

CERN/RTG/8
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ORGANISATION EUROPÉENNE POUR LA RECHERCHE NUCLÉAIRE
CERN EUROPEAN ORGANIZATION FOR NUCLEAR RESEARCH

FOR
APPROVAL

VOTING
PROCEDURE :
Simple Majority

FINANCE COMMITTEE

Two-hundred-and-fiftieth Meeting
Geneva - 22 June 1994

COUNCIL

Hundredth Session
Geneva - 24 June 1994

REMUNERATION AND EMPLOYMENT CONDITIONS
OF CERN STAFF

REPORT FROM THE RESTRICTED TRIPARTITE GROUP

Council is invited to approve this report, submitted through the Finance Committee, and to adopt the resolution attached at Annex C, which would require the appointment of the Chairman and Vice-Chairman of the Tripartite Employment Conditions Forum (TREF).

REMUNERATION AND EMPLOYMENT CONDITIONS OF CERN STAFF

REPORT FROM THE RESTRICTED TRIPARTITE GROUP

1. INTRODUCTION

- (i) The Group was established with the remit to recommend :
- how to deal with the collection of data on remuneration,
 - mechanisms for discussions between Delegates, Management and Staff concerning remuneration and employment conditions.
- (ii) In its deliberations, the Group has taken due account of :
- the implications for personnel policy of the international and intergovernmental nature of the Organization;
 - the opinion expressed by the Committee of Council at its meeting on 17 March 1994, on the desirability of establishing a structure at CERN where matters relating to remuneration and other employment conditions could be examined by representatives of the Member States, the CERN Management and the Staff Association;
 - the requirement to leave intact the responsibilities of the Council and of the Director-General as defined by Articles IV, V and VI of the CERN Convention, dated 1 July 1953 and revised on 17 January 1971.
- (iii) The Group held two meetings, on 14 April and 5 May 1994, and its membership is indicated at Annex A.

2. DEALING WITH DATA

We recommend that :

- (i) the data be collected by Management;
- (ii) the data should comprise, in addition to the information on remuneration quoted in CERN/FC/WGR/3, paragraphs 2.2 a) (i) and (ii)*), information on grade structure distribution, recruitment and retention statistics and difficulties, methods of annual salary adjustment and profiles of promotion/salary progression;
- (iii) the data collected should be maximised but limited by considerations of cost-effect, which it will be for Management to judge;
- (iv) the organisations to be approached for data should be as in CERN/FC/WGR/3, paragraph 2.1 (a)*), with the replacement of EMBL by the Joint Research Centre (JRC) of the European Union;
- (v) because of the complexity of these issues, the data collected should be validated, bringing as much experience to bear on that validation as possible;
- (vi) validation of the data should be performed by the body proposed in paragraph 3 (ii) below.

3. MECHANISMS FOR DISCUSSION

- (i) The Group has reviewed the considerable past history of tripartite discussions. It is clear that no permanent satisfactory solution has yet been found, although many of the bodies created in the past have performed useful work within their different remits. We believe that the Delegations in general will now welcome a constructive attempt to establish a means of exchanging information and opinions on a tripartite basis, and in such a forum to perform tasks such as the review based on the data now to be collected. This forum will also be useful for more ad hoc issues that may occur from time to time (such as the annual salary indexation).

*) See relevant extracts of document CERN/FC/WGR/3 in Annex B.

- (ii) We therefore propose the creation of a standing Tripartite Employment Conditions Forum (TREF) for which Council is invited to adopt the resolution set out in Annex C.
- (iii) In addition to allowing the exchanges mentioned in paragraph 3(i), the work of this Forum will obviously be of use to Management in its preparation of proposals for decision by Finance Committee and Council. This is, indeed, its tangible output.
- (iv) The staff, represented by the Staff Association, and the Management are agreeable to the Forum's formation.
- (v) According to legal advice taken by the Group, the creation of such a standing tripartite body requires a formal framework, since its work may lead to proposals by Management to Council for modifications to the employment conditions and the procedure for the review of the remuneration of CERN staff. For this purpose, a proposed Council resolution is submitted in Annex C. The Chairman of the Forum shall address progress reports to Council, normally through the Finance Committee. We also recommend that the Forum, once created, is left latitude to develop adequate internal rules of procedure.
- (vi) This approach will give the Forum the flexibility it needs if it is to adapt to changing circumstances. The objective of the Forum is to improve the decision-making process by giving those concerned the opportunity and time to understand fully the positions of all participants.
- (vii) We recommend that TRACE be allowed to remain "on the books" but dormant so that the staff know that, if the Forum fails, there still exists a formal means of tripartite action. We suggest that the need for the continued existence of TRACE might be reviewed after the Forum has presented its first substantial report, in the second half of 1995.

