

A. Points discussed on 07.06.2017~~to be discussed~~

	ADM Proposal (16.3.2017)	TU Position	Compromise / Agreement / Discussion / Result
A.1.	<p>How to Recoup Additional Time Worked</p> <p>Simplification of existing credit counters and recuperation of time worked:</p> <p>a. The existing credit counters (i.e. the "normal" daily credit counter with the 40 hours ceiling, and the weekend work counter with the 40 hours ceiling) will be merged into one single credit counter with a ceiling of 80 hours.</p> <p>b. The current "Flexileave end of presidency" and the "AIPN Flexileave" mechanisms will be replaced by increasing the possibility to take more recuperation (formerly "Flexileave") in January, July and August: in these three months, a maximum of 4 days (32 hours) recuperation will be allowed, for the rest of the months, 2 days (16 hours) will be possible, as under the current rules (with proportionately less for staff working part time).</p> <p>As with all absences, recuperation will remain subject to the approval of the manager.</p>	<p>The 2-counter situation should be examined. Two counters could be more interesting in some cases.</p> <p>16 additional hours of "End of Presidency" (EoP) capacity should be added in June and December.</p> <p>The structural problem of when to recuperate the hours must be addressed.</p> <p>Should examine whether 3x4 days EoP recouping could not be replaced by X days/year (more flexible).</p> <p>Or: allow 4 days to be taken in other months than only Jan/Jul/Aug for services not depending on the presidencies rhythm.</p> <p>FFPE suggested that it should be possible to take as much recuperation time as one has credit - not limiting recuperation to 2 (or 4) days per month.</p> <p>Possibility to recoup only 16hr/month is insufficient. Current theoretical maximum is 56hrs (i.e. 16 from the normal counter + 40 from the weekend-work-missions counter.)</p>	<p>ADM to examine:</p> <p>a) whether the current 40hr counter is cumulable with the separate W/E work counter. -Yes; currently, there are no restrictions on the use of the hours of the WE work counter except the deadline for taking these hours: "end of the calendar year following the date of return from the mission" (see Art. 24(2) of 2/2014 and Art. 8(3) of 7/2017). Only a few colleagues use this possibility. One 80hr counter is better for most staff than the 2-counter system.</p> <p>b) whether 16 EoP hours could be added to the counters' maxima.</p> <p>c) offering max. X days / year of EoP recoup instead of max. 3 x 4 days in certain months.</p> <p><u>07.06.2017: ADM confirms up to 4 days (32 hours) recuperation in January, July and August , and up to 2 days (16 hours) in all other months.</u></p> <p><u>21.06.2017: US requests more flexibility, and more hours can be recuperated each month, if both counters are merged</u> <u>US requests that the rules, once approved, are the same across the GSC: no specific - restrictive - rules/interpretations in DGs (DGA3 already has a Flexitime Task Force examining proposed new rules ivo a possible "adaptation").</u></p>

¹ With further US comments made on 21.6.2017.

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			<p>POSSIBLE COMPROMISE</p> <p>There will be a single counter of up to 80hrs</p> <p>Up to 36 recoup days possible per year (calculated in hours: 36x8h, reduced proportionately for PT workers)</p> <p>Max recoup limited to equivalent in hours of 3days/month, except in Jan., July, Aug, which would be unlimited.</p> <p>- As for all absences, agreement of the superior is needed</p> <p>AGREED: both sides need to work on the correct perception of recoup time - it is a facility, rather than a right, but should be accorded unless it is contrary to the interests of the service.</p>
A.2.	The clocking machines will be deactivated and removed.	<p>The TUs suggested that a FT system requiring neither clocking in/out nor in/out declarations via IT would be possible for those colleagues who choose to work a standard timetable, as well as for those who respected their individual timetable [US]. This would be a sign of the "trust" approach, and have the added advantage of putting staff on an equal footing of trust with managers, who need not declare their movements. FFPE saw three possibilities for a trust-based system: - registering working time in an objective way, - not registering working time any more at all, - allow a double system where staff can chose whether to register one's working time or not.</p> <p>Some TUs, in particular US, see the clocking machines as a tool which should be retained for the convenience of those who wish to use them. Declarations via IT are less flexible than using the machines, and could lead to time problems for colleagues who depend on the opening and closing hours of the crèche or school because of their children. R&D recalled that they were against the clocking machines from the outset.</p> <p>The time between entering the premises and clocking-in via IT should not become the</p>	<p>To be discussed</p> <p>TUs recalled that in any case, the new trust-based approach will need to be followed closely by ADM in order to implement it properly and at all levels in all services!</p> <p><u>07.06.2017: ADM will drop the requirement for staff who work in accordance with their planned timetables to declare their presences by badging "in" and "out". Staff who, on a given day, work as planned will not have to badge at all that day. Those colleagues whose work on a given day differs from the planned timetable would need to declare their actual working time. For that purpose, a simple button on users' computer screens will replace the clocking machines. The main Flexitime program will also remain available, as at present, through which it will also be possible to declare working time.</u></p>

