



LONG DISTANCE TELEWORK WHAT DOES UNION SYNDICALE FEDERALE LUXEMBOURG THINK?

Luxembourg, 01/10/2021

Having previously been reluctant to use it, the administration is now enthusiastic about telework, even going so far as to adapt its building policy to the logic of structural telework for most jobs, by reducing office space by more than 30% and installing open-plan offices.

With the cyclical spread of telework, the possibility of teleworking away from the place of employment was raised. Cases arose during the pandemic period, most of which were dealt with smoothly, but sometimes led to conflicts. Since then, some demand has emerged for so-called TWA (Teleworking from Abroad), although it is really more a question of distance from the duty station than of borders.

Clearly, structural, generalised and permanent TWA seems to have been ruled out and **Union Syndicale Federale Luxembourg** is satisfied with this. If this were not the case, the European civil service and our Staff Regulations, and not just certain aspects of them, would be at great risk of disappearing in favour of an alternative model based on local contracts, at local prices, subject to local laws, and losing the transnational dimension of our professions.

We do not want this and we invite those do to stand up and be counted themselves by taking advantage of the forthcoming elections to the Brussels Staff Committee to present their list. We will see what the sovereign body of voters thinks.

On the other hand, our approach is to consider TWA as an instrument of human resources management to be used, alone or in combination with other arrangements, according to the needs of the service but also taking into account the duty of care of the employer towards the employees, as recently recalled by an interim order of the Court of Justice of the European Union (Case T12/21 - Order of the President of the Court of First Instance of 13/04/2021).

Union Syndicale Federale Luxembourg considers that all officials and other staff have the right to periods of TWA, in particular when personal or family circumstances require it. This right must be integrated into all the instruments for managing professional life.

It is also important to be aware that a number of acquired rights may disappear with the general application of telework. Sick leave, for example, will be radically affected by the generalisation of telework. Medical conditions previously considered disabling because they prevented travel to the office, for reasons of mobility or contagion, will in many cases no longer prevent continuity of service through telework. In these circumstances, why prevent the person from staying where they can be cared for in the best conditions? The same applies to those who have sick relatives in distant places and can stay close to them without having to stop work.

Other situations are possible, concerning people on part-time sick leave or on pre-retirement part-time leave, divorced persons whose spouse has custody of the children and lives far from headquarters, or even colleagues wishing to follow medium or long-term training courses.

Union Syndicale Federale Luxembourg believes that there is a whole debate to be carried out with the administration: what are the modalities (the practical arrangements) for exercising the right to TWA? What procedures? What is the impact on the special leave that covers some of these circumstances? Will they be complementary or replaced by the TWA?

Some focused this debate on obtaining a fixed number of annual TWA days, even launching into a somewhat surreal bidding war, forgetting that this approach is not without risks.

Union Syndicale Federale Luxembourg is in favour of a realistic fixed number of TWA days per person. The existence of this package will make life easier for colleagues, sparing them cumbersome procedures and the possible collection of supporting documents.

The determination of the exact number of days in the package will always be arbitrary and should be subject to periodic evaluation, but we believe, while remaining realistic, that a broader starting point than the ten days proposed by HR is needed.

Leaving the hierarchy free to decide on the use of fixed-term days risks creating inequalities according to the criteria of the heads of unit. We are already seeing this with recuperation days. What would be the added value of proposing a number of days that will, in fact, never be granted by the hierarchical superior, who will have to give his agreement?

The administration is proposing this package as a maximum limit and will consider any further concession of TWA once the package is exhausted to be exceptional. **Union Syndicale Federale Luxembourg** believes that it is essential to first discuss the modalities opening the possibility of TWA and its practical application. The TWA package would therefore be a personal minimum to avoid excessive bureaucratisation, but would not prejudice the right to TWA for longer periods when these circumstances require it.

The administration also wants to systematically combine TWA days with leave days. **Union Syndicale Federale Luxembourg** is opposed to this because it could create absurd situations (what if someone spends their leave in a place where there is no Wi-Fi or in a distant time zone?).

Union Syndicale Federale Luxembourg is calling for simple and clear rules and for an administration that commits, right now, to taking care of its staff in the most complex circumstances. We want our Institution to be an example of good practice for others.

Discussions are underway with DG HR. We will inform you as soon as the decisions are finalised.

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