



*9 points for a modern, efficient and
transparent EU staff policy*

"We must abide by the highest possible professional and ethical standards at all times. I want the European Commission to lead the way as a modern, efficient and transparent public administration". (Jean-Claude Juncker, EC Mission Letters, November 2014)

Scene-setter

European citizens rightfully demand a motivated and well-functioning European civil service. It requires not only **efficiency and effectiveness** of budgetary spending, but also **transparency, solidarity and fairness, uniform application of the rules, a meaningful social dialogue, merit-based career opportunities** and a **talent management policy** worth of its name.

Fortunately, European Commission **President Juncker has made transparency and efficiency key pillars of his new Commission**, whilst Budget and Human Resources **Vice-President Georgieva has explicitly acknowledged the post 2004 career fairness problem** right from the start of her mandate.

However, the **results of the European Commission 2014 Staff Survey** show a **dramatic decline in staff morale**. Pessimism is particularly strong on questions related to the staff's professional future. For instance, 49% of staff do not think the relation between their performance - including previous experience *outside* the Commission - and career progression is satisfying. The survey explicitly acknowledges "the perception that reforms and rewards are unfair, with some comments more specifically addressing a **difference in treatment between pre and post-2004 staff.**"

Based on this understanding as well as our accumulated experience in fighting for a fair treatment of post-2004 (and post-2014) staff, we present the following 9 points which we believe are ultimately in the interest of *all* staff and which we urge the new Commission to take into consideration:

1. **Recognising formally the 2004 career-gap and assessing the impact of the 2004 reform after a decade**
2. **Revising the promotions system to close the career gap and discriminating positively in favour of post-2004 staff**
3. **Designing a career system which *actually* promotes merit, performance, qualifications and experience**
4. **Ending the waste of scarce budgetary resources on artificial senior advisor/assistant positions**
5. **Making transparency the default approach of the Commission's HR policy**
6. **'Walking the talk' towards a fully-fledged equal opportunities policy**
7. **Securing our pensions and making the pension system more sustainable**
8. **Putting the "human" back into our human resources policy**
9. **Putting the "staff" dimension back into staff representation**

These are the 9 points which will be our guiding principles over the next three years and which we will strive to achieve on **your** behalf, with **your** support, in every instance as **your** statutory representatives within the Commission's social dialogue.

1) Recognising formally the 2004 career-gap and assessing the impact of the 2004 reform after a decade

- The 2004-2014 decade marked a radical departure from a reasonable, modern "career system" - where the bulk of staff should be in intermediate grades and a few in the lowest or highest grades. Instead a **disfigured structure** of the distribution of grades has evolved (see graph below). Permanent officials recruited before 2004 enjoy higher remuneration and opportunities while the rest of the staff carry the legacy costs of an unjust and discriminatory system, cross-subsidizing the unreformed salaries, benefits and pensions generated before 2004 and leading to an unbalanced, inefficient and unsustainable distribution of HR resources.



- The reason for this is that the flawed design and even worse implementation of the 2004 reform has led to an **artificial 'juniorisation'** of newly-recruited, experienced professionals while inflating the number and salaries of higher grades, creating a 2-tier system, not justified by merit or performance but simply by recruitment date.
- The **2014 reform** and other recent developments, rather than tackling the issue, have exacerbated it. Colleagues recruited in new **AST-SC** grades have no career prospects. Highly qualified staff have been recruited in the **AST** category but then been assigned to AD tasks and responsibilities. More and more non-permanent staff is recruited on **precarious contract agent contracts**, creating **yet another category of underprivileged staff** (see our analysis and position on contract agents elaborated in a [communication to the Commission](#) as far back as 2012).
- As a first step, the Commission should quantify the extent of the problem. It should for that purpose revise the 2011 **report on the 'Equivalence between old and new career structures'** as also demanded by the European Parliament in its recent 2013 budget discharge resolution ([see here](#); p 68/pt 292). This revision should be based on real careers and acknowledge in particular that the *de facto*,

higher end-of- career grades introduced to compensate for lower entry grades, almost exclusively benefited pre-2004 staff and that 'career equivalence' was not only compromised but quietly discarded... before being officially abolished in the 2014 reform.

