



l'alliance

Confederal Alliance of free trade unions

Mise au
Point

Brussels, 1 September 2005

CONTRACTUAL AGENTS:

REPORT ON PROGRESS and all the ANSWERS to your QUESTIONS

The establishment of Offices (PMO, OIB and OIL) and that of contractual agents' contracts are two of the most problematical issues bequeathed to us by the Kinnock Reform. One needs to ensure acceptable working conditions for staff and the quality of service for the end users. Moreover, difficulties facing contractual colleagues are incontestable: they derive in particular from a much lower salary grids than was promised by the instigators of the Reform, and this now demonstrates what short memories they have of their vacuoUS promises. Despite the limitations of the Staff Regulations, and the unusually tense social climate prevailing as we return from the summer break, the ALLIANCE will remain faithful to its mandate, work in the interests of staff in precarious situations and seek to lessen the damage caused by the Reform. Moreover, the ALLIANCE will not be put off by what amounts to little more than a virtual US-SFE at the negotiating table: the US-SFE has failed to formulate a single precise, detailed proposal, restricts itself to trying to give *carte blanche* to the hierarchy with regard to recruitment procedures and the awarding of open-ended contracts, and seems only concerned about its electoral future in Brussels. The ALLIANCE will not be discouraged by the dead end in which US-SFE is and hopes that they will recover as soon as possible their negotiating power. The ALLIANCE will keep working in unity with other trade unions which is absolutely necessary in order to achieve any kind of results. The ALLIANCE will keep the staff informed about the true state of the negotiations taking place, and will reply to questions from our contractual colleagues and focus on the situation at all levels of work.

Current negotiations

In negotiations as delicate as these, we have to announce our individual intentions and demands clearly and in advance, and state the principles that we

plan to defend. That is why, on the basis of a SFIE paper – one of the ALLIANCE trade union – the ALLIANCE presented on 9 June its demand for concertation, setting out a detailed analysis of the problems¹. These steps are the outcome of major

¹ Those documents are available upon request at the following fax number 53014.



collaboration between Contractual Agents (CAs) and ALLIANCE trade unions. They were presented and discussed with DG ADMIN on 29 June and 12 July. Their focus mainly on:

Faster access to open-ended contracts. To avoid CA colleagues remaining permanently in precarious employment, to strengthen their independence, and to shield them from the daily pressure and blackmail concerning the renewal of contracts, it is essential to minimise the waiting-time before open-ended contracts are awarded. Why wait ten years when the contract can be renewed for an indefinite period after three years, and particularly as the Institution enjoys all the guarantees of transparency and skills verification it has culled from experience in the Services and by the EPSO selections? On the other hand, if the objective is to hand senior personnel in Offices a workforce that will answer to their every beck and call, it is quite easy to understand the proposal to “perpetualise” the precarious nature of staff’s employment, for example, with renewable five-year contracts – or, even worse, by takings CDRs into account when deciding whether to contracts or not.

Reconsidering the salary loss induced by the move from the auxiliary statute to the Contractual Agent statute. The Commission must respect its written commitment not to diminish salaries by more than 11%.

Better conditions for classification for all included for Function Group IV. Further to the improvements won for other groups: this involves taking due account of colleagues’ experience, and compensating, at least in part, for the losses brought about by the Reform.

The possibility for ALL CA in service to get to the end of their THREE years without having to take a new selection. It is indeed unreasonable that those colleagues should bear the consequences of EPSO unpreparedness and should take a new selection to get to the end of their contract.

Appropriate solutions to social difficulties encountered by CAs, such as: unemployment, health insurance, the renewal of contracts, the right of abode; the reimbursement of mission expenses; access to, and enrolment in, European schools; documents to be produced outside, mobility, social protection in other working places.

The establishment of selection procedures that are adapted to the profiles being sought, and which take prior professional experience into account.

Negotiations to start as soon as possible on the establishment of a promotion procedure that takes due account of merits throughout colleagues’ careers, and compensates, at least in part, for salary losses triggered by the Reform

The setting up of a permanent HELP DESK to answer all contractual agents’ practical and legal questions issues.

Throughout the concertation meetings on 29 June and 12 July, the ALLIANCE made significant progress, which it will continue to defend robustly in the political concertation with M. Kallas on 9 September. After that, the ALLIANCE will present staff with a final report on this cycle of concertation meetings.

YOUR MOST FREQUENTLY ASKED QUESTIONS AND OUR ANSWERS

Notwithstanding all the fliers and some General Assemblies, there still seems to be a degree of confusion about a few aspects of this matter. Sadly, as the elections approach, and as a result of growing confusion within Offices, not everyone seems to be aroused by the same concern for clarity, or by the same wish to provide colleagues with comprehensive, reliable information. In particular, on the pretext of preserving CA colleagues’ unity, an impasse has been voluntarily reached on quite fundamental differences of opinion concerning the mode of employment that contractual colleagues will have to accept, depending on the kind of contract they have.

1. Are we (CAs) in the same legal situation if we work for DGs or are recruited by Offices?

NO! The legal bases of the contracts are different, the conditions for classification are different – and, in particular, opportunities for access to open-ended contracts are different. The Conditions of Employment of Other Servants of the EC (CEOS) are quite clear on this point.

