

Social Dialogue Committee for Central Government Administrations - SDC CGA

**Working Group meeting
23 February 2017 2016, Brussels
Draft Minutes**

Present:

EUPAE

PAPPENSCHELLER Thomas	Austria
KOREN Peter	Austria
DRUART Jacques	Belgium
NECKEBROECK Bruno	Belgium
MOJDLOVÁ Veronika	Czech Republic
CHNEIDER Jean-Marc	France
DJIDER Nacer-Eddine	France
LOREAL Simon	France
KECKEISEN Christoph Franz	Germany
PIZZICANNELLA Stefano	Italy
VALENTI Andrea	Italy
CERRONI Angelo	Italy
BOSSAERT Danielle	Luxembourg
GANHÃO Teresa	Portugal
DIACENCU Carmen - Bianka	Romania
FORGÁČ Gabriel	Slovakia
SILES SUAREZ Teresa	Spain

TUNED

SUCHA Blanka	Czech Republic
BOSSIO Silvana	Belgium
GILLES André	Belgium
LIIVAMAGI Kalle	Estonia
SIREN Harri	Finland
PARISOT Alain	France
TSIAKKAROS Stélios	France
MOOS Christian	Germany
WOLFF Romain	Luxembourg
PLAZA Elia	Spain
VILLAVERDE Angeles	Spain
BRUNZELL Karin	Sweden
LEJON Britta	Sweden
LINDSTRÖM Anders	Sweden
NYSTRÖM Linda	Sweden
KEMPEN Peter	EU

TUNED Secretariat

SALSON Nadja	EPSU
LEBBAD Touria	CESI
GASSNER Diane	EPSU

GUEST SPEAKER

FULTON Lionel	LRD
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09:00 – 10:00 Separate preparatory meetings

10h15 Working group meeting

1. Welcome, announcements and adoption of the agenda

Stefano Pizzicannella, EUPAE-Italy spokesperson, introduces himself as Chair of the SDC CGA for the year 2017, welcomes the participants and opens the meeting. As a consequence of a position change, for Nacer-Eddine Djider today will be the last SDC CGA meeting. Jean-Marc Chneider will replace Nacer-Eddine Djider as representative of EUPAE-France. The agenda is adopted.

2. Adoption of the minutes of previous meetings (10.06. 2016; 15.11.2016)

The minutes of the last two meetings are adopted.

3. Update

EUPAE-Italy reports on the EUPAE/TUNED shared content of the SDC CGA e-Newsletter N°4 that will be issued by the European Commission before the end of the month. EUPAE Italy, moreover, briefly informs about the 60th anniversary of the Treaty of Rome high level events envisaged in Rome at the end of March. Italy will take the opportunity, on that occasion, to stress its position for a more social Europe. The SDC CGA will be kept informed about such events.

The European Commission reports on the European Pillar of Social Rights consultation and other relevant issues. The Commission received many replies and of good quality. As a consequence the consultation can be considered successful. A conference on the social pillar was held in Brussels in January. The European Pillar of Social Rights subject is linked with the "*White paper on the future of Europe*" and the two themes should be considered together. More concretely, there will be new initiatives in the area of working time, access to social protection, written employment contract. On the EC initiatives of last January regarding health and safety issues the Commission highlighted that the focus lies primarily on better enforcement of the Health and Safety directives, especially for SMEs including promotion of tools such as the OIRA, the Online Interactive Risk Assessment of the European Agency for Health and Safety (OSHA). The adoption of the European Pillar of Social Rights' document is expected by April.

TUNED secretariat reports on the EC Liaison Forum meeting of 26 January and informs about the relevant TUNED positions on European Pillar of Social Rights consultations and related directives (Social protection, working time). With regards to the consultation on the pillar of social rights, TUNED secretariat expresses its keen interest in the result as the trade

unions invested a lot of time in responding to this consultation and a considerable part of the total amount of replies came from trade unions.

4. Follow-up of the Agreement on information and consultation rights adopted on 21/12/2015

EUPAE Chair is pleased to report that the number of translations of the Agreement has increased: NL and CZ translations are now available.

TUNED-Spain and EUPAE-Spain informed other members that the Spanish translation will be released shortly.

Regarding the EC impact assessment process and representativeness study, the EUPAE chair provides a report on the following developments:

- The EC initial legal opinion on the Agreement that we were promised to receive shortly after the last SDC CGA meeting of 15 November is still pending.
- Meanwhile TUNED/EUPAE secretariats sent a letter in January to Mr Juncker with a view to present the Agreement to him.
- Following an exchange of e-mails with Mr Bertrand Muller-Schleiden and Mr Adam Pokorny from the DG EMPL-Working Conditions Unit, to remind them of the pending EC legal opinion, we were informed that a "*feasibility study*" on the launch of the Impact assessment was ongoing and taking into account the SDC CGA letter to Mr. Juncker, the Commission's reply concerning the legal opinion will be sent after the completion of that "*feasibility study*" and that further information will be provided after the reply from the President.
- EUPAE Chair, as a last thing, recalled the importance of answering to Eurofound representativeness study questionnaire recently sent to EUPAE and TUNED members.

