

CONTESTING YOUR APPRAISAL REPORT

LOCAL STAFF COMMITTEE THE HAGUE | JANUARY 2024



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YOUR APPRAISAL REPORT

- It documents your work for the Organisation
- It is used as basis in career*, selection, and incompetence decisions
- It is an important document!

* opinions from the appeals committee on the reward exercise show that the report - and the objective data underlying it – is the key element for steps/promotions (see e.g. RI/2020/043 in [INAP](#))

TIMELINE FOR CONTESTING YOUR APPRAISAL REPORT

- **31 January 2024** reception of your “Performance Development Report” in SuccessFactors

- Within **2 weeks** from receipt of your Performance Development Report:
 - add **comments (1)** to your report
 - request a **conciliation meeting (2)**

- Within **2 weeks** from receipt of the conciliation report:
 - raise an **objection (3)** with the Appraisals Committee

- Within **90 days** from receipt of the final decision by the appraisal committee:
 - file a **complaint (4)** with the ILO-AT requesting to review the appraisal report

(1) HOW TO ADD COMMENTS TO YOUR REPORT

- Present **the facts** that, in your opinion, have been **omitted or not presented** correctly
- Join **evidence** as PDF where necessary
- Then **reason** why the assessment made in the report should, in your opinion, be different
- Draft your comments **while having the (potential) reader** in mind:
not your RO, not your CSO, not someone from the Office, possibly an ILOAT judge*
- Ask for help if necessary
- Do not wait until the last moment

* on the importance of commenting timely in the report

Judgment 4638, consideration 12: *“The amount of comments made by the complainant in his writings in front of the Tribunal and of annexes produced contrasts with the laconism of those comments which he has presented in the framework of the appraisal procedure, the conciliation procedure and the objection procedure foreseen by the process internal to the Organisation.”*

(2) HOW TO REQUEST A CONCILIATION MEETING

- Request the **conciliation meeting** by sending an email to **your reporting officer (RO)** and to **your countersigning officer (CSO)**
- Present **the facts** that in your opinion have been omitted or not presented correctly,
- Bring **(written) evidence** along
- Then **reason** why the assessment made in the report should in your opinion be different
- Be **accompanied** by a colleague or a staff representative

Article 110a(1) [ServRegs](#)

(3) HOW TO RAISE AN OBJECTION WITH THE APPRAISALS COMMITTEE

- Send your **reasoned** objection to performancemanagementtool@epo.org
- No hearing, only **written** procedure
- Its 15 members are appointed **exclusively by the President**
- Appraisals Committee's review is **limited**
as to *“whether the appraisal report was arbitrary or discriminatory”*
- The President (or his delegate) takes a **final decision**
having regard to the assessment of the Appraisals Committee

Article 110a(3),(4),(5) [ServRegs](#)

(4) HOW TO FILE A COMPLAINT WITH THE ILO-AT

- Draft a complaint form and a complaint brief
- Send your complaint form and your complaint brief to the Registrar of the Tribunal
- A review of your final appraisal report can be obtained, the Tribunal recognising that:

[The] assessment of an employee's merit during a specified period involves a value judgement; for this reason, the Tribunal must recognise the discretionary authority of the bodies responsible for conducting such an assessment. [...] The Tribunal will therefore intervene only if the staff report was drawn up without authority or in breach of a rule of form or procedure, if it was based on an error of law or fact, if a material fact was overlooked, if a plainly wrong conclusion was drawn from the facts, or if there was abuse of authority. [case law cited].

