

Degeneration of the social climate at the European Patent Office

Written by Richard Yung, Monday, 28 November 2016 15:31

Following on from the numerous problems besetting the European Patent Office (see, for example [Crise ouverte à l'Office européen des brevets](#)) I have lodged the following oral question, which I shall be raising at the meeting of the Senate on 21 February.

Question No. 1578S addressed to the Minister of the Economy and Finances (published on 01/12/2016)

Mr. Richard Yung draws the attention of the Minister of the Economy and Finances to the degeneration of the social climate at the European Patent Office (EPO).

Since 2010, the programme of reforms put into effect by the management of the EPO has incurred the suppression of a number of fundamental rights (limitation on the right to strike; challenges to the freedom of union activity; attacks on the right to collective negotiation; etc.). It seems that the EPO is the organization which is most often brought before the administrative tribunal of the International Labour Organisation. In a ruling of 17 February 2015, the Court of Appeal at The Hague ruled that a number of measures taken by the management of the EPO were illegal. The EPO is seeking to have this annulled, citing its immunity from implementation.

Since the beginning of 2016, a number of sanctions have been imposed against staff union officials (three dismissals and one downgrading). There are, moreover, investigations and disciplinary procedures currently in progress. As well as this, the social malaise has been exacerbated by the fact that four staff members of the EPO have taken their own lives in the course of the last five years. In a resolution adopted on 16 March 2016, the Administrative Council of the EPO demanded in particular that the President of the EPO “should ensure that the disciplinary sanctions and procedures are not only fair and equitable, but also seen as such, and to examine the possibility of making recourse to an outside authority for re-examination, arbitration, or mediation”. It seems that this resolution has not really been taken into consideration at all by the management of the EPO, which is content with organizing a social conference.

Considering that the proper functioning of the EPO is an essential condition for the success of the implementation of the future unitary patent, he asks what solutions the Government envisages proposing, by way of the French delegation on the Administrative Council of the EPO, so as to favour the resumption of social dialogue, the emergence of a new style of management, and the re-examination of the sanctions.