



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

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

—

20 November 2020

Replaces version 5 with effect from 30 October 2020

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 April¹, 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 based on a positive evolution of the sanitary situation. Since then, the rules of presence at the office have been progressively relaxed in line with the measures adopted at national level. However, the sanitary situation has significantly worsened in the past weeks and most Member States, including the main host Member States of the Commission, have adopted stringent measures. In this context and in line with the above-mentioned action plan, a return to Phase 0 is necessary (the "period concerned").

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 5.3 below. Based on Commission Decision C(2006)1623 establishing a Harmonised Policy for Health and 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 responsible services.

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

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. Telework is the norm

- a) **Staff not performing critical/essential tasks** have to telework for the entire period concerned.
- b) **Staff performing critical/essential tasks** shall, as a rule, telework but may come to the office where needed in the interest of the service, with the explicit and prior agreement of their line manager, or on his/her request, and subject to the rules set out in point 4.2.

Staff whose tasks are not compatible with telework shall be considered as critical/essential 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;

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.

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);

- 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.
- c) In very exceptional and well-defined circumstances, especially for tasks linked to the management of the coronavirus 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 grant a derogation from the shift system is taken by the Director-General for Human Resources & Security (DG HR). All decisions already adopted in that respect by DG HR under the previously applicable guidelines continue to apply. However, derogations adopted at DG/Service level are no longer applicable, unless explicitly confirmed after the entry into force of the present Guidelines by DG HR.

4.2. Organisation of weekly shifts

Critical staff coming to the office in accordance with point 4.1, under b), shall do so in weekly or half-weekly shifts. All critical staff are divided into two teams to avoid the disruption of critical function by ensuring the necessary physical distancing between critical colleagues. Each DG or service shall determine whether the appropriate level for this division is at unit, team or sector having due regard to physical distancing.

In practice, this means that part of the colleagues may work in the office one week or half week while the other part teleworks. Subsequently, the colleagues switch. The working shifts are subject to the following principles:

- i. When dividing staff members into teams, priority shall be given to separating colleagues sharing the same office or, in open spaces, colleagues sitting directly next to each other.
- ii. To ensure that the measure is effective, staff should **not enter Commission premises** during their teleworking shift.
- iii. The shift system does not apply in the cases referred to in point 4.1, under c).

-
- 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).

4.3. 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) In the specific case of 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), second 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.

4.4. Special leave

Staff referred to under 4.1, a) and b), and under 4.3 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.

4.5. End-of-year permanence

For staff assigned by their line manager to the end-of-year permanence, the necessity to perform duties at the office will be assessed on a case-by-case basis by their line manager. If the interest of the service does not require presence at the office, the line

manager may authorise the staff member to telework during this period. The compensation provided for in point III.g of Commission Decision C(2013)9051 on leave will apply to all staff ensuring the permanence, irrespective of whether they worked at the office or at home.

5. IMPLEMENTATION OF TELEWORK

5.1. 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.

- 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 may be authorised by their line manager to telework from abroad as of 10 December and until the start of the end-of-year period of the Commission (24 December). Such authorisation is granted provided that it is compatible with the interests of the service and that the staff's tasks can be performed remotely. This period corresponds to 14 calendar days, which will cover the quarantine period imposed in certain Member States and in any case give the possibility to staff to self-isolate before reuniting with their family.
- 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 its 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.

5.2. 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

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

manually encode and not request to ‘withdraw’ from the entire agreed arrangements.

- 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 it is 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.

5.3. Home office equipment

In accordance with Article 1e(2) of the Staff Regulations, staff members shall be accorded 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.

Taking into consideration the urgency of the situation and the existing movement and physical distancing restrictions in the host Member States, providing in natura equipment to staff would incur a series of difficulties and risks.

For these reasons, the Commission will reimburse staff for costs incurred for home office equipment purchased from 9 March 2020 until 31 December 2020. The request for reimbursement shall be submitted at the latest on 31 January 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 ceiling 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 procedure of reimbursement will be communicated to staff. Staff whose tasks cannot be performed via teleworking will not be eligible.

The Commission will not be obliged to provide office equipment of the same type for home office use for 5 years to staff who will benefit from this reimbursement option. A respective declaration will have to be signed and sent to the service that will be treating the requests for reimbursement together with the necessary invoice or proof of payment. In this declaration, staff shall also declare that they do not dispose of an office screen and/or office chair of Commission property at home and that they undertake the obligation not to sell the reimbursed equipment, as its purpose is to support them during teleworking, also in the future.

Staff who choose not to use this option at this stage will be eligible for a future Commission scheme to support them during teleworking.

The above mentioned measures do not apply to trainees and NEPTs, as they only work at the Commission for a short period of time, nor do they apply to service providers, as they are not covered by the scope of the present guidelines.

If temporary, contract agents or SNEs, who will benefit from this reimbursement scheme, leave the Commission's service 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 upon the end of their employment or secondment with the Commission. However, this reduction does not apply in case of invalidity, pension or death.