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		<p>back-door introduction of a 41-hour working week.</p> <p>TU are concerned that replacing the badging machines with self-declaration (on-screen button) will allow/encourage some managers to exercise unnecessary microcontrol.</p> <p>Trust issues.</p>	<p><u>21.06.2017: US requests more details on flexibility : when will it be considered that the work differs from the planned timetable, making a declaration of the actual working time mandatory ?</u></p> <p><u>Details could also be determined by a joint committee. Discussion in the regular meetings between DG A1 and Staff Committee is not an option.</u></p> <p><u>US still has a reservation on the removal of the clocking machines. Can only be dropped if there is a joint monitoring committee.</u></p> <p>To be discussed with the badging machine point.</p> <p><u>POSSIBLE COMPROMISE</u> discussed on 02.06.2017:</p> <p>TUs could accept removal of the clocking machines if, in return, there would be no obligation on staff who abide by their planned timetable (whether individual or standard) to enter their timekeeping. Entering regularisations / actual times would remain possible where staff depart from their planned timetable.</p> <p>Clear instructions would be necessary.</p> <p>TUs request that there be a Monitoring Committee (Comité de suivi) to follow and advise on proper implementation.</p> <p><u>(Cf. the "Joint Advisory Committee" put in place in Jan 2008 when Flexitime was introduced at the GSC, to monitor and evaluate the Flexitime System -and who produced a report in March 2009)</u></p> <p><u>07.06.2017: ADM will implement the "no badging if following planned timetable solution". ADM does not accept there should be a "Comité de Suivi", which would be retrograde from a simplification point of view, but ADM undertakes to discuss FT:NA implementation issues in the regular meetings between DGA1 and the Staff Committee.</u></p>
A.3.	Maintain the obligation to plan a minimum presence of 4 hours/day and a maximum of 9 hours/day.	<p>US: 10hr/day should be permitted, in order to permit also a 4 days/week.</p> <p>The daily minimum of 4hrs should be abandoned, in order to make it possible to plan a full week consisting of 4x10hrs.</p>	<p><u>ADM reiterated that planning a 4-day week is out of the question.</u></p> <p>Point remains suspended pending the global result.</p>

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		Porter la durée maximale du HI journalier à 10h (et donc aussi le forfait pour le travail en mission).	21.06.2017: US maintains its request.
A.3.1	Missions: The rules valid at the place of employment will apply in the same way to working time during missions, health rest entitlements etc. This means there will no longer be a system of fixed amounts of hours credited for working time during missions, but instead working time will be registered as in Brussels. For mission travelling time and health rest, the current system as recently adopted (Decisions n° 7/2017 and n° 8/2017) will not change.	<p>The principle of a "forfait" for the hours worked during missions should be maintained. This "forfait" should be 10hrs and replace counting hours according to the planned timetable as proposed in the FT NA. If the hours actually worked exceed the "forfait" the greater of the two should apply.</p> <p>Harmonisation des compensations à Bruxelles ou en mission.</p> <p>TUs had declared reserves at the adoption of the previous agreement (declaration by R&D and US annexed to the constat d'accord of 8/2/2017).</p> <p>1. Article 8, premier paragraphe (DE 7/2017): Au lieu de distinguer entre les voyages d'une distance géographique de plus ou de moins de 300 km, il faudrait distinguer entre les voyages d'une distance géographique inférieure à 250 km et ne quittant pas le territoire de l'Union Européenne, d'un côté, et les autres.</p> <p>2. Article 12, paragraphe 2, premier tiret: Pour les voyages couvrant une distance géographique supérieure à 250 km ou quittant le territoire de l'Union Européenne, le repos de santé devrait avoir une durée de deux demi-journées de travail.</p> <p>3. Article 12, paragraphe 2, troisième tiret: Ce repos de santé devrait également être accordé si le fonctionnaire a travaillé le samedi et le dimanche, même si la durée de chacune des périodes de travail était plus courte.</p> <p>4. Article 12, paragraphe 2, dernière phrase: Les deux repos devraient être cumulables.</p>	<p>02.06.2017: TUs could accept: A "forfait" of 9hrs for work on mission, plus a possibility of introducing time actually worked over and above the "forfait".</p> <p>07.06.2017 ADM: A day on mission will count as nine hours, unless the user declares a longer or shorter day actually worked.</p> <p>21.06.2017: US requests clarification on whether and when it will be mandatory to declare a shorter day.</p> <p>These claims (1 to 4) depend on the global agreement (i.e. they could be dropped to facilitate an otherwise acceptable agreement)</p> <p>21.06.2017: US: since there is no otherwise acceptable agreement, those claims remain on the table.</p> <p>07.06.2017 ADM: The 300km threshold for mission-travel TOHR entitlement remains unchanged.</p>

