



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

GUIDELINES ON TELEWORKING IN COMMISSION DEPARTMENTS DURING THE COVID-19 PANDEMIC

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Replaces version 7 with effect from 9 June 2021

1. INTRODUCTION

The Commission's decision to put almost its entire staff into telework mode in the context of the COVID-19 pandemic, in line with the drastic containment measures adopted by the host Member States, was unprecedented.

By doing so, the Commission has been fulfilling its responsibility to help bend the curve and prevent the virus spreading further, while ensuring business continuity and adopting solutions to efficiently and effectively perform our work remotely.

In order to ensure the safety of its staff, the Commission devised an action plan in several phases, communicated to Commission staff by the Director-General of DG HR on 29 April 2020¹, to allow a gradual and secure return to a "new normal". The action plan has progressive phases triggered in line with the measures taken by the host Member State and with the recommendations of the relevant health authorities (WHO, ECDC) and of the Commission Medical Services. The action plan also foresees the possibility to revert to a previous phase, as long as the epidemiological situation in the host countries of the Commission sites worsens.

Phase 1 was triggered on 25 May 2020 based on a positive evolution of the sanitary situation. Subsequently, the rules of presence at the office were progressively relaxed in line with the measures adopted at national level. However, a return to phase 0 had to be implemented from 30 October 2020 due to the significant worsening of the sanitary situation and the stringent measures adopted in Member States, including the main host Member States of the Commission.

Although the sanitary situation has not yet fully stabilised, it has evolved in an encouraging manner and an easing of restrictions has been announced by our host countries for the coming weeks. The Belgian authorities have announced that, as of 9 June, employees will be able to work from the office one day a week, with a total presence of staff up to 20%. The Luxembourgish authorities have started to ease restrictions as of 16 May. Therefore, an adapted Phase "1" is now put in place to give flexibility to all staff who want to start having limited physical presence at the office, in order to reconnect with their colleagues, while fully respecting physical distancing and all other safety measures in place. The shift system will be discontinued, while a maximum percentage of presence will apply.

2. SCOPE

These guidelines set out the principles common to all Commission departments during the period concerned. They apply to officials, temporary agents, and contract agents. They also apply *mutatis mutandis* to seconded national experts and, without prejudice of specific rules applicable to them, bluebook trainees.

These guidelines do not apply to staff working in EU Delegations, as they fall under the competence of the European External Action Service for such matters.

These guidelines do not apply directly to staff working in the Commission Representations and the JRC sites, except for the point 4.6.b below as relevant. Based on Commission Decision C(2006)1623 establishing a Harmonised Policy for Health and

¹ See <https://myintracomm.ec.europa.eu/coronavirus/Pages/summary-action-plan.aspx>

Safety at Work, for health and safety aspects, the Director-General of DG COMM is responsible for all Commission Representations and the Director-General of the JRC is responsible for all JRC sites.

These guidelines do not apply to contractors (*intra muros* service providers, cleaning staff, security guards, staff working in the canteens/cafeterias, etc.). Specific provisions are communicated to them by the competent services.

3. BACKGROUND

Teleworking is a method of organising and carrying out work using information and communication technology that allows staff to perform their duties outside the workplace.

Given the force majeure situation, DG HR is empowered, on the basis of Article 4(5) of the Decision on telework, to request staff members to telework.

Likewise, under the Decision on Working Time, DG HR is competent to adopt detailed provisions and practical procedures to adjust or complement working time provisions.

4. APPLICABLE ARRANGEMENTS

The arrangements defined under the present Guidelines shall apply during the period concerned.

The present Guidelines supersede already existing structural teleworking agreements or already approved specific occasional teleworking days concluded on the basis of Commission Decision C(2015) 9151 on the implementation of telework in Commission Departments².

4.1. Working arrangements

a. General framework

As a general rule, **telework applies to all staff who can perform their tasks remotely.**

Line managers may require critical staff to come to the office where necessary in the interest of the service, except in cases listed under point b). Critical staff also have the possibility to come to the office on a voluntary basis.

Non-critical staff may also have limited physical presence at the office on a voluntary basis with the agreement of their line manager and in order to reconnect with their colleagues, while respecting all necessary safety measures and within the applicable maximum presence of staff.

As a general rule and within the limits provided in the present guidelines, staff are encouraged to come to the office once a week to reconnect with colleagues.

² Specific occasional teleworking arrangements implemented for staff based Ispra prior to 16 March 2020 remain applicable until their normal expiry date. After that date, the teleworking arrangements defined in the present Guidelines shall apply.

