

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

A. and others

v.

EPO

140th Session

Judgment No. 5090

THE ADMINISTRATIVE TRIBUNAL,

Considering the 160 complaints filed between 29 April 2021 and 8 May 2021 against the European Patent Organisation (EPO) by the complainants whose names are listed in the annex to this judgment;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions of the complainants;

CONSIDERATIONS

1. These complaints are part of the extensive litigation submitted to the Tribunal concerning the new career system introduced by the Administrative Council's decision CA/D 10/14 of 11 December 2014, which came into force on 1 January 2015 for the employees of the European Patent Office, the secretariat of the EPO. It should be recalled that the new system significantly altered the structure of employees' grades by introducing new "career paths" and providing that progression was based on sustained performance and demonstrated competencies rather than time spent within a step or grade. The decision provided that no reduction in basic salary should result from the transposition into the new grades and that the salary adjustment method

in force since 1 July 2014 should apply to the new salary scales and the salary resulting from the transposition.

2. The complainants, who are serving or former permanent employees of the Office, lodged internal appeals challenging the decisions made regarding transposition into job groups pursuant to the introduction of the new salary scales, and the new step advancement system. In these complaints, they impugn the decision to reject their internal appeals.

3. As the complaints essentially seek the same redress, are based on the same material facts and raise the same legal issues, the Tribunal considers it appropriate that they be joined to form the subject of a single judgment.

4. In Judgment 4712, delivered on 7 July 2023, the Tribunal ruled on a complaint filed by another EPO employee. He had lodged an internal appeal challenging his transposition into the new salary scales pursuant to the introduction of the new career system by the general decision CA/D 10/14. He also challenged the general decision to the extent that it introduced a new step advancement system no longer based on seniority (Article 48 of the Service Regulations for permanent employees of the Office as amended by the general decision) and established transitional provisions (Article 56 of the general decision) which allegedly adversely affected him. That complaint was selected by the Tribunal to be the lead complaint in a series of cases raising the same issues.

5. In Judgment 4712, the Tribunal dismissed the complaint filed by the abovementioned lead complainant as unfounded. For the present purposes, suffice it to recall that the Tribunal found that general decision CA/D 10/14 was lawful and did not breach acquired rights. It noted in particular that the complainant's previous basic salary was preserved, and not reduced, that step advancement remained possible, and that there was no evidence that the transposition into the new career system would compromise his pension rights. The Tribunal also recalled

that an organisation has wide discretion when altering salary structures and grading systems, and when classifying officials individually. Decisions on such matters are therefore subject to only limited review by the Tribunal, which will censure them only if they have been taken in breach of a rule of form or procedure, if they are based on an error of fact or law, if some essential fact was overlooked, if clearly mistaken conclusions were drawn from the evidence or if there was misuse of authority (see Judgment 4274, consideration 5). The Tribunal found no such flaws and therefore dismissed the complaint.

6. Judgment 4712 was contested in an application for review filed on 27 September 2023, which the Tribunal dismissed in Judgment 4888, delivered on 8 July 2024. The Tribunal's findings in Judgment 4712 were reiterated in Judgment 4889, delivered on 8 July 2024, and in Judgment 4990, delivered on 6 February 2025, in which the Tribunal confirmed the lawfulness of the reform, including regarding the particular situation of certain employees holding the former grade A4(2).

7. Upon filing their complaints, the complainants indicated that their cases were similar to that filed by the aforementioned lead complainant, which had resulted in a "test-appeal" and a joint opinion by the Appeals Committee. The Tribunal finds that the present complaints are essentially identical to the aforementioned complaint filed by the lead complainant and resulting in Judgment 4712, or the complaint resulting in Judgment 4990, and that there is no reason why it should reach a different conclusion in these proceedings than in Judgments 4712, 4889 and 4990. Contrary to some of the complainants' allegations, their respective grades or the fact that they joined the Office on or after 1 January 2009, which was the date of entry into force of the new Pension Scheme Regulations, has no bearing on the outcome of their cases.

Based on precedent, the complaints must be regarded as clearly devoid of merit and will be summarily dismissed in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaints are dismissed.

In witness of this judgment, adopted on 30 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

JACQUES JAUMOTTE

CLÉMENT GASCON

RENÉ M. VARGAS M.

Annex

One hundred and sixty complainants (in alphabetical order):

(names removed)