



To: Member State Representatives on the Provisional Council

Copies: President and Vice-President of the Permanent Commission and DG EUROCONTROL

Sent by email

Brussels, 17/6/22

Subject: ADMIN REFORM PACKAGE

Dear Sir/Madam,

Following the last meeting between the unions and the Agency (third and final reading) held today, 17 June, we feel compelled to provide you with additional clarifications on the content of the Administrative Reform and the reasons why three out of four unions are opposed to this reform.

It is important to keep in mind that this entire Administrative Reform is not based on any analysis of organisational performance, identification of areas of improvement, identified performance risks or any root-cause analysis leading to proposed solutions. This reform package is quite simply another attack on staff rights and working conditions without any impact analysis on the future performance of the Agency.

To claim today that there has been an unprecedented level of consultation is simply not true. The longest negotiation for an administrative reform, which lasted two years and ended in a final agreement with the involvement of the DG himself from the beginning of the process, was in 2016. The archives of the 2016 administrative reform remain available for consultation to demonstrate this fact.

The reality is evidenced by the fact that Agency management has until now been unable or unwilling to provide you with a clear description of and explanation about the effects the proposed changes to the Staff Regulations will have on Agency performance. The Agency management had at least an opportunity, in the SCF session on 12 May, to do so, but the omission was probably deliberate and at the next ad hoc session of the SCF, you will certainly not have from the Agency, a substantial and complete analysis but hypothetical and random, even questionable. Moreover, it will come as no surprise to the three unions when on the occasion of the next PC 57, the Agency will provide you with only vague indications and buzzwords on the content of the Administrative Reform.

We draw your attention to the statement made by Agency management and by the DG in person that they will ask you to approve the Reform and only after this will they provide you with an impact assessment. Such an impact assessment will be vague and only financial. In their own words, they intend to send you the new text of the Staff Regulations for approval by correspondence.

We strongly believe that this behaviour and way of proceeding are disrespectful to all concerned and contravene the principle of transparency. With the utmost sense of responsibility and transparency, please find below for your consideration an overview of some of the main points of the proposed Reform, followed by our common position:

● **Performance management:**

- Management did not propose ways to improve performance management. The management proposal is limited to reducing the period it takes to dismiss staff from 48 months to 27 months based on two negative performance appraisals, while also reducing protection for individual staff members.
- In addition, there will be different implementation procedures for staff. It will only take 2 years to fire someone whose contract is ruled by the Staff Regulations but 4 years for those under General Conditions of Employment. There will be a lot of cases of discrimination brought before the ILOAT.

- Management has never implemented the current performance management system. How is it possible to claim that is it not efficient? Nothing shows that the system they propose will adequately address performance-related issues.
- The current performance-appraisal scheme is designed to help staff who are underperforming and ensure that they reach their expected level. Without sufficient financial resources, the improvement plans (training) in the Agency proposal cannot be ensured, and therefore, the redundancy process will start without possible ways to improve performance or redeployment even having been explored.
- Management also wants to remove any protection (fundamental rights) that staff currently have from the Joint Committee where the Staff Committee is represented.