- In addition, the Commission should ideally commission an **independent comprehensive report on its HR policy** (and discuss its conclusions with staff) looking in particular on the impact of the 2004 and 2014 reforms on career patterns, cohesiveness, staff morale and missed opportunities for cost savings between 2004-2013.
- To then tackle the manifest division of staff, Commission HR policy should **shift from enlarging the career divide to effectively closing the gap**. The goal of 'career equivalence' enshrined in the 2004 staff regulations - but abandoned during the 2014 reform, must be revived and translated into concrete action to overcome unfair treatment which is a proven motivation-killer and danger to the excellence, loyalty and geographic balance of the EU civil service.

See also our latest (2015) presentation on: [Promotions and Careers at the EC](#).

Read also our extensive reports: [The inconvenient truth about EU staff reform](#) and [Promotions 2004-2014: a decade of denial](#).

See also our newsletter article "[The great freeze](#)": How the 'acquired rights' and benefits of the pre-2004 generation are being protected while post-2004 staff must shoulder the burden.

2) Revising the promotions system to close the career gap and discriminating positively in favour of post-2004 staff

- The Commission must act fast, both in order to **correct** a decade of **injustices** as well as to send the right signals needed to **attract and retain top talent** from *all* EU Member States.
- The main mechanism to close the career gap is the promotion system. There are a number of things which should be done immediately, such as accelerating promotions in lower grades (**AD5-10**), while slowing down promotions in higher grades. To be able to give a boost to the careers of lower grades, it is vital to allocate **higher promotion quotas to these grades** as under the present system these are systematically neglected.
- In particular, the prevailing **practice of artificially delaying the first promotions must stop immediately**. First promotions are indeed allocated after 3.5 years on average. The Commission should follow the practise of the European Parliament where officials in their first two grades are promoted every second year. In addition, low-grade officials with significant responsibilities should be "flagged" and AD12-AD13 / AST 9 promotions cascaded down to them. Also since mobility before promotion is effectively discouraged or punished in terms of slowing down careers, the re-introduction of a "rucksack" system should be envisaged.
- It is necessary to recognise (and reward) **professional experience** acquired not only inside but also **outside the institutions**, or within the institutions under another status (CA, TA, END); **for new staff** with an appropriate grade upon entry in the

service, **for existing staff** through a dedicated procedure or **appropriately-framed internal competitions**.

- By the same token, the **acquisition of new experience/skills** should be **encouraged and rewarded**. In particular, officials who make an extra effort to widen their professional scope should be positively flagged. In parallel, for **over-qualified ASTs - including a lot of female talent** - who are often assigned AD tasks and responsibilities, there should be a **radical increase of certification possibilities** to become ADs. The **new SC (also mostly female) category** and **permanent contract agents (FG I)** should also be given chances to evolve in their career.
- **Internal competitions** should be **conducted in a fully fair and transparent way so as not to allow for parachutage** of the politically connected. Most importantly, resulting **promotions should not be allocated via a 'cannibalisation' process**, as it was the case in 2013, perversely punishing other colleagues in the grade to make room for the advancement of a lucky (although meriting) few.

Read also our newsletter article: [Cucumbers and grapes](#) - how we should use the promotion system to strengthen fairness, reward performance and reduce inequality.

Read our newsletter article: [Dirty games and money for nothing](#) - how the EC used the veil of an internal competition to parachute the well-connected into top positions.

See [here](#) our in-depth proposal (08 March 2013) for [serious, merit-based internal competitions](#).

