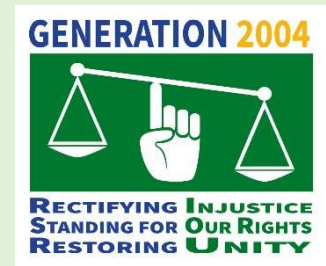


# Generation 2004 calls for transparency

Read this before you vote!



One of the amendments to the procedure for the Geel Local Staff Committee (LSC) elections that Generation 2004 proposed was **to add the affiliation of each candidate next to the name on the ballot paper, or "independent" if the candidate does not prefer to be affiliated**. After reading this first page, you will understand the reason for this proposal. Want to know more? Please refer to the detailed explanation hereafter.

## In a nutshell

### What is affiliation?

**Any LSC candidate is either affiliated to a trade union/staff association, or is independent.** After every LSC election, the percentage of staff that supports each trade union/staff association is calculated based on the total number of votes for the candidates affiliated to each trade union/staff association. **This is the "representativity"<sup>1</sup>, and is communicated to DG HR.** It is for granted that any candidate has the freedom to be affiliated to any association, or act independent.

### Why is affiliation important?

The affiliation of an LSC candidate shows the values that the candidate considers important. In addition, since it determines the representativity, it affects the resources that the Commission allocates to the trade unions/staff associations (OSPs) and also the order in which the organisations are heard during the social dialogue. **Your vote, unless for an independent candidate, directly determines the resources and affects the impact of the associations in the social dialogue.** It is therefore important that you, as a voter, know the affiliation or independency of the candidates you support!

### Why change the election procedure?

**The reason to include the affiliation originates from the observation that the current LSC members and the Geel staff seem not to be aware of the implications of the affiliation.** This observation was made several times by the Generation 2004 candidates during conversations with staff about the elections. **It must be stressed that nor the LSC members nor staff shall be blamed for their ignorance.** With this note and the amendment, Generation 2004 explains the reality and forever clarifies the issue.

### To remember

- Any LSC candidate is either affiliated to a trade union/staff association or is independent.
- Your vote affects the resources of the trade union/staff association and their impact in the social dialogue.
- Vote S.M.A.R.T.: know whom you vote for!

**We are Generation 2004. Who are the other candidates?**

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<sup>1</sup> or "representativeness"

## Detailed explanation

The boxed text is complementary information copied from the references, found on MyIntracomm[1].

### Our request will create transparency

To avoid any future obscurity, we request the amendment to the procedure for the elections[8]:

- Article 6 should be amended by adding: "Each candidate shall indicate the trade union or staff association he/she is affiliated to, or indicate 'independent' if the candidate does not want to be affiliated to a trade union or staff association."
- Article 9 should be amended by adding: "The affiliation of the candidate (or 'independent' for non-affiliated candidates) is shown on the voting bulletin, next to the candidate's name. The affiliation indicated by the candidates shall be used to calculate the representativity."

Changes to the procedure are decided by the staff general assembly:

#### ***Procedure for the elections, Article 1[8]***

*The procedure given hereafter, for the election of the Local Staff Committee Geel for the year 2017, shall remain applicable for any subsequent election unless it is revised by a decision of staff at a General meeting.*

### Staff committees

MyIntracomm[2]: *The staff committees represent the interests of the staff vis-à-vis the Institution and contributes to the smooth running of the service. The staff committees are statutory organs (Article 9(3) of the Staff Regulations) which function is:*

- *to represent the interests of the staff vis-à-vis the Institution,*
- *to contribute to the smooth running of the service by delivering consultative opinion on general issues related to the interpretation and application of the Staff Regulations.*

#### ***Staff Regulations[3], Article 9(3)***

*The Staff Committee shall represent the interests of the staff vis-à-vis their institution and maintain continuous contact between the institution and the staff. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff. It shall bring to the notice of the competent bodies of the institution any difficulty having general implications concerning the interpretation and application of these Staff Regulations. It may be consulted on any difficulty of this kind. The Committee shall submit to the competent bodies of the institution suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions. The Committee shall participate in the management and supervision of social welfare bodies set up by the institution in the interests of its staff. It may, with the consent of the institution, set up such welfare services.*