4. PROCEDURE FOR PROPOSALS TO FINANCE COMMITTEE AND COUNCIL / CONCILIATION

Looking to the future, the Management will make proposals on employment conditions - including changes to Staff Rules & Regulations - to Finance Committee and Council, informed and prepared by discussions in the Forum, whenever appropriate.

The following procedure is recommended, to be applied de facto by Council, without modification to its rules of procedure :

- (i) **Output from TREF :** Proposals on employment conditions are made by the Director-General to the Finance Committee and Council, following discussions in the tripartite Forum (TREF), whenever appropriate, and after concertation with the Staff Association.
- (ii) **Minor changes to proposals :** If Council cannot accept a proposal as it stands and considers that the proposal could be acceptable with minor drafting adjustments, it may, with a view to taking a decision at the same session, request the Director-General, after due consultations, to submit a revised proposal.
- (iii) **Substantive changes to proposals :** If a proposal is not accepted as it stands and Council wishes to see it substantively modified, Council would normally refer it back for reconsideration by the Director-General with instructions in writing, for treatment as in paragraph 4 (i) above.
- (iv) **Conciliation mechanism :** If an amended proposal submitted following the procedure outlined in paragraph 4 (iii) is again rejected by Council, Council would ask a restricted tripartite group, chaired by the Chairman of TREF and composed of three members of Council or of the Finance Committee, three representatives from the Management and three representatives from the Staff Association, to study the matter and to make a recommendation to Council through Finance Committee.

(v) **Annual salary adjustment** : In the case of the annual salary adjustment procedure, paragraphs 4 (iii) and (iv) will be interpreted as if the October and/or November meetings of the Finance Committee and Committee of Council take the place of the first consideration of the matter by Council, with the end-point of the process remaining the December meeting of Council.

5. CONCLUSION

With the exception of a vote taken to decide the matter of detail in paragraph 2 (iv), this is the unanimous report of the Restricted Tripartite Group. Council is invited to approve this report, submitted through the Finance Committee, and to adopt the resolution attached at Annex C, which would require the appointment of the Chairman and Vice-Chairman of the Tripartite Employment Conditions Forum (TREF).

Technical Contact Person : H. Weber
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Composition of the RESTRICTED TRIPARTITE GROUP
on the Remuneration and Employment Conditions of CERN Staff

Chairman : Mr. J.D. Walsh (United Kingdom)

Delegates from the Member States :

Mr. F.D. Bello (Portugal)
Dr. J. Bezemer (Netherlands)
Dr. B. Brandt (Sweden)

CERN Management :

Dr. K. Hübner
Dr. H. Weber
Dr. H. Wenninger

Mr. J.M. Dufour *invited to the second meeting on 5 May 1994*

CERN Staff Association :

Mr. D. Ball
Mr. M. Borghini
Mr. M. Vitasse

CERN Services :

Mr. R. Rayson - Technical Secretary
Ms. H. Schmal - Council Secretariat
Mr. J. Wilkinson - Translation and Minutes Service

Report of the RESTRICTED TRIPARTITE GROUP
on the Remuneration and Employment Conditions of CERN Staff

Extracts from the Report of the Informal Working Group on the
Remuneration of CERN Staff (document CERN/FC/WGR/3)

"2.1 a) Data collection

It is proposed that information be collected on the remuneration conditions of the following :