3) Designing a career system which *actually* promotes merit, performance, qualifications and experience

- As the 'one-size-fits-all' approach of current HR management clearly does not fit the realities of a diverse and modern institution that requires many different qualities and career tracks, a system with diversified career patterns and pathways should be developed foreseeing **different but equally rewarding careers for generalists, managers and (genuine) experts**.
- A major result of the past 10 years of HR management in the Commission is that the **relationship between grades and responsibilities has become incompatible with the principle 'equal pay for equal work'**, which the Commission continues to recommend to others as a model to follow. It is now the norm rather than the exception that for the same (and often for more) work and responsibility, **post-2004 officials and contract agents might receive a salary as low as one third of what their pre-2004 colleagues earn, combined with considerably smaller pension benefits**.
- The current **career system is not transparent** and based on rather obscure assessment methods. There is basically no evidence that merit comparison is being conducted, as job descriptions, objectives of staff as well as

evaluation/promotion benchmarks are largely non-existent.

- **Differentiated job descriptions**, which remain an indispensable and obvious pre-requisite for a fair and transparent career system, were mandatory under the 2004 statute (to establish a "*closer link between performance and remuneration*"); they were never seriously implemented by HR and have now actually been downgraded to "voluntary".
- Other important elements for a fairer, more modern and transparent system would be **performance evaluations according to harmonised, objective and quantifiable criteria** as a basis for any promotion as well as annual **assessments of manager performance by staff** (so-called '360 degree' feedback).
- In the longer term, it should also be considered to **reconfigure the system such as to allow promotions upon nominations to higher responsibility**, as the current way of determining managerial eligibility and capability by grade and not merit, suitability and experience is simply absurd.

See here our [analytical proposal concerning the 2014 reform of the staff regulations](#) - surely a foremost example of our positive-proactive-progressive credentials.

4) Ending the waste of scarce budgetary resources on artificial senior advisor/assistant positions

- All decisions in the field of HR policy should be based only upon *proven*, objective needs of the institution and in this sense also **take account of budgetary limitations avoiding** wasteful practises; such as the creation of **new "senior" positions**. More often than not, these senior positions do not carry any additional responsibilities but simply serve as a means to enable promotions beyond the "end of career" grades. Tens of millions of EUR are thus being (mis-) spent each year instead of allocating them to closing the post-2004 gap.
- It is morally unacceptable that more than ten years after the 2004 reform, **most trade unions continue to claim extraordinary privileges for a meagre 10% of staff**, pretending that the most important HR problem in the Commission at this very moment in time is careers being "blocked" at grades which post-2004 recruits will hardly ever reach in their lifetime.
- As a result of vociferous **protests by Generation 2004** the planned "labelling" process for AD13s, whereby up to 600 AD13s could be appointed as "senior experts" based on nothing more than their current grade, has been frozen for the moment. We need to ensure that this process is not revived just after the upcoming staff elections

Read our newsletter article: "[Candy Crush 2014](#)" - how DG HR plans to circumvent the statute and use more EU admin budget to benefit top-earners without management responsibility.

5) Make transparency the default approach of the Commission's HR policy

- Much of the existing feeling of injustice amongst EU staff can be attributed to the **lack of fairness, proper justification and consistency in the creation and application of rules**. What makes matters worse is that the bulk of existing implementing rules and administrative HR practices remain completely arcane and known only to a chosen few (including certain union figures).
- A case in point is the promotion system where aside from the lack of a true assessment and comparison of merit when drawing up the initial proposal, even upon appeal, **no reasons whatsoever are given why someone has not been promoted** and how his or her merits compare to other colleagues.
- To give another example : the **correction coefficients for non-Brussels-based staff** are currently calculated on the basis of data which are kept secret, allegedly for reasons of confidentiality, which, however, were never substantiated.
- **The Commission is a civil service and not a secret service**, its future HR policy should, thus, be the result of an **open and non-predetermined dialogue with staff, not of shady backroom deals**. All arguments leading to decisions should be put on the table as early as possible and no hidden agendas should be followed. This could avoid cases such as in 2013 when **AST** staff was suddenly subjected to an arbitrary transformation of their posts to **SC** posts, without being consulted nor informed by HR, although this may have significant repercussion on their future career opportunities.
- It is also imperative that **confidentiality issues not be abused as a pretext for dismissing requests for transparency**. A lack of transparency creates doubts and doubts breed mistrust, thereby devaluating the currency without which the Commission cannot function: a loyal, motivated workforce.