Judgment 4564 ILO-AT

Article 113 ServRegs

FOR THE ONGOING REPORTING EXERCISE

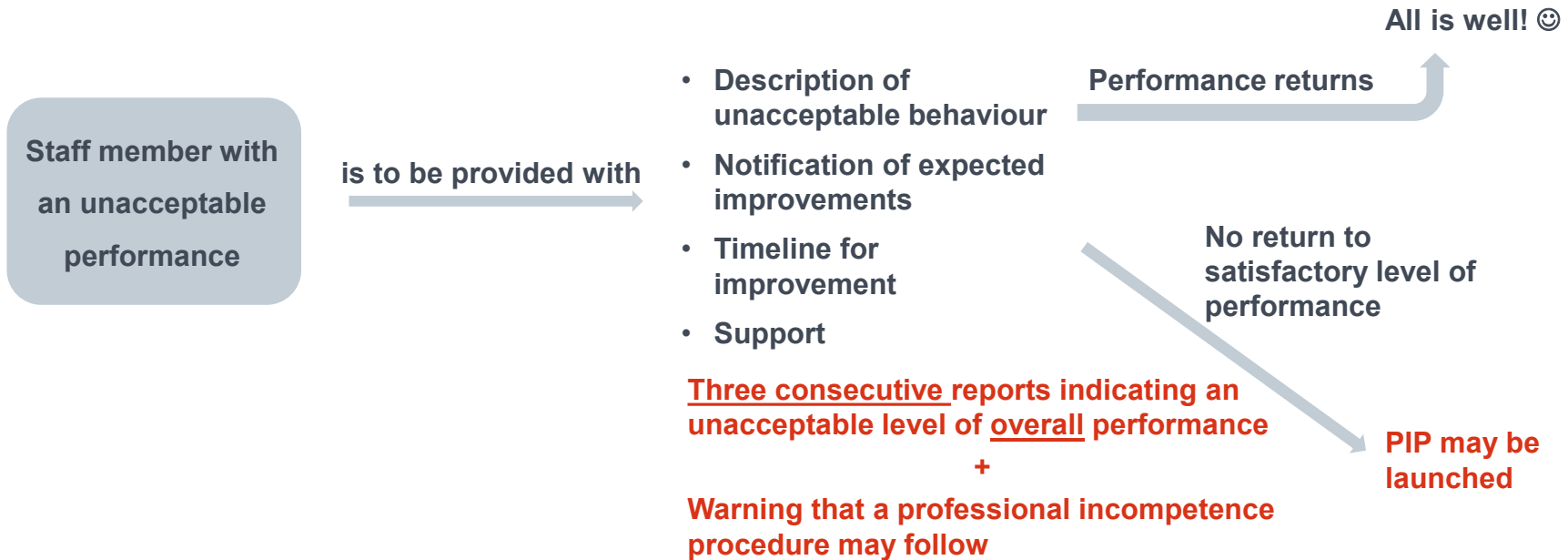
- Raise any issue or difficulty to work towards your objectives with your line manager, **immediately and in writing**
- If necessary, do so **repetitively**
- Speak with **your colleagues** about objectives!
- If one or more people make your professional life difficult, seek **help** from staff representation, SUEPO or confidential counsellors

INCOMPETENCE PROCEDURE

- Purpose is to “deal with and remedy cases of lack of ability and efficiency”
- To be distinguished from issues of unsatisfactory conduct – **disciplinary** proceedings

Articles 52, 53a, 53b and Circular 397 [ServRegs](#)

INCOMPETENCE PROCEDURE – PROCESS (1)



INCOMPETENCE PROCEDURE – PROCESS (2)

Staff member
in a **PIP**

Case is referred to JC
with proposal for
downgrading

- JC issues a reasoned opinion within two months and proposes an appropriate measure

President decides

No measure
(improbable...)

Downgrading

INCOMPETENCE PROCEDURE – PROCESS (3)

**Downgraded
Staff member
in a PIP**

**Two further
consecutive reports
indicating an
unacceptable level of
overall performance**

- JC issues a reasoned opinion within two months and proposes an appropriate measure

President decides

No measure
(improbable...)

**Downgrading
Dismissal**

INCOMPETENCE PROCEDURE – WHAT TO WATCH OUT FOR

- Record and report in writing to your line manager **any circumstance** possibly affecting your performance
- If necessary, **repetitively**
- If **medical** issue : seek help and report to healthandsafety@epo.org
- In an appraisal report: pay attention to some **terms** like “*unacceptable*”, “*(far) below expectations*”, “*sub-average*”, “*persistent difficulties/shortcomings*”
- Get in touch with [staff representation](#) or [SUEPO](#) as early as possible