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<p>A.4 TOHR Chapter.</p>	<p>Time off for health reasons</p> <p>TOHR will be simplified:</p> <p>a. only one counter for the different types of health rest (minimum daily rest and weekend rest). If the health rest is not taken on the first working day, it will be automatically postponed, i.e. no regularisation will be necessary for the postponement,</p> <p>b. a harmonised limited period to take the health rest (end of the second week after the event - counting the week of the event as the first week, with the possibility to extend exceptionally until the end of the third week upon substantiated request),</p> <p>c. no validation by superior of the extra working time, but approval to take the absence remains necessary (Article 60 of the staff regulations) for weekend health rest and any postponed health rest,</p>	<p>The time within which TOHR must be taken should be examined, and more clearly drafted (a reference to "10 working days" instead of "end of second week" and 15 working days" instead of "end of third week").</p> <p>The rules should ensure that a request to take TOHR within the deadline cannot be refused, in particular if the end of the allowed period approaches.</p> <p>Approval of the superior for TOHR on a Monday after weekend work should not be necessary.</p> <p>Point (d): Health Rest in advance is usually required by the manager, not really a request in the interest of the staff member. The FT system should better reflect this reality in practice.</p> <p>Repos de santé</p>	<p>ADM to study TUs observations.</p> <p>ADM clarified some terminology points with TUs on 24/5:</p> <p>"Prestations exceptionnelles" = "prestations supplémentaires", being; Non-standard working outside normal hours (07:00-20:00), or working >10h/day or working Sat, Sun, public holidays or exceeding the total weekly/monthly planned working hours.</p> <p>AGREEMENT: The time within which to take deferred TOHR would be minimum two weeks, counted from the Monday following the work giving rise to the entitlement. The possibility to extend by a further week upon a substantiated request would remain.</p> <p><u>21.06.2017: US requests to add that the extension would always be granted if the two weeks are not real working weeks, e.g. during the end-of-year office closing days.</u></p> <p>AGREED: The Staff Note will invite staff and managers to ensure that TOHR is both accorded and taken.</p> <p><u>The Monitoring Committee [the establishment of which was not agreed, 07.06.2017], should follow this point closely in order to have a view on how many health rest hours have been taken/have been lost.-</u></p> <p>AGREED in Principle, subject to verification how the system actually would work in practice.</p>
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	<p>d. the possibility to take health rest in advance, upon approval by the manager (Article 60 of the staff regulations), will be maintained.</p>	<p>Le repos de santé prévu par la directive est indépendant des compensations prévues au point 1). Ce repos de santé doit être "une période ininterrompue" de repos et ne peut pas être fractionné. Si, pour des raisons impératives de service, il ne pouvait être pris intégralement à la suite immédiate des prestations y donnant droit, il donne droit à une journée de repos de compensation à prendre le lendemain.</p> <p>TOHR entitlements should be indivisible and lead to a minimum 12hrs' rest between stopping and restarting work.</p> <p>If there are less than the 12hr minimum, TOHR should not be split, but the amount of hours to be postponed should always correspond to a working day.</p> <p>TUs are here concerned only with subdivision of the minimum rest where requested by the management; i.e. managers should not be allowed to oblige staff to return to work early without having had the 12h break between two work days.</p>	<p>(d) Taking TOHR in advance is no longer an issue for discussion. The facility should however be recalled in the Staff Note.</p> <p>ADM clarified the minimum rest point with TUs on 24/5: The Working Time Directive (explained in Commission Communication of 26.4.2017) creates a legal obligation of an uninterrupted period of 12hrs rest.</p>
<p>A.5 [ex [6]</p>	<p>SR Art. 56 / PRESTATIONS EXCEPTIONNELLES / TRACABILITY / PROCEDURE & CONDITIONS</p>	<p>Prestations exceptionnelles (travail de nuit, de week-end, de longue durée)</p> <p>Il est inacceptable que des collègues soient obligés de travailler la nuit ou le week-end avec exactement la même prise en compte que s'ils travaillaient pendant leur horaire normal, voire sans aucune prise en compte si les compteurs débordent déjà.</p> <p>The aim of these rules should be to deter the service from requesting night or weekend work</p>	<p>TUs: GSC (especially certain services) is not managing to consistently reduce structural recourse to overtime (EC of Saturday 29/4/2017 is an example). This is a symptom of the fact that overtime work is not compensated at 150 or 200%, so there is no incentive to minimise it. The W/E work hours < 4 should also lead to TOHR.</p> <p>ADM draws TUs' attention to the rule that the minimum weekly break of at least 24 hours needs to be respected, i.e. if somebody has worked 3 hours both on Sat and on Sun, he is entitled to 24 hr break until starting work on Monday if he has not had an uninterrupted 24 hr break during the weekend! (Article 22, par. 1,4,5 of 2/2014). ADM to study TU's remarks.</p> <p><u>21.06.2017: US requests the following drafting:</u></p> <p><u>TUs: 1:1 recoup for hours worked at night, on w/e or public holidays is not fair. There should be a correction coefficient = 2 (for staff not already benefitting from a "prime"). TUs could accept a coefficient varying between 1 and 2 depending on the unsociability of the hours worked.</u></p> <p><u>TUs: 1:1 recoup for hours worked at night, on w/e or public holidays is</u></p>

