

EUROPE'S PATENT OFFICE THROWS OUT TRADE UNIONISTS

The European Patent Office suspends three high-ranking trade unionists. Three further colleagues are threatened with a similar fate. Investigations are being conducted against them internally, which is supposed to remain secret.

By Thomas Magenheim-Hörmann

Munich – Peace and harmony at work at the European Patent Office (EPO) has long been a thing of the past. The conflict between management and staff representatives has now reached a new crescendo. The Office recently suspended a patent judge, something previously unheard of, and is now threatening three high-ranking trade unionists with the same fate. The Chair of the Office's own union, SUEPO, her predecessor, and the Treasurer, have all been suspended, as confirmed by an EPO spokesperson, and now face being kicked out.

The accusations vary. On the one hand, they refer to the passing on of confidential information and bullying, on the other to wrongfully-provided legal assistance for EPO personnel. Under the EPO regulations, even the people concerned are not permitted to make any statements. Their lawyers reject all the accusations.

Some among the 7,000-strong EPO personnel have also reacted, in the form of a spontaneous demonstration in front of the glass façade of the Office's headquarters in Munich. Their wrath is concentrated on their most senior executive and Office boss Benoit Battistelli. "This is a blow against us all, a declaration of war on the employees", said one irate demonstrator. "Battistelli is targeting our figureheads", added a colleague, referring to practically the whole of the union leadership being under fire. Many of the employees, however, proved to be resigned. For years there have been protests in vain against Battistelli's methods. Even appeals to politicians have had no effect. Battistelli runs rampant, and does whatever he wants. "If our Administrative Council, as the last resort, does not take action now, then we're right up the creek", is one employee's concern. There are already rumours of wildcat strikes in the air. But the fear of losing their jobs can be read in many faces. Following the three suspensions, the Office is threatening other SUEPO members with disciplinary proceedings. These include the SUEPO senior executive in Vienna, and, according to employee groups, two union members at The Hague, which together with the Munich headquarters, Vienna, and Berlin, is the organization's fourth location.

Lawyers have criticized in particular the action taken against two union members, who are being called to account for their union work. The Office is conducting investigations against them because it objects to the way in which they help provide legal assistance for SUEPO members in the event of disputes. A SUEPO lawyer takes the view that this is an attempt to thwart the work of the union.

If the Office, an international authority which is not an EU organization, keeps pursuing its hard line, it will also be running counter to a ruling by the EPO Administrative Council, which has recently committed the Office to recognize Suepo officially as the staff representation body. Now it seems to be getting a stranglehold on its leading representatives. "Their behaviour is actually illegal", writes one Suepo lawyer in a memo to EPO Personnel Executive Elodie Bergot. Moreover, the Office cannot lay claim to any trust if investigations are being conducted against union leaders and they are being threatened with disciplinary measures, as one lawyer employee argues. Such justice in the dark needs to be made public.

Union members are being accused of passing on confidential information, due to their having reported internally on the investigations being conducted against them. A third lawyer makes this clear: "The Office is trying to isolate and muzzle all the Suepo executives", he says. What is happening now is seen as an open attack on a union which, had it occurred at a normal commercial concern in Germany, would have led to a public outcry. The Office is even said to have tried to take action against one employee, who likewise represents Suepo, by lodging a complaint of professional misconduct against him with the Bar Association concerned. And since then, even the lawyers have started to feel threatened by the Office.

Demonstration ban and spyware

The cause of the unrest which has now been going on for years lies in the reforms which Office boss Benoit Battistelli has been introducing at the behest of the Administrative Council and the 38 European states represented on it. The Frenchman has not been treading carefully in the process. At one demonstration by the personnel, for example, he threatened disciplinary measures against participants. In the Office, computers have been bugged with spyware to track down illegal informants. Behaviour like this has repeatedly brought down criticism from outside on the organization. A court in The Hague has criticized Battistelli's approach to labour law and employees' rights, but the Office claims that its international status means that it does not recognize the court's jurisdiction.

The European Patent Office in Munich is an international organization with a total of 7000 employees. The Office is not subject to the law of any individual country, which means that German law does not apply here either.

Benoit Battistelli has led the Patent Office since 2010.