At all times, a maximum of 20% of staff may be present at the office at the same time. The monitoring of the level of presence at the office is done by each DG/Service.

Line managers will ensure a sufficient staff turnover in office so that staff who wish so can come to office on a regular basis.

b. Right to telework at all times for certain categories of staff

Even if performing **critical/essential tasks**, staff may not be required to come to the office, even where this would be needed in the interest of the service, in the following instances:

- if they have a condition that increases the risk of an adverse outcome of COVID-19³;
- if they have a mobility impairment (physical or visual);
- if they have children under 13 years or dependent children with a disability who are not able to attend school or go to kindergartens because these facilities are partially or totally closed due to the COVID-19 pandemic, or because they are subject to quarantine measures;
- in exceptional circumstances, based on an opinion of the Medical Service and provided that it is compatible with the interests of the service, if they live with a person who has a condition that increases the risk of adverse outcome of COVID-19. This provision does not apply, in principle, where the person concerned had the opportunity to complete the vaccination process according to the rules applicable to the national campaign (whether he or she decided to get vaccinated or not).

c. Cases in which the presence in the office may be required at all times

In very exceptional and well-defined circumstances, especially for tasks linked to the management of the corona virus crisis and for key services needing to ensure business continuity, **certain critical/essential staff** may be required to come to the office at all times. The decision to that effect is taken by their DG/Service.

³ This includes the following conditions:

- a. pregnancy (regardless of gestational week);
- b. adults as of 60, as recommended by the inter-institutional medical board with due consideration that according to ECDC risk assessment the likelihood of hospitalisation, severe illness and death increases in persons over 65 years of age (<https://www.ecdc.europa.eu/en/publications-data/rapid-risk-assessment-coronavirus-disease-2019-covid-19-pandemic-eighth-update>);
- c. chronic cardiovascular disease (coronary heart disease, congestive heart failure, cardiomyopathy, stroke);
- d. chronic obstructive or restrictive lung disease, severe asthma, obstructive sleep apnoea;
- e. immunosuppressive conditions (with active malignancy, or receiving chemotherapy or long-term steroids or other immune-modifying treatment);
- f. hypertension or diabetes, when accompanied by complications (i.e. simple diabetes or hypertension, well controlled under medication, are not included);
- g. chronic kidney or liver or hematologic or neuromuscular or autoimmune disease; infectious diseases: chronic hepatitis B, chronic hepatitis C that has not responded to treatment;
- h. people who are very obese, with a Body Mass Index (BMI) of 40 or higher, or significantly underweight (BMI < 18.5).

All decisions already adopted in that respect by DG HR under the previously applicable guidelines continue to apply.

4.2. Self-quarantine measures

- a) Staff members falling into one of the below categories shall not come to the office and shall self-quarantine at home:
- Staff confirmed COVID-19 or presenting any symptoms compatible with COVID-19 (see [the list of symptoms](#)), including staff who were denied entry to Commission premises following a temperature check, must stay at home. The [usual rules on sick leave apply](#). Staff who are not on sick leave should telework, where compatible with the nature of their duties.
 - Staff who have been in close contact with a confirmed COVID-19 patient, as defined in the [Medical Protocol](#), or who is required by the national rules to undergo a test, until the result of such test. Telework applies, as a rule, for a duration that is in line with the rules applicable in the host Member State or as long as medically necessary.
 - Staff (even if asymptomatic) living with a confirmed COVID 19 person or a person (e.g. spouse, child, roommate...) with COVID-19 symptoms. Telework applies for the period required, based on medical advice. In the above-mentioned cases, staff has to follow the medical protocol.
- b) Staff who are required to quarantine after a private trip to a specific area, in line with the national rules applicable in the host Member State, have to telework for the period corresponding to the quarantine, unless the presence of the staff member is required for service needs.

If the nature of the duties is incompatible with teleworking, the staff member shall come to the office. However, if he/she is covered by one of the exceptions under point 4.1 (b), third paragraph and does not want to come to the office, he/she shall take annual leave until the end of the quarantine, unless placement on quarantine was unforeseeable by the staff member, in which case he/she shall be entitled to special leave.

4.3. Special leave

Staff referred to under 4.1 b) and under 4.2 a) whose tasks are not compatible with telework and who are not on sick leave will be granted special leave for the time they are not present in the office.

