



The latest on draft decision on working time and hybrid working.

Luxembourg, 07/01/2022

Last December, Unions met Commissioner Hahn for a political concertation on the draft decision on working time and hybrid working (attached).

The discussion focused on the main provisions of the text, namely daily working hours, hybrid working, teleworking from outside the place of employment, right to disconnect and financial support to teleworkers.

The outcome of the discussion with Commissioner Hahn can be summarised as follows:

- **Daily working hours (Art.5):** It is proposed that the **time slots during which staff should be available for interaction with other colleagues should be those of the core times that we have today (9:30 to 12:00 and 15:00 to 16:30 -16 on Wednesdays and Fridays)**. As Commissioner Hahn underlined, the fundamental difference with the current interpretation of these core times lays on the **notion of availability, which does not imply compulsory presence at work (or telework)**. If properly implemented, this will give staff greater flexibility in their choice of daily working hours than it is the case today. Unfortunately the drafting of this provision (Art.5) is not sufficiently precise and leaves room for different interpretations. **Union Syndicale Fédérale Luxembourg** will request a formal clarification of this article.
- **Hybrid working arrangements (Art.9):** Commissioner Hahn stated the requirement of an **even spread of work at the workplace and telework would be maintained, and that the reference to avoiding telework on Mondays and Fridays will be removed**. It will be possible to combine, on a single day, **half-day work at the office and half-day of telework**.
It is also proposed to simplify the provisions regarding the teleworking by allowing that **teleworking of up to 60% be agreed for periods of 6 months that may be changed in agreement between teleworker and line manager**. **Teleworking of up to 100% remains possible** if there is a service need as defined by the line manager. **Exceptional teleworking may always be possible for exceptional reasons**, including but not only for family reasons. **Teleworking in case of temporary health issues will be maintained** as it is a well-established practice today.
- **Teleworking from outside the place of employment (Article 11):** Commissioner Hahn indicated that a **maximum of 10 days per year (with no possibility to accumulate) will be maintained, but the requirement to combine these days with 5 days of leave will be suppressed**. He underlined that the **possibility remains for up to a month (which may be renewable) of teleworking from outside the place of employment in exceptional circumstances** and that these exceptional circumstances are not limited to family reasons.
- **Lump sums to cover certain costs of teleworkers (Article 13):** Commissioner Hahn indicated that **the budgetary situation does not allow this measure to be implemented in 2022**, but the situation will be revised in future.
- **Joint Committee for the monitoring of the decision (Article 15):** A Joint Committee will be set up, as **Union Syndicale Fédérale Luxembourg** had requested from the start of the discussion. The Joint Committee will have consultative powers but will not have competence to deal with individual cases. **Union Syndicale Fédérale**

Luxembourg considers that the mandate of the Committee should be extended to cover future complaints.

- **Evaluation of the decision (Article 16):** Given the likely delay in the implementation of the Decision (or some aspects of it) due to Covid, first **evaluation will take place in 18 months**. In future years, this could be brought down to 12 months.

Safeguards will be introduced to ensure the right to disconnect and that one of the competences of the Joint Committee mentioned above would be to monitor their correct implementation. **Union Syndicale Fédérale Luxembourg** will ask to be associated to the discussion on the guidelines on the implementation of this sensitive aspect for staff wellbeing.

DG HR will provide corporate guidance while at the same time will leave DGs room for flexibility. Future guidelines will frame how the DGs can exercise this flexibility while respecting the common framework. **The Committee will have competence to monitor the implementation of such guidelines**.

Union Syndicale Fédérale Luxembourg considers that significant progress has been made. However, **Union Syndicale Fédérale Luxembourg** is not satisfied with some of these outcomes, for example the limitation to 10 days of teleworking from outside the place of employment, as the pandemic period has shown that this does not correspond the real needs of and expectations from staff. **Union Syndicale Fédérale Luxembourg** is also not satisfied with the refusal from the Commissioner to implement a lump sum to cover certain costs of teleworkers as these costs can be very significant particularly for lower grades. Commissioner Hahn's position in this respect is in contradiction with that of Members States that have introduced financial support measures for teleworkers. **While understanding the difficulty to guarantee a budget for 2022, Union Syndicale Fédérale Luxembourg** asks for a budget to be foreseen for its implementation as of 2023.

This draft Decision should get a consensus from all unions before being submitted to the CSHT (Comité Hygiène et Sécurité au travail) and COPEC (Committee for Equal opportunities) for formal opinion. If there is no consensus, a conciliation meeting with the College will have to be arranged.

Union Syndicale Fédérale Luxembourg will keep you informed of developments and invite you to send your feedback.

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