Read also our newsletter article [Back to the future?](#) - the creation of the 'new' function group AST/SC (secretary/clerk) and its implications for post-2004/2014 staff

6) 'Walking the talk' towards a fully-fledged equal opportunities policy

- Discrimination is a multi-dimensional problem within the Commission, affecting "**juniorised senior**" officials, often **women**, many of which being from recent (post-2004) Member States. Since 2004, it is also built-in to the **recruitment of an ever-increasing army of contract and external staff** by silently profiteering from the economic crisis to promote over-qualification or underpay or even both as the standard practice, fulfilling all criteria of **social dumping** (see also *pt 1 above*).
- The new Commission has set ambitious targets for **40% females at middle and higher management** to be reached **by 2019**. To address gender balance at **higher levels, DGs/HR should stop reserving** "high-profile" positions to AD9+ grades as the bulk of low grade officials, many of which are female, cannot access these positions. **As a matter of principle and a proof of a modern, transparent and merit-based organisation, all but the highest management vacancies should be staffed via transparent and fair internal competitions based only on qualifications and not on grade.**

- Giving priority to merit and providing fair and equal conditions, which leave room for a fair way of living and performing ones duties, are the guarantors for an inclusive and non-discriminatory career management identifying and stimulating the best talents. Ultimately neither gender nor other forms of discrimination can be overcome without **reforming a working culture, which is much too often rewarding an unhealthy work-life imbalance and an exaggerated presentism.**

7) Securing our pensions and making the pension system more sustainable

- Despite the request of the budgetary authority, both reforms (2004 and 2014) did not prevent pension expenditure to skyrocket. The **cost of the average pension (€ 70,000 per year) is already higher than the cost of the average salary of post-2004 officials** and certainly higher than the income of almost any CA. Moreover, pension expenditure is rising by 7% a year, while salaries are stagnating.
- As if this was not enough, highly paid staff are actually encouraged to stay longer allowing them to reap even more luxurious pension benefits, while **newcomers are forced to pay the same contributions** despite a much lower return due to rising retirement age. This includes those that transfer rights acquired in their national pension scheme into the institution scheme at a much less favourable rate of conversion since 2009.
- **Pension expenditure may overtake salary expenditure within the next decade** or so, which may prompt yet another devastating "reform". Some pre-2004 beneficiaries, among them trade union leaders, and the majority of pensioners, evidently hope that they will once again manage to put the burden of servicing their high pensions on the post-2004/2014 generation. However, out of sheer necessity given the magnitude of the problem, Member States are bound to eat into the so far zealously guarded 'acquired rights' of the pre-2004 pensions. This is indeed the only way for them to significantly decrease pension expenditure before it reaches an unsustainable level.
- As a **preventive step, contributions to the pension scheme should be made proportional to the expected benefits.** Currently everyone contributes the same percentage of one's salary (10.1% since 1 July 2014) no matter whether one benefits from a 2% or a 1.8% per year accrual rate, nor whether one will be able to retire at the age of 60 or at the age of 66.
- The **existing pension regime is also a barrier to mobility for those who wish to leave** the institutions before their retirement age (3% of staff, i.e. about 1000 people, have indicated such a wish in the recent Commission staff survey). Any future reform of the pension system should also address this issue. In particular, the mechanism to transfer out pension rights acquired in the Institutions should be upgraded to facilitate the transfer out to other schemes rather than discourage it.

For more background read our newsletter article "[SOS pension](#): How EU pensions risk to be shipwrecked by expensive promotions, accumulating liabilities and failure to reform the system; see also [here](#) our latest presentation (from 26 May 2015) on the sustainability of our pensions.

See also [here](#) concerning reactions by unions and pensioners' associations and attacks on Generation 2004.

