

‘Trust-based time management’ at EU-Delegations: Welcome!

**But where is the ‘trust’? ...what about ‘productivity’?
...and the ‘flexibility’?**

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TAO the Independents Delegations has analysed the draft decision prepared by the EEAS that will establish the rules for years to come managing ‘working time and flexible working arrangements’ (flexitime and teleworking) in EU-Delegations. The draft follows closely the recent decision by the European Commission, but perhaps not closely enough.

While **TAO celebrates the declared intent of ‘trust-based’ time management, the draft provisions proposed do not support the claim, not even ‘remotely’.**

Further, staff in Delegations have been offered more restrictive conditions than staff in HQ: with one day

teleworking per week while staff in HQ can do two. Why? Because, and according to the EEAS, EU Member States are against any teleworking (really?) and 'staff in Delegations must enforce the EU's diplomatic representation functions and that requires being on the 'ground''. Well, 'the ground' is not always inside the office and even less by one's desk. Most meaningful diplomatic relations are 'out there' at the Ministry, at the project site, at the working meeting anywhere where meaningful interactions take place.

After so much distancing due to CoViD, we all celebrate physical interactions and no one denies that they help to meaningfulness. However, what ultimately matters to counterparts is that we are reliable 'partners' something for which the business continuity availed by teleworking has been invaluable. An 'effective' teleworking requires (as recent experience has demonstrated) significantly more 'flexibility' than what we have had at our disposal... and that costs no money.

TAO has stated its concerns on the draft at the social dialogue today as we consider we can get much better value for money for EU citizens with a little more (and smarter) flexibility.

Already outdated provisions: EEAS ignores the primacy of on-line work also from the office

First of all, and independently of any likings, **on-line work has come to stay. Working on-line is not specific to teleworking. On-line work is increasingly happening at the office itself too! It has also become the other side of the coin of and inseparable from physical interactions particularly diplomatic ones.**

While EEAS generously imagines all expat EU-Delegation staff work as Ambassadors or head of political sections going from diplomatic event to another, our interactions are much more mundane but no less important. In addition to meeting partners we must go on-line as the Ministry down the road also organises hybrid sessions or purely on-line because the Honourable Minister or the Secretary is traveling or simply because it is faster, more convenient and more efficient. On-line can be more productive on many fronts.

On-line work has also revolutionised interactions between EU-Delegation and HQ. For instance, INTPA's Director General Koen Doens favourite 'co-creation' is happening only because we can 'meet' on-line every day. The problem is that, in an effort to save costs in office buildings, the EEAS spent fortunes 'degrading' EU Delegation offices in which staff had individual offices to put us in 'open-plan' spaces. Now, **an increasing number of staff in Delegations have no suitable working space at the office to hold videoconferences and speak without causing major disruption to colleagues. Open floor offices have caused an estimated 35% loss of productivity¹, and now, with on-line interactions, they have simply become unusable. So, how are staff and their managers supposed to deal with dozens of weekly on-line meetings with only one day of teleworking per week?**

So, let us remind the Commission and the EEAS: regardless of future pandemics or whether people telework: video-conferencing is a daily need, a tool we cannot do without. We love physical interaction with colleagues locally and we understand diplomatic functions requires building rapport (preferably in person) but most of us in Delegations now also meet our local counterparts, colleagues and HQ staff based in Brussels several times a week.

Now, how many EU Delegation offices are there left allowing staff to comfortably speak in a video-conference without disturbing everybody else working in the office? Open-floor offices, as Staff Reps repeatedly warned the EEAS management for years, are unsuitable for productivity. Unfortunately, the draft time management provisions are completely oblivious about this dimension.

Now, let's get into issues beyond the suitability of our offices.

'Trust on staff' is productive and the top organisations embrace it

Empirical evidence on leadership has identified 'autonomy' as key for staff performance. Accordingly,

¹ Survey involving all staff at the EU Delegation to Sri Lanka in 2017.

International Organisations actually applying trust-based time management, such as the World Bank (without doubt top performing), have embraced teleworking since decades. Now, they do it without complex and even allow staff to work from the antipodes for a few years for as long as they deliver 'results'.

Granting flexible arrangements to staff attracts, motivates and adapts the institutional paths of delivery to the best of talents as opposed to repelling it. High-performing companies too operate on a basis of results (or on 'efforts' such as Google) as opposed to expecting staff to sit on a chair under the direct oversight of a hierarchical superior. As if that improved performance.

EU Delegations are not factories workers manufacture stuff and where supervisors can directly 'see' that we are delivering well. If in any doubt about what science is telling us, have a quick read of the following article: <https://www.forbes.com/sites/bryanrobinson/2022/02/04/3-new-studies-end-debate-over-effectiveness-of-hybrid-and-remote-work/>

Alice Hricak [...] said working from home [...] debunks old ideas that it leads to low productivity, less visibility and little opportunity for collaboration.

[...] data showed that if an employee was highly productive in-office, they'll be productive at home; if an employee slacked off at the office, they'll do the same a home. **"After evaluating over 105 million data points** from 30,000 U.S.-based Prodoscore users, we discovered a **five percent increase in productivity** during the pandemic work from home period".