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		<p>Tout travail en-dehors de l'horaire cadre (7h-20h les jours ouvrables) est considéré comme une prestation exceptionnelle et soumis aux règles suivantes : prise en compte du temps de travail à 200%, dans un compteur spécifique (sans remplissage préalable du compteur normal), qui n'est pas plafonné.</p> <p>Les heures correspondantes doivent avoir été récupérées ou transférées au compteur Flexi avant la fin de l'année suivant les prestations (année n+1).</p> <p>Temps partiel et prestations supplémentaires</p> <p>Il convient de redéfinir le système. Le principe est que les personnes travaillant à temps partiel ne peuvent pas faire d'heures supplémentaires. Si on peut envisager qu'elles accomplissent des prestations supplémentaires, ça ne peut jamais être une obligation et il faut éviter que, en fonction de leur régime de travail, certains ne perdent les compensations auxquelles ont droit leurs collègues.</p> <p>It should not be possible to oblige PT staff to work additional hours, or, if they do work additional hours in the interest of the service, they should be compensated in time (not in money) in the same way as staff working fulltime and should have the same right to take FL as full timers.</p> <p>Prestations de longue durée</p> <p>Fondamentale: Il faut prévoir une durée maximale de la journée de travail de 12 heures.</p>	<p>not fair. There should be a correction coefficient $>1 \leq 2$ (for staff not already benefitting from a "prime"). The coefficient to apply would depend on the unsociability of the hours worked</p>
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		<p>Des prestations continues de 24h, voire de 36, sont intolérables.</p> <p>TUs: there should be rules for occasional recourse to very long work by certain indispensable individuals, in order to limit it. Previously, >15hrs work gave rise to 2 days' leave entitlement. Black-letter rules encourage managers to better organise their services.</p> <p>Heures supplémentaires</p> <p>"Le fonctionnaire ne peut être tenu d'accomplir des heures supplémentaires que dans les cas d'urgence ou de surcroît exceptionnel de travail" (art. 56 du statut) : les heures supplémentaires "structurelles" sont donc interdites. Il convient de définir les cas d'urgence ou de surcroît exceptionnel de travail.</p> <p>TUs understand the realities of serving our two political institutions, particularly in times of crisis. However, ADM must make more effort to redress the increasing tendency towards structural overtime requirements, in particular in the face of reductions in staff numbers.</p> <p>MRTT must address all services with structural overtime needs, not only the political DGs.</p> <p>Apart from MRTT, there should be mechanisms in place which would disincentivise recourse to overtime: (i) a procedure for requiring and authorising OT, and this only in cases of urgency or exceptional pressure of work, in line with Art. 56 SR, and (b) actually limiting the total number of OT hours.</p> <p>TUs request ADM to:</p> <p>(a) properly define what is OT,</p> <p>(b) limit OT to Max. 150hrs per six months for all staff (Art. 56 SR),</p> <p>(c) establish the procedure envisaged by SR Art 56.</p> <p>TUs recall the importance of Art. 56 SR.</p> <p>"Le total des heures supplémentaires demandées à un fonctionnaire ne peut excéder 150 heures effectuées par période de six mois" (art. 56 du statut). Cette limitation s'applique à tous les fonctionnaires et pas seulement à ceux qui ont droit à la rémunération des heures supplémentaires. Il faut enfin la faire appliquer.</p>	<p>Consensus: colleagues working PT who accept to work additional hours in the interest of the service should be compensated.</p> <p>ADM: SRs prohibit monetary compensation to PT staff for such hours, but do not <i>a priori</i> forbid other compensation/recoup for PT staff showing flexibility by working additional hours.</p> <p><u>02.06.2017: POSSIBLE COMPROMISE:</u></p> <ol style="list-style-type: none"> 1. Recall the general rule that a maximum working day is 12hr. 2. Recall the possibility of TOHR in advance. 3. Recall the possibility of a second/replacement team. 4. Fair compensation (correction coefficient) [5. Monitoring Committee. <u>Not agreed 07.06.2017</u>] <p><u>07.06.2017: ADM will agree to discuss these non- FT:NA points in a separate concertation.</u></p>
