



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY

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

24 September 2020

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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.

As Member States have started to announce and implement strategies to lift confinement, the Commission devised an action plan in several phases¹ to allow a gradual and secure return to a "new normal" over the coming months. The action plan has progressive phases, which will be triggered in line with the measures taken by the host Member State and the recommendations of the relevant health authorities (WHO, ECDC) and of our Medical Services.

The guidelines are applicable during phase 1 of the action plan communicated to Commission staff by the Director-General of DG HR on 29 April, which corresponds to a careful first lifting of confinement. The main principle is voluntary shift work in the office – while teleworking remains the norm for all staff who can perform their tasks remotely. All units and services are to be divided into two teams. Staff willing to come back to the office alternate presence in the office and telework according to weekly shifts. This applies to all staff, irrespective of the tasks performed. The experience of a few weeks under phase 1 has shown that further flexibility is appropriate and the number of staff coming to the office can be increased, provided that physical distancing is respected, especially for staff who share office space.

The guidelines are adopted pursuant to Article 4(5) of Decision C (2015)9151 on the implementation of telework in Commission Departments (hereinafter 'the Decision on telework') and Article 9 of Decision C (2014)2502 on Working Time (hereinafter 'the Decision on Working Time'). They replace the guidelines of 19 May on teleworking in Commission departments during the COVID-19 pandemic with effect from 22 June and apply during phase 1 (the "period concerned"). They are subject to review depending on the evolution of the situation.

2. SCOPE

These guidelines set out the principles common to all Commission departments during the period concerned. It applies to officials, temporary agents, and contract agents. It also applies *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. Based on the Commission Decision C(2006)1623 establishing a Harmonised Policy for Health and Safety at Work, for health and safety

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

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.

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

3. BACKGROUND

The guidelines have been drawn up by the Directorate-General for Human Resources and Security to guide Commission departments in implementing the weekly shift system (rotation between telework and presence in the office). The shift system is part of the return to the office policy to significantly reduce the incidence of infections during the COVID-19 pandemic.

The transitory and protective measures needed for a gradual and safe return to the workplace require adaptations to working arrangements. This qualifies as a situation of force majeure in the meaning of Article 4(5) of the Decision C (2015)9151 on the implementation of telework in Commission departments (hereinafter 'the Decision on telework'). Pursuant to this provision, DG HR is empowered to request staff members to telework according to the specific arrangements defined in the guidelines.

Likewise, under the Decision C(2014)2502 on Working Time (hereinafter '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 shall supersede, or where relevant complement, 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. Practical implications relating to encoding of hours for staff under pre-existing teleworking arrangements are detailed under point 5.2.a.

4.1. Return to the office

The following rules apply to return to the office during phase one, subject to the organisation of weekly shift as provided in point 4.2. and without prejudice to the self-quarantine measures provided in point 4.3.

a. Voluntary return

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

While teleworking remains the rule, staff who have been on continuous teleworking during phase 0, may return to the office during phase 1 on a voluntary basis, subject to physical distancing³ measures in place outlined under point 4.2.

The voluntary return to the office does not apply to staff who have to remain in self-quarantine (see point 4.3 below).

b. Mandatory return

Mandatory return applies to the following staff:

- i. Staff who have been under special leave regime because their tasks cannot be performed remotely have to come back to the office, under a weekly shift regime (see point 4.2 below), even when they are not qualified as critical staff.
- ii. Staff performing critical/essential tasks may be required to come to the office when necessary (while respecting their shift), as was the case pursuant to the previously applicable Guidelines.
- iii. Staff referred to in point 4.2, under iv), may be required to come to the office at all times, as was the case pursuant to the previously applicable Guidelines.

By exception, this mandatory return to the office does not apply:

- To staff who have a condition that increases the risk of adverse outcomes of COVID-19⁴;
- To staff with mobility impairments (physical or visual);
- To staff who have children under 13 years who are not able to attend school or go to kindergartens, because these facilities are not open yet;
- In exceptional circumstances, based on an opinion of the medical service and provided that it is compatible with the interests of the service, for staff who live with a person who has a condition that increases the risk of adverse outcome of COVID-19.

³ Also called “social distancing”.

⁴ 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).

In these cases, staff remain on teleworking. If they cannot perform their tasks remotely, they are granted special leave.

4.2. Organisation of weekly shifts

In order to ensure physical distancing, all staff are divided into two teams. Each DG or service shall determine the appropriate level for this division, which may be, for instance, a unit, team or sector having due regard to physical distancing.

In this context, no distinction is made anymore between critical/essential and non-critical tasks: the shift arrangements **apply irrespective of the nature of the tasks performed**.

Staff performing critical/essential tasks that cannot be carried out from home and who have been working in teams A and B are integrated in the shift teams as explained below.

In practice, this means that part of the colleagues may work in the office one week while the other colleagues telework. The following week, the colleagues switch. The weekly 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.

For critical staff who have already been divided into two teams (A and B), the same division should be kept and they should be integrated in teams A and B of all staff, with due regard to ensuring physical distancing.

- ii. To ensure effectiveness of the measure, staff should **not enter the Commission premises** during the weekly shift during which they are requested to telework.
- iii. The number of staff of a Directorate-General coming to the office **at the same time** during phase 1 shall not go beyond 10% of the total staff of this Directorate-General⁵ and 20% when the derogation under iv) has been granted. This rule shall be enforced at unit/team/sector level⁶ and it is the responsibility of the line manager to monitor the maximum number of staff present. Staff need to inform their hierarchy of their intention to come back to the office.

