

## European Patent Office investigates union members

**Union** The patent office says there is a conspiracy against its president. The union says no, they are trying to silence us.

Eppo König

18 November 2015

[image]

*The European Patent Office is building a glass office complex in Rijswijk for more than €200 million.*

The ongoing conflict between the European Patent Office management and staff union SUEPO has led to a serious confrontation. The patent office has launched investigations into several employees who are active members of both the staff union and the works council – and who are possibly facing termination. The union has ended the ‘social dialogue’ with the patent office management in protest.

With 38 member states and around 7,000 employees, the patent office is Europe’s largest intergovernmental organisation after the European Commission. The office tests national patent applications submitted by inventors and grants European patents. In addition to the headquarters in Munich, the office also has other locations, including one in Rijswijk.

However, the office has recently mainly made the news due to its conflict with the unauthorised union SUEPO. SUEPO claims to have 3,000 members, nearly half of which work in Rijswijk. The office does not fall under Dutch legislation and therefore did not feel the need to authorise a union for formal discussions on labour conditions.

This week, an internal announcement was made stating that Els Hardon, the Dutch union chair of the Munich department, is facing a ‘disciplinary procedure’ which may result in termination. The patent office claims that she conspired against president Benoît Battistelli and the vice president, together with a high-ranking ‘patent judge’ who was suspended by the patent office earlier this year. Hardon is also accused of intimidating non-SUEPO works council members.

### **Alleged reign of terror**

Hardon’s lawyer Liesbeth Zegveld claims that at the moment, there are suits against six members of the works council and the union. Zegveld speaks of “intimidation” and states that the office’s investigation procedures “are not worthy of the 21st century and will in no way hold up in court”. Hardon was allegedly given an hour and a half to prepare for an official interrogation, without being able to confer with her lawyer. “The patent office is doing its best to silence the union. In three months, there might not even be a SUEPO, which is exactly what they want.”

The union has accused Battistelli of a reign of terror for some time now. SUEPO claims that the high pressure to achieve contributed to the suicides of five employees in three years. Battistelli, however, calls the union’s actions a smear campaign, meant to thwart reforms for more efficient working methods. Opposing forces are also said to want to block the introduction of the European unitary patent, which is protected almost everywhere in the European Union in one fell swoop. Patents currently have to be registered per member state, which brings in revenue. In an interview in this newspaper, Battistelli described staff union SUEPO as “a mix of French unions and German efficiency: a dangerous cocktail.”

*“The Court of Appeal judged that the patent office has to accept the union”*

At the start of the year, the The Hague Court of Appeal judged that the patent office has to accept the union. The office had to agree to discussions with the union on labour conditions and was no longer allowed to meddle in votes on strikes. Battistelli ignored that decree, as the patent office does not fall

under Dutch legislation. The office is appealing to the court of cassation with the State of the Netherlands in early 2016. The Netherlands wants to be a good host for international organisations and is of the opinion that they should be able to work here “independently, safely and without interference”.

The verdict of the Supreme Court may have consequences for the legal position of the approximately 35 international organisations in the Netherlands, such as the International Court of Justice and the International Criminal Court. “It’s a question of how far the patent office’s immunity goes,” Zegveld says. “Is that immunity more important than fundamental rights such as the right to association and collective bargaining and the right to strike?” The patent office wants to continue the social dialogue to authorise SUEPO under its own conditions. In the event that SUEPO does not want to continue the dialogue, the office can also opt to only authorise the smaller union FFPE-EPO.