



Recent Developments in Labour Rights at the EPO

Increase in Job Precarity and Wage Ratio

The federal committee members of SUEPO The Hague

This abstract provides an outline for a presentation to be given during the USF congress in May, 2023. It is intended to serve as an aid for further discussion and the sharing of information on the issue of deteriorating job conditions at the member international organisations. The presentation will focus on two main themes; the extent of the use of fixed-term contracts and the introduction of a new category of staff with low salaries. These are areas which have seen significant changes in the EPO service regulations, with the potential for huge impact on the workforce.

Fixed-term contracts for all

Prior to 2018, the use of fixed-term contracts at the EPO was restricted to certain areas of the Office outside of the core roles of patent examiners and formality officers (who account for around 3/4 of the workforce), and was limited to a maximum of 5% of the staff. Under the previous administration, the employment framework was radically amended, resulting in fixed-term contracts being offered to all newly joining staff as of April 2018. The limitation to the number of staff on fixed-term contracts was increased to 20% of the total posts, and the contracts have an initial duration of 5 years, followed by a second 5 year contract, which must either be terminated or converted to permanent at the 10 year mark. The concept of permanent positions for permanent roles has been completely eliminated at the detriment of our younger colleagues. The decision for renewal or conversion of a contract is dependent on the needs of the service, and the performance of a staff member. The latter can be considered to amount to a 10 year probation period, putting undue stress on the shoulders of staff members.

Impact on recruitment

Since these changes to the employment framework were introduced, there has been a much lower than average rate of recruitment in the core roles, in part due to a decision to freeze recruitment for two years during the pandemic. There are some indications that it is more difficult to recruit to these positions than previously, as the Office has turned to directly contacting potential candidates. In addition, the language requirements have also been relaxed, in that at the point of recruitment, a candidate only needs to speak one of the three official languages of the EPO, rather than at least two. However, the degree to which the introduction of fixed-term contracts has impacted the ability to recruit is unknown, and potential ways to quantify the influence need further consideration.

New category of staff

The EPO has offered a paid traineeship programme to recent graduates since 2015, under the Pan-European Seal (PES) Programme. This programme was outside of the employment framework of the EPO, and the contracts were subject to national labour law, and the monthly salaries of 2000 euros were subject to national income tax. In 2022, the programme framework was modified, bringing the newly named "Young Professional" trainees under the service regulations of the Office and defining a new category of staff.

Increase of the wage ratio

Since the Young Professionals are now employees of the Office, their salaries, which in the first year are below the salary scale table (67% of Grade 1 step 4 for year 1, raising to Grade 1 step 4 for years 2 and 3), significantly increase the wage ratio at the EPO from around 1:5 to 1:8. The Office cited a need to feed the talent pipeline as a reason for the expansion of the programme, perhaps partly in response to the recruitment difficulties described above. The trainees are deployed in every department of the Office, including a large number performing core tasks, and the maximum duration of the traineeships was also increased from 12 months to 3 years. This is a cause for concern, as it allows for shortfalls in staffing in core areas to be bolstered by trainees rather than recruiting new staff, and for colleagues who are fully qualified to be underpaid as a trainee for 3 years rather than being recruited into a suitable post.