



Joint declaration on Telework

by the European social partners in the telecom sector

I. Introduction

More than ten years after the Sectoral Social Dialogue Committee for Telecommunications published guidelines for telework in Europe (7 February 2001) and European social partners concluded the Framework Agreement on Telework (16 July 2002), telework has become a wide-spread tool in the ICTS sector. (Teleworking is considered as employee's who traditionally work from home as an alternative to an office location). Today, the use of information and communication technology provides a wide range of opportunities for how work can be organised in a more mobile way.

Telework allows employees to better reconcile their professional and private lives, thus saving time, money and reducing stress (e.g. due to reduced commutes and better adapted working hours). Though this requires a high level of self-responsibility of the employee, it also implies a relation of trust between employer and employee.

In turn, employers can benefit from mobile working arrangements, as satisfied and better motivated employees positively impact on business (e.g. increased productivity, improved efficiency, less absenteeism or reduced sick leave).

Besides creating logistical advantages on both sides, mobile working environments also have a positive impact on the environment and the public community: it helps reduce pollution due to the reduction in transport and commuting of employees between home and the office, benefiting the society as a whole.

As is shown in the joint declaration on "Good work, good health"¹, the European social partners in the telecom sector recognise the potential of modern communication technology to promote wellbeing at work if good working and management practices are put into place. Telework is such a practice that can directly and positively impact on an improved work-life management for employees.

Therefore, UNI Europa and ETNO encourage employers and employees in the telecom sector to consider using mobile forms of work as a tool that can be of common benefit. It covers the interest of employees to have a good work-life management on the one hand, and the interest of employers to have a motivated and flexible workforce on the other. Consequently, the European social partners consider telework as one of the key levers to a better quality of life at the work place, and to improve companies' performance.

In this joint declaration, the social partners would like to address the relevant factors for telework to be considered in individual or collective agreements on telework or mobile working at national or company level.

This joint declaration falls into the category of Declarations, as described in Annex 2: *Typology of the results of European social dialogue*, of the European Commission's communication on *Partnership for change in an enlarged Europe - Enhancing the contribution of European social dialogue* of 12 August 2004 (COM(2004) 557 final).

According to the Framework Agreement of 16 July 2002, the European social partners in the telecom sector understand telework as a form of organising and/or performing work, using information technology in the context of an employment contract, where work, which is usually performed at the employer's premises, is carried out away from those premises on a regular basis. In other words, telework is a work arrangement under which an employee performs her/his activities from an approved worksite other than the location from which the employee would normally work.

This joint declaration covers:

- In-house employees who regularly work outside company premises on the basis of a mutual agreement.

In any case, the applicable national regulations must be respected.

This joint declaration is based on the Framework Agreement on Telework, signed by the European Social Partners on 16 July 2002.

The European telecom social partners call upon their members, as well as interested parties in the telecom sector, to consider their own practices in the light of this joint declaration and to respect its spirit.

Follow-up and next steps

Promotion of the joint declaration

The social partners commit to informing, through all available means, trade unions, associations and employers in the telecom sector and beyond about this joint declaration.

They will encourage the relevant social partners at national level to promote and address this joint declaration together. This could, for instance, take the form of holding joint meetings on its contents, making joint presentations to national governments and other relevant players, undertaking joint studies or research activities. Where possible, the joint declaration will also be translated into other official EU languages.

Monitoring of the joint declaration

The monitoring of the joint declaration could be done, for instance, by sending questionnaires to the members of the European social partners or to players in the telecom sector.

II. Relevant factors of mobile working

1. Voluntary Character

Telework is voluntary for the employee and the employer concerned. It may be included and required as part of a worker's initial job description or it may be engaged in as a voluntary arrangement subsequently. Certain types of job profiles do not allow for mobile forms of working.

If telework is not part of the original employment contract and the employer offers the possibility of working mobile, the employee can either accept or refuse the offer.

If the employee requests to be allowed to perform telework, the employer can either agree or refuse as it is up to the employer's discretion to evaluate the need for this type of work and whether the job can be performed with mobile methods.

The conditions on which employees can perform mobile working could usefully be discussed beforehand, while bearing in mind that the procedure for granting or refusing telework should be transparent.

2. Employment Conditions

The employer will monitor employees performing mobile work in order to support them in this process.

However, in order to take into account the particularities of telework the social partners invite their members to consider concluding, before starting mobile working arrangements, a specific complementary collective agreement and/or individual-agreements, addressing the following issues a) – i):

a) Frequency and Reachability

Within the framework of applicable legislation, collective agreements, company policies and individual agreements, the teleworker manages the organisation of her/his working time under the limits and conditions established within the employer's direction. This requires above average self-responsibility of the employee and a positive attitude of trust on behalf of the employer regarding the employee's capacity to manage the mobile working arrangement.

