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**Social Dialogue**  
**Update on the implementation of the Framework Agreement on**  
**Telework**

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## Social Dialogue

### Update on the implementation of the Framework Agreement on Telework

In July 2002, a new landmark in the EU interprofessional social dialogue between ETUC/UNICE-UEAPME/CEEP was established by the signing of the framework agreement on telework, which, contrary to the previous EU social dialogue interprofessional framework agreements (i.e. on parental leave, part-time work and fixed-term work), must be implemented by July 2005 via the member organizations of the signatory parties at each appropriate level (European, national, sectoral and enterprise level) according to the procedures and practices specific to management and labour and the Member States, as laid down in Article 139 § 2 of the EC Treaty.

This note provides a quantitative overview on the current state of play in the implementation of the telework agreement. Indeed a quantitative overview, as an in-depth qualitative analysis has not yet been conducted because most of the texts of already adopted implementing instruments are not yet available to the ETUC and in a lot of member states the implementation process on the different possible levels is still ongoing. This overview is mainly based on a report elaborated by the European Trade Union Institute (ETUI)<sup>1</sup> and written and/or oral information received from affiliated organizations at subsequent meetings<sup>2</sup>.

With two thirds of the implementation period having almost past, the quantitative scoreboard could be considered rather positive.

- In three member states, the implementation at national interprofessional level can be considered finalized (NL, SE, UK) and in nine other countries interprofessional negotiations or initiatives have been initiated (AT, BE, FI, GR, IE, IS, IT, LU, NO).
- At the sectoral level, results were achieved in amongst others AT and IT<sup>3</sup>; in ES a concrete result in the chemical sector is expected by end of May 2004 and in at least three countries (DK, DE and SE), sectoral collective bargaining on the issue is foreseen to start in 2004.
- There are also some interesting developments in three of the new member states (CZ, HU and PL), in particular in Hungary where at the end of April 2004 the EU framework agreement was implemented by law whereby the section on telework now forms an integral part of the 1992 Labour Code.

<sup>1</sup> Clauwaert, S., Düvel, W. and Schömann, I. (2003), "Report on the implementation of the ETUC/UNICE-UEAPME/CEEP agreement on Telework", Interim version – 15.11.2003, ETUI; Brussels (available only in English and upon request from: [sclauwae@etuc.org](mailto:sclauwae@etuc.org))

<sup>2</sup> E.g. ETUC NETLEX Conference November 2003; Social Dialogue Committee meetings (October 2003 and May 2004); ETUC Social Policy and Legislation Committee meetings (November 2003 and February 2004); and replies to two ETUC circulars of September 2003 and May 2004.

<sup>3</sup> Although concluded after the signature date of the EU framework agreement on Telework, there seems however to be no real link between these agreements and the EU agreement

- At the EU sectoral level, one can highlight the adoption of joint texts in the electricity sector and the municipality and regional authorities sector, whereas discussions are ongoing for other sectors as well.
- In essence, in only two countries no real initiative at the interprofessional level has been –for several reasons- taken yet (ES and FR), although primary commitments have already been announced.
- Finally, it should be mentioned that, although they are not primarily concerned/addressed by the agreement to ensure an effective implementation, several federal and/or regional governments took or envisage to take (legislative) measures to facilitate the introduction of telework on their labour markets (e.g. BE, PT and HU).

However, it must, on the other hand, be admitted that our affiliates were and are still confronted with several problems and/or obstacles in the process of proper implementation. The occurring problems/obstacles can be roughly summarized as follows:

- The fact that only a limited number of translations of the EU agreement were available from the outset, necessitated several organizations to elaborate separately or jointly with the employers' organizations a translation into their respective languages (e.g. CZ, DK, IS, IT, NL, SE); however in several of these countries the demand to elaborate the translation triggered at the same time the launch of the actual implementation process.
- The "nature" and "status" of the EU agreement in particular regarding the commitments of the member organizations of the signatory parties to implement the agreement. Several affiliated organizations were and are confronted with employer counterparts who use the notion of "voluntary agreement" either to delay the implementation or even to avoid concluding (contractually) binding instruments within the national context and to limit the implementation to "code of conducts/practices" or mere recommendations. This is in particular worrying if such non-binding texts are not the normal or traditional outcome of the so-called "procedures and practices specific to management and labour and the Member States" in the country concerned which need to be used to implement the EU framework agreement. (e.g. AT, BE, NO, FI, SE) It must be clear that for the ETUC only the process of entering into EU negotiations is to be considered voluntary; and thus **not** the final outcome of which the member organisations of the signatory parties are committed to ensure an effective implementation.
- The lack of a clear, and in particular joint, interpretation of the EU agreement by the signatory parties which gives too much possibility to uphold or create different interpretations on the different levels within the national context (e.g. BE, HU, SE) It should be remembered that up till now only the ETUC provided for each agreement an own interpretation guide
- Problems relating to social dialogue structures and partners within and with whom a proper implementation needs to be reached, such as the

partners represented in the relevant negotiation forums (and will thus determine the actual coverage of the implementation), lack of or insufficient developed national and sectoral social dialogue forums, lack of or weak employer organizations, etc. For the new member states, a current additional problem seems to be an actual understanding of the EU social dialogue and the characteristics of its rules of the game, its terminology and its outcomes.