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		<p>"[L]e travail de nuit, ainsi que le travail du dimanche ou des jours fériés, ne peut être autorisé que selon la procédure arrêtée par l'autorité investie du pouvoir de nomination" (art 56 du statut).</p> <p>TUs recall the importance of: Il convient de prévoir la procédure et surtout les conditions.</p> <p>The TUs recalled that it is necessary to keep traces of time off for health reasons and overtime hours. Overtime hours must not exceed 150 in six months as laid down in the Staff Regulations. This ceiling should not just apply to compensated overtime, but to all <i>prestations supplémentaires</i>.</p> <p>There should be formal rules and a formal mechanism to ensure that staff do not work >150hrs and that managers are alerted when this ceiling is close to being reached</p> <p>There should be two counters: flexi and total.</p> <p>Quid for the NON-FT "forfaits" of 45h/wk which are exceeded?.</p>	<p><u>21.06.2017: US does not accept a separate concertation and still requests a monitoring committee.</u></p> <p>AGREED</p> <p>ADM will raise with management the importance / desirability of holding a separate consultation to establish the procedures and conditions.</p> <p>TU's request to run a total counter to track the "max. 150 hours in six months".</p> <p>They are asking to trace the sum of :</p> <ul style="list-style-type: none"> (1) hours worked more than 10hrs/day (2) hours worked between 22.00 and 07.00 (3) work on weekends and Council holidays.
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<p>A.6. [ex A.5]</p>	<p>Part time with time credits: The possibility to work part time in the form of time credits will be introduced at the same time as the revised Flexitime rules by using the rules applicable at the Commission (<i>Décision de la Commission du 8/1/2016 concernant le travail à temps partiel</i>)...</p>	<p>Part time in the form of time credits should be an entitlement for GSC staff.</p> <p><u>Taking Time Credit</u> should not be counted as part time in order to fall under the rules limiting "embauches compensatoires" (DGA3)</p> <p>Fractionnement du CCP, temps partiel, congé parental, ..</p> <p>Ces différentes formes d'aménagement du temps de travail devraient pouvoir être fractionnées prendre un mois de CCP sous forme de 44 demi-jours de congé ou un mois de mi-temps ou de congé parental mi-temps sous forme de 22 demi-jours de congé à répartir jusqu'à la fin de l'année en cours (en accord avec le gestionnaire, comme pour toute demande de congé).</p> <p>Time credit should be an entitlement for all staff, with a minimum of 2 months and a possibility of deploying up to 4 months TC per year for some staff.</p> <p>Staff entitled to work PT should also be entitled to take it in the form of Time Credit.</p> <p>TUs invite ADM to see the possibility of Time Credit working as a counter-argument to reducing staff numbers.</p>	<p>In the light of the categorical refusal of ADM to apply the time credit approach also to parental and family leave, TUs seem to have dropped that part of their original request. TUs consider that taking time credit should be in the nature of an entitlement. ADM recalls that it is more in the nature of a facility which every staff member has a right to request, but its granting remains subject to the interests of the service.</p> <p><u>COMPROMISE 07.06.2017 AGREED:</u></p> <p>Utilising Time Credit is a facility, not a right. It is also not counted as Part Time work other than for the purposes of calculating the reduced salary and any related entitlements <u>in the months(s) in question</u>, and for giving rise to an additional leave entitlement. It does not affect "embauches compensatoires" <u>[EN: compensatory recruitment]</u> in the services.</p> <p>[+ Monitoring Committee <u>- not agreed, 07.06.2017</u>]</p> <p><u>21.06.2017: US requests confirmation from DG A 3 hierarchy.</u></p>
<p>A.7. [ex A.6]</p>		<p>Application dans les services</p> <p>Nous demandons que l'AIPN réaffirme que, conformément aux textes en vigueur, tout</p>	