The Commission confirms the above and that as the SDC CGA has rightly decided to take the matter to Mr Juncker it was not possible to anticipate the latter's response. The Commission points out that the last representativeness study of the central government sector was carried out in 2011. The situation at that time was quite different as only 9 EUPAE members were part of the SDC CGA. As a consequence, EUPAE and TUNED members are warmly asked to provide the information required by the Eurofound questionnaire. In this way today's improved situation can be made clear.

TUNED Chair underlines that the SDC CGA is proud of the agreement. This is the reason why it was decided to promote it also to the highest levels of the Commission. It should not be misunderstood and should not be deemed an obstacle or make the process longer.

The Commission agrees with TUNED chair and confirms that the Commission is very positive about the work of the SDC CGA.

TUNED secretariat stresses the importance of a possible Eurofound presentation, on May 15 during the plenary, concerning the first results of the representativeness study and questionnaire. Regarding the EC pending initial legal opinion, it was reiterated that the SDC CGA requires it in order to be able to react and adapt the text of the Agreement accordingly.

The members of SDC CGA also expect that the letter to Mr Juncker will be taken into due account as the President pledged to relaunch the Social Dialogue. Subsequent steps: to complete the representativeness study as part of the EC impact assessment of the Agreement and to monitor further developments with the other elements of the impact assessment.

5. Quality Administration Agreement: follow up

EUPAE-Italy (Mr Andrea Valenti Department for Public Administration) gives a presentation on the monitoring process of the Quality Administration Framework Agreement of 2012. The Quality Administration Agreement provides for 20 commitments on the basis of 7 key principles: 1) service and respect of rule of law; 2) welcome; 3) equity; 4) integrity; 5) efficiency; 6) quality of life at work; 7) communication and transparency. In order to respect the biennial monitoring rule, a questionnaire has been sent to all EUPAE and TUNED members. The first deadline was 31 October 2016. The deadline was extended to 15 January 2017 to get more answers. 12 filled in questionnaires were received: 3 TUNED (EE, ES, IT); 3 EUPAE/TUNED shared (CZ, FR, LU); 6 EUPAE (BE, IT, LT, PT, RO, SK). According to the outcome of the questionnaires the Agreement was translated in most languages and disseminated. A number of measures in different countries were influenced by the Quality Administration Agreement.

A written report of the above will be available for the next SDC CGA meeting on 15 May.

TUNED-France considers, from its point of view, that the Quality Administration Agreement has not had a huge influence on what France does in practice at national level.

TUNED secretariat agrees with TUNED France and asks EUPAE Italy, in drafting the report, to especially focus on how the Quality Administration Agreement has had a real impact on the concrete measures adopted at national level in order to make the follow up more useful. TUNED secretariat also highlights that not all EUPAE and TUNED members answered and filled in the questionnaires so the data available originates from 11 countries only. TUNED secretariat asks EUPAE Belgium to better explain its innovative measure which was influenced by the Agreement, on "*person of confidence*" in order to tackle possible corruption cases in that country.

TUNED Belgium clarifies that the "*person of confidence*" can help the employees by giving advice in harassment, burnout and suspicion of corruption cases. He/she can be a contact person that has an intermediary role. For example, the file is not processed if the relevant individual, after having addressed the confidentiality person, decides not to bring the case to the ombudsman.

EUPAE Chair reports on the meeting with Mr. Dion, Head of Social Dialogue Unit from DG EMPL, held on 22 February at the Commission's premises. The EUPAE/TUNED delegation described the state of the art and stressed the most significant results of the SDC CGA, including health and safety project outcomes. The main objective of the meeting was to discuss how the Commission could use the principles enshrined in the Quality Administration Agreement in the context of the European Semester's recommendations relating to modernisation of public administrations. Whilst not legally binding, the Agreement was negotiated by social partners in central government and as such it provides a level playing field on quality administration which the Commission could use as a common grid to design

reforms. During the discussion, the EC quality administration toolbox was also raised including the role of the SDC CGA in updating this toolbox. Mr Dion was also interested to find out more about our cooperation with the social dialogue committee for local and regional government. EUPAE Chair suggests, as a consequence of this meeting, to invite as a speaker, for the next SDC CGA plenary of 15 May 2017, an EC expert from the ESF Unit responsible for the quality toolbox for public administration.

TUNED Chair and the other SDC CGA members agree with the EUPAE Chair's proposal.