Special leave is also granted to staff members who are unable to perform their duties because they have to care for a dependent child with disability whose usual schooling/care arrangements are closed/unavailable. In principle, this applies to children for whom double child allowance has been granted. However, in duly justified circumstances, special leave may be granted to staff who have not been granted double child allowance for their child with disability.

4.4. Telework

a. Principles

Under these guidelines, no request for telework is needed in Sysper.

When teleworking, staff needs to be reachable. Staff who do not use Skype for Business have to transfer their office telephone line.

However, this does not mean that staff members should be permanently online during working hours. Staff may work offline, for example, when drafting a document or reading a file. The time spent will count as working hours.

b. Place of telework

Telework shall in principle be carried out at the place of employment and staff should, in principle, telework from home, i.e. their usual place of residence. They should be able to **reach their workplace in a reasonable time (within a couple of hours)** if their presence is required at the office due to an emergency or an unforeseen need of the service.

Teleworking from outside the place of employment is in principle forbidden, unless this is a neighbouring country in a location that is close to the place of employment.

By way of exception:

- Staff whose spouse, recognised partner and/or underage dependent child(ren) or adult dependent child(ren) with a disability reside permanently in another Member State may telework from there in order to be with their family.
- Staff who have been granted special leave for serious illness of a family member may be allowed to telework from the place of residence of the relative who needs their care, immediately after the end of the special leave.

These two exceptions require the agreement of the line manager, which can only be granted if compatible with the interest of the service. The exceptions only apply during travel restrictions linked to COVID-19 when entering/leaving the place of employment and/or the country where the staff member's spouse, underage dependent children and/or sick family member have their residence. The return to the place of employment is mandatory, as soon as travel restrictions are lifted.

- Staff may be authorised by their line manager to telework from outside the place of employment for a maximum of 10 working days until the end of the year 2021 (to be taken in whole or in parts, provision applicable since Easter), provided that the following conditions are met:
 - o it is compatible with the interests of the service and the staff's tasks can be performed remotely.
 - o it is combined with at least 5 days of annual leave.

This exception is without prejudice to national bans on non-essential travels applicable in the country of residence and/or in the country of destination of staff members. It is the responsibility of staff members to comply with any travel restrictions that may apply.

- In situations where the Commission or the national authority acknowledge that there is strong evidence that the national health system of the host country is not able to ensure proper health care and treatment of staff members and their families due to the COVID-19 outbreak, the Director-General of DG HR may grant case-by-case derogations and/or generic derogations, especially for vulnerable staff, to allow telework from outside the place of employment.
- Staff who are unable to return to their place of employment due to travel restrictions imposed by the national authorities of the country of destination or of arrival should telework from this location to the extent possible and have the obligation to be equipped with the necessary equipment (laptop). They shall take annual leave if teleworking is not possible (except where such staff could not have possibly foreseen the imposition of a quarantine due to their stay in that specific area, e.g. unexpected change of risk assessment by national health authorities). Those staff members shall take all reasonable steps to return to their place of employment as soon as the national travel restrictions are lifted.

In general, the Commission counts on staff's individual sense of responsibility when deciding to travel. Staff should be well informed of and strictly abide by any instructions issued by the competent authorities of the countries of departure and arrival.

4.5. Time recording

a. Recording working hours

Identical rules on recording working hours apply during the entire period concerned, irrespective of telework or presence in the office.

In practical terms, this implies the following:

- Staff have to record their daily working hours in Sysper by selecting 'work at the workplace'.
- Work done outside the bandwidth⁴ is to be considered as work at the workplace, implying that it is considered as working time, unless the line manager objects.
- Under the present circumstances, which continue to qualify as *force majeure*, the limitation to 8 working hours for a teleworking day does not apply. A total of 10 working hours per day may be recorded, including for staff working part-time. Staff who had already been granted teleworking days under the normal teleworking regime may also register more than 8 and up to 10 working hours. However, this requires that they (i) withdraw the teleworking arrangements for the specific day(s) with more than 8 working hours and (ii) manually encode the hours actually performed as "work at the workplace". Staff with structural teleworking agreements should only withdraw the specific days they wish to manually encode and not request to 'withdraw' from the entire agreed arrangements.

⁴ The bandwidth is between 7:00 and 20:30 Monday to Friday.

