

Maastricht, 15 March 2021



The current Staff Regulation is not a suitable framework for a modern international organisation, along with cumbersome and rigid Social Dialogue procedures. This is a major burden and a constraint on the Agency's ability to be more agile and cost-efficient. A fundamental review of the current Staff Regulation is therefore needed, and a new Staff Regulation should be established.

Fundamental Review of the EUROCONTROL Agency's activities & Strategic Plan
Deloitte, Pages 16-17,22,26,55-56, ... and recommendation #15

Where to even begin?!?

Even without Deloitte putting it on paper, it is abundantly clear that Mr Brennan perceives the social dialogue within the Agency as a cumbersome annoyance: of the 19 consultation meetings over the past three years, Mr Brennan has chaired eight (8) from start to finish. In other words, less than half. That includes the three meetings after June 2020, when he was instructed by the Provisional Council to respect the social dialogue process. If we count up to that point, **during the first half of his mandate, Mr Brennan fully participated in 5 out of 16 consultation meetings** - i.e. less than one-third of the meetings, despite his legal obligation to chair each and every consultation meeting according to the framework agreement with the Trade Unions. Of the remaining meetings, he was completely absent seven times and partially present during four.

Already in 2018, [TUEM warned](#) of a number of issues it encountered with the social dialogue. Despite the problematic disinterest, there have been numerous instances where staff representatives have accepted an accelerated path to change. In 2019 a new HRS policy was negotiated and implemented within 6 months. Similarly, a change to the taxation methodology was agreed within weeks. When the global pandemic struck in March 2020, TUEM immediately agreed to emergency packages and offered to fast-track the consultation process. The Director General was not in the least interested. The first consultation on "solidarity measures" was only held at the end of May, during which he tried to dictate what he wanted and mostly ignored or dismissed the proposals from staff. When called to order by the Provisional Council in June, he reluctantly backtracked. Seemingly to prove a point, he only concluded the consultations at the end of October, more than six months after the initial proposals from the staff representatives.

“The current Staff Regulation is not a suitable framework for a modern international organisation”

Over the past decade, EUROCONTROL staff has been subjected to two major administrative reforms (2013 and 2016). EUROCONTROL has had every opportunity to propose or adopt ‘modernisations’ during the negotiations on these reforms! However, one of the overriding requirements imposed by the EUROCONTROL management was to keep the Staff Regulations aligned with those of the other European institutions. In some cases, this was even against better judgement, but overall with a strong preference for those measures that saved money. When it came to aligning staff benefits, there usually was a lot less enthusiasm...

An international organisation cannot fall back on national (or even European) legislation or framework that defines the rights and obligations of the employer and employee. This also implies that the Staff Regulations need to be more elaborate than conventional businesses.

An additional element to consider is that over the past years, the **staff has been confronted with management simply ignoring or bypassing the Staff Regulations**. This has clearly caused them to take a much more cautious approach, which could be perceived as rigid, during negotiations.

The EUROCONTROL convention places an extraordinary amount of power with its Director General. Staff representatives can also not file a complaint on behalf of one or more staff members: each has to formally file the complaint as an individual. The only recourse outside the Agency (and of the absolute authority of the Director General) is the International Labour Organisation (ILO).

This requires a rigid framework, as it is the only thing protecting the staff of such an organisation against arbitrary decisions from a function that is defined as legislator, judge and jury in this one function. Bringing the Staff Regulations and the social dialogue into the 21st century would also imply that the EUROCONTROL convention needs to be rewritten to redefine the powers vested in the DG, including a clearly defined process of accountability and an effective, non-arbitrary way of challenging a Director General’s decision that does not involve a five-year legal process in front of the ILO.