*The Staff Committee consists of:*

- *the Central Staff Committee (CSC),*
- *8 Local Staff Committees (LSCs) situated in the 8 principle places of employment of staff - Brussels, Luxembourg, Ispra-Seville, Karlsruhe, Petten, Geel, France and "Outside the Union".*

*The staff in each principle place of employment elects the members of the LSC. The maximum length of their term of office may not exceed 3 years. The LSC members elect among themselves the members of the CSC.*

## Trade Unions and Staff Associations (OSPs)

MyIntracomm[4]: *The OSPs defend the general interest of the staff of the Institution. They maintain stable and structured relations with the Administration, which are governed by the Framework Agreement concluded between the Commission and the OSPs.*

*Article 10b of the Staff Regulations emphasizes the mission of the OSPs to defend the general interest of the staff of the Institution, even though they are not statutory organs.*

### **Staff Regulations[3], Article 10b**

*The trade unions and staff associations referred to in Article 24b shall act in the general interest of the staff, without prejudice to the statutory powers of the staff committees. The Commission proposals referred to in Article 10 may be the subject of consultations by representative trade unions and staff associations.*

*Pursuant to Article 10c of the Staff Regulations, the Commission may conclude with the representative OSPs agreements concerning the staff.*

### **Staff Regulations[3], Article 10c**

*Each institution may conclude agreements concerning its staff with its representative trade unions and staff associations. Such agreements may not entail amendment of the Staff Regulations or any budgetary commitments, nor may they affect the working of the institution concerned. The representative trade unions and staff associations which are signatories shall operate in each institution subject to the statutory powers of the staff committee.*

*The relations between the Administration and the OSPs are governed by the Agreement on Relations between the European Commission and the Trade Unions and Staff Associations (the "Framework Agreement" [5] and annexes) concluded on 18 December 2008:*

### **Framework Agreement[5]**

#### **Article 3: Role of the trade unions and staff associations**

*The European Commission wishes to underline its recognition of the importance of the role and responsibility of the trade unions and staff associations by involving them in the most transparent and effective way possible in the life of the Union's institutions and bodies.*

*The trade unions and staff associations shall act in the general interest of the staff without prejudice to the powers conferred on the staff committees by the Staff Regulations.*

#### **Article 9: Representativeness of the organisations**

*The European Commission shall recognise as representative the recognised organisations which meet the following two criteria:*

- *they represent at least 6% of European Commission staff at central level and 5% at local level (in a single place of employment);*
- *they have at least 400 fully paid-up members who are officials, other servants or retired officials of the European Commission.*

*Organisations meeting the above representativeness criteria shall be permitted to sign this Framework Agreement as signatory representative organisations.*

## What is 'representativeness'?

The representativeness or representativity is calculated based on the number of votes cast during LSC elections:

**Framework Agreement[5]**

**Article 10: Representativeness criteria to be fulfilled by the organisations**

*a) The results of the statutory elections of the local sections of the Staff Committee shall be calculated as follows.*

*The calculation shall be based on the number of votes cast and weighted in accordance with the method laid down in Annex 2. The adjustment of representativeness as provided for in Annex 2 shall take place after a complete round of elections for the local sections of the Staff Committee.*

*However, at the written request of a representative organisation, the adjustment may be made on the occasion of each election of a local section of the Staff Committee.*

Annex 2 specifies that the calculation of the representativity takes into account the number of votes obtained at the local level in terms of percentages. For the calculation of the representativity at the central level, the results at the local level are weighed on the basis of the set of registered voters to calculate the relative weight of each local section in percentage:

**Framework Agreement[5] – Annex 2: Calcul de la représentativité électorale des OSP**

*Ce calcul tient compte du nombre des voix obtenues au niveau local en termes de pourcentages. Seul un résultat électoral local dépassant le seuil de 5% par liste peut être considéré pour le calcul de la représentativité au niveau central. Les résultats des listes ayant obtenu <5% sont retirés de manière suivante: les résultats des listes >5% sont divisés par le coefficient (100% moins la somme des listes <5%)*

*Méthode pour pondérer les résultats au niveau local: sur base de l'ensemble des électeurs inscrits, on calcule le poids relatif de chaque section locale en pourcentage.*