- In the event of connectivity issues still arising during the telework shift, staff should conduct tasks that can be performed offline, which shall fully count as working time. If, due to connectivity issues, they have not worked a standard 8-hour working day, staff are exceptionally authorised to fill in their timesheet as if they had worked 8 hours.

b. Core time and caring for children

Core time, i.e. the period during which, as a general rule, staff must be present, remains from 9:30 to 12:00 and from 15:00 to 16:30 (16:00 on Wednesdays and Fridays)⁵. This also applies during telework.

In individual cases, the hierarchical superior may adjust core time at the request of a staff member, if compatible with the interest of the service. In doing so, the hierarchical superior shall take into consideration the current specific circumstances. Specific attention shall be given to the situation of staff with a disability.

For staff whose child(ren)'s school/*garderie*/kindergarten facilities are closed or whose children have to stay at home due to quarantine measures, and who thus need time during the day to home-school their child(ren)/or care for young child(ren), should inform their line managers. Line managers shall offer derogations to the core time to the extent needed for the staff member to care for his/her child(ren). The line manager and the staff should agree on the core tasks to be performed and the necessary availability during this period. Specific consideration will continue to be given to staff who need to care for a child with special needs/a disability.

c. Offsetting of excess working time and carry-over

While, in principle, any credit balance exceeding 20 hours at the end of the month is automatically reduced to 20 hours, and carry-over may only be used during the following month, maximum flexibility will be given to staff working many extra hours because of the COVID-19 crisis. Line managers shall authorise their credit balance to exceed 20 hours, and staff will be able to adjust the balance over a period of 6 months as of the notification of the end of the specific working arrangements due to the COVID-19 pandemic.

4.6. Home office equipment

In accordance with Article 1e(2) of the Staff Regulations, staff members shall be granted working conditions complying with appropriate health and safety standards.

This provision is further reflected in Article 9(1) of the Decision on telework, which states that teleworkers should be progressively provided with at least a laptop computer.

Along the same lines and given the situation of *force majeure* that required DG HR to impose mandatory telework for all staff over an extended period of time, DG HR will implement measures to enable teleworkers to work in conditions equivalent to those of an office, in line with its duty of care.

⁵ With certain exceptions already implemented for certain sites or DGs/Services.

The home office equipment schemes described under a) and b) apply to officials, temporary agents, contract agents and SNEs. They do not apply to trainees and NEPTs, as they only work at the Commission for a short period of time, nor to service providers, as they are not covered by the scope of the present guidelines.

a. Scheme for the provision of office equipment in kind

As of 1 June 2021, a home office equipment package will be offered in kind to teleworkers in Brussels and Luxembourg (whole package), and Grange (only IT equipment).

The equipment included in this package, as well as its practical modalities, are determined by DG DIGIT for IT equipment, and by OIB/OIL for furniture.

Staff who have benefited from the reimbursement scheme as described in b) will not be eligible for a new ergonomic chair and/or screen as part of this office equipment package within 5 years as of the date of purchase.

Staff whose tasks cannot be performed via teleworking will not be eligible.

All necessary information will be communicated to staff.

b. Scheme for the reimbursement of home office equipment

In order to ensure a smooth transition between the temporary reimbursement scheme of anfor ergonomic chairs and a screenscreens and the permanent home equipment scheme, a temporary scheme will be kept in parallel.

The Commission will reimburse staff for costs incurred for home office equipment purchased from 9 March 2020 until 30 September 2021. The request for reimbursement shall be submitted at the latest on 30 October 2021.

This will cover the purchase of a computer screen and/or an office chair.

Staff shall be reimbursed on the basis of an invoice or proof of payment up to a maximum of 150 Euros for a computer screen and 200 Euros for an office chair. From the invoice or proof of payment it should be clear that the aforementioned type of equipment was purchased. This ceiling is established on the basis of the average price that the Commission spends for procuring similar equipment. All necessary information on the reimbursement procedure will be communicated to staff. Staff whose tasks cannot be performed via teleworking will not be eligible.

Staff shall sign a relevant declaration and sent it to the service that will handle the reimbursement requests. They will have to include the invoice or proof of payment. In this declaration, staff shall also confirm that they do not have at their disposal an office screen and/or office chair belonging to the Commission at home and that they commit themselves to not elling the reimbursed equipment, as its purpose is to support them during teleworking, also in the future.

Temporary or contract agents or seconded national experts (SNEs), who benefit from this reimbursement scheme, but leave the Commission before 5 years are completed from the time of the purchase of the equipment, there will be a proportionate reduction of the Commission's reimbursement at the end of their employment or secondment with the Commission. However, this reduction does not apply in case of invalidity, retirement or death.