“The cumbersome and rigid Social Dialogue procedures are a major burden and a constraint on the Agency’s ability to be more agile and cost-efficient”

This statement, in combination with terms like “focussed redundancy” and suggesting to abuse performance management as a way to get rid of staff, reveals what the true agenda of the Director General was in commissioning this report: **to undermine the job security and rule the Agency’s staff through fear and intimidation!**

The EUROCONTROL convention does not define a social dialogue and there is no process of collective bargaining in EUROCONTROL. This makes things more rigid and perhaps even difficult, but it also provides clarity and transparency for both the employee and for the budgets of the Member States.

Within the current framework, the staff representatives have a role to play, as agreed with the Director General and the Member States. A 'modern' structure would need to address this, which may be a good thing: it would definitely require proper empowerment, representation and participation of staff representatives in the decision making processes of the organisation.

TUEM is relatively certain however that this is not what Deloitte means when they propose a modernisation of the Staff Regulations and the social dialogue. And we are beyond certain that it is not what the current Director General is after either: staff representatives are confronted with the Director General ignoring the existing agreements on social dialogue.

This has resulted in cooldown periods for issues that remained unresolved (ignored?) for several months or even years and an increase in the number of disputes raised by individual staff members against the Agency. It is too easy to blame the Staff Regulations or the social dialogue for this: unwillingness, incompetence and malicious intent to block certain changes are definitely major factors.

A new social dialogue, especially one that would undermine staff rights, would not solve this - on the contrary. Especially for the operational parts of the Agency, including MUAC, the resulting service disruptions would be significant if staff have to stand up for their rights.

It is wishful thinking and beyond naive to believe a 60-year old international organisation can be modernised in two or three years - one only needs to look at the Revised Convention that is nearing its 25-year anniversary of not being fully ratified. We are not even sure there is such a thing as "a modern international organisation" given the complexities of an entity that does not answer to national laws and regulations. To bring them in line with "normal market conditions in aviation", which are not exactly a shining example of responsible, social management, would be incredibly irresponsible and risk a total collapse of all the services EUROCONTROL provides, including its operational components.

Are improvements possible? Certainly! We can start with a Director General that actually attends the consultations and considers it a part of the job he was hired to do! He could try to show respect for the existing social dialogue framework to negotiate changes. He could prove to his staff that he values interacting in a mature and correct way with their representatives. He could listen and take on board suggestions, rather than dismissing them by default because he did not think of them.

Sadly, none of the recommendations in the Deloitte report even comes close to suggesting such improvements - on the contrary!

**WE ARE MUAC
WE ARE EUROCONTROL**

Your TUEM Executive Board

Previous Flash Infos on the Deloitte Report

1. [Staff is not our highest value, it's our customers](#)
2. [Separating MUAC from EUROCONTROL](#)
3. [MUAC should no longer be an international organisation](#)
4. [The EUROCONTROL Pension Scheme is not sustainable](#)

Annex - Director General's participation in Agency Consultation Meetings

- 2018, JAN 29 DG chaired the full meeting
- 2018, MAR 12 DG chaired the full meeting
- 2018, MAY 23 DG absent
- 2018, NOV 08 DG left after 3rd reading items
- 2018, DEC 10 DG chaired the full meeting
- 2019, JAN 28 DG absent
- 2019, MAR 19 DG absent
- 2019, APR 25 DG present for 5 items, left for 3 remaining ones
- 2019, OCT 14 DG absent
- 2019, DEC 09 DG chaired the full meeting
- 2020, JAN 08 DG absent
- 2020, JAN 16 DG absent
- 2020, FEB 20 DG joined for the afternoon session
- 2020, MAR 26 DG absent
- 2020 APR 24 Consultation meeting cancelled
- 2020, MAY 04 Consultation meeting cancelled
- 2020, MAY 28-29 DG chaired the full meeting
- 2020, JUN 08 DG attended the meeting until 11:15, then left

[2020 JUN 18 PC Meeting]

- 2020, AUG 25 DG chaired the full meeting
- 2020, SEP 23 DG chaired the full meeting
- 2020, OCT 13 Consultation meeting cancelled
- 2020, OCT 28 DG chaired the full meeting

DG present in full meeting:	8
DG partially present:	4
DG totally absent:	7
Total:	19