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		<p>fonctionnaire dispose d'une marge de flexibilité d'une demi-heure sur l'heure d'arrivée et de sortie et que la récupération sous forme de flexileaves est possible dans tous les services, dans le respect des dispositions statutaires et pour autant qu'une absence (congé ou flexileave) soit compatible avec les besoins du service.</p> <p>There should be a Staff Note to recall this principle as a general rule applicable to <i>all</i> services.</p> <p>The FT rules should be applied globally. Less favourable internal rules in particular services are discriminatory and should not be applied (e.g. messengers, who now may recuperate only 1 day/month, and who cannot clock in before 8am, thus losing all flexibility) or their use should be limited to the greatest extent possible, while still keeping in mind the needs of the service.</p>	<p>ADM will recall the principles of trust-based management to managers.</p> <p>ADM will circulate the text of the proposed FT:NA Staff Note and the Decision to the OSP and the Staff Committee for consultation with at least one week's notice.</p>
A.8.		<p>"Mens sana in corpore sano" (pratique d'activités sportives sur le temps de travail)</p> <p>Dans un souci de veiller à la préservation de la santé du Personnel, et de faire ainsi bénéficier l'Institution d'un Personnel motivé et en bonne santé, il serait utile de trouver un accord sur un forfait que les fonctionnaires et autres agents du Conseil pourraient utiliser, sans validation du supérieur hiérarchique, en tenant compte des exigences du service.</p> <p>Modern employers encourage sport by staff to increase productivity. This would be a good gesture by the AIPN and indicative of a change of mentality/culture.</p>	<p><u>07.06.2017</u>: Request rejected by ADM.</p> <p><u>21.06.2017</u>: <u>US : request remains</u></p>
A.9. Ex. 19.	Managers a. Managers will not need to declare their presence in the system, they will	<p>TUs recall that managers should not be treated as a caste apart from staff.</p>	<p>To be discussed.] This is linked to the point about the clocking machines. If an agreement can be reached on doing away with the machines, plus a no-declaration solution for colleagues following their</p>

