

USB

2021

GENERAL MEETING

THURSDAY, 1st of JULY 2021 at 6 p.m.

VIDEO CONFERENCE VIA ZOOM

1 . Opening of the Meeting by Secretary General, Juan Pedro Perez-Escanilla.

- appointment of a Chairman.

Myriam Kreutz is appointed as Chairperson.

- appointment of a secretary.

Augusto González is appointed as Secretary.

- adoption of the agenda.

The point “Projet de Directive de la Politique Syndicale » proposed by the Dispute Board is added as point 8 of the agenda, which is thus adopted.

2. Financial report and report of the Audit Board : presentation, discussion and adoption.

Carlo Scano, USB Treasurer, presents orally the Financial report, highlights of which are summarised below.

He clarifies that the report covers 2018 and 2019. He points out that there was a delay in the closing of the accounts due to effect of the pandemic but also due to difficulty finding an accountant.

He indicates that 2018 was a transition year. The accounting timetable was adapted to calendar year. A new financial regulation was adopted. There were changes in the staff in Union Syndicale with financial impact.

The fact that 2018 was an election year had also financial consequences. A consultant was contracted to assist USB-Commission during the election. The Commission deliverables were used in several other campaigns.

There was a significant increase in the number of legal consultations. EULEX Kosovo was a particularly important and financially significant legal case in 2018. Training was also an important item.

In 2019 the Bratislava Congress (USF) and some other events were held. Bratislava travel related costs in particular were significant, as it is normally the case with Congress, given that travel costs are covered by USB.

Internal USB elections were held in 2019 requiring significant amount of paper mailing, and therefore constituted a significant expenditure item.

There were also certain staff movements in the Maison Syndicale, in particular Noémie Mertens was recruited in December.

In 2019, Lexentia became the reference law firm for USB.

Finally, Carlo Scano points out that a consultant was contracted in 2019 to overhaul of the USB website, which had become rather obsolete.

Carlo Scano briefly presents a graphic circulated to the General Meeting (GM) participants with the breakdown of legal expenditure.

Stefan Sapundzhiev, The Audit Board president announces that no presentation will be made as the review of the accounts will be carried out by the end of the year. The Audit Board recalls that it had distributed with the invitation to the GM a self-assessment report (carried out in 2018) for information. It further informs of a series of important audit-related training activities that took place over the reference period (2018-2019).

The Audit Board president informs the GM that while mandate of the Board has finished, the Board ensures continuity while awaiting for elections and underlines the need to attract candidates for the election.

Jean-Philippe Raoult mentions a donation of 60.000 euros from USB to a hospital in Brussels during the pandemic and points out that members should have been consulted on this important donation. Carlo Scano clarifies that this expense was incurred in 2020 and it is therefore outside the scope of the report – 2018-2019, so this issue can be brought up in the future.

Sophie Hottat intervenes supporting the 60.000 euros donation to a hospital, for which USB received very positive feedback.

Results of the electronic vote:

OUI	26
NON	1
ABST	6
VOTANT	33

The financial report is adopted.

The Chair declares the point closed.

3. Activity Report : presentation, discussion and vote.

Juan Pedro Perez-Escanilla clarifies that the point needs to be reworded; there will be no vote on the Activity Report, as it is only an interim report.

He indicates that given the presentation under the previous point and as the Activity Report was circulated with the invitation to the participants in the GM, there would be no detailed presentation.

Juan Pedro Perez-Escanilla underlines that all USB and Maison Syndicale activities continued without any major problem during the pandemic. He underlines also the good relations with USF and all USF member organisations.

Jean-Philippe Raoult enquires about the IT Cloud and notably about the protection of members personal data.

Emmanuel Wietzel, managing director of the US headquarter, explains that a security audit was carried out in 2019, whose conclusions were unsatisfactory, following to which measures were taken in particular a contract was issued to a specialised company in order to ensure data security. He indicates that cloud servers are running on Microsoft WVD Azure and hosted in Germany and France.

The Chair closes the point.

4. Report of the Dispute Board, discussion.

Jean-Philippe Raoult, Chair of the Dispute Board, explains the importance of the Board and the need to renew it. He points out that the report is available to GM participants. He highlights the difficulties that the Board encountered during the last case brought before it, and in particular the fact that it was refused access to documentation it had requested.

Carlo Scano underlines the US organisational anomaly that resulted in the case in question being brought to the Dispute Board of USB while the challenged decision was taken by USF, not by USB. He underlines that all available documentation was put at the disposal of the Dispute Board.

Gabriela Goga pleads that all documentation be made available to the Dispute Board and the issue to be solved outside the GM. She pleads also for USB to be more active, as other unions are.

