



Brussels, 4 February 2022

**Note for the attention of Ms Gertrud INGESTAD
Director General HR – Human Resources and Security**

Subject: Response of the undersigned, representative Trade Unions further to the Political concertation on the draft decision on the implementation of working time and flexible working.

Following the concertation meeting and the clarifications provided by the administration, the undersigned representative Trade Unions will not file a joint request for conciliation, as the unanimity required for this procedure has not been reached. Nevertheless, we wish the following points to be taken into account in the implementation of this decision.

Indeed, we are satisfied that we have moved forward together in the right direction in the interest not only of the institution but also of the staff. We understand and we hope that this draft decision on the implementation of working time is based on a real willingness to build a new culture of trust, with managers leading by example, as Commissioner Hahn wishes.

This will allow the desired flexibility in working arrangements, with the possibility of 20-60% teleworking and 40% in the office and with the right to disconnect, to be allowed to telework abroad 10 days a year without having to take any leave, or the creation of a joint committee tasked with overseeing this decision.

However, we deeply regret that **this draft decision is biased by a disastrous building policy implemented** without consulting staff in the midst of a health pandemic, which had an extremely negative effect on working conditions.

Therefore, in order to ensure the overall coherence of the draft decision and to have the **guarantee of equal treatment**, we ask for a **clear framework for the implementation** of this decision and we request that the following points be taken into consideration.

We are still very concerned about the fully **decentralised governance** of working time and telework policies, which means that there are as many implementations as there are DGs/services/directorates/units. We can understand the Commissioner's approach to give as much flexibility as possible to services, **but this should not be at the expense of staff**. In order to ensure fair treatment of all staff, we ask that DG HR play a central role in the implementation of this decision by regularly communicating the statistics/figures to the Joint Committee and to the Trade Unions. Furthermore, we demand that the business correspondents and staff representatives work closely with DG HR and the Joint Committee.

In this respect, we would like to have the confirmation that the future guidelines for the implementation of the decision, which could clarify many of the open questions, will be discussed, developed and validated in close cooperation with the Trade Unions. We propose to discuss and develop together the mandate, mission as well as the internal rules of the **Joint Committee on Flexible Working**. The Joint Committee should be allowed to identify and redress at least *ex post*, any misinterpretation and/or abuse of discretionary actions.

The following recommendations should be taken into account for the guidelines:

To **set up a new culture of trust**, it is in itself not enough to just announce it in the decision. This change in the culture of our managers must also be implemented through training, campaigns, seminars, workshops, etc. and carefully assessed and reinforced or corrected when necessary.

Provision regarding **digital burnout** and its consequences must be put in place.

A clear definition of different terms used: availability; service interest, force majeure, etc. For instance: the "**interest of the service**" should not be left to the sole discretion of the line manager, who is the only one to decide on working hours. Therefore, a **procedure must be established and the manager's decision must be duly motivated in writing** to avoid a dramatic impact on the business continuity, life balance and the well-being of our colleagues.

The guidelines should also include examples of both good and unacceptable practices, which should be continuously updated in the light of the implementation of the Decision by the DGs and Services.

A procedure **in case of disagreement must be foreseen and a** functional mailbox made available to all staff for submitting questions and complaints, and it must be accessible to the members of the joint committee. This element is all the more relevant as our request to entrust the joint committee with the responsibility of handling individual appeals has not been accepted.

The wording "**For the reminder of hours**" in Article 5 seems to restrict the choice of working hours left to colleagues to only those outside the time slots; This could easily be achieved by replacing "For the reminder of hours" with "**Without prejudice to the availability requirement**", which reflects our understanding of the meaning of this provision.

Telework outside the place of employment: although there has been some progress, we still consider that the ceiling of 10 days teleworking period falls far short of what is required to meet the demands of staff and the need to make our institution more attractive, particularly but not only to the younger generation of candidates.

With regard to the average of 7 days of telework outside the place of employment that has been requested, this must also be seen in the context of travel restrictions and the fears of the spread of disease linked to the COVID 19 pandemic.

This being said, we aware that several Member States are actually using the extended possibility of teleworking outside the place of employment as a pretext to invoke further reform of the Staff Regulations calling into question other aspects of our treatment and

remuneration.

We are also aware that recently several EU institutions have decided not to allow teleworking outside the place of employment and have adopted a more restrictive implementation of article 20 of the Staff Regulations.

Under these circumstances, in order to duly prepare the revision of the decision, we confirm our request to implement, in agreement with DG HR, a **pilot exercise** set up on a voluntary basis (both services and colleagues). This exercise will assess pros and cons of a wider implementation of telework outside the place of employment.

In order to ensure the effective equivalence of both modes of work, as stated in recital 4, we recall that it is essential to ensure that occupational health and safety standards are equally respected regardless of the place and mode of work (office, home, telework...). In this respect, it is necessary **to define precisely the notion of "work-related accident"** which should also include accidents that occur at home while teleworking. Therefore, clear instructions should be provided in the guidelines in this respect.

Finally, we would also like to be sure that **financial support measures to compensate for the costs of telework**, especially for the lower grades, are put in place, even if the Commission's budgets are extremely tight. We are convinced that during the 2 years of the pandemic with compulsory telework, halving of EC buildings, cancellation of missions, reduction of catering, reduction of cleaning, etc. the Commission has made substantial savings. We specifically ask that a lump sum (as already proposed by several Member States) be discussed in 2022 and implemented as soon as possible, and at the latest in early 2023.

We remain at your disposal to work together on this issue starting as soon as possible the negotiation of the guidelines in order to build the innovative administration of tomorrow where everyone will have their place and their role to play.

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Alliance (<i>signed</i>)	Generation 2004 (<i>signed</i>)	USF (<i>signed</i>)	RS- U4U (<i>signed</i>)	FFPE (<i>signed</i>)

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