**Resources Package**

MyIntracomm[4]: *Since June 2011, resources are allocated to the representative OSPs in accordance with the Agreement between the European Commission and the representative Trade union or Professional Organisations on the resources allocated to those organisations (the "Resources Agreement"):*

**Resources Agreement[7]**

*Under this agreement, the Commission makes available to signatory representative OSPs the necessary resources for the smooth operation of in-house social dialogue, in accordance with the framework agreement.*

**Article 2: Number and distribution of exemptions**

*The maximum number of exemptions pursuant to Article 1(1) shall be twelve (12) full-time equivalents (FTEs).*

*Exemptions shall be distributed between the representative OSPs which are signatories of this agreement and that have their headquarters in the European Union, according to their representativity at central level.*

*The exact distribution of exemptions provided for in paragraph 1 shall be established in a memorandum of understanding between the OSPs and the Directorate-General for Human Resources and Security (hereinafter "DG HR") on the allocation of resources to staff representatives. That memorandum of understanding shall be established at least once a year, at the beginning of the year or whenever the representativity calculated at central level changes.*

**Article 15: Distribution of resources between the signatory representative OSPs**

*Every year, in line with the available budget, DG HR shall provide an envelope of appropriations corresponding to the resources mentioned in Articles 8-12 (mission expenses, secretaries, training, premises, office and computer equipment) of this agreement. This envelope shall be requested and managed by DG HR. At the beginning of each year, DG HR shall notify the OSPs and the Staff Committee of the amount of the envelope and the amount of the portion earmarked for the representative OSPs signatories to the framework agreement.*

*On the basis of the envelope referred to in paragraph 1, the distribution of these appropriations shall be established, on the basis of the representativity of the OSPs calculated at central level, in a memorandum of understanding on resource allocation. That memorandum of understanding shall be established at least once a year, at the beginning of the year or whenever representativity calculated at central level changes.*

The current representativity of the OSPs is available in an Excel table[6].

## References

- [1]. Social dialogue at the Commission, MyIntracomm, Staff Matters, Social dialogue; <https://myintracomm.ec.europa.eu/staff/en/working-conditions/social-dialogue/Pages/index.aspx>
- [2]. Social dialogue at the Commission, MyIntracomm, Staff Matters, Social dialogue, Staff committee (SC); <https://myintracomm.ec.europa.eu/staff/EN/working-conditions/social-dialogue/Pages/staff-committee.aspx>
- [3]. Staff Regulations; [https://myintracomm.ec.europa.eu/hr\\_admin/en/staff-regulations/Pages/index.aspx](https://myintracomm.ec.europa.eu/hr_admin/en/staff-regulations/Pages/index.aspx)
- [4]. Social dialogue at the Commission, MyIntracomm, Staff Matters, Social dialogue, Trade Unions and Staff Associations (OSP) <https://myintracomm.ec.europa.eu/staff/en/working-conditions/social-dialogue/trade-unions-staff-associations/Pages/index.aspx>
- [5]. Agreement on Relations between the European Commission and the Trade Unions and Staff Associations (the "Framework Agreement"); <https://myintracomm.ec.europa.eu/staff/Documents/working-conditions/social-dialogue/trade-unions-staff-associations/osp-framework-agreement-2008-EN.pdf> (English); <https://myintracomm.ec.europa.eu/staff/Documents/working-conditions/social-dialogue/trade-unions-staff-associations/accord-cadre-signé-avec-ushu.pdf> (French)
- [6]. Excel table with the representative OSPs in the European Commission (02/2020); <https://myintracomm.ec.europa.eu/staff/Documents/working-conditions/social-dialogue/OSP%20maj%20fevrier%202020.xlsx>
- [7]. Agreement between the European Commission and the representative Trade union or Professional Organisations on the resources allocated to those organisations (the "Resource Agreement"); <https://myintracomm.ec.europa.eu/staff/Documents/working-conditions/social-dialogue/trade-unions-staff-associations/acc-ress-en.pdf>
- [8]. Procedure for the elections of the staff committee (LSC Election procedure 2017); <https://webgate.ec.europa.eu/connected/docs/DOC-248483>