

## 7 DECEMBER 2016 – STAFF COMMITTEE ELECTIONS - COURT OF JUSTICE: WHAT ARE THE STAKES?

Dear colleagues,

In the very tight time constraints of the election campaign at the Court of Justice, we will try to sum up the choices available to you, the voters.

There are two components to **staff representation: statutory and trade-union**. The Staff Regulations establish the former (Articles 9 and 10), and recognise the latter (Articles 10b and 10c).

Before making your choice, you should ask yourself the following: **Can and should the Staff Committee (StaffCom) cut ties with trade-unions?**

### ***Misguided “Independence”***

One of the three lists running in these elections (*“The independents”*) seems to answer this question with a yes. Their candidates proclaim their independence from trade unions (and, as a result, with regard to negotiations over the Staff Regulations), whereas, [in our view](#), the independence that actually matters is independence from the employer.

This list claims in particular, *“greater responsiveness, free of trade union constraints”*.

While the wish for *“greater responsiveness”* is shared by **EPSU CJ** – and, we commit to achieving this –, blaming the lack of responsiveness on *“trade union constraints”* is incomprehensible, in our view.

**EPSU CJ** practices democratic dialogue in all its internal functioning. But democracy requires **active participation**. And though, these “independents” had every opportunity to raise their criticism, both in the outgoing StaffCom and in **EPSU CJ**, they now direct their own past neglect against trade-unionism as a whole, calling on staff to vote against trade unions, which would only further weaken the staff’s ability to defend its rights.

### ***In forecast stormy weather conditions, you will need a strong trade union***

The 2016-2019 term of office will be full of pitfalls:

- ☛ End of 2018, an *interim report* on the application of the Method (whose results, this year, were considered “too generous”), the so-called “solidarity” levy (see Article 15 (4) of Annex XI of the StaffRegs) and at the same time, [pensions](#), and staff levels, all in the aftermath of Brexit.

In casting your vote, you are choosing, by the same stroke, which trade union or staff association you wish to be represented by. The **recognition** and **representativeness** of trade unions are governed by [criteria](#) linked to, amongst others, the results of StaffCom elections.

In any interinstitutional negotiation, **EPSU CJ** will be there as part and parcel of **Union Syndicale Fédérale**.

### ***Make the right trade-union choice***

The other of the two trade union lists, is put forward by “*Union Syndicale*” Luxembourg. This organisation, which professes to be “*upholding the attractiveness of Luxembourg as a place to work*”, has broken its ties with and is now overtly competing against **Union Syndicale Fédérale**. Instead of giving up the name it is misleadingly using, as one would expect, this union is wasting its members’ money to take [the legitimate users of this name](#) to court. Fortunately, our trade union has the legal resources it needs to defend itself.

From its stronghold, at the Commission/Luxembourg – where it has lost half of its votes in the last six years – “*US*”L exports to the Court of Justice a derivative product of its elections campaign at the Local Staff Committee, COM LUX. Despite some superficial touching up of its ‘Commission’ original, the ‘Court of Justice’ copy contains numerous demands which are legally, simply, non-applicable to the Court of Justice (notably concerning contract staff), which demonstrates this trade union’s chronic inability to analyse the situation at our institution.

As for introducing [a weighting for Luxembourg](#), decoupling Luxembourg from Brussels, instead of a Brussels 100/Luxembourg 108 ratio, would risk us ending up with Luxembourg 100/Brussels 92! To keep up with the times, “*US*”L is ready to expose our pension scheme to all manner of risks by “demanding the actual reconstitution of the assets of the ‘notional fund’”. As for Sickness Insurance, “*US*”L has once again not grasped the legal basis relied upon to [end medical overcharging](#).

In the years ahead you will need a solid and competent Staff Committee that combines a global view with knowledge of the terrain, along with a trade union working democratically at the level of the institution and which will be on the front line in future inter-institutional negotiations.

**EPSU CJ** is in the process of negotiating with the Court Administration on:

- Introducing a supplementary income for contract staff whose net income is below the Luxembourg social minimum.
- Offering reasonably priced basic dishes in the canteen;
- A higher contribution by the institution towards the cost of the [mPass](#), mainly for those on lower salaries, and its extension to those of cross-border workers who are unable to benefit from the mPass.

A small but concrete gesture to our cross-border colleagues (19% of staff), attempting to evade the spiral of rising housing prices in Luxembourg.

 **Vote for all 13 **EPSU CJ** candidates!**