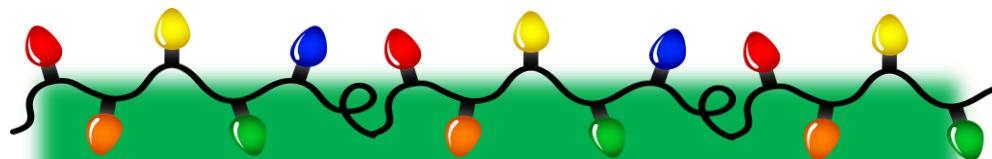




GENERATION 2004



RECTIFYING INJUSTICE
STANDING FOR OUR RIGHTS
RESTORING UNITY



Generation 2004

Christmas Edition 2015



TOP STORY

Contract agents' saga:

Social dialogue, revision of DGEs, internal competitions and other tales

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Some indispensable background: The most important piece of legislation for contract agents is the famous Regulation No 31 (EEC), 11 (EAEC) laying down the Staff regulations of officials and the Conditions of Employment of Other Servants of the EEC and the EAEC, last amended in 2013. Within the limits of these conditions of employment, negotiated and adopted by our twin-arm legislator (the Council and the EU Parliament), the Commission itself enjoys wide powers of de facto policy making in adopting the so-called DGEs or the Commission Decision on the general provisions for implementing Article 79(2) of the Conditions of Employment applied to contract agents. This document, which is an extremely important part of the legal framework, is currently under review by the Commission; a draft proposal by DG HR was presented to the trade unions.

Approach to the story: In the second half of 2015 we witnessed some enthusiastic activity on the side of DG HR on two parallel tracks, related to contract agents. A series of social dialogue meetings and technical concertations were organized to give the impression of consultations with staff representatives. The first initiative concerns a possible launch of internal competitions open to contract agents and it received enormous public attention among the population concerned, not without the support of a carefully managed campaign by certain trade unions. The second topic - the revision of the currently applicable general provisions for implementation - DGEs - remained widely neglected in the public discourse until now.

Contract agents' saga: continuation

Generation 2004 is the only staff organization which has repeatedly and consistently condemned the 2004 and 2014 reforms resulting in a devastating divide amongst staff, including the extensive use of Contract agents for permanent tasks. We reject any attempt to further undermine the principle of equal pay for equal work, no matter whether it concerns officials, CAs or other staff. Yet, we are fully aware that it is unlikely that European Institutions or Member states will stop using such a conveniently cheap resource any time soon. At the same time, there are thousands of colleagues out there who do essentially the same work as officials but under worse conditions of employment...

During recent months vivid discussions took place between the administration and trade unions about the number of laureates and the type of tests to be applied in internal competitions open to CAs. A twisted logic or a deliberate attempt to distract attention? Not single word however about how this exercise fits within wider policy considerations and about the expected results. Whatever is being proclaimed, one thing should be known to all: not more than 5% of the yearly recruitments may be attributed to CA staff according to an undisputable provision of the Staff regulations! We are talking about figures between 25 and 30 available posts for competition laureates amongst contract AND temporary agents! What a huge relief for several thousand CAs with 3b contracts for auxiliary tasks! While this provision is meant to be a safeguard to prevent the backdoor recruitment of officials, regrettably CAs are left in the cold... Indeed, in the past the Commission chose to massively employ CAs to compensate for budgetary cuts instead of conservatively allowing access to higher grades!

What we are facing at present, in a situation of continuing budgetary restraints, is a repetition of the 2004 scenario – this time for CAs. But unlike in 2004, when the reform affected mostly newcomers, this one has the potential to hit real people already working in-house. Article 5 of the proposed new DGE suggests a completely new calculation grid for initial classification, which will result in reduced remunerations for new contracts (often for the same people: one of the hypothesis being a CA currently under 3b contract managing to grab one of the precious 3a contracts in an agency). See for yourselves the tables below. And this is only one important change envisaged by the draft decision.

With a new draft DGE, generously interpreting the provisions of the staff regulations in a known-to-a-few direction, the Commission is on the edge of policy making. The apparent result is policy that is questionable in many ways but first of all, because it intends again to meet short term budgetary needs at the expense of creating long term problems.

The Commission has quite an admirable procedure for public consultations and impact assessments when launching policy initiatives for the outside world. Why is not at least a minimalistic version of this applied to policy initiatives for its own staff? Instead of having a rather sterile discussion about the number of laureates in internal competitions (something between 60 to 150 and thus much higher than the number of those who will get posts in the end), a wide discussion should be launched on the revision of the DGE, based on sound policy goals and an assessment of a comprehensive package of measures. There is no other way for this institution to win back at least some credibility in the eyes of its own staff.