- Negotiation time calendars in particular for sectoral bargaining (e.g. DE, DK, SE)
- The still undeveloped use of this form of work in the country concerned (e.g. ES and some new member states) or the fact that telework is often conducted on a self-employed basis rather than under an employment contract/relationship and which thus falls in principle outside the scope of the EU agreement (e.g. PT)

### Preliminary conclusions

- From a purely quantitative point of view, the implementation might so far be considered positive
- A qualitative analysis is not yet possible, but surely necessary and will be conducted in cooperation with the ETUC legal network NETLEX
- There is a need to discuss in other relevant forums possible solutions to and clarifications of the "EU"- related problems. It is hard to see on the other hand how specific national problems might be overcome. The ETUC therefore intends to launch an invitation to the other European social partners concerned to start this discussion in the very near future.
- The member organizations are invited to keep the Secretariat informed on a regular basis of any development in the implementation within their national/European context and to send the texts of the different final results to the Secretariat in order to start the mentioned qualitative analysis.

**ANNEX DOC 5A - Implementation ETUC-UNICE/UEAPME-CEEP Framework agreement on Telework (16 July 2002)  
State of play: May 2004**

<b>Country</b>	<b>Implementation results /initiatives</b>
<b>Austria</b>	<ul style="list-style-type: none"> <li>• Interprofessional negotiations ongoing</li> <li>• Sectoral agreement trade/information and consulting (November 2002) (*)</li> <li>• Official circular on telework in federal public administration (October 2002) (*)</li> <li>• New telework agreement at Telekom Austria (January 2003) (*)</li> </ul>
<b>Belgium</b>	<ul style="list-style-type: none"> <li>• Interprofessional negotiations ongoing in National Labour Council</li> <li>• EU agreement distributed to sectoral trade union organisations with a view to start negotiations; but no real results yet</li> <li>• Federal government announced initiatives to adapt existing regulations better to telework at home (i.e. relating to work accidents, work place environment obligations)</li> <li>• Numerous "promotional" (legal) initiatives taken and envisaged by Federal and/or regional governments for both private and public sector.</li> </ul>
<b>Czech Republic</b>	<ul style="list-style-type: none"> <li>• Translation elaborated and agreed upon by the social partners</li> <li>• Discussions are ongoing with a view to change/adapt Labour Code provisions in order to include also the protection of teleworkers</li> <li>• In the Action Plan of the national social partners to be carried out within the recently established bipartite social dialogue structure, a discussion on telework is included as a main theme. First talks have been delayed but will start quite soon.</li> </ul>
<b>Denmark</b>	<ul style="list-style-type: none"> <li>• Negotiations initiated on several levels, mainly sectoral (public sector)</li> </ul>
<b>Finland</b>	<ul style="list-style-type: none"> <li>• Negotiations on interprofessional level, which started in June 2003, are still ongoing</li> </ul>
<b>France</b>	<ul style="list-style-type: none"> <li>• Interprofessional negotiations were scheduled for autumn 2003 but have not yet started due to delays in negotiations on other matters</li> </ul>
<b>Germany</b>	<ul style="list-style-type: none"> <li>• No initiatives yet, first implementation steps foreseen during sectoral bargaining rounds in 2004</li> <li>• Agreement on telework at Coca-Cola AG Berlin (in force since 1 August 2003 and most likely inspired by the EU agreement)</li> </ul>

