

Contract Agents in Delegations EU Staff with indefinite duration contracts yet no Career Perspective

Contract Agents in Delegations represent 52% of all statutory expatriate staff. They are highly qualified professionals, mainly recruited at Functional Group IV, and perform administrative, advisory, and other functions that require skills and responsibility at high level. Their employment conditions are similar to those of Officials; they are eligible for indefinite duration contracts and benefit fully from the application of Annex X of the Staff Regulations.

Despite this situation, **Contract Agents in Delegations** are excluded from proper professional development prospects, deprived of any career promotion system, denied access to internal competitions and to certification procedures.

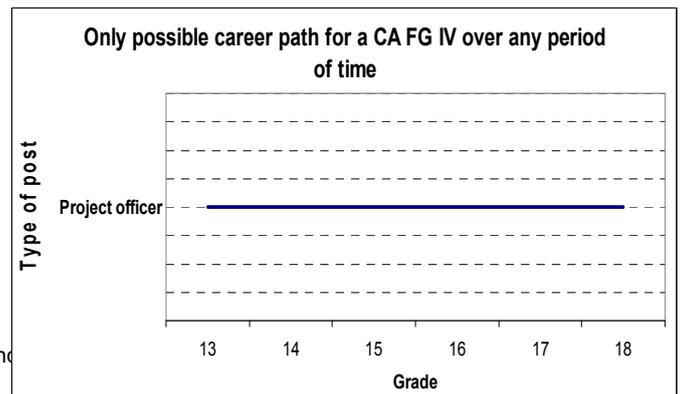
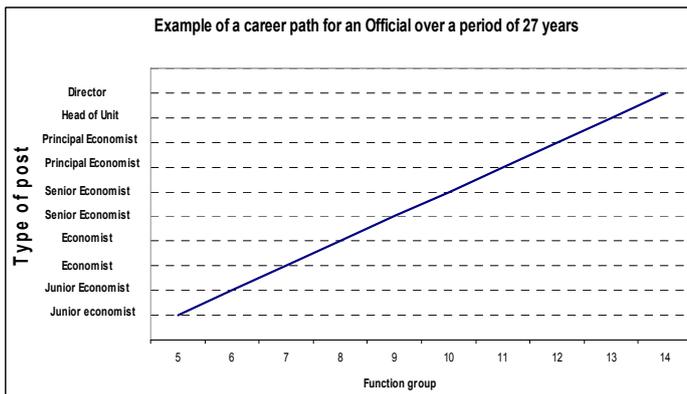
To improve the effectiveness of the HR policy and provide **Contract Agents** with real career perspectives modifications to the EU Staff Regulations are required, while taking into account the climate of austerity and the need to achieve smart savings in the interest of the service.

State of Play

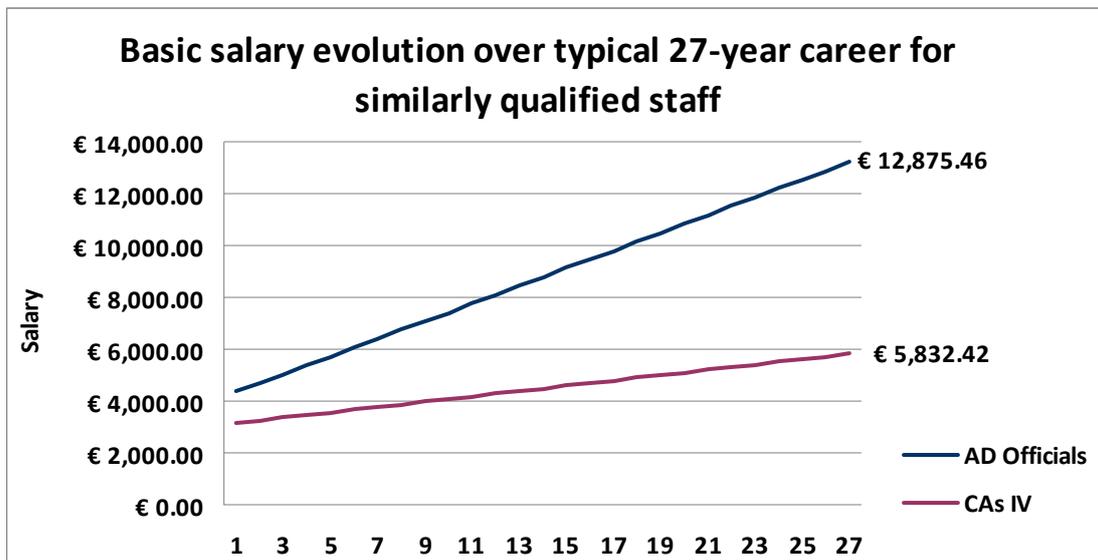
Building on previous initiatives aimed at raising awareness on Contract Agents (CAs) employment conditions within EU Institutions, the Task Force of CAs in EU Delegations has decided to launch a petition in support of career development for CAs working in EU Delegations.

When CAs staff category was introduced by the 'Kinnock Reform' in 2004, the declared goal of the European Commission (EC) was to save money by employing cheaper staff performing non-core tasks for a limited period of time. CAs, in the EC alone, amounted to 15% of the staff at the end of 2010 and 18.1% at the end of 2012 (about 6.000 colleagues)¹. Since the introduction of CAs in EU Delegations (2005), experience has shown that CAs perform core tasks, including operational and financial verification roles, representation tasks on behalf of the EU, acting Heads of Sections and Offices and even acting Heads of Delegation. Mindful of this reality, the "Bureau of EU Heads of Delegation" concluded in 2007 that there was a need to provide the conditions to offer CAs the **possibility to build their career taking up management positions**. In fact, the "EC Working Group on core / non-core tasks of CAs" confirmed in 2009 that CAs do perform core tasks.