Sad conclusion: The inconvenient truth is that there is no readymade solution for the several thousands of CA colleagues currently employed by the Commission. While internal competitions may be part of a more encompassing policy package, they can by no means be presented or viewed as a universal remedy. Instead, a coherent policy towards contract agents should be put in place and such policy cannot be drafted clandestinely in the offices of DG HR. By no means all currently employed CAs with 3b contracts will get a new contract (though there are opportunities in the agencies) but even those who succeed will face a deterioration of their employment conditions if the proposed draft of new DGEs is adopted as it stands.



Qualification of work experience				
	Current GDE in force		In draft proposal	Grade
	3a	3b		
FGII	<i>less than 7 years</i>	<i>less than 5 years</i>	<i>less than 6 years</i>	4
	<i>at least 7 years</i>	<i>between 5 and 10 years</i>	<i>at least 6 years</i>	5
		<i>between 10 and 20 years</i>		6
		<i>at least 20 years</i>		7
FGIII	<i>less than 7 years</i>	<i>less than 5 years</i>	<i>less than 6 years</i>	8
	<i>between 7 and 15 years</i>	<i>between 5 and 10 years</i>	<i>at least 6 years</i>	9
	<i>at least 15 years</i>	<i>between 10 and 15 years</i>		10
		<i>between 15 and 20 years</i>		11
		<i>at least 20 years</i>		12
FGIV	<i>less than 8 years</i>	<i>less than 5 years</i>	<i>less than 6 years</i>	13
	<i>between 8 and 21 years</i>	<i>between 5 and 9 years</i>	<i>at least 6 years</i>	14
		<i>between 9 and 13 years</i>		15
	<i>at least 21 years</i>	<i>between 13 and 17 years</i>		16
		<i>between 17 and 21 years</i>		17
		<i>at least 21 years</i>		18

Promotion System

Promotions: To complain or not to complain?

In our November newsletter, we informed you about the end of this year's promotion exercise. Those of you who appealed against not being proposed for promotion and were nevertheless not promoted now face a difficult question: To complain or not to complain? In fact, a number of colleagues has already contacted us and asked for advice. Here it is: if you believe that you deserve to be promoted but were not, we strongly suggest filing a complaint based on Article 90(2) of the Staff Regulations.

In doing so, three things are very important:

1. You need to file your complaint on time, i.e. within three months as from the date of the publication of the Administrative Notice (the relevant Administrative Notice is dated 13th November 2015, <https://myintracomm.ec.europa.eu/infoadm/en/2015/Pages/ia15029.aspx>). After all, the best complaint does not help you if it arrives too late. This is your responsibility and we cannot be of much help. Try to be on the safe side though and don't submit your complaint on the very last day. You may be wrong about the exact date or there may be a technical problem with your email or your fax.
2. Any complaint has to be submitted to DG HR's Appeals and Case Monitoring Unit, by one of the following means:
 - by electronic mail, preferably in .pdf format, to the functional mailbox HR_MAIL_D2 (HR-MAIL-D2@ec.europa.eu);
 - by mail to the address SC11 04/057 or by depositing the complaint at the same address (from 9 am to 12 am and from 2 pm to 5 pm);
 - by fax to the number (32-2) 295.00.39.
3. An Art. 90 complaint is the only shot you get, so you have to make sure it is as accurate and to the point as possible. Here we will indeed support you. Like last year we will provide a template for the Art. 90 complaint which already contains a lot of material, takes into account our experience from a court case against last year's promotion exercise which Generation 2004 is supporting, and provides guidance on how to best present your case. So stay tuned and expect news from us in early January. In the meantime, start compiling facts and arguments. It is HR and possibly even the Court you have to convince, nobody else.



"OPEN SPACE" or how to sell a bad idea to good people

Recent rumor has it that DG HR and the OIB are working in the shadows on releasing a new Horror movie on unsuspecting Commission staff in some DGs. The movie is about a Zombie invading our workplaces, sucking our life-blood and taking away our last remaining dignity. The Zombie is called Open Space.



Will that be your future?

Open Space should be long dead and buried at least if HR would listen to the experts, which of course they don't, never did. It has long been proven that open offices hurt productivity, reduce job satisfaction and even affect health. Open offices are needlessly stress inducing. They don't foster collaboration because they make people more irritable and aggressive. Nor are they "egalitarian" because the invasive, violating degree of visibility to which the worker is subjected actually increases status-related anxiety and steepens disparities in power.

So how come the EC is still talking about it? Maybe it is because in their phantasy open space offices look glamorous and exciting like Hollywood or Silicon Valley, full of motivated 20 somethings and oozing of dynamism

and the will to succeed against all odds. Or maybe it is the alluring illusion of a big-brotherish, totalitarian control, with the eye of the executive gazing down the endless alley of people leaning over their sweaty desks and the light of hundreds of computer monitors dancing?