The time management provisions proposed by the EEAS ignore such scientific evidence and reinforce the position of a type of Management projecting an 'I must be perceived by EU MS as strict to demonstrate I am under control'. But, in control of what?

Teleworking is not 'annual leave', it costs no money, yet it can compensate it

Work objectives at EU Delegations are not factory outputs and delivering requires talent, motivation and productivity. The provisions proposed by the EEAS, do not improve any. They simply institutionalise measures that have proved too restrictive during the CoViD Pandemic. Managers have had to systematically approve or pretend not to know that even the transitional flexibility arrangements could not be met.

Further, the proposed provisions remain conservative, very limiting and do not seize the great opportunity to compensate staff for the 2014 Staff Regulation reform, which radically and disproportionately reduced staff in Delegation's entitlements. The 2014 reform was in fact, built on distorted facts concerning EU MS entitlements in view of cutting down 18 days of annual leave per annum to expat staff working in EU Delegations. The European Court of Auditors recently underlined the 2014 Reform's huge damage to staff's morale (essential for productivity). 'Time management' with 'trust' is known to improve productivity but not only. Again, science proves it can also make us happier (see Forbes article link above):

Two studies in early 2022 validated the views of remote/hybrid work advocates. Research from [Owl Labs](#) found that **remote and hybrid employees were 22% happier** than workers in an onsite office environment and stayed in their jobs longer. Plus, remote workers had less stress, more focus and were more productive than when they toiled in the office. **Working from home led to better work/life balance and was more beneficial for the physical and mental well-being of employees.**

A draft time-management text with a lot of margin for improvement and little time

From the draft text proposed by the EEAS, **TAO the Independents** can only welcome that staff will be able to carry credit of extra hours actually worked (and justified) without a specified limit. Right now, we can only carry over 20 hours from month to month despite we might have worked a good 60 extra hours. The reference to 'recuperation', which remains limited to two days per month, seems no longer discouraged, though, it remains subject to discretion from Heads of Delegation.

On the rest of the text, **TAO** considers that most article should be significantly improved both in terms of coherence with the stated objectives and legal clarity.

TAO's recommendations include:

- **Article 1 paragraph 1:** Establishes that the provisions apply to all staff categories covered by the Staff Regulations. We understand that another decision will be made on Local Agents (LAs). Even if LAs are governed by local provisions (bound to national laws) and not by the Staff Regulations, perhaps the article should 'invite' or 'call for' these local provisions to 'align' broadly with the (still missing) more flexible aspects of the decision. This should be done to the extent possible and in view of ensuring coherence. Would a footnote be legally acceptable here? Even if purely symbolic, let's not forget LAs please.
- **Article 1 paragraph 4:** Explains Heads of Delegation should set up 'Arrangements for working time and flexible working arrangements'. However, it is not clear what discretion is granted to them. The draft does not seem to give them much margin. With overarching provisions such as the decision in question (and which does not provide too much margin for adaptations), what is the purpose of an additional set of 140 local arrangements? Not against it *a priori*, but would be useful to clarify: e.g. "in view of improving productivity based on experience the Delegation shall accept three days of teleworking per week". Beautiful, no?
- **Article 4 paragraph 1:** established a 'connection period' from 7h30 in the morning until 20h00! It is not clear what the 'connection period' actually stands for. One thing is that staff may receive messages during that period. No problem. Another is to be expected to be 'connected', which necessarily requires some form of engagement if it is to be meaningful. Requiring staff to be 'engaging' for 12.5 hours a day is excessive and contrary to the declared intent of the article to regulate the right to disconnecting. Should connection hours not correspond broadly to working hours (with some buffer of 30 mins)? So,

yet another article that may be achieving the opposite of what it claims to.

- **Article 6 paragraph 2:** Sets out compensation of half a day for staff on mission flying overnight. Sorry but, we have had enough of endless blank nights and then having to go to office as if one would do any meaningful work. A person who travels overnight, should not be expected to work next day. If travelling is considered work, half a day compensation after a 16-hour travel overnight, for instance, is not acceptable. Add jet-lag to this and four to six times in a year! A full night travel should be compensated with a full day rest. As if a sleepless hour required less effort. In Delegations, going to office after a night's travel is a practice incredibly damaging to health (and totally unproductive).
- **Article 8 paragraph 3:** requires a 'teleworking plan' and TAO considers the article should define what it is supposed to achieve: a continuity of minimum required physical presence in the office? The risk here is that a hierarchy who consider telework as an inferior form of work, would treat this plan as a 'leave plan'. And that should not be the case. There are some jobs requiring physical presence such as drivers, receptionists, some secretarial tasks, etc... Others, require business continuity above all.
- **Article 9 paragraph 1:**
 - **contradicts the spirit of the preamble on 'trust-based management' by establishing that "...100% presence in the office remains the norm..."**. This is contradictory to the same article explaining that "teleworking may be used on a weekly basis". What would happen from the moment the legitimate right to telework a day gets used by most staff in Delegations? The 100% will no longer be the norm. The text could instead say, "The EEAS values direct social interaction between staff, and encourages EU-Delegations to create opportunities for meaningful interactions between staff at the office." There is no point to go to office to 'isolate' oneself with head phones all day long.
 - **Then, it determines that teleworking is limited to 1 day per week.** This is not only insufficient but an insult to scientific evidence. Staff should be 'trusted' to do at least 2 or 3 days per week at their discretion and even more for legitimate reasons such as reducing commuting time or

family care among others. In the case of Nairobi, for instance, teleworking saves many staff over 90 to 120 mins per day in commuting time, the equivalent of more than a full working day per week.

