

FLASH MAY
2021



Union
Syndicale
Fédérale
Consilium

Brussels, 10 May 2021

AD rotation



Union Syndicale regrets that there is again a compulsory aspect to the new rotation exercise. The rotation system itself can facilitate mobility, which is sometimes difficult. However, and as staff representatives have stressed, voluntary participation remains the key element in this exercise.

The agreement between the trade unions and the Appointing Authority on internal mobility provided for such an exercise for AD staff, following which the experience gained would be evaluated. In addition, the agreement included a review of the introduction of voluntary rotation for ASTs, for whom mobility is often a lot more problematic. This has not been done.

We conclude that the Appointing Authority, unfortunately, has not respected this social agreement.

Disagreement on external recruitment



The negotiations on the revision of the external recruitment policy resulted in an unusual outcome: **Union Syndicale** disagreed with the Appointing Authority's latest proposal, while the other two trade unions accepted it. Accordingly, the agreement will come into effect.

Union Syndicale disagrees with the Appointing Authority for two reasons:

1. Our aim was to restore the GSC's former practice, which favours the recruitment of officials over members of staff who are subject to the CEOS (Conditions of Employment of Other Servants of the European Union). The latter (with the exception of contract staff in function group I) may only be given fixed-term contracts. For instance, in 2020, officials accounted for one third of external recruitments, while temporary or contract staff accounted for two thirds of such recruitments. Nevertheless, it is difficult for the GSC to function when its staff do not have the job security and peace of mind that open-ended employment contracts offer. This trend represents a serious danger to the European civil service in that it undermines its permanence. We restated our belief that **permanent tasks warrant permanent posts**. However, the Appointing Authority refused to discuss the matter.
2. [Article 29\(2\)](#) of the Staff Regulations provides for the option of recruiting officials without a selection procedure. Normally, this article is used for the recruitment of directors-general, or for highly specialised posts. With there being no competition in which candidates prove their aptitude, these are the most sensitive of appointments. With a view to avoiding any suspicion that could compromise this procedure, **Union Syndicale** requested that the same rules be applied as for the recruitment of other officials: namely, the joint involvement of staff representatives in the selection procedure. Staff deserve to have a say in this regard. The Appointing Authority refused this request.

We regret this outcome and will return to this issue.

Teleworking from abroad — [Order T-12/21](#)



A colleague (a **Union Syndicale** member) at the European Institute of Innovation and Technology (EIT) in Budapest was denied her request to telework during the pandemic from Germany, where her husband and under-age children live. Travel restrictions prevented her from leading a normal family life and fulfilling her parental obligations. However, her employer considered her request to be incompatible with the interests of the service.

Supported by **Union Syndicale**, she lodged an appeal and a request for interim measures before the Court.

The Court annulled the decision and, for the first time, as far as we know, acceded to the request, ruling that she does have the right to telework from Germany.

Union Syndicale welcomes this decision and we hope that it will mark a new approach by the Court. For a long time (see, for instance, **Union Syndicale Fédérale's** [resolution](#) at its congress in 2015), we have expressed our concern at the fact that, in general, the Court merely annuls an employer's decision that is deemed to be unlawful, giving the employer the opportunity to take the same decision later. As a result, the Court's protection of our rights means nothing. In this case, the judge granted our member the right to telework from Germany.

An analysis of the order shows that the employer must fully comply with its *duty of care*. The judge must take into account all the circumstances of the individual case, regardless of the overall restrictions on teleworking from abroad.

Two conclusions can be drawn from this:

- While unrestricted and quarantine-free travel between European countries remains impossible due to the pandemic, the specific circumstances of many of our colleagues may indeed justify requests to telework from abroad that are not in line with the standard rules.
- The agreement between the trade unions and the Appointing Authority on teleworking concluded before the pandemic at the end of 2019, and before the extensive experience gained over the past year as regards the digitalisation of our working methods, needs to be reviewed in the light of the new realities and this historic Court order.

The election of the Staff Committee - Union Syndicale / FFPE say THANK YOU



Staff expressed their unwavering confidence in our staff committee: a turn-out of almost 70 % in an election that was based on new and purely electronic voting procedures, and despite the absence of traditional forms of canvassing, is impressive. This is a major reason for the relatively favourable working conditions that Council colleagues enjoy.

In addition, staff expressed their support for the joint **Union Syndicale / FFPE** list, giving the list 21 out of the 30 seats. With its 13 members, **Union Syndicale** is once more the trade union with the largest number of elected members on the Staff Committee.

We will do our very best to implement our joint programme, based on the four themes set out during the election campaign:

- a greener GSC
- a more social GSC
- good jobs, good careers
- a New Deal for the 'new normal'

Union Syndicale will propose **Frances McFadden** (a long-standing member of **Union Syndicale's** Executive Committee and the Staff Committee) as the new chair and invites the other two trade unions to propose vice-chairs.

The Executive Committee



If you think that we do a useful job, [join us](#), we are stronger together !