8) Putting the "human" back into our human resources policy

- Expenditure on healthcare in the Commission is projected to increase in order to cover for the deterioration of staff health. A **stronger and more intelligent focus on disease prevention** should be urgently considered. There is a **lack of knowledge in the institution of how and what should be done about the staff health**. A prime example is the statistics about **staff suffering from psychological problems** and the number of staff committing **suicide** is not shared with staff representatives.
- However, staff representatives continue to receive more and more information from colleagues whose health is suffering from reorganisations, forced mobility, difficulties of maintaining a good work-life balance, dim career perspectives, harassment by superiors, precarious situations due to short-term contracts, etc. Such colleagues are most often left alone to deal with their situation; whilst their problems should be an issue of serious concern for our "human" resources.
- Generation 2004 is committed to supporting the health of staff in the long term, and supports the proper **involvement of staff in all aspects of their health**. Generation 2004 believes that **disease prevention has a crucial to play** in order to **reverse the obvious work-related deterioration of staff health** in recent years.

9) Putting "staff" dimension back into staff representation

- Over the past years, we have witnessed 'staff representation' at the Commission to be little more than a parody of its name: largely dominated by a clique of older, high-grade officials, usually hailing from the same 2-3 Member States, whose primary *raison d'être* - at least since 2003 - has been the **preservation of the status quo at all costs**, at least as far as their interests (and those of their clientele) are concerned.
- Most union leaders and elected representatives have actually turned '**career syndicalists**', using the secondments which unions are entitled to by virtue of their electoral results to detach themselves from the services, for as long as possible, in some cases almost/permanently; losing touch with life in the same services and the very staff they are meant to be representing.
- A number of unions have made a **virtual (and lucrative) business out of staff representation**, amassing fat bank accounts through high membership fees and 'selling' training courses (generally held in Commission premises) with no quality or financial control whatsoever. To 'square the circle', colleagues are often obliged to become union members in order to have access to such training, thereby being virtually snared into 'selling their future' and indirectly contributing to a dysfunctional system of clientelism.
- Staff should be represented by staff and not 'career syndicalists'. To this end, there should be **strict enforcement of the '6-year rule'** (existing, in theory) which provides for a limitation on staff representative

mandates/secondments (max 2 terms of 3 years).

- It is the administration's responsibility to ensure a **strict monitoring against conflict of interest/external interference** and that of unions/staff associations to cooperate through full transparency to this end. By the same token, **strict control / transparency of Unions'/OSPs' financial assets** (and their origin) should be assured.

In conclusion

These 9 points are a concrete foundation for serious discussion.

Over the past 3 years since it has formally emerged on the staff representation scene, Generation 2004 has spared no effort in denouncing the **systematic legal and practical discrimination of post-2004 and post-2014 staff**, in particular enforced through non-recognition of relevant professional experience and a promotion and career system that largely favors seniority over merit and performance.

Up to just 3 short years ago, both the administration and most unions refused to even acknowledge the existence of any "post-2004 problem". **Your** overwhelming support at each Commission staff election since 2012 coupled with our fact-based campaign and relentless efforts have not only reversed this attitude but placed the "post-2004 issue" on the agenda.

Vice-President Georgieva's courageous acknowledgement of a "post-2004 problem" during her very first meeting with staff representatives following her appointment and her disposition to search for solutions all point in a promising direction. It is now **time to walk the political talk. Where there is a will there is a way, but where there is a political will, there is a highway!**

Subject to retaining and hopefully increasing **your** support, we will continue our **campaign against injustice and inequality in the EU institutions** until concrete actions are being taken by the European Commission, the Council and the European Parliament (other institutions and agencies may follow) to reduce these inequalities and narrow the career gap.

Looking ahead, staff should realise that the report on the functioning of the staff regulations due in 2020 (art 113 of the 2014 SR; there was no such article in the previous regulations) is probably coded language for another drastic reform. After the fiasco of the 2014 reform, the Juncker Commission should, from yesterday, pave the way for a 2020 reform that will be addressing all our concerns in a **positive, proactive** and **progressive** manner. This Commission is really **"la Commission de dernière chance"** with regard to staff matters.

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