We can only speculate about what is going on in the brains of our great planners. But we can be pretty sure that it is mainly one reason that motivates their zeal: Open offices are cheaper! It's the economy stupid. Squeezing out some non-negligible savings on the back of the expendable worker bees.

Oh, never mind that these are the same people, all high grades, who continue to protect the extraordinary privileges and outsize salaries of their pre-2004 brethren, which, if only partly reigned in, could generate sky-high savings. But that, of course, is not on the agenda.

May we recommend to break down all the walls and create a gigantic open office on the upper floors of the Berlaymont to enhance horizontal coordination and productivity of our highest and dearest workers? If there are any doubts, just pop across the Rond-Point into the EEAS. Most people there will most happily tell you their open offices are a bloody nightmare and that they don't need any of that Zombie crap 😊

Christmas hopes and wishes: A new future for the old building

For several years already those working at Geneve have noticed the on-going works in the building next-door. Coming back from leave in January 2014 colleagues were mesmerized to see how much was done during the holidays. The building was clearly emptied of its contents. A bulldozer was soaring in the sky from its roof, and



concrete shards were scattered around. Many were wondering if the building was being pulled down, or if its skeleton would survive.

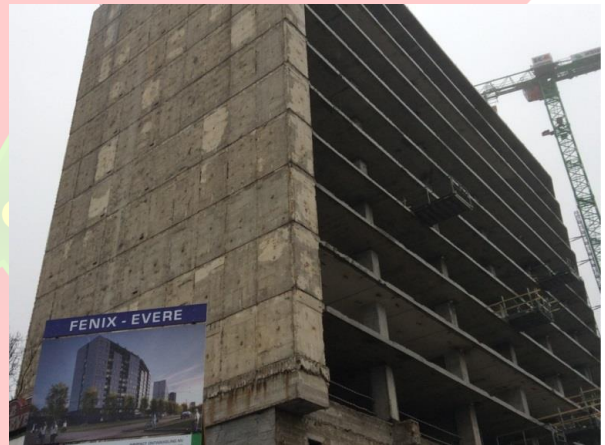
Many of us, working at different buildings and locations of the Commission, had similar thoughts about our own institution, who was being emptied from the inside once again with another Staff regulations reform in the beginning of 2014.

After two years of great incertitude and strong winds blowing away the slightest non-attached particle and with the most pessimistic assumptions being made on the future of the neighboring building, the dilemma seems now to be solved: the skeleton will be fleshed out, the stains removed, the new windows will be applied and it will come to new life under the promising name of "Fenix". Brand new materials and cutting-edge technologies will make it particularly energy efficient

and comfortable.

So while reaching the end of another year that has seen the old European Commission further deteriorating its working environment, let us present Season greetings to all and formulate a special wish to the Commission:

May the fate of the legendary phoenix be yours and may you be reborn to a new, fairer and more efficient working place where everyone will be treated with respect and no one would be pushed to extreme actions seen as the only remaining resort for effective protest and psychosocial risk will be an old word of a forgotten barbaric civilization.



*Merry Christmas &
Happy New Year
from your Generation
2004 Team*

In the spotlight: an alternative route for legal redress

Recently, the Belgian Court of Appeal in Brussels claimed jurisdiction over a case introduced by a Commission official seeking legal redress after exhausting all means of internal institutional defense in a procedure of harassment.

The Belgian Court unconditionally concluded that several pieces of Belgian national legislation, in particular the Belgian Criminal code, the Belgian social Criminal code and the Belgian Law of 4 August 1996 on welfare of employees at work are applicable to all European Institutions located in Belgium. Anyone - official, temporary or contract agent, including those of us who are not Belgian citizens – may invoke its provisions to defend their rights as long as they have Belgium as place of employment.

The immediate practical consequences: any offence falling within the scope of the laws in question may be addressed by the Brussels's Criminal Court and not by the Court of Justice in Luxembourg. Considering the track record of the Court of Justice, which has constantly upheld positions that preserve the status quo at the expense of more progressive views, including on issues of direct concern to post-2004 staff, this is an important development. In the coming months, Generation 2004 is going to assess how one can make use of this new channel to contest many of the arbitrary decisions made in the EU institutions against its increasingly vulnerable staff.

..... and finally some lighter moments ☺☺☺



G2004 message song of the month:



click on our DJ, sit back, turn up the volume and listen well.

Got any ideas for the G2004 newsletter? [Send](#) them along (with "Newsletter" in subject), together with any letters, articles, poems and other assorted forms of expression.

If you identify with what you have read, and share our objectives, **please give us your support TANGIBLY by becoming a member.** [Click here](#)

Whilst **Generation 2004** is the home of **EVERYONE** who believes in equality, justice and solidarity, it is

✓ *the natural home of ALL staff recruited after 01 May 2004*

and *de facto*,

✓ *the natural home of ALL staff recruited from the "new" (2004+) Member States*

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