CAs serving in Delegations have employment conditions similar to those of Officials; they are eligible for indefinite duration contracts and they benefit from the full application of Annex X of the Staff Regulations. They represent 52% of all statutory expatriate staff (approx. 800 colleagues). They are highly qualified staff, mainly recruited at FG IV, and perform jobs of the same functional type as Officials (administrative, advisory, and other functions that require skills and responsibility at high level. Despite a successful CA EPSO competition, numerous positive appraisal reports, extensive internal and external training courses, impressive CVs and exponential increase of unlimited duration contracts, CAs are excluded from a proper professional development prospects, deprived of any career promotion system, denied access to internal competitions and to certification procedures. In EU Delegations, CAs are **the only staff category with indefinite contract but without career perspective**. CAs are expected to remain at the same career level from day one until retirement, irrespective of their merits and achievements.



As demonstrated in the graphic below, also the different salary conditions between Officials and CAs are quite striking, and the fact that expatriation and living conditions allowances are calculated as a percentage of the salary rather than as a lump sum, makes the disparity bigger.



Is the current Human Resources policy in the interest of the service?

Providing career development prospects to Contract Agents on indefinite contracts in Delegations would represent sound optimisation of in-house investments and better value for money for tax-payers. For every CA3a in a Delegation who leaves to join national/international organisations, where career development prospects are more attractive, the EU loses many years of investment in trainings and specialised experience. This effect is particularly dramatic in EU-Delegations, as specialists with experience in various countries/sectors are harder and costlier to replace. This brain drain of highly specialised colleagues is symptomatic of an inadequate Human Resources (HR) policy.

The current HR policy towards CAs is **irrational and discriminatory, inefficient and unfair, costly to the taxpayer and highly de-motivating**. This is in contradiction with the human resources policy commonly adopted by other International Organisations and civil services of EU Member States, where staff can opt to management positions even if they do not have an indefinite contract. **The EU, in its own interest, needs to address this structural problem and provide career development perspectives to CAs.** How can EU HR policy remain in contradiction with its own Member States' labour policies which do provide career perspectives, including access to internal competitions for contract staff working in public services?

Instead of using the scientifically-questioned EPSO pre-selection psychometric tests that claim to predict performance of staff through overcrowded Open Competitions involving tens of thousands of candidates at the cost of EURO 60.000 per recruit² the EU should **save the taxpayer's money by tapping first into the reservoir of in-house specialists with a proven track-record**. Appreciating experience and expertise is better substantiated than the speculative selection of staff. In the same way, **ACs should be allowed to opt for managerial positions** on equal terms as other staff members. This will establish a healthier work environment with fairness and merit governing hierarchical relations.

ACs are mindful that some **Member States worry about the over-representation** of certain countries among CAs. However, necessary corrective measures can be introduced in the implementation process of a new HR policy towards CAs and the principles of good governance and simple common sense **will be respected**.

² Source: Common Joint Committee (COPARCO).

Conclusions and Concrete proposals

To improve the effectiveness of the HR policy and provide Contract Agents on indefinite contracts with real possibilities for professional growth, tangible career perspectives and sustained motivation, the following proposals are necessary and modifications to the EU Staff Regulations (SR) required while taking into account the climate of austerity and the need to achieve smart savings:

- ***Provide access for CAs on indefinite contracts to EU internal competitions on the same lines as the existing access granted to Temporary Agents (TAs).*** Currently CAs are not eligible for internal competitions for jobs they are already performing and/or are qualified to perform. Why allow TAs access to internal competitions, yet deny this to CAs? Art 29 of SR should be amended as follows: "[...] a competition internal to the institution, which shall be open only to officials, temporary agents and contracts agents as defined [...]". Related articles of SR and of the Conditions of Employment of Other Servants (CEOS) shall be consequently adapted;
- ***Develop a certification procedure for CA IV to become AD and for CA III and II to become AST.*** ASTs with good work appraisal can, after a number of years in the service, apply for a certification procedure to become ADs. Most AST competitions do not require University degrees and managerial experience, whereas CA IV positions do. Hence, it is coherent to allow for CA IV to be entitled to access on an equal basis the certification process to be promoted to AD and for CA III and II to be promoted to AST;
- ***Organise Specialist EPSO Competitions on a regular basis at AD7 level and above instead of AD5.*** When the institutions have access to CAs as a reservoir of candidates with the relevant work experience and a proven track record within the EC, it is irrational to favour the hiring of candidates with no previous work experience (level AD5);
- ***Harmonize the CAs salary grid system with the existing salary grid system for Officials / TAs.*** The salary grid for CAs has 18 grades (subdivided in 5 grades per function group), and 7 steps in each grade; whereas Officials / TAs have 16 grades and 5 steps in each grade. Consequently, CAs are further disadvantaged with a "slower" salary scale progression than ADs and TAs. It is therefore proposed to amend Art 93 of CEOS and related articles accordingly;
- ***Provide access to CAs in Delegations to management positions.*** Amend Art 80.2 of CEOS and other related articles replacing the sentence "under the supervision of Officials and Temporary Staff" with "under the supervision of the hierarchic superior";
- ***Introduce and implement a structured mobility framework for CAs in Delegations*** given that the legal basis necessary for such mobility is in force since October 2010 (Art 2 of Annex X) and this would enhance career opportunities.

Contract Agents in Delegations Task Force