EUPAE-Belgium highlights that the quality administration toolbox, well known in the EUPAN network context, is an ambitious tool that could be improved. EUPAE Belgium is available to suggest some relevant improvements to this tool that could be useful for enhanced Public Administrations.

EUPAE-France also points out the significance of the tool in order to improve the quality of Public Administrations.

Next steps:

- To find out more about the EC toolbox on quality administration.
- To send a report of the monitoring of the agreement on quality administration in central government.

6. Work-life balance

EUPAE Chair informs that the call for proposal 2017 concerning the support for social dialogue hasn't been issued yet. However, the call should be issued quite soon.

EUPAE-Italy (Mr Angelo Cerroni, Department for Public Administration) gives a presentation on the Italian "*smart working*" experience.

A general principle is that work-life balance is a wide-ranging concept that impacts on various aspects of people's lives and implies robust, cross-cutting, structural, coherent and comprehensive policies. In this context new forms of work organization could help. Smart working is a new manner of working for employees who agree to focus on objectives without limits or working hours nor workplace, taking advantage of new technologies. Smart working must have a maximum weekly limit and daily working time. The employer is responsible for safety and maintenance of IT devices. Fair treatment (economic and professional) has to be granted to smart workers. Smart working must be regulated by an additional agreement between the employer and the employee which includes the disciplinary and control policy and implies a shift from the culture of presence at work to availability.

Article 14 of the Italian law N° 124/2015 envisages new measures suitable for teleworking and other "*temporal and spatial ways of ensuring job duties*" with the specific purpose of improving work-life balance, help parenthood and tackle parental needs. The target is to have at least 10% of Public employees enjoying this new arrangement within 3 years. The Public Administration organization should draw a map of work processes and duties that are suitable for smart working, provide IT technologies and a virtual workspace, avoid time-sheets, monitor the performance of the employees using indicators, and implement the performance cycling.

Some challenges certainly need to be taken into account: health and safety, privacy and data protection and freeriding amongst others. In Italy there is also a recent law proposal to grant employees the “*right to disconnect*”.

The presentation is followed by a series of questions raised by TUNED-Sweden and TUNED Germany as follows: whether Italian unions were involved in the design of the new “*smart working*” pilot scheme, the need to further explore the meaning of work/life balance which should not be a cost-cutting exercise but help support family life, to clearly identify employers and employees’ shared responsibility and to link the new project with our ongoing psycho-social risks project. Concerns were raised regarding the teleworkers for example being isolated and even discriminated because they are not always present in the office with the others. The fact that some workers would be called “*smart*” workers could be stigmatising for those employees not part of the “*smart work*” scheme. Overall there is a need to better assess risks and opportunities of such a scheme.

EUPAE-Portugal highlights that is not easy to select the employees and activities that can be part of this “*cultural revolution*”.

TUNED-France draws the attention to the risk of exclusion of some employees in selecting the personnel for smart working activities. Also, the employees have to be sufficiently and properly trained. The presentation seems to be well designed, but there are worries about the relevant content. The employees should retain their workplaces in any case and keep in touch with their colleagues.

13:00 Meeting suspended

14:30- 16:30

EUPAE Chair gives a presentation concerning a proposal for a possible EC-funded project for work-life balance and digitalization inspired by the Italian experience. The project could be dedicated to smart working in Public Administration analyzing how it improves work-life balance, quality and effectiveness of public services and which technologies are more appropriate as a driver. The project could also point out potential critical aspects as health, personal data protection, burnout, right to disconnect, freeriding and security at work. The activities could start with a study on the state of the art in CGA and end with shared recommendations on smart working implementation.

TUNED Chair replies that the slides have not been sent in advance and before the meeting, in order to give participants full time to react. TUNED Chair suggests, as a consequence, to discuss the proposal during the plenary on 15 May.

TUNED-Belgium thinks it is advisable to reflect on the fact that some new working methods like telework can push employees to work too much: the right to disconnect in this context is crucial.

EUPAE-France agrees with the idea that is important to discuss adequately on this topic and select the best solutions. Learning from the experience of the private sector could also be useful.

TUNED-Spain underlines that in the presentation given gender inequalities don't seem to be explored enough. Smart working could limit the career and the professional improvement for women.

TUNED-France proposes, for the next social dialogue project, a study on the impact of this new organization of work.

EUPAE Chair takes good note of TUNED comments and considers useful, as a consequence, to avoid using the expression "*smart working*" within the context of the next social dialogue EC-funded project to submit to the Commission.

Next steps: a revised outline of the project will be submitted by EUPAE-Italy (chair) for another round of discussion on 15 May taking into account the deadline for submitting the project to the Commission.

