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USF position on the Memorandum of Understanding signed 2nd March 2016 EPO / FFPE

Union Syndicale Federale (USF) has been occasionally a partner of FFPE since the signature of the first “accord cadre” with the EU Commission decades ago.

USF is very disappointed by FFPE’s support for the EPO (European Patent Office) Memorandum of Understanding (MoU), signed on the 2nd March 2016 in Brussels.

In contrast with FFPE, the Union Syndicale branches at the European Patent Office (Staff Union of the EPO, SUEPO) affiliated to USF did not sign the MoU. While the signatures under the document only include FFPE-The Hague (the only FFPE branch at the EPO), FFPE officials from the federal level at FFPE attended the ceremony in Brussels (European Commission, Council of Europe). It is obvious that FFPE as a whole decided to be outspoken about the MoU submitted by the EPO president and to support it. We do not know what considerations drove FFPE at federal level to this step – perhaps the insignificance of FFPE in The Hague (a few dozen members, according to media reports, no members at the headquarters in Munich or other EPO places of employment), to be compared with more than 3000 SUEPO members may have played a role. Whatever their motivation, the FFPE signature raises serious questions about FFPE’s credibility as a federation of genuine staff unions.

It is our position that it is unthinkable for any union to sign a MoU with the EPO while three SUEPO leaders in Munich have been severely sanctioned, two of them being summarily dismissed in January 2016 on very questionable grounds. SUEPO participated in the early tripartite meetings with the EPO administration and FFPE to discuss a draft MoU and we can even recall from the first meeting in May 2015 everyone's readiness to establish a MoU based on the framework agreements already in place at other EU Institutions.

But the first prerequisite, of course, is that the EPO President reinstates the dismissed union officials, suspends all other cases and investigations against union representatives and submits all such sanctions to external review. Further prerequisites are that SUEPO’s claim that the severe limitations on the right to strike introduced with EPO Circular 347 (June 2013) must be removed; since they appear to violate fundamental rights and freedoms provided under ILO Conventions. The so far ignored Dutch Appeal Court’s Judgement of 2014 in favour of SUEPO-The Hague must finally be enforced by the EPO and the questionable internal EPO investigation guidelines must be removed.

Considering the disastrous HR policy at the EPO of the last three years which has been amply reported upon in the media (see the links at the bottom of this communication), signing an agreement simply on the basis of good trust should not have been possible for any staff union.

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Furthermore, the final content of the MoU has some unconvincing elements: the “generous” authorization to communicate twice per year with staff members via internal e-mails (Art.16.3 of the MoU), the total absence of representativeness criteria to be met for formal recognition (Art.7 of the MoU) and the veto the EPO President may exercise over the agendas of meetings (Art.11, 12.2, 13.4 of the MoU) clearly fail to counterbalance the constraints imposed on the signatory unions elsewhere in the document (Art.13.6 of the MoU).

USF firmly believes that it is just unthinkable, even for a union like FFPE that happens to compete with USF branches, to let competition between unions prevail over their fundamental rights: FFPE members in international public service deserve a much better leadership. Consequently, 2 March 2016 will be remembered as a black day in FFPE’s history and a sad memory for all genuine staff unions serving staff in the international public sector.

Finally, we refute the EPO President's claims that anything meaningful was achieved with the agreement of the 2nd March 2016.

The MoU is available under:

<http://de.scribd.com/doc/301894955/EPO-Memorandum-of-understanding>

Links to public comments on the social dialogue at the European Patent Office

<http://www.suepo.org/public/news>

(see also the TV reports in Germany and the Netherlands available as links on the SUEPO website)



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