<b>Greece</b>	<ul style="list-style-type: none"> <li>On the initiative of the Greek trade union GSEE, the new interprofessional national collective agreement for 2004 – 2005 (signed 24 May 2004) foresees “the full implementation of the EU agreement within the Greek legislative framework” and this before 30 September 2004.</li> </ul>
<b>Hungary</b>	<ul style="list-style-type: none"> <li>The EU agreement has been implemented by a recent law (Law n° 28/2004) dealing with several atypical employment (contract) forms, including telework. The concerned section on telework now forms an integral part of the 1992 Labour Code</li> </ul>
<b>Iceland</b>	<ul style="list-style-type: none"> <li>Shortly following the signing of the EU agreement, a trade union negotiation committee was established which drafted a translation and requested the launch of negotiations. So far only 1 informal meeting took place; the negotiations on telework will only resume in autumn 2004 as currently all general collective agreements are being re-negotiated.</li> </ul>
<b>Ireland</b>	<ul style="list-style-type: none"> <li>Implementation talks initiated which will most probably result in amendments to the existing Code of Practice</li> </ul>
<b>Italy</b>	<ul style="list-style-type: none"> <li>According to the latest information, an interprofessional national collective agreement is agreed upon between the three trade union confederation and Confindustria. The signing of the agreement is delayed to allow Confindustria to ensure bigger coverage at employers’ side by having the agreement accepted by other employer organisations.</li> <li>National Collective Agreement in the Postal sector (July 2003) – allowing by way of experiment the introduction of telework arrangements (*)</li> <li>Renewed collective agreement for metalworking sector (2003-2006; signed May 2003) – provides for the establishment of a working group to analyse the possibility of introducing telework in the sector (*)</li> <li>New national agreement for the garment and textile sector which provides new rules on conditions and procedures for telework (April 2004) (*)</li> </ul>
<b>Luxembourg</b>	<ul style="list-style-type: none"> <li>Interprofessional negotiations ongoing</li> </ul>
<b>Netherlands</b>	<ul style="list-style-type: none"> <li>Recommendation (and supplements) adopted by National Labour Council and which should form basis for sectoral and enterprise agreements; a monitoring of the results achieved on these levels is scheduled in 2005 and 2006.</li> </ul>
<b>Norway</b>	<ul style="list-style-type: none"> <li>Joint interprofessional social partners committee is established where negotiations are still ongoing</li> </ul>
<b>Poland</b>	<ul style="list-style-type: none"> <li>Preparatory discussions started in National Social Dialogue Forum for European Integration (OSDSIE) and on 11 May 2004 the national social partners represented in the OSDSIE adopted a common recommendation to start negotiations in the very short term</li> </ul>

<b>Portugal</b>	<ul style="list-style-type: none"> <li>• Section on telework in amended Labour Code (in force since 1 December 2003)</li> <li>• Interprofessional social partners negotiations still need to start; this is apparently also the case for lower level bargaining</li> </ul>
<b>Spain</b>	<ul style="list-style-type: none"> <li>• The “National Agreement for Collective Bargaining 2003” (extended to 2004) foresees in chapter VII that the national social partners will ensure the wide spread implementation and knowledge of the EU framework agreement and also puts forward some concrete priorities and issues to be taken into account by negotiators in future negotiations at the different levels. A concrete result is expected for the chemical sector where a national wide agreement is to be signed before end of May 2004. Other more “piece meal” results were reached in certain enterprises and for certain organisms in local authorities. On the interprofessional level, a committee is established to monitor the actual implementation and to ensure the most adequate use of telework in conditions which are favourable to both employers and workers.</li> </ul>
<b>Sweden</b>	<ul style="list-style-type: none"> <li>• Interprofessional social partners agreed “common guidelines” reiterating the main principles of EU agreement with a view to stimulate negotiations on lower levels</li> <li>• Our Swedish affiliates will try to ensure further implementation during the different sectoral negotiations in 2004</li> </ul>
<b>UK</b>	<ul style="list-style-type: none"> <li>• Interprofessional social partners adopted a non-legally binding “Telework guidance” to serve as guidelines for bargaining on lower levels</li> </ul>
<b>European Sectoral Level</b>	<ul style="list-style-type: none"> <li>• Joint Declaration in Electricity sector (EPSU-EMCEF/Eurelectric – November 2003)</li> <li>• Joint Statement for the municipality and regional authorities (EPSU –CEMR-EP – 13 January 2004)</li> <li>• Negotiations ongoing between EPSU and the Directors General of the Public Administration sector</li> </ul>

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\* Source: Clauwaert, S., Düvel, W. and Schömann, I. (2003), “Report on the implementation of the ETUC/UNICE-UEAPME/CEEP agreement on Telework”, Interim version – 15.11.2003, ETUI; Brussels (available only in English and upon request from: [sclauwae@etuc.org](mailto:sclauwae@etuc.org)) and subsequent inputs by ETUC affiliated organisations in the following meetings: ETUC NETLEX Conference November 2003; Social Dialogue Committee meetings (October 2003 and May 2004); ETUC Social Policy and Legislation Committee meetings (November 2003 and February 2004); as well as replies to two ETUC circulars of September 2003 and May 2004.