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<p>arrange their working time with their superior. To this end, they can use the normal timetable or define an individual timetable in the Flexitime system.</p> <p>b. They will register annual leave/special leave/sick leave through Flexitime (as is done for staff not working under flexible working time arrangements and to whom Decision n° 3/2014 applies) as well as missions.</p> <p>c. Health rest entitlements cannot be calculated since working time will not be registered. Health rest will therefore need to be agreed on ad hoc basis with the superior (Article 55(4) of the Staff Regulations).</p>	<p>Point (c): TOHR for managers is not an option, it is an obligation resulting from the European Working Time Directive (2003/88/CE).</p> <p>TOHR for managers is not a working-time issue, so not covered by the SR "managers agree their working time with their superior" approach.</p>	<p>planned timetables, this point resolves itself.</p> <p><u>21.06.2017: US still requests that managers have, as all staff, the possibility / obligation to declare working hours different from the individual timetable, a.o. to determine their right to TOHR.</u></p> <p>ADM does not dispute these observations and agrees that we need to envisage some principles for TOHR rules applicable to managers, and also to ensure that managers both encourage staff to take adequate TOHR and also take their own TOHR (working culture change).</p>
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B. Points agreed

	ADM Proposal (16.3.2017)	TU Position	Compromise / Agreement / Discussion / Result
B.1. Ex. 2.	Presence will have to be declared in the system/Intranet (at least 2 declarations/day), without intervention by the manager. This principle covers work in the office, telework, missions, mission travel time and training. For telework, missions, mission travel time, training in the interest of the staff member, specific declarations need to be used. The exact start and end of the working day will need to be declared in order to allow for the calculation of the minimum daily break, the calculation of overtime, health rest for weekend work etc.		Agreed
B.2 Ex. 3.	Automatic deduction of a 30-minute lunch break (if the timetable schedules two parts for the day concerned or if registered working time is more than 6 hours) and possibility to change this automatic deduction in the system in order to declare shorter or longer breaks (minimum: 15 minutes).		Agreed
B.3. Ex 4.	Length of the working day: Allow up to 10 hours of work per day (without need for approval by the manager or self-validation).		Agreed
B.4. Ex. 6	Recognition of work done beyond 10 hours/day as well as outside core hours (before 7.00 and after 20.00) and on weekends and public holidays will be possible through self-validation, without approval of the manager. n.b. Overtime hours in the sense of Annex VI of the staff regulations will still need approval (as is already the case now); the	Compensations for work beyond 10 hours and outside framework hours need to be discussed (see points 21-22). Other non-agreed issues are discussed under Point A.4	Agreement on self validation

	ADM Proposal (16.3.2017)	TU Position	Compromise / Agreement / Discussion / Result
	current rules and procedure will not change.		
B.5. Ex. 7	Transfer of leave entitlements into the Flexitime credit counter in order to balance a negative counter will be made possible through self-validation, without intervention by the manager.		Agreed
B.6. Ex. 10.	The obligation to clock out when leaving the building for work purposes will be removed.		Agreed
B.7. Ex. 12	<p>The principle of normal and individual timetables will be maintained. Validation of timetables can however be done without intervention of the manager through expiry of time. Nevertheless, where a manager sees the need to intervene, he/she can do so and request changes, refuse the individual planning, or impose the normal timetable.</p> <p>Automatic validation of changes to the timetables during the month: the cost of this change (which requires the intervention of the system provider) will need to be determined and will trigger the decision whether to maintain or abandon this feature. The superior will be informed of the change via an email. The possibility for him/her to refuse the change will be maintained (same logic as for validation of the original timetable).</p>		<p>Agreed.</p> <p>Also agreed: the (current situation) fact that a normal timetable cannot be refused is to be reiterated clearly. This should be recalled in the Staff Note.</p>
B.8. Ex. 13.	Special leave: will be simplified by deleting the need for validation by the manager, who would just be informed, and by accepting scanned copies as proof documents.		Agreed
B.9. Ex 14.	Sickness absence without certificate a. The manager's obligation to validate		Agreed

	ADM Proposal (16.3.2017)	TU Position	Compromise / Agreement / Discussion / Result
	<p>will be deleted, manager will only be informed of the absence;</p> <p>b. the possibility to enter half days of medical absence without certificate will be introduced.</p>	<p>Absence pour maladie</p> <p>Si on continue à comptabiliser la plupart des absences (congé annuel, flexileave, ...) en heures, il convient de faire de même pour tous les cas, y compris les absences pour maladie sans certificat.</p>	<p>Agreed (if a global compromise is reached) that medical absences without certificate can be counted in 1/2-days or in full days.</p>
B. 10. Ex. 16.	<p>Observations to managers: Automatic observations will be deactivated.</p>		<p>Agreed</p>
B. 11. Ex. 17.	<p>Telework: The same approach as for registering working time at GSC premises and during missions is foreseen, i.e. two telework time declarations per day with an automatic deduction of a 30-minute lunch break and the possibility to change the break time in the system.</p> <p>n.b. For occasional telework, the authorisation of the manager will need to be requested each time, orally, via email or by using the 2007 regularisation in the Flexitime system (this has already become an optional possibility according to the new telework decision n 59/2016).</p>		<p>Agreed</p>
B. 12 Ex. 18.	<p>Registration of training time will be simplified:</p> <p>a. training in the interest of the service: if the training takes place outside GSC premises, declare start/end of day like normal working day, no declaration of the absence is necessary;</p>		<p>Agreed</p>

