



30.9.2021

NOTICE TO MEMBERS

Subject: Petition No 0117/2021 by K. R. (Polish) on the contract agent precariat in the European commission

1. Summary of petition

The petitioner criticises the 2004 and 2014 reforms of the EU Staff Regulations, which created a system in which the date of recruitment is more important for career development than merit, qualification, and professional expertise. The Commission has continuously replaced permanent officials with contract agents (CAs), with CAs currently representing over 22 % of the Commission's workforce. Although contractual staff is only supposed to perform “non-core tasks”, they do the work of permanent officials without being recognised accordingly. Moreover, there is an increase in harassment cases associated to tensions between permanent officials and CAs. The petitioner therefore demands the elimination of structural unfairness and the implementation of the principle of “equal pay for equal work”. To this end, she proposes a series of measures to improve the working conditions of CAs, including permanent contracts for those working on permanent tasks, fair reclassification rates, better access to the EU institutions internal job market and preferential recruitment over external applicants.

2. Admissibility

Declared admissible on 19 May 2021. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 30 September 2021

The different categories of staff employed by the Commission and the other institutions are defined in the Staff Regulations and the Conditions of Employment of Other Servants (hereinafter “the CEOS”), which lays down their conditions of employment, level of remuneration, the types of posts, level of responsibilities and tasks corresponding to the

different function groups and grades for each category¹.

In accordance with the CEOS and types of duties defined thereof, contract agents do not carry out the same tasks as officials and work under the supervision of officials.

As stated in the Court of Auditors' 2019 annual report, the relative increase in the number of contract agents in the Commission, in the recent years, is notably linked to:

- additional work performed by the Joint Research Centre (JRC) on behalf of other Commission departments and third parties and the replacement of grant holders previously employed under national law by a large number of scientific and technical support officers recruited in FG IV; and
- the need to provide a response to special or urgent situations, as part of the overall strategy to reinforce the workforce.

Concerning the latter, it should indeed be noted that such needs are served, first and foremost, by the reallocation of permanent posts to the Commission departments concerned and by calls for expression of interest among existing staff have to reinforce key areas. Particular situations, such as the migration crisis, can require the engagement of a sizeable number of additional staff in a short period of time, and this can be more easily achieved by recruitment of contract agents. Furthermore, if the task is limited in duration, the use of temporary and contract staff may be more appropriate. The Commission does not develop a policy of hiring contract staff instead of permanent officials.

Furthermore, the Commission has at its disposal a robust and comprehensive harassment prevention policy, which implements the ban on harassment set out the 2004 reform of the Staff Regulations². This policy is based on two pillars: 1) prevention and 2) support and follow-up. Staff members who feel victim of harassment may address the matter informally or initiate a formal procedure. A wide network of confidential counsellors assists staff who feel that they have been subject to harassment. The Commission Mediator is also available to all staff to help overcome any difficulty that may arise in the context of working relations.

As regards career development and mobility, a distinction should be made between contract agents engaged under Article 3a CEOS and those engaged under Article 3b CEOS.

Contract agents engaged under Article 3a of the CEOS work in specific services (administrative offices, Commission Representations and Delegations) as well as EU Agencies. They are entitled to get an indefinite duration contract. In this respect, they benefit from career and mobility opportunities, notably in the context of the new delegation of programmes to Executive Agencies. Due to the potential length of their contract, they benefit from annual reclassification possibilities (promotion to the higher grade in their function group). Such reclassification in the function group is carried in line with the rules setting out the average time spent in the grade. In addition, the 2017 Commission decision on contract agents includes new provisions to favour mobility and career perspectives, such as the possibility to be reclassified into the immediate

¹ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community

² Article 12(a) of the Staff Regulations provides a definition of psychological and sexual harassment and prohibits any form of harassment.

higher function group when the functions exercised correspond to this function group. The first exercise took place in 2019 for contract agents based in Luxembourg and has been followed by additional screenings and changes in function groups. Further exercises are currently under study and would be launched based on a wider assessment of the correspondence between the level of tasks and the matching function group.

Specific provisions also facilitate the mobility of these contract agents within the Commission departments and between these departments and the Executive Agencies. Those provisions relate to the possibility of organising certain selection procedures, via internal publications, and to the manner in which the grading and other contractual aspects are dealt with in case of a succession of contracts.

Contract agents engaged under Article 3b CEOS have a limited duration contract of maximum 6 years, so by definition, their career within the institution is more limited. However, since the Staff Regulations reform in 2014, both categories of contract agents can participate in the internal competitions, which can be exceptionally open to contract agents after 3 years in service. Since this participation was allowed, two sets of such competitions have been organised by the Commission in AST/SC, AST and AD function groups, allowing the recruitment of contract agents as officials. Moreover, in October 2020, the Commission extended the eligibility criteria of the Junior Professionals Pilot Programme to cover all contract agents irrespective of their function groups, thereby providing enhanced learning, development and mobility opportunities to contract staff.

In the context of its upcoming HR Strategy, the Commission intends to organise new internal competitions open to contract agents. In addition, in line with the requests of the petitioner, the Commission will work with the other EU Institutions and Agencies to set up a new inter-institutional publication platform where job vacancies notably for contract agents should be published.

Conclusion

All staff members working in the Commission, irrespective of their type of employment or the length of their contract, deserve a motivating and rewarding career. As part of its new HR Strategy, the Commission intends to launch new internal competitions, accessible to contract agents in line with the Staff Regulations. In collaboration with the other Institutions and Agencies, an EU inter-institutional job portal should also be set-up advertising all contract agents' vacancies.