- (i) *ESA, ESO and EMBL as representative of European intergovernmental scientific and technical Organizations;*
- (ii) *ILL and ESRF as representative of European internationally financed scientific Organizations;*
- (iii) *DESY (Germany), INFN (Italy), PSI (Switzerland), RAL (United Kingdom), CEA and IN2P3 (France), and RISØ (Denmark) as representative of national laboratories carrying out similar work in Member States;*
- (iv) *the Services Industriels de Genève (SIG) and the Swiss Federal Public Service as representing employment in the local region;*
- (v) *some international Organizations located in Geneva, in as much as they are relevant to the CERN situation;*
- (vi) *in addition, information on high technology industries in Member States, in so far as this is feasible and relevant to the CERN situation. [...]"*

"2.2. Tripartite Working Group

a) [...]

- (i) *To examine the results of the data collection conducted by the Management, in consultation with Member State and Staff Association experts, on CERN remuneration conditions, according to the list of comparison organizations set out in paragraph 2.1 of [this Report]. For the purposes of this enquiry, CERN remuneration conditions include salaries, allowances, indemnities and social contributions in as much as they are relevant to remuneration conditions; information on social benefits should also be included, as far as this is feasible in practice.*
- (ii) *To collect information on purchasing power parity factors for the conversion of remuneration data from other currencies to Swiss franc levels."*

Report of the RESTRICTED TRIPARTITE GROUP
on the Remuneration and Employment Conditions of CERN Staff

DRAFT

COUNCIL RESOLUTION

PREAMBLE

THE COUNCIL,

HAVING REGARD to the opinion expressed by the Committee of Council at its meeting on 17 March 1994, on the desirability of establishing a structure at CERN where matters relating to remuneration and other employment conditions could be examined by representatives of the Member States, the CERN Management and the Staff Association;

CONSIDERING

- the report of the Restricted Tripartite Group established by the Committee of Council to examine possible alternatives for a tripartite structure;
- the implications for personnel policy of the international and intergovernmental nature of the Organization;
- the recommendation of the Restricted Tripartite Group that a new body should be created in which representatives of the Member States, the CERN Management and the Staff Association would examine remuneration and other employment conditions;
- that the creation of such a body would leave intact the responsibilities of the Council and of the Director-General as defined by Articles IV, V and VI of the CERN Convention, dated 1 July 1953 and revised on 17 January 1971;

DECIDES

ARTICLE 1
Mandate and title

- a) A standing tripartite body shall be established to study aspects of CERN remuneration and employment conditions. The purpose of this body shall be to oversee the collection of information and to stimulate communication and discussion between representatives of the Member States, the Management and the Staff Association. Normally, subjects for discussion are raised by the Management.
- b) The Chairman shall address progress reports to Council, normally through the Finance Committee.
- c) This standing body shall be called the Tripartite Employment Conditions Forum (TREF).

ARTICLE 2
Membership and composition

- a) Each Member State shall have the right to nominate one representative, who shall be chosen from its delegations to Council and the Finance Committee. The CERN Management and the Staff Association will send their representatives.
- b) The President of Council, the Chairman of the Finance Committee, the Director-General and the President of the Staff Association may attend the meetings of the Forum.
- c) The Chairman may invite experts to attend all or part of a meeting.

ARTICLE 3
The Chairman of the Forum

- a) The Chairman and Vice-Chairman of the Forum shall be chosen from the Delegates of the Member States and appointed by Council.
- b) The Chairman and Vice-Chairman shall hold office for one year and may be re-appointed.

ARTICLE 4

Meetings

- a) The Forum shall meet on the invitation of the Chairman, after due consultation; it shall, in any case, meet once per year.
- b) The Agendas of the meetings shall be prepared by the Management, as decided by the Chairman, in consultation with the other participants. Documents to be considered by the Forum shall normally be prepared by the Management and distributed in due time.

ARTICLE 5

Working Procedure

- a) The Forum shall function by analogy with the Internal Rules of Council and the procedure adopted by Council, subject to the provisions of this Resolution and to any internal rules decided by the Forum.
- b) Following the deliberations in the Forum, the Management shall prepare proposals to be submitted to Council, normally through the Finance Committee.

ARTICLE 6

Entry into force

This Resolution shall enter into force as from 1 July 1994.