



Ispra, 08th June 2007

THE FUTURE OF CONTRACTUAL AGENTS

Focus on the issue

2007 is a critical year in the Contractual Agents campaign: the final details of the agreement signed by Vice-President Kallas and the Alliance in September 2005 will be negotiated by R&D and the Alliance trade unions in the next few weeks; the first open-ended contracts will be handed out to Contractual Agents (CAs); the second-chance tests have got under way during 2007, as agreed; the first EPSO tests for CAs in Delegations will take place in July 2007; and negotiations on the system for promoting CAs have already begun. R&D is focusing on its priorities in this critical issue.

The facts

In the course of the 1522-day-long negotiations of the new Staff Regulations, R&D drew the attention of the Commission, and of the trade unions that blindly supported the talks, to the fact that it was neither right nor fair for people often doing the same job to qualify for different pay and guarantees, as this would undoubtedly lead to widespread discontent and to a weakening of the civil service. But there is no point in denying that this is exactly the situation we are in today – and a particularly confusing situation it is, too. Moreover, the supporters of the Kinnock reform who backed this disturbing discrimination are more than ever involved in making demagogic promises, in the full knowledge that “their” Staff Regulations will never allow them to keep them.

The first of the two main CA categories covers those recruited to work:

- in the Directorates-General of the Commission to perform manual jobs and give administrative support (Function Group I);
- in Commission offices attached to Directorates-General (e.g. the two “Infrastructures and Logistics” offices in Brussels and Luxembourg and the PMO (Office for the Administration and Payment of Individual Entitlements));
- in Agencies;
- in Commission Representations and Delegations.

These CAs (i.e. staff on “3a” contracts) are entitled to open-ended contracts.

The second category of Contractual Agents (Function Groups II, III and IV) was established to perform duties other than manual jobs and administrative support (staff on “3b” contracts). More precisely, they are recruited:

- to act as temporary replacement workers for officials who, for example, are on sick or maternity leave;
- to cover serious staff shortages in peak periods;
- to perform duties on a temporary basis, and provide back-up, in specialist areas where there is a shortage of staff with the necessary skills.

CAs recruited under this type of contract are taken on for short periods of up to three years; there are no procedures under the Staff Regulations for keeping them on after three years.

R&D and the trade unions in the Alliance offer tools to both categories of contractual staff: these tools have been adapted to enable them to escape from precarious employment and defend their interests, and to give them prospects (where they exist under the Regs).

Reducing CAs' precarious conditions of employment

In this area of work, **R&D**'s main focus remains quite clear: to reduce the precarious conditions of employment of CAs by cutting the time it takes them to qualify for open-ended contracts where it is possible for them to do so under the Staff Regulations (Function Group I in the Commission, Offices and Agencies), **while at the same time guaranteeing maximum transparency and equity in selection procedures in order to stop giving the hierarchy a free hand**. Under the terms of the agreement reached by the Alliance and the Commission, the first **open-ended contracts** will be signed in the next few weeks following interviews carried out on the basis of one candidate per post. The criteria for moving to an open-ended contract are as follows:

1. successful completion of EPSO tests on the agent's profile;
2. a minimum of three years' employment at the Commission, without a break of more than six months, under a "3bis", Auxiliary Agent or Temporary agent contract;
3. only the second extension of a "3bis" ("3a") CA contract may be turned into an open-ended contract;
4. successful completion of a probation period;
5. successful appearance before a full selection board.

It is important to remember that the Staff Regulations currently provide for, and that the original intention of those who negotiated the reform was to offer, open-ended contracts after a period of time under a fixed-term contract that could extend to ten years of precarious employment. A combination of pressure from the Alliance and common sense have reduced this period to the minimum required under the Staff Regulations, and, in particular, has **changed the policy covering staff on part-time and short-term contracts** that has so far been prevalent in the Commission.

Second-chance tests

Notwithstanding the pre-election demagoguery predicting an absolute "social massacre" that would remove most colleagues in Services, a second series of EPSO tests will, as agreed by the Alliance and the Commission, be organised in March 2007 for the Commission in general. The first EPSO test for RELEX CAs in Delegations in particular will take place on 13th July 2007. **R&D** Ispra has organised several training courses and will continue to offer services to help CAs to prepare for these tests, such as the developing of www.quizzeuro.com. New questions are always uploaded. **R&D** has now published the third version of its syllabus, and is distributing it free of charge to all colleagues concerned.

R&D can only lament and deplore the fact that the search for profit on the basis of colleagues' precarious condition of employment and unrestrained trade union proselytising should have diverted certain organisations from their original missions. **R&D** will not dilute the support it gives to colleagues, and will continue to work in the interests of all.

Conditions of recruitment and employment

For over a year now, **R&D** and the trade unions of the Alliance have spared no effort on the various working groups that were set up in the wake of the September 2005 political agreement. The working groups on Contractual Agents' **levels of remuneration** and on **essential and non-essential duties** have both delivered their conclusions. Staff representatives are urged to use them as a basis for negotiating new provisions that will clarify both CAs' levels of responsibility and measures designed to rectify the harmful effects of a Staff Regs salary grid that is far too low to attract colleagues from the largest possible geographical base.

Contractual Agents who reach the end of their three-year contracts will still be able to put in for other contracts in other Institutions and Agencies/Offices by placing their CVs on http://ec.europa.eu/civil_service/job/cvonline/index_fr.htm

1st promotion/reclassification exercise

R&D and the Alliance have initiated negotiations based on undertakings made by Vice-President Kallas at the end of 2005. This initial promotion exercise is mainly designed to compensate for the financial losses incurred by CAs when they were classified on being recruited.

The exercise will prioritise Function Groups I and II, particularly Agents in those Groups working in Offices, crèches, and day nurseries, but will not exclude Function Groups III and IV. **R&D** and the Alliance are negotiating a procedure that will aim to give the same guarantees as those obtained for officials, and protect the interests of Contractual Agents in terms of both the appraisal procedure and the promotion exercise.

R&D and the Alliance have insisted that merit over the whole of an employee's career should be taken into account throughout the procedure, and particularly when the final promotion list is being drawn up. **R&D** and the Alliance have also argued that the promotion/reclassification exercise should get under way on 1 January 2007 and not, as has been proposed by DG ADMIN, on 1 May.

With regard to the 400 Contractual Agent colleagues who are affected by this exercise, and who have suffered most as a result of the reform and the new Staff Regulations, **R&D** and the Alliance are confident that ADMIN will abide by the undertakings made at political level by Vice-President Kallas, and that the number of promotions/reclassifications will match the detriment suffered by the Contractual Agents.

R&D at the service of Contractual Agents

R&D is developing its services to CAs under the following main headings:

- **TRAINING**

R&D is distributing free of charge the 3rd edition of its syllabus incorporating the answers to real EPSO tests. <http://www.quizzeuro.eu/> is the only free website that enables colleagues, particularly those in Delegations, to prepare on their computers. New questions will be regularly uploaded.

- **LEGAL ASSISTANCE**

R&D has made its legal assistance unit available to Contractual Agents. In this connection, **R&D** has signed an exclusive agreement with an insurance company in order to secure the best contracts at the best price, particularly in terms of legal protection.

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