- **Career management:**

- The Agency is proposing to introduce automatic career advancement in different and more limited grade brackets. This progression would be linked only to seniority. In fact, all staff would progress automatically by 1 step after 2 years and would be automatically advanced to step 1 of the next grade after step 4 of the current grade (example an AD9 step 4, after 2 years, would become AD10 step 1 (bracket level: AD9-10-11).
- Such a measure will block people reaching the last grade of the designed grade bracket (example for the grade bracket “AD9-10-11”: AD11 step 5 and another example for the grade bracket “AST4-5-6”: AST6 step 5). In other words, after two promotions, staff members’ careers will be blocked. They will no longer be able to progress. The only possibility of progression would be through competitions, which would be very limited and internal candidates are rarely considered (already the case since more than 4 years).
- In addition, they have created an overlap between 2 grade brackets (AD6-7-8-9 & AD9-10-11). If this Reform succeed the allocation of current staff in one or another bracket will create discrimination and may lead to ILOAT complaints.
- In line with the existing grade brackets, we asked for widened grade brackets in an automatic career to avoid blockage and staff demotivation. Our management refused. The Agency's proposal will lead to an obvious career blockage and therefore calls into question the administrative reforms of 2008 and 2016.
- Today, staff performance is assessed annually in a structured reward exercise, with about EUR 0.5 million allocated, half for promoting staff (grade/step advancements) and the other half for financial non-structural rewards (bonuses). The possibility of promotion is of high importance to the staff. It is proposed to replace it with a fixed percentage of the budget (around EUR 1 Million per annum) to be used for bonuses only, with no defined process and no control over how the annual budget is spent (the Staff Committee is excluded)! This will create frustration and more demotivation amongst staff.

- **Suppression of the partial invalidity scheme:**

- It is proposed that after two years of invalidity, no matter what kind of illness, you either come back to work 100% or go on permanent invalidity.
- We do not support this measure because, unable or unwilling to tackle a very limited number of abuses of the system, management is proposing measures which would unfairly affect staff who suffer serious sickness and need a period exceeding two years (in the case of cancer or serious accidents, for example) but would like to come back to work once they have recovered.
- It is also unfair to reduce the salary of those people who are suffering. It is extremely discouraging to realise that management is pushing such a measure simply owing to the inability of the Agency to perform effective checks to avoid existing misconduct and to ensure that the current rules are respected, at the expense of people suffering poor health.

- Moreover, removing the possibility of partial invalidity removes the possibility of knowledge transfer and the availability of staff to work, albeit in a limited capacity. No doctor would take the responsibility of declaring a partial invalid fully fit to work; therefore such staff will go directly into full invalidity. This is not really cost effective or ethically sustainable and risks potential complaints at ILOAT.
- **Conflict of interest:** we asked several times for clear and binding rules concerning conflict of interest including senior managers leaving the Organisation. Each time, they have refused to introduce such conflict of interest rules to our regulations.

During the negotiation meetings the Agency informed us that the proposed global reform would cost more than EUR 5 million. This amount will have to be borne by the Member States.

Finally, we responsibly draw your attention to the infringement of the Memorandum of Understanding – 2003 (attached) by the Agency and its legal and financial consequences for the Agency and the Member States. **Article 8 of the MoU stipulates as follows:**

“The parties shall undertake to establish by means of negotiations suitable provisions for mediation/conciliation and/or arbitration”.

We called today (last consultation meeting) for a conciliation and arbitration process in line with this Article but the DG refused. Therefore, the DG has not respected the terms of the Memorandum of Understanding (MoU) of 2003. This means that, should the proposed Reform be approved, we will file complaints to ILOAT and the Agency would find itself obliged to withdraw the Reform, to pay compensation and to start the conciliation/arbitration process. This would have an associated cost for the Agency, whatever the decision of the ILOAT, and this does not exclude other actions.

We are fully aware how unusual this letter might appear to you, as we, the unions, rather than management, find ourselves illustrating the contents of their Administrative Reform proposal. We feel compelled by the present circumstances to compensate for the lack of transparency showed by the Agency until now. Regrettably, the Agency has never reported on the unions’ opinions to you. For this reason, we are obliged to write to you directly.

We are confident that you are now aware of the main elements and we invite you to consider the Administrative Reform with full knowledge of these elements, in view of the upcoming PC session and in the best interests of EUROCONTROL, which is a pillar of the common European aviation system.

We are proud to note that, thanks to the extreme professionalism and commitment of EUROCONTROL staff, the Agency has proven its importance and its ability to deliver value for money even in unprecedented times of crisis.

Yours faithfully,



Georges Tsolos
Vice-President



Benoit Bams
President



Maria Aguilera
President