

FLASH
September
2022



Union
Syndicale
Fédérale
Consilium

Brussels, 6 September 2022

'Lost' promotions

Congratulations to our colleagues who were promoted! This is a recognition of your daily efforts to move Europe forward.

There should, however, have been more promotions among your ranks. As in previous years, since 2014 the Appointing Authority has arbitrarily cut possibilities in grades AST 7, AD 12 and AD 13:

AST 7: 19 of the 37 possibilities under the Staff Regulations were not granted;

AD 12: 27 out of 29 were not granted;

AD 13: 8 out of 15 were not granted.

This has led to hundreds of blocked careers, payroll reductions achieved at your expense, and also a reduction in the average pension.

As the Appointing Authority had not listened to **Union Syndicale** or the Staff Committee on this point, we will use legal means to safeguard careers at the Council.

Overtime / standby / Flexitime

Since 2020, despite the increase in working hours to 40 hours/week, the amount of overtime we are required to do, especially at night and weekends, has increased massively.

In the first half of this year, the figures increased exponentially. **The staff have had enough!** It should also be noted that the amount of 'standby' is systematically increasing in many departments. This poses the most serious problems in small teams.

In many cases, these standby duties do not comply with the [Council's rules](#) and are clearly not covered by the provisions of the Staff Regulations.

To top it all, the administration has warned us that it would like to renegotiate the Flexitime system before the end of the year.

Union Syndicale has invited the other unions and the Staff Committee to form a common front in preparation for **action in the autumn**. A General Meeting of Staff will be convened in September.

A new reform of the Staff Regulations?

Union Syndicale aligns itself with the recent [publication](#) by R&D on the dangers of a new reform of the Staff Regulations.

Under pressure from soaring inflation, the Council has [asked](#) the Commission to seek further savings, once again at the expense of staff, on top of the billions cut in 2014.

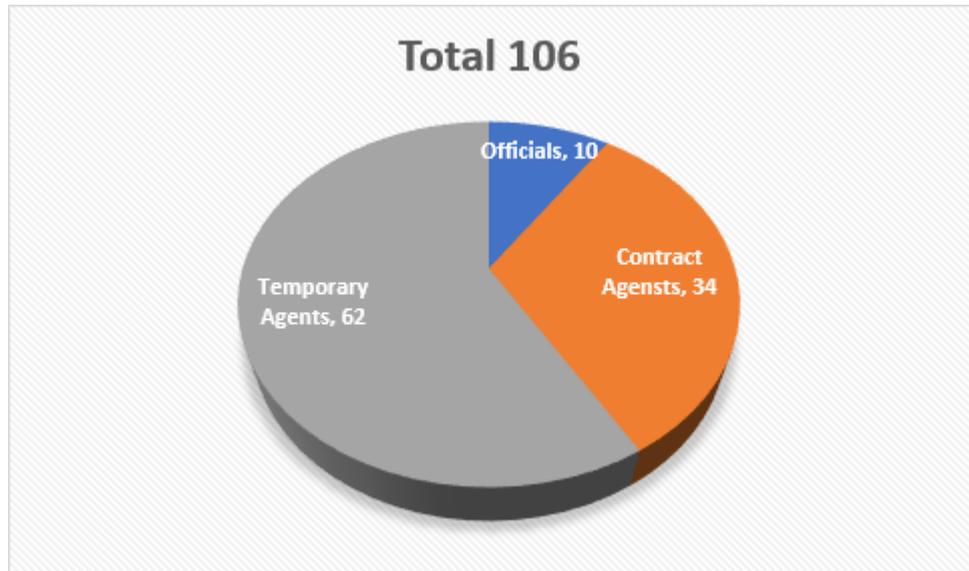
For the time being, the news from the Commission is somewhat reassuring. It [reported](#) to the Council and Parliament on the functioning of the reformed 2014 Staff Regulations, and stated in conclusion that it saw no need to make legislative proposals. It reiterated this position in July to the Commission's trade unions.

If the Commission were to give in to pressure from the Council, the Institutions would be faced with a resolute response from the staff and **Union Syndicale**. Full strikes cannot be ruled out, to save the European Civil Service.

A hollowed-out GSC

Union Syndicale has already warned on several occasions (most recently [here](#)) that the GSC is practically no longer recruiting officials. Under various pretexts, temporary and contract staff are being recruited on a very extensive scale. This may appear to be cheaper and quicker in the short term, but the resulting comparative reduction of staff on permanent contracts is seriously threatening the permanent nature of the European civil service itself, which - together with its independence and competence - is essential for building Europe. So far, the Appointing Authority has been unwilling to recognise this...

In the first half of 2022, of the 106 external recruitments (under the Staff Regulations), only 10 were officials; 34 were contract agents; 62 were temporary agents.



Union Syndicale calls on the Appointing Authority to discontinue this policy and to give permanent status to staff who have been recruited on insecure contracts in recent years.

Some good news from the Court

Sometimes the Appointing Authority treats colleagues unreasonably and takes disproportionate measures. **Union Syndicale** has succeeded in defending two members and asserting their rights.

- The Appointing Authority considered that our colleague 'A', who was nearing retirement, was insufficiently cooperative and was looking for a way to 'get rid' of her. First it tried to have 'A' declared unfit to work, but this didn't work as the Medical Committee reported that 'A' had no chronic medical problems. The Appointing Authority then placed 'A' on 'leave in the interests of the service' (Article 42c), against her will. She went to court, and then appealed to the Court of Justice, which ruled in her favour and annulled the measure. One might have expected the story to end there. Unfortunately, it didn't. The Appointing Authority then took a new decision on leave in the interests of the service, this time retroactive to the original date. Just imagine: you receive a letter from your employer informing you that you are no longer considered to be employed, and that you must reimburse two years of salary! 'A' went to the Court again. Finally, facing a resounding defeat, the Council agreed to an out-of-court settlement, including the

payment of €150,000 in compensation to 'A'.

Union Syndicale can only hope that our Appointing Authority will learn from this, and will refrain in future from applying Article 42c against the will of unfortunate officials who find themselves in such situations.

- 'C' was accused of fraud in respect of family allowances. The PMO demanded reimbursement of roughly EUR 150,000, and the Appointing Authority decided to launch a disciplinary procedure. The Disciplinary Board wanted to impose a measured disciplinary penalty. This, however, was not enough for the Appointing Authority, which decided to apply the heaviest sanction - the immediate dismissal of 'C'. In the meantime, his complaint against the PMO's decision was successful, and the sum to be recovered was reduced by half. 'C' took the case to the Court of Justice, and requested that the disciplinary penalty be annulled. The Court, in an interim decision, found in his favour and annulled the penalty. 'C' was reinstated at the GSC with immediate effect, and all the remuneration withheld was paid to 'C'.

The Executive Committee



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