



Negotiations on new working hours: 3... 2... 1... It's started !

Luxembourg, 01/07/2021

We looked forward to **the new Commission Decision on working hours and "hybrid" work (teleworking and work in attendance)**. A text was finally launched in inter-service consultation and presented to the trade unions (see annex) for a first round of discussion.

From a reading of the text, it is clear that the main objective of the Institution is to respond to the budgetary constraints imposed by the Member States and to justify the reduction of office space rather than the well-being of staff. It is therefore easy to understand that behind the new slogan of the DGHR "towards a culture of trust" there is an absolute vacuum, with no measures foreseen at this stage which could make it possible to achieve it in practice. To the contrary, the proposed text is in fact a catch-all that goes far beyond teleworking as it addresses almost all aspects of working conditions, constituting a de facto new staff policy.

The global challenges of the new forms of hybrid work should have led our institution to ground reflection and assessment of all the consequences.

Indeed, the aim is not only to organise the alternation between teleworking periods and periods of presence in the office, but to protect the fundamental rights of job holders and the application of the existing directives regarding working time. In this regard, **Union Syndicale Fédérale Luxembourg** considers it very dangerous, as proposed in the text, to replace days of leave or sick leave by teleworking. In addition, long working hours already appear to be the major consequence of hybrid forms of work.

The Decision foresees an **increased power of discretion** of the managers, which is excessive in relation to the rules in force. They will now be habilitated to judge whether teleworking is justified and to set the percentage presence/teleworking that is not negotiable because of the interests of the service and in the absence of any transparent system to take into account each person's workload.

The margin of discretion of the hierarchy goes so far as to be able to determine whether or not training activities, as well as work in the interests of the institution, can be included in working time. This is not acceptable.

The text proposes to **eliminate "core-time"** by replacing it with a simple indication of the time-slot in which you can work (and therefore be available): between 8 and 19 hours! Is this a step forward?

In its current form, the text only provides for fifteen days of **teleworking away from the place of employment**, which is far from the expectations of staff.

Each DG or even each unit could have its own working hours policy, which will create discrimination in the treatment of staff. **Union Syndicale Fédérale Luxembourg** considers that it is absolutely necessary to harmonise these policies and monitor them and to set up a special joint committee on working time which can decide on problematic situations.

The control of working hours, which will no longer have to be encoded in Sysper, is also unclear. Such control should be justified, proportionate, and staff should be informed about it in order to avoid intrusive or violating privacy. On the other hand, **the job holder's** right to disconnect and measures to prevent breaches of private life are severely lacking. In view of the proliferation of IT tools, the boundaries between working and rest periods are disappearing, resulting in an increase in the number of working hours and a direct impact on

family and private life. Disconnection becomes virtually impossible with increased burn-out risks and other psychosocial risks.

Union Syndicale Fédérale Luxembourg has requested that the right to disconnect be enshrined in the text of the Decision and be the subject of a specific charter.

Union Syndicale Fédérale Luxembourg regrets the complete lack of analysis and evaluation of the impact of teleworking in terms of human challenges (socialisation, teamwork, etc.).

Teleworking, i.e. work organised outside the workplace with sub-optimal working conditions, is also likely to result in the **emergence of** new illnesses, such as muscular skeletal disorders which, according to **Union Syndicale Fédérale Luxembourg**, should be regarded as occupational diseases. There are no plans to monitor the implementation of teleworking.

Union Syndicale Fédérale Luxembourg stresses the importance of the employer being responsible for both the **equipment and the additional costs**, in particular those relating to communication (consumables, mobile telephony, internet) involved in teleworking. Cybersecurity risks will also need to be adequately covered.

The use of teleworking in **exceptional circumstances** or in cases of 'force majeure' (for example in the event of a pandemic) must also be anticipated in the context of this decision.

In order to take into account all colleagues excluded from this Decision, **Union Syndicale Fédérale Luxembourg** had already asked for a consultation on **the working hours of staff, in particular crèches and childcare facilities as well as drivers**, for which changes in working hours would appear to be emerging.

Union Syndicale Fédérale Luxembourg regrets that the Commission has not communicated/showed/indicated any intention to adopt an **interinstitutional approach** in order to achieve a minimum degree of harmonisation within the institutions.

Finally, **Union Syndicale Fédérale Luxembourg** invites you to send us your comments and suggestions concerning this very important reform of working conditions, which will have a significant impact on all of us in the long term

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