Jean-Philippe Raoult explains that the USB Dispute Board was contacted by a complainant and that it forwarded the case to the USF Dispute Board, which declared itself not competent and therefore USB Dispute Board dealt with it – as there was no alternative for the person in question had to be heard.

Sophie Hottat explains, in response to Gabriela Goga, the collegial functioning of USB, which ensures transparency and takes time but does not make US less effective or active than other unions.

Agnes Lahaye regrets the tone of the discussion regarding the case before the Dispute Board.

Juan Pedro Perez-Escanilla underlines that the GM is the place for all to speak out, therefore it is not surprising that diverging views emerge, but this is healthy in a democratic organisation.

As regards the case before the Dispute Board, he notes that the case was closed by the Board.

Jean-Philippe Raoult underlines that the issue is not the outcome of the case in question (the case being indeed closed), but rather the refusal to provide documentation to the Dispute Board.

Joëlle Mbeka indicates that it often happens in real life that a document requested is not available or is difficult to find. In that case, parties concerned must come together and see how to solve the problem.

Carlo Scano underlines that the decision on what documentation to convey or not in response to the Dispute Board request, was taken by the USB Bureau collectively, in the light of what seemed reasonable to get. He suggests that the Dispute Board lists the missing documents.

Juan Pedro Perez Escanilla underlines that a single member of the Dispute Board cannot ask on his/her own initiative for a document unless he/she has a mandate from the Board. Jean-Philippe Raoult responds that that was the case.

The Chair declares the point closed.

5. Progress on Teleworking; discusión.

Jean-Michel Galais introduces the document on teleworking circulated to GM participants with the invitation.

The Chair invites the Council section to present the amendments to the document that the section had circulated. Bernd Loescher underlines the Council section's overall agreement with the teleworking document but suggests three small amendments in order to tone down the excessive importance that in some places the document gives to the role of management, and to cater for the fact that in some cases the progress already achieved in the Council section goes further than what is reflected in the document. Bernd Loescher presents the amendment proposals in detail.

Joëlle Mbeka expresses concern with teleworking. Teleworking at home generates costs, while Commission saves money. Rental costs, electricity bills, internet connections linked with teleworking should be covered by the employer. Teleworking increases actual work time and may have a negative impact on families.

Speaking about her personal experience, Joëlle indicates that a secretary needs certain equipment that he/she does not necessarily have which may justify a refusal to telework. She points out that the obligation to get vaccination obligation must be discussed and that colleagues should have the choice between teleworking and work in an office.

Jean-Philippe Raoult underlines the need to define job types. Not all job types are eligible for teleworking. The document should, in his opinion, highlight that adequate physical space at home may be a real issue for the teleworker. One important consideration is that teleworking is likely to be generalised for reasons that have nothing to do with the pandemic, but economic reasons. He points out that there is no reference in the document to the risk of excessive control by managers over staff.

Stefano Panozzo enquires about the meaning of the "duty of care" in the text.

Juan Pedro Perez Escanilla clarifies that "duty of care" refers to the obligation of the employer – the institutions – to take care of colleagues' individual situations. He mentions the interim ruling of the Court on a case of teleworking from a place other than the place of employment for family reasons during the pandemic. In essence the Court reversed the complainant's hierarchy decision requiring continued physical presence in the place of employment and allowed the complainant to continue to work from another country in view of her family circumstances, thus underlining the need for services to take into account personal situations. If confirmed by the final ruling, this interim ruling is very significant as it may be applicable in many other circumstances.

Augusto Gonzalez intervenes to support the document submitted to the GM with two comments: introduce flexibility to the rule that 100% teleworking is incompatible with EU public service and suppress the notion that teleworking from a place other than the place of employment is an exception. He supports

the amendment suggested by the Council section on this point but suggest starting the phrase “Pour une période limitée...”

Raja Thomas Roy supports the first point raised by Augusto Gonzalez. The document should reflect that 100% telework should be possible in exceptional circumstances, such as that of colleagues who have to look after a sick relative.

Bernd Loescher fully supports the previous speakers’ suggestions and proposes to clarify the notion of duty of care in the text.

Juan Pedro Perez Escanilla clarifies the nature of the document – reflection and orientation - in a context that is in constant change. He underlines that the pandemic and teleworking have de facto eliminated the divide that used to exist between work and home. There are obvious risks that begin to emerge because staff is confronted with a choice between teleworking and office work without knowing all the consequences that new ways of working will bring about.

Agnes Lahaye underlines that the absence of core time in Council is not a problem. Flexibility is a good thing, but has potential negative consequences on contacts between colleagues. There should be limitation to line managers power to control or set work times. There is some fixation with the supposed environmental issues and with gains from telework: environmental gains due to lower office use have to be balanced against increased environmental impact generated by teleworkers at home.

