented by some of the staff. But, here again, the ECB did not choose to respond to our requests to give its version of the situation.

As far as Carlos Bowles is concerned, this wretched situation is further amplified by the judicial impunity enjoyed by the ECB. As with other European or international institutions (NATO, UNO, etc.), it is not the law of the country where the personnel work which actually applies.

*"Due to the independence conferred on the ECB by the various treaties involved, German labour law is not applicable within the ECB, even though it's located in Frankfurt "*, the staff representative explains. And Carlos Bowles adds that *"as far as the staff are concerned, the European Central Bank is not only an employer, it also takes on the role of legislator"*.

The law which applies to the staff of the ECB is a specific law, which is drawn up in a unilateral fashion by the Governing Council and the General Council, who are essentially attributed powers of a legislative nature, even though their members are not elected and their deliberations in these matters are shrouded in secrecy.

### **Confrontation for the ECB and the EPO**

Silence about working conditions within the European institutions has been maintained for a long time, due to the high salaries and the many advantages which go with the jobs (financing of schools for the children, minimal rates of tax, etc.). But cracks are beginning to show. Little by little, these matters are coming to the attention of the legal powers that be.

Last December, the European Union Civil Service Tribunal (CST) severely censured the ECB for its discriminatory practices in its human resources policy. It was excluding staff representatives from one of the routes of access to promotions, due simply to their union activities. On 17 February 2015, the Court of Justice of The Hague (where one of the EPO branches is based) ruled that the Office was violating fundamental rights of its employees by causing obstructions to the activities of the in-house staff union. The EPO is lodging an appeal (see [the arguments by Vice-President Willy Minnoye](#) of the EPO).

Behind all these issues, one key issue remains to be resolved: What is the social impact of the judicial immunity which these international organizations enjoy?

Claire Stam, Frankfurt correspondent