7. Psycho-social risks at work (PSR EC-funded project)

TUNED secretariat informs the SDC CGA members that it is still possible to make comments or ask for changes concerning the minutes of the Madrid Seminar held on 24 and 25 November 2016: the deadline is 30 March 2017.

TUNED secretariat informs the SDC CGA members that, for the guide and the background study, it is also possible to make comments or ask for changes by 30 March 2017.

EUPAE-Spain will send a sentence for the fine-tuning of the minutes of the Madrid seminar concerning the speech given by Héctor Casado López on page 5.

The Health and Safety project expert Lionel Fulton (Labour Research Department) gives a presentation on the Guide. After an introduction from the social partners, the Guide analyses the extent and impact of psychosocial risks, the relevant context for action, the practical action that can be implemented, the social dialogue role and employee involvement, and in the end the references and sources of further information. The definition of psychosocial risks varies. However, psychosocial risks can have a big impact on individuals: for example in the UK stress is the largest cause of absence at work. Violence and abuse aspects cause particular concerns. For the EU-OSHA ESENER¹ study of 2014, the Public Administrations sector is on average more exposed to those risks. The EU directives are the fundamental legal basis and 18 member states go further in this area. The employee can be supported by trade unions, health and safety experts in organisation, persons of confidence (where envisaged, for bullying and harassment), and the management. Also the collective agreements can play an important role and often important rules are part of those agreements at EU and national level. However, the situation can vary from one country to another. The traditional risk management framework could be not enough to tackle those risks. The Guide identifies three levels of action: 1) eliminate or reduce risks at source; 2) modify individual responses to risk (stress management); 3) support individual managed by risks (employee assistance programmes). All these levels of action should be used. Assess the risk systematically is important. Dealing with difficult clients or users is a

¹ European survey of enterprises on new emerging risks.

significant source of risks: people should not be isolated, buildings should be appropriated, and a clear statement that violence will not be tolerated can be useful measures to consider. Further significant sources of risks are time pressure and workloads, lack of communication and cooperation, lack of influence over work pace or process, job insecurity (including organizational change), long or irregular working hours, and forms of discrimination. Make a relevant strategy involving employees and managers, provide training to manage stress, and support those damaged by psychosocial hazards are other concrete measures that can be implemented. To conclude, the social dialogue between employee representatives and management is a key element for improvements as confirmed by the EU-OSHA Agency.

EUPAE-France thinks that the guide would be a little shorter but is however very satisfied with the outcome.

EUPAE-Luxembourg appreciates the guide: it's comprehensive, pragmatic and contains useful information.

EUPAE-Italy also appreciates the guide. For the fine tuning of the text it will be necessary to ask the relevant Italian Public Administrations mentioned in it about possible comments or changes.

TUNED-Belgium highlights the risk of excessive workload with telework. It is often difficult for Public Administration to evaluate the workload and for the employee to find the correct work-life balance.

TUNED secretariat agrees with TUNED Belgium concerning the importance of this aspect and, more in general, concerning the technostress risks. As a consequence, TUNED secretariat suggests to consider including in the guide that managers have to avoid to send e-mails late in the evenings or during the weekends.

EUPAE Chair suggests that comments on the guide can be sent already before the Berlin final conference of the project envisaged on 14-15 March 2017.

TUNED secretariat informs that comments can be sent next week.

EUPAE-France updates the SDC CGA members about the state of play of the video. The video, almost completed, describes the guide. In order to be in line with the tight timetable envisaged, the first part of the relevant script cannot be changed.

EUPAE Chair asks to cross out the reference to employees that could commit suicide, considered disproportionate in this context, even if it is in the first part of the script.

TUNED-France highlights that not many years ago several employees of a French telecommunication company committed suicide because of psychosocial problems. After that in the country an intense debate on burnout and other psychosocial risks started.

EUPAE-France confirms those unfortunate cases.

EUPAE-Spain thinks that nobody can deny that the result could also be committing suicide. However, it would be reasonable to ask to avoid the reference to it in the video.

TUNED secretariat insists for keeping the script as it is. The SDC CGA members finally agree with keeping the reference to the possibility of committing suicide by the employees as a result of psychosocial problems in the video script.

EUPAE Spain asks to insert the expression “*For the functioning of the organization*” in the first part of the video script instead of the expression “*For the organization*”. All SDC CGA members agree with this proposal which is a minor amendment.

The SDC CGA members watch the video: its quality and effectiveness is widely appreciated by them. It is agreed that the video, the guide, and the background study cannot be publicly released before their formal approval on 15 May 2017.

TUNED secretariat and EUPAE Belgium thank Nacer-Eddine Djider for the work done together as a good team and for the pleasant interaction.

EUPAE Chair shares the TUNED and EUPAE Belgium thanks and concludes the meeting.

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