

Annex –Standby Duty – additional information

Legal Provisions

According to article 55 (2) (3) of the Staff Regulations, the Staff Committee must be consulted before rules are laid down by the Appointing Authority concerning the hours to be worked by certain groups of officials engaged in particular duties and for standby duty at the place of work or at home outside normal working hours for exigencies of the service. The Staff Committee must also be consulted on the special allowances provided for by article 56b for standby duty.

Council Regulations on standby duty (No 495/77) sets out the allowances payable to staff required to be on standby duty. The Commission provides annual reports to the Council and Parliament on the use made of this regulation.

Reporting on standby duty under Council Regulation 495/77 as amended

According to the Report from the Commission COM (2019) 217 on the use made in 2017 by the Institutions of Council Regulations No 495/77, last amended by Regulation No 1945/2006 (on standby duty), No 858/2004 (on particularly arduous working conditions), and No 300/76, last amended by Regulation No 1873/2006 (on shift work)¹, in 2017 there were 394 Commission staff who received pay for standby duty- 379 for standby at home and 15 for standby at work.

There were 138 staff of JRC receiving standby duty payments in 2017. Other services mentioned in the report making these payments include DG ECHO and the External Action Service.

JRC specific arrangements

In addition to payments for standby carried out by staff under Council Regulations No 495/77 staff carrying out standby duty at home in some JRC functions also receive working time compensation. A typical scheme provides staff with 8 hours time credit in SYSPER for a full week of nights and weekend on standby. This time credit is given in addition to the payment under Council Regulations No 495/77 to compensate for the loss of work/life balance during that period.

DG ENER specific arrangements

Staff who carry out standby duties receive payment and in addition receive working time credits typically one day per week on standby. The legal base is Council Decision of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (87/600/Euratom).

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31987D0600>

¹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:52019DC0217>

DGT

The documents 'Duty Officer Procedure in DGT' ARES (2018)5506894 and Guidelines for Staff requested to work outside normal working hours ARES (2018)550689 describe a system currently operational in DGT.



DGT
duty-officer_procedur



DGT
standby_guidelines.pc

Each Language Department is required to maintain a standby duty rotation among the translators 'on a voluntary basis' to decide who is assigned a duty phone. Staff are generally on duty for a week at night and at weekends. Staff on duty are required to check the phone for messages every 30 minutes and be able to respond to phone calls at night. If required they are expected to be able to start work at very short notice.

Staff receive no compensation for the standby duty. Although the system is theoretically voluntary in practice there is considerable pressure put on staff to 'volunteer'. Furthermore

- Staff required to do out of hours work receive compensation on a one hour for one hour basis in SYSPER.
- The scheme is 'voluntary' in that it is stated that staff are not obliged to be on standby. In practice staff report that they feel obliged to 'volunteer' in order to share the burden with colleagues. Some staff also report high levels of stress associated with being on the standby rota.

Central Staff Committee comments

- a. Although the "Guidelines for staff requested to work outside normal working hours" state the "work performed by staff under this system cannot be considered as overtime nor as a "standby" duty in the sense of the Council Regulation 495/77", it is clear that DGT is operating a standby duty scheme.ⁱ
- b. The scheme is irregular in that no compensation is provided in contravention of the Staff Regulations.

European External Action Service – EEAS

Many staff in delegations are asked to do standby duty without compensation. The standby duty consists of being available to come to the office at short notice if called on a duty phone out of hours at night, weekends or public holidays. The duration of standby is typically one week. No

compensation payment or flexitime credit is provided for the standby duty. Actual work carried out counts towards flexitime.

In 2017 there were 15 staff in EAAS who received payments for standby duties.

Central Staff Committee comments

According to the information provided to the Staff Committee, the arrangements in EEAS for staff to be on a rota for 'permanence' is a type of standby duty. Most staff carrying out these standby duties are not compensated financially or in working time credit. Such arrangements are irregular and contrary to the staff regulations.

Office of Publications

Some IT and other staff in OP are on standby at weekends and Commission holidays. Further details are needed on these schemes.

DG SANTE

The document 'Early Warning and Response System (EWRS) Duty Office Guidance' dated 1 August 2019 describes a scheme introduced in July (2019) by SANTE in one unit in Luxembourg.



EWRS_On Duty
guidance_01-08-2019

A rota of staff to be 'duty officer' at weekends and Commission holidays is drawn up at unit level on a 'voluntary' basis.

Between 9 am and 4 pm on Saturdays, Sundays, Commission and other public holidays, on duty staff are asked to check their email three times a day for alert notifications on a web platform (EWRS - the Early Warning and Response System – a password protected web platform managed by the European Centre for Disease Prevention and control for Member States to post information on outbreaks of communicable diseases for use by other Member States, the Commission and ECDC). An alert notification would be sent to the Duty officer by email, who would then access the site to read it and to be reachable on the phone.

In response to any alert notification they should assess the situation and call their Director or Head of Unit if needed.

Staff on-duty officer receive half a day special leave for three week-ends on duty. If the on-duty service turns into actual work, or if another staff member is mobilised for the follow-action, the hours worked should be recorded as working time in Sysper.

Central Staff Committee comments:

- a. These standby duty and out of hours work arrangements have not been introduced in a proper way because the Staff Committee has not been consulted as set out in the staff regulations.
- b. The 'standby duty' part of the on duty scheme should only cover the part relating to being available for work and checking email to find out if there is an alert. If an alert is received the time spent accessing the web site, reading the alert, assessing the information and reacting should be counted as work.
- c. Any Standby duty at home done on voluntary basis ore not should be compensated in accordance with Article 55 § 3 of the Staff Regulations.
- d. The compensation of ½ day for 3 weekends standby duty is too little in comparison with similar standby duty schemes in other parts of the Commission such as JRC and ENER described above.

ⁱ This seems to be confirmed by the same Guidelines, in which is stipulated: "It is the responsibility of the LDs to arrange internally the standby duty rotation among the translators on a voluntary basis and find appropriate solutions in order to fill in the LDs rosters"