Jean-Michel Galais concludes indicating that the suggested changes will be introduced in the document, which will be recirculated to all afterwards.

The Chair brings the point to a close.

6. Reflection on the structure of USB.

Bernd Loescher intervenes on behalf of the Council Section, summarising the elements contained in the document circulated to participants in the GM. He indicates that there is concern that the present structure of USB is not optimal. The Council Section believes that greater autonomy should be granted to the sections, given that it is within sections that many issues are dealt with. He points out that Brussels has perhaps too much weight in the way we function and that we need to find adequate mechanisms to encourage the dialogue between different sections and member organisations. Today we can put in place platforms that help us overcome the obstacle of the physical distance between us.

He argues that it would be necessary to limit the competences de USB Executive Committee and reduce its size, and that we must resolve other issues such as the fact that there is not a single Commission section, as mentioned earlier by Carlo Scano.

Jean-Philippe Raoult draws participants’ attention to a particular passage of the document whereby it is written that the lack of election of the Dispute Board in the Commission was due to the absence of candidates, and states that this is not correct. He underlines that the Election Board had enough eligible candidates to carry out the election during the first trimester of 2018 but that the Executive Committee refused the closure of the electors list. He points out that the Council Section had really searched candidates but that it was not the case at the Commission Section. He underlines the importance of not dissociating the level of discussion with the level of decision. As an example, he says, the present GM is a USB GM but then we are told that decisions are taken by USF and that “nomenclature” decides.

Carlo Scano points out that the Commission has no proper mechanism for coordination between its sites; consequently, coordination between the various US Commission sites has to take place at federal level, which is not right.

Stefano Panozzo indicates that the Committee of the Regions and ECOSOC do not have a section and that we should find an appropriate way for them to be properly represented, acknowledging that creating a section in the short run is not an option.

The Chair brings the point to a close.

7. Report of the WG on Digitalisation of USB discussion.

Juan Pedro Perez-Escanilla explains that the group (which was a USF group) met 3 times. The discussion focused mainly on teleworking, so there would be no point in having another discussion on the subject.

Juan Pedro Perez Escanilla points out that Artificial Intelligence will have a tremendous impact everywhere including European public service. It is likely to affect personnel selection, project/contract management, secretariats and so on. We are likely to see many colleagues being made redundant. Unions will have to deal with this.

[Reference is made to the document “Modification des statuts” which was circulated as input for a forthcoming General Meeting that will deal with this issue.]

The Chair moves to the next point in the agenda.

8. Projet de directive de politique syndicale.

Jean-Philippe Raoult explains that any member has the right to propose a directive. The Executive Committee may refuse it but, in the framework of its report to the General Meeting, it must justify its decision. The Dispute Board proposed a directive and received no reply. The General Meeting has not been provided by the Executive Committee with any information on this proposal. Jean Philippe Raoult asks why the Executive Committee has not included the draft directive and the reasons to refuse it in its report.

Juan Pedro Perez-Escanilla points out that the draft directive could have been presented alongside the report of the Dispute Board.

Jean-Philippe Raoult underlines that the draft directive is a self-standing document, which as such has nothing to do with the report of the Dispute Board.

Juan Pedro Perez-Escanilla explains the efforts already undertaken in relation with the Dispute Board, acknowledges that the situation is indeed anomalous, but there is little that can be done given the lack of candidates.

Niels Bracke, president of the Executive Committee, confirms the efforts carried out to get candidates, the change of rules to lower the number of candidates needed and the lack of results. He points out that an election at present, which would require a written process involving all members, would not make practical sense. There are two viable options: organise the elections next year, together with the election of the Executive Committee or to do it in a forthcoming GM.

Jean-Philippe Raoult underlines that the issue is why, if a proposal is tabled, members are not informed.

Niels Bracke stresses that all the discussion boils down to the very simple fact that it has been impossible to organise elections due to the lack of candidates. He invites participants in the GM to volunteer as candidates for the Dispute Board as well as for the Audit Board.

Jean-Philippe Raoult repeats that the Electoral Board had enough candidates at the beginning of 2018. Jean-Philippe has been Member of the Dispute Board since 2004 and he would like to retire from it. The present Board should have been renewed in 2016. As it is the body to ensure that the Union respects its own rules and the Fundamental Rights of its members, an election is necessary to guarantee the continuity.

The Chair closes the point.

9. AOB

Joëlle Mbeka underlines the importance for the legal counsel of US to be receptive when dealing with colleagues in distress.

The Chair declares the GM closed.

The Chair
Myriam KREUTZ
(e.signed)

The Secretary
Augusto Gonzalez
(e.signed)