- **Article 9 paragraph 2:** requires pre-record teleworking in an IT tool. This is again incoherent with the preamble of reference to 'trust-based time management' and with Article 3. 2) referring to the same. The staff should keep his hierarchy informed but should have more flexibility in deciding when it is more convenient to telework. It is also a waste of time to encode and get time-sheets approved. Has management calculated the cost of this encoding and approving?
- **Article 9 paragraph 4:** determines conditions for teleworking 100% of the time justified by a medical certificate. This should be complemented by another paragraph covering cases such as a couple days of teleworking in case of health issues, not necessarily requiring a medical certificate such as, *inter alia*, signs of infectious disease (e.g. cough, sore throat, head ache, etc...), or female colleagues experiencing discomfort due to their menstruation or other reasons (e.g. migraine, typical tummy upsets for expats in the Global South, or altitude sickness, etc...). These might vanish before going to a doctor yet it is better to work from home to prevent spreading a virus or bacterial infection to colleagues (or even spreading bad mood). As the article stands, staff would be compelled to go to office with a cough or to take full medical leave when they could instead easily and comfortably work (and be productive) teleworking from home.
- **Article 11 paragraph 1: limits teleworking time from outside the place of employment to 10 working days per year. It is a hugely missed opportunity not to allow for at least three times this.** Following the Staff Regulations reform of 2014, staff in Delegation lost 18 annual leave days, constituting a radical reduction of entitlements and making unviable for many expatriates reconciling their vocational work on development cooperation with maintaining meaningful links with their families in Europe or elsewhere. We understand presence in country is also very important, but since anyways most meetings are nowadays on-line, be it with our HQ, the EIB in Luxembourg or even with the national ministry down

the road, **20 additional days of teleworking time from outside the place of employment would give meaning to the trust-based working time management and further facilitate business continuity.** Some EU-Delegation are very small with barely a dozen staff. Telework will allow staff to flexibly avail themselves when they are really needed and not only when they can afford the air tickets.

- **Article 11 paragraph 2:** allows for additional days of telework from abroad, which is welcome. However, this clause should include many additional possibilities other than medical and family reasons. For instance, it makes a lot of sense for staff to remain in Europe in view of minimising travel between two official missions, or between a mission and a medical appointment or a mission and annual leave. Not only would this save mission money to the institution, but it would reduce emissions and improve health. A point c) **‘in the interest of the service’ should be added** to this paragraph. The limit to 20 additional working days should be either removed or at least doubled to again make this decision coherent with the notion of **‘trust-based time management’**.
- **Article 13, paragraph 4:** sanctifies that staff has to bear the costs of working on-line. This is discriminatory for staff in most EU-Delegations, particularly in those countries where the offer of broadband is not competitive. It can cost several hundreds of Euros per month to secure a stable and reliable connection in many countries. Is it not time to allocate a functioning 4G office tablet/smart phone to all staff? Laptops arrived 15 years late for staff in Delegations... Let’s hope office portable smart phones for service purposes do not take another 20 years to come.
- **Article 14, paragraph 3:** “They shall be responsible for private insurance ...” seems contradictory to the previous sentence whereby “Teleworking staff shall be covered by the insurance against accident and occupational disease provided in Article 73 of the Staff Regulations to the same extent as staff working at the office”.

- **Article 15:** the allocation of voting members continues in the tradition of under-representing staff in EU Delegations. In this case, Commission staff, who constitute the vast majority of staff in Delegations, are represented to a ratio of 1 to 2 with regards to EEAS staff. This is not proportional and undemocratic. Kindly make this democratically proportional.
- **A missing and overdue provision:** staff in Delegation are often exposed to inefficient situations where they may be obliged not to work because of an official holiday, which does not align to their children's school or other circumstances forcing leave when they cannot really enjoy it. *Vice versa* also: having to work when the rest of the family has a holiday. Staff in Delegations should be entitled to choose to work on official holidays and to request compensation without this counting towards the 2-day monthly quota limit. Again, this can improve productivity, business continuity and better balance work and life outside work.

We trust the above should help significantly improve the time management for years to come.

Thanks for your consideration,

TAO the Independents Delegations

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2

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TAO - The Association of Independents

European Commission

Rue Joseph II, 70 – 1049 Bruxelles

+32 2 296 25 89 // osp-tao-afi@ec.europa.eu



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