The (individual) written agreement should contain the frequency of telework; where required the days on which mobile work will be performed, the days and/or hours of attendance in the employer's premises and the times or the periods during which employees must be reachable and via which means.

It is important for the employee not to be isolated from the rest of the working community in the company and to remain a part of the company's identity. This could be achieved, for instance, by giving her/him the opportunity to meet with colleagues on a regular basis and give her/him access to company information. Attention should be paid to addressing the topics of availability, considering the importance of ensuring a good work-life management, and of monitoring working hours while working mobile. Employees performing mobile work should not be subject to an increased demand on availability, but individual or collective arrangements should respect the right of employees to disconnect and not to be available outside working

hours. The conditions of working time have to comply with company rules, collective agreements, national and European law.

b) Health and Safety

The employer is responsible for the protection of the occupational health and safety of the teleworker in accordance with Directive 89/391 and all relevant directives, national legislation and collective agreements. However, given the specific circumstances of telework the employer needs the on-going support of the teleworker to fulfil these duties.

The employer informs the teleworker of the company's occupational health and safety policies, in particular requirements on visual display units. The employer would inform the teleworker about relevant health and safety issues when the teleworker performs his/her tasks from a different location. The employer needs to give the necessary means and instructions to the teleworker. The teleworker applies these safety policies correctly.

Accidents and near misses involving teleworkers whilst at work need to be reported in the same way as for office based staff.

It is important for teleworkers to have the facility to summon help in a work-related emergency situation.

c) Data Protection

The employer is responsible for taking the appropriate measures, notably with regard to software, to ensure the protection of data used and processed by employees performing mobile work for professional purposes.

The employer shall inform and train its employees about all relevant legislation and company rules concerning data protection. It is the employee's responsibility to comply with these rules.

d) Right of access to the workplace

In order to verify that the health and safety and data protection provisions are correctly applied, where an employee works from home as a teleworker, the employer, workers' representatives and/or relevant authorities have access to the telework place within the limits of national legislation and collective agreements. If the teleworker is working at home, such access is subject to prior notification and her/his agreement.

e) Equipment

As a general rule, when the employer is responsible for providing, installing and maintaining the equipment necessary for performing mobile work, as set forth in the underlying agreement. Equipment should be fit for purpose and employers should take advantage of new technologies to facilitate telework. The employer provides an appropriate technical support facility.

The teleworker takes good care of the equipment provided to her/him and does not access, collect or distribute illegal material via the internet.

f) Breakdown

In the case of breakdown of the equipment or in the case of an Act of God, as a consequence of which the employee cannot perform her/his job, he/she immediately informs the employer.

If the employee is not able to continue her/ his work because of such an event it is useful to clarify beforehand if and when she/he can be obliged to work at the employer's premises.

h) Training

Employees working mobile have the same access to training and career development opportunities as comparable workers at the employer's premises who do not take part in teleworking or mobile working and are subject to the same appraisal policies.

Employees receive appropriate training targeted at the technical equipment at their disposal and at the characteristics of this form of work organisation. Supervisors and manager should also receive appropriate training for this form of work and its management.

i) Terms and conditions

Regarding employment conditions, all company employees benefit from the same rights, guaranteed by applicable legislation and collective agreements and also have the same duties as comparable employees.

The workload, the salary and performance standards are also equivalent. Human resources services have to be involved in the process in order to monitor and provide the same career opportunities.

Employees must be informed of any performance monitoring facility adopted to control their work. As far as possible, control should regard output rather than activity. Any performance monitoring arrangements must be consistent, having regard for the specific characteristics of the type of mobile work.

3. Accident insurance coverage

The social partners recognise the risk of employees not being covered by accident insurance in the event of accidents happening in the mobile working environment. National social security systems in the EU member states offer different levels of protection, but it could sometimes be difficult for an employee to prove a workplace accident happened somewhere outside company premises. For this reason, the social partners in the telecom sector recommend that their members consider the suitable steps to be taken in this field, such as considering whether additional insurance is necessary, while always taking into account the national situation.

4. Collective rights issues

All employees have the same collective rights as workers at the employer's premises. No obstacles are put in the way for employees working mobile to be able to communicate with employees' representatives.

The same conditions for participating in and standing for elections to employees' representative bodies or providing worker representation are applicable. Employees performing mobile work are included in calculations for determining thresholds for employees' representative bodies in accordance with European and national law, collective agreements or

practices. The establishment to which mobile working employees will be attached for the purpose of exercising her/his collective rights is specified from the outset.

Employees' representative bodies are informed and consulted on the introduction of mobile working systems where European and national legislations or, collective agreements provide for it.

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Torben Andresen Lindhardt

UNI Europa



Lise Fuhr

ETNO

¹ ETNO-UNI Europa Declaration on Good Practice Guidelines, "Good Work - Good Health: Improving the mental wellbeing of workers in the telecommunications sector", February 2011