Derogations to the 10 or 20% rule of physical presence set out under paragraph iii) may be possible notably to enable essential meetings, especially of senior managers or critical staff managing the coronavirus crisis. These derogations are to be decided at Directorate-General/service level and to be reported to DG HR.

- iv. **Derogations to the shift system:** when the interest of the service requires it, notably when the performance of certain tasks requires a continuous presence at the office or in services where the number of staff coming to the office would not materially allow to put shifts in place, the above shift arrangements (rotation between telework and physical presence) may not apply, and certain staff members may be required to come to the office at all times. In these cases, up to 20 % of the staff of one Directorate-General may be present at the office at the

⁵ This corresponds to 20% of staff of a DG over a 2-week period.

⁶ Based on the level at which division in team A and team B has been implemented.

same time. The decision on derogations from the shift arrangements will be taken at Directorate-General/service level. These derogations are to be reported to DG HR. No new request is needed for staff members already authorised to come to the office at all times by the Director-General of Human Resources and Security under the guidelines on teleworking in Commission departments during the COVID-19 pandemic. Already existing authorisations are automatically extended under the present guidelines for the duration of their period of implementation.

- v. **Reorganisation of shifts:** line managers may decide to re-organise the teams for teleworking shifts to allow staff who have been in one team to meet and work at the office with staff that have been in the other team. This measure may be implemented only where physical distancing is respected.

4.3. Self-quarantine measures

Staff members falling into one of the below categories shall not come to the office and shall self-quarantine at home:

- Staff presenting any symptoms compatible with COVID-19 (whose list is found [on this page](#)) must stay at home. The [usual rules on sick leave apply](#).
- Staff in any other cases of self-quarantine provided for in the [medical protocol published on My IntraComm](#).
- Staff who are required, under the national rules applicable in the host Member State, to quarantine after a private trip to a specific area. In such cases, telework applies for the period corresponding to the quarantine.

If the nature of the duties is incompatible with teleworking and that the staff member falls under point 4.1.b, such staff shall take annual leave for the duration of the quarantine, except where such staff could not have possibly foreseen a quarantine would be imposed during their stay in that specific area (e.g. unexpected change of risk assessment by national health authorities) – in which case they shall be granted the special leave provided for in point 4.3.

4.4. Special leave

The time without presence in the office for staff referred to under 4.1, point b.i. whose tasks are not compatible with teleworking, will be covered by special leave. In addition, staff members with a dependent child with disability⁷ at home may request special leave if and as far as they are unable to telework due to the care they need to provide to their child with disability and the unavailability of usual schooling/care arrangements.

⁷ In principle, this applies to children for which 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.

5. IMPLEMENTATION OF THE SHIFTS

5.1. Telework Shift

a. Principles

Under these guidelines, no request for teleworking is needed in Sysper to telework during the weekly shift concerned.

Teleworking is performing at home the tasks that are normally carried out at the office and it relies on staff being reachable by phone. To this end, staff must transfer their office telephone line (unless they use Skype for Business).

Teleworking does not imply, however, that staff members should be permanently online during working hours. It is acceptable that work is performed offline (for example, 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 at the place of employment and staff should, in principle, telework from home, i.e. their usual place of residence. Although it is not strictly forbidden to telework from somewhere other than the usual place of residence, staff should be able to **physically come back to 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, notably from the place of origin, 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 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 only apply as long as there are circulation 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. They have to be approved by the line manager. During the summer period (15 June – 15 September), derogations may also be granted to staff members in specific and exceptional circumstances, such as mandatory quarantine imposed by the Member States in the place of origin or specific family circumstances where parents need support from their family living abroad to take care of their children. When the line managers confirms that teleworking abroad is compatible with the interests of the service, a derogation may be granted at Directorate-General/service level. Such derogations may not exceed two weeks and should immediately precede or follow a period of annual leave; they are to be reported to DG HR.

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.

Staff who are unable to return to their place of employment due to travel restrictions that continue to be imposed by the national authorities of the country of destination or of arrival should telework from this location to the extent possible. They shall take annual leave if teleworking is not possible. Those staff members shall take all reasonable steps to return to their place of employment as soon as the national travel restrictions are waived.

5.2. Time recording

a. Recording working hours

Identical rules on recording working hours apply during the entire period concerned, irrespective of the shift (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', even during the weekly telework shift.
- Work done outside the bandwidth⁸ 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 structural or occasional teleworking days under the normal teleworking regime may also register more than 8 and up to 10 working hours, including during their weekly shift of telework. 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.
- 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

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)⁹. This applies even during the weekly shift where staff telework.

⁸ The bandwidth is between 7:00 and 20:30 Monday to Friday.

In individual cases, the hierarchical superior may adjust core time at the request of a staff member, if the interest of the service is upheld. In doing so, the hierarchical superior shall take into consideration the current specific circumstances.

In particular, for staff whose child(ren)'s school/*garderie*/kindergarten facility remain closed, line managers shall offer derogations to the core time to the extent needed for the staff member to care for his/her child(ren).

c. Offsetting of excess of working time, carry-over and caring for children

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 a lot of 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.

Staff whose child(ren)'s school/kindergarten/*crèche* are closed, and who thus need time during the day to home-school their child(ren)/or care for young child(ren), need to inform their line manager. The line manager and the staff should agree on the core tasks the staff need to perform during this period and on the extent to which they need to be available. Specific consideration will continue to be given to staff who need to care for a child with special needs/a disability.

⁹ With certain exceptions already implemented for certain sites or DGs/Services.