CAs in Commission DGs (i.e. over 75% of current contractual staff) have a contract based on Article 3 ter of the CEOS and according to Article 88(a) of the CEOS, “the contract is concluded for a fixed period and is renewable”. Article 88(b) lays down that “the effective

duration of employment in an Institution, including the duration of any renewal, may not exceed three years"². Naturally, the six-year overlapping rule applies.

CAs in Offices and in Function Group I have a contract established under Article 3 bis provisions. Article 85 of the CEOS foresees that "contracts may be concluded for a fixed period of at least three months and not more than five years. They may be renewed not more than once for a fixed period of not more than five years. ... Any further renewal shall be for an indefinite period".

You do not have to be a qualified lawyer, or have negotiated the Reform, to realise that these two situations have not been tackled in the same way.

2. Who can have an open-ended contract?

According to the Articles in the CEOS referred to above, **ONLY** CAs working in **Offices (PMO and OIL) and in Commission Delegations**, and those in **Function Group I** in the Commission can obtain open-ended contracts.

3. I am in CA Function Group I, II, III or IV in a DG: can I become permanent in my present post and obtain an open-ended contract?

NO! All other CAs with DGs, except for those in Function Group I, **CANNOT** obtain open-ended contracts, and their contracts are limited to a maximum of three years, and within the boundaries of the six-year overlapping rule. Furthermore, the only way that these colleagues have of obtaining ended-contracts is to be recruited by an Office or by executive agencies, as there is **NO** legal way of obtaining a contract with DGs for more than three years.

4. Why, then, was I made to sign a petition in favour of the possibility of becoming permanent without selection, that would condemn me, like 75% of contractual staff, to being unable to obtain an open-ended contract?

The ALLIANCE is extremely concerned about the hotchpotch that this issue has been turned into,. Mobilising colleagues over the proposal of the unlikely titularisation of CAs in their current jobs that they can in **NO WAY** obtain is a ludicrous manipulation that **NO** electoral campaign can justify.

Such a proposal flouts the rights of colleagues; it is actually all about giving *carte blanche* to the hierarchy. Despite the different views on EPSO tests, they would only be acceptable for personnel in service provided that they give them access to open ended contract directly after they passed those selections.

5. I am now an auxiliary agent: can I use the light transition procedure for obtaining a CA contract?

YES! The transition of staff working under auxiliary-to-contractual agent contracts has not been adequately regulated at central level, and each DG has adopted its own policy, with some having ceased to recruit new auxiliary agents in May 2004, and others still continuing to do so. In these circumstances, the ALLIANCE has demanded that all auxiliary agents should be able to enjoy the same conditions and the same transition procedures to new CA contacts.

6. If I have already an initial CA contract, can I go through an EPSO selection procedure in April 2006 with a view to reaching the end of my three years' contract as a CA?

NO! The ALLIANCE has successfully argued that, within the six years' maximum service within the Institution, staff working in services for a DG may work until the end of the three years **WITH NO ADDITIONAL SELECTION**. This is the **STAFF REGULATIONS MAXIMUM for contracts of this type under Article 88 of the RAA, as referred to above**. This was clearly confirmed by DG ADMIN, and even indicated in an article published in "Commission en Direct" No 369 of 24-30 June 2005 (http://www.cc.cec/home/life/cid/html/369_3.pdf). In these circumstances, to carry on raising unfounded anxieties in order to try and mobilise these staff members around proposals aimed at the sham establishment of staff as permanent officials would quite simply be irresponsible!

7. In these circumstances, what is the point of CAs in Offices, and of those working in DGs, being successful in the EPSO procedures published on 20 July?

You need only be successful in the EPSO selection procedure published on 20 July (the first tests will be taking place before the end of the year) if you want to obtain an open-ended contract.

² Our underline

In particular, by being successful in these procedures, CA colleagues currently in post:

- in **Offices**, and those recruited into Function Group I in the Commission, will be able to go onto open-ended contracts when their contracts are next renewed;
- in **DGs** will then be able to be recruited into Offices and/or an Agency, and obtain an open-ended contract without having to go through fresh selection procedures.

8. What do the EPSO procedures involve?

They consist of **aptitude tests**, which are nothing like as difficult or selective as general competitions, but will nevertheless ensure a minimum level of professional and linguistic skills.

EPSO tests – the ALLIANCE has finally got hold of a clear and precise timetable – will be adapted to each category of staff, and will **evaluate our colleagues' professional experience and skill, and their practical knowledge of the Institutions and of administrative procedures.**

As far as the ALLIANCE is concerned, these aptitude tests will ensure **transparency and equal treatment** – two factors that are, and must continue to be, our Institution's key principles of recruitment. Moreover, the ALLIANCE is calling for genuine mobility and promotion policies for contractual agents, and one that is incompatible with the opaque, or "as and when it suits the client", recruitment system that is defended by others.

9. What is the Alliance doing to help us to pass these selection tests?

Rather than stir up social discontent for purely electoral reasons, the ALLIANCE is endeavouring to reduce the precarious nature of CAs' employment brought about by the Staff Regulations, and to search for concrete solutions in a context of trade union unity.

Each trade union in the ALLIANCE has set up a PERMANENT HELP DESK, and is organising information meetings to help colleagues prepare applications, and making available to ALL CA colleagues their specialist legal assistance service for the whole of the procedure.

Before the end of 2005, EPSO will organise written tests ("computer-based tests") focusing on verbal and numerical reasoning, and on knowledge of the EU. Several training dates have already been fixed. Contact ALLIANCE trade unions for details.

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