	ADM Proposal (16.3.2017)	TU Position	Compromise / Agreement / Discussion / Result
	b. training in the interest of the individual: start time and end time of the training will have to be declared using the appropriate regularisations so that the system can automatically deduct half of the time from the Flexi counter (i.e. no change to the current system); in case of an insufficient/negative counter, need to transfer leave hours into the Flexi counter.		
B.13 [Ex A.7.]	The possibility to use 36 hours for medical/paramedical consultations will be maintained; as under the current rules, this absence will continue to need the approval of the manager.	TUs question the utility of manager's approval requirement, compared to sick leave without certificate where manager's approval will be no longer necessary.	AGREED: Possibility will be recalled in the Staff Note. It should also be recalled that it is counterproductive to oblige staff to enter the exact absence times into the system <i>beforehand</i> ; this should be done afterwards.

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C. Points not part of the FT : NA negotiations, but agreed in principle

C.1. Ex. 23.		En cas de travail en-dehors de l'horaire cadre, les pauses nécessaires pour se restaurer sont comptabilisées dans le temps de travail.	Agreed that this is a non-issue, given flexibility and reasonable behaviour by managers and staff. Trust basis. TUs request that the obligation for managers to allow staff to take the necessary breaks after 6hrs' work, in particular if it is a second (or third) break (evening, night), should be officially recalled. It is not however necessary that it be reflected in an adaptation of the IT systems.
C. 2. Ex. 46		It should be possible to take special leave for the care of a child with a disability or long-term illness on an hour-by-hour basis rather than 1/2-days or full-days only. There should be a written communication. (Scrutiny reserve)	ADM could agree to this as a very exceptional solution, based on a medical opinion. It invites staff for whom this is reasonably necessary to discuss it with the Welfare and Medical Services as was as the Equal opportunities officer. ADM will be sympathetic to justified requests which would otherwise result in hardship, but the general rule will remain full- or half-days. TU have a reserve concerning this point and would like to have specific rules.

D. Points outside the scope of the FT : NA negotiations, to be addressed in a different framework

D. 1. Ex. 35	Stand by occasionnel Au cas où des prestations sont nécessaires un jour de stand-by, la compensation pour les prestations effectuées doit s'ajouter à la compensation pour le stand-by. Le fait d'être venu travailler ne peut jamais avoir pour conséquence la perte d'une compensation.	ADM explained that this is not linked to working time as such and would not discuss the matter in the framework of the FT review. Unions have accepted this position, but nevertheless insist that the matter must be discussed in another framework.
D. 2. Ex. 39	The TUs, in particular FFPE, insisted that FT should not be linked to productivity-monitoring systems, such as those used in DG A3 or DG A5, which should be done away with.	This point is outside the scope of the current discussions. TUs request that it nevertheless be addressed in the appropriate forum.
D. 3. Ex. 42	The New Approach should not be used as a back door to introduce an obligation for staff to work 24/7/365. US underlined that the existence of such a risk should be mentioned in the <i>constat d'accord</i> and be addressed in another consultation later on. Neither should the health risks to staff be underestimated. TUs request a JOINT DECLARATION in the constat d'accord. TUs to submit a draft text.	
D. 4. Ex. 37.	Situations exceptionnelles Dans des situations exceptionnelles, certains collègues sont dans l'impossibilité de se rendre au travail ou sont même invités à ne pas se rendre au travail. S'il leur est également impossible de faire du télétravail, nous demandons la mise en place d'un mécanisme permettant qu'ils ne soient pas pénalisés indûment. TUs invite ADM to involve and consult the Staff Committee when a decision needs to be taken regarding the response to exceptional situations (where to do so is practicable).	

Note: The Commission recently issued a Communication on Working time: Interpretative Communication on Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time. Brussels, 26.4.2017, C(2017) 2601 final.