



**Union
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to:

Mr. C.Ernst,

*Chairperson of the Administrative Council
of the European Patent Organisation*

Position of Union Syndicale Fédérale (USF) on the currently discussed new “Employment Framework” at the EPO” – for the attention of the Council of the EPO

Dear Mr Ernst,

Union Syndicale Fédérale (USF) took note of the currently discussed “New Employment Framework” for the European Patent Office. It seems that the core of this reform amounts to recruiting staff of the EPO essentially on fixed term contracts.

USF (the largest federation of employees` unions in the European Public Service, with about 20 branches in European Institutions, agencies and other European International Organisations) is perfectly aware of the consequences of precariousness. Precariousness of employment entails disastrous consequences on the well-being and health of workers and their families.

Precariousness of employment is only acceptable under specific, precisely defined circumstances designed to satisfy needs of the employer which are genuinely temporary. These fundamentals are not only shared by unions throughout Europe, they are also widely shared by the employers who agreed to a historical Framework Agreement at European level that is the core of EU Directive 1999/70/EC. The use of fixed term contracts should be limited to temporary tasks, not become a general practice.

So far, for decades we have not been made aware of any real substantive EPO governance problems to be solved by (massive) precariousness of employment, certainly not of problems that would qualify as “exceptional” as compared to other employers` challenges both of the public or private sector in Europe. Institutions that carry out the execution of permanent, sovereign tasks, as those defined in the EPC, are usually not staffed with employees under fixed term contracts, also because this form of employment conditions cannot guarantee the independence and competence of the institution in charge.

Precariousness of employment requires thorough justification. It seems that not even a business case in favour of the considered (massive) precariousness at the EPO was set up for discussion with the Staff Union of the European Patent Office (SUEPO), EPO staff representatives and within the various competent EPO organs. USF therefore calls upon the EPO Council not to adopt any decision on such a scheme, in order to grant all stake holders, especially SUEPO and the EPO staff representatives but also external stakeholders, time for exploring the need for such a scheme, consequences of precariousness at the EPO and all options available.

Yours sincerely,

Bernd Loescher
USF President