

Result of the appeal of Alexandre Rydlo, a former PhD student of EPFL and member of ACIDE, concerning the compensation of 1,1 % living cost increase in 2009, the compensation of which were deprived all the researchers under fixed-term contract (FTC)

Following the decision of the Management to deprive all the researchers under FTC (assistants, PhD students and post-docs) of the compensation of the living cost increase, which was granted to the rest of the staff subjected to the new salary system (NSS), Alexandre Rydlo appealed against this decision in 2009. The Internal Commission of appeal of the ETH domain (CRIEPF) examined this appeal and listened to the lawyers on both sides and **proved Alexandre Rydlo right in June 2010.**

This judgment is based on the following reasons:

- Although the compensation of the living cost increase is not a right in itself, it cannot be granted only to a part of the staff; this is to guarantee an equality of treatment between the employees of EPFL and so to abide by the higher law ; such an exclusion from the right for compensation is not foreseen by the Opers-EPF law (Law on behalf of the staff of EPF).
- The CRIEPF recognized that the former generation of PhD students, hired before 2008, were still subjected to the old salary system to protect vested interests; which means that the principles underlying the compensation of the living cost increase were the same than those applying to the Staff hired under NSS.
- The CRIEPF judged that: " the decision of the ETH board of July 8/9th, 2009, on which the EPFL based itself to justify the non-payment of the compensation of the living cost increase for the year 2009, did not constitute a legal basis to allow a restriction of the bound advantages related to a remuneration according to the old salary system for PhD students of the old generation. "
- The decision of the CRIEPF mentioned that: " by limiting these vested interests and by not paying the compensation of the living cost increase for the year 2009, the EPFL violated the principles of the trust and the good faith. The PhD students of the old generation are legally entitled to trust with the guarantees obtained during the consultations and the negotiations. "

What are the consequences of this decision of the justice?

According to the CRIEPF decision, Alexandre Rydlo is entitled to this compensation of the living cost increase with 5 % interests a year. The EPFL Management would have then been able to implement this decision in favor of all the researchers under FTC of the old generation (PhD students before 2008 and assistants and post-docs before 2010) for 2009 and 2010; this by respect to the core of people that contributes to the intellectual wealth of EPFL and to its reputation.

What was the reaction of the Management of EPFL?

The Management decided instead to appeal against the decision in front of the Federal Administrative Court (TAF), which means that EPFL is trying to procrastinate to avoid the payment of the 1.1% salary increase to all the researchers about to leave EPFL and maybe even Switzerland in the meantime.

ACIDE can only regret this attitude and reiterate its full moral support to Alexandre Rydlo, who intends to fight this appeal within the TAF and to follow up on his 2nd appeal still pending with the CRIEPF, which concerns the compensation of the living cost increase in 2010.

Opinion of law on the new salary-related policy 2010 (volées) for researchers under FTC

Following the announcement at the beginning of 2010 of the new salary-related policy of EPFL concerning the salaries of all researchers under FTC, ACIDE members decided to

request an opinion of law in order to assess the legality of this new policy. This opinion of law reached us; it underlines the absence of a legal basis that sets the principles and the criteria with which salaries of the researchers under FTC will be adjusted.

Indeed, since the introduction of the NSS in 2007, the researchers under FTC have been excluded from the NSS. The wage treatment of this category of the staff is not any more subjected to the OPers. This law indeed limits itself to the permanent staff subjected to the NSS. In contrary to ETHZ, EPFL did not write a legal document defining by which means the salaries of all researchers under FTC are fixed.

This absence of law, which we can qualify as intentional, allows the Management to create and to modify rules without any consultation and quite unilaterally. The lawyer who defended EPFL during the appeal of Mr. Rydlo maintained that «the wage policy of EPFL escapes from any criticism»!

In a constitutional state as Switzerland, isn't this the role of the Direction of EPFL to prevent arbitrary decision and to guarantee the respect of the right?

ACIDE already asked repeatedly for the establishment of such legal documents... Demand addressed to the head of Human Resources Service, to the former vice-President of academic affairs and to the President of EPFL himself. All these demands remained without concrete answers.

Health insurance for foreign researchers

- The foreign researchers of the EPFL, who stay in Switzerland for less than six years, can benefit from international health insurance. The advantage of such insurance, is that they offer premiums much less expensive than those offered by the health insurances of the residents of Switzerland. It is obvious that before contracting such insurance, it is necessary to check the cover offered by the insurance, but especially what it does not cover.
- Some of these insurances do not pay off easily certain important medical expenses. Several bad examples encountered with *TradiConsult* have been reported to us. Consequently, we advise you to avoid this insurance.
- For any further information and advice on this subject, do not hesitate to address Gest-Union limited company (<https://www.gestunion.ch/>) who has mandate to EPFL for advising the staff and the students.

Social events to come

- Hiking trip organized by ACIDE-ComDoc which will happen in October.
- « Bal des Doctorants » which will happen on December 11th, 2010

Call for interviews of some PhD students and post-docs

You are a PhD student or a young post-doc and you agree to answer 4 questions as a testimony of your scientific path to be published in the Practical Guide of PhD candidates at EPFL...

Then please contact us by email (acide@epfl.ch). Thank you.