Collective bargaining and digitalisation 09/12/2020

EU social partner checklist on digitalisation and work/life balance for central/federal governments

checklist of dos and donts on digitalisation and work/life balance for central/federal governments (adopted in Oct. 2019)

Who and What

- Checklist agreed by the SDC CGA consisting of
- Trade union delegation TUNED led by EPSU (NEA) and the employers - EUPAE, 17 governments:

  Austria, Belgium, Czech Rep., Finland, France, Germany, Hungary, Italy, Greece, Lithuania, Luxembourg, Malta, Portugal, Romania, Slovakia, Slovenia, Spain

- ➤ For TUNED: to promote collective bargaining and mapping exercise for a new EU social partner agreement
- ➤ For EUPAE: topical, eg smart working in Italy (in the chair of EUPAE)
- Checklist consists of general and specific recommendations in 7 areas
- not legally binding, addressed to managers primarily as well as trade union reps in government
- Based on desk research incl. overview of legal framework and examples of collective agreements on digitalisation and/or work/life balance and working groups (Madrid, Paris, Rome and Brussels) with the participation of ILO official Jon Messenger, *Working anytime, Anywhere study, 2015*

Incidence of T/ICTM:
% of Employees in the EU-28 (EWCS)

Legend: ■ Home based teleworker ■ High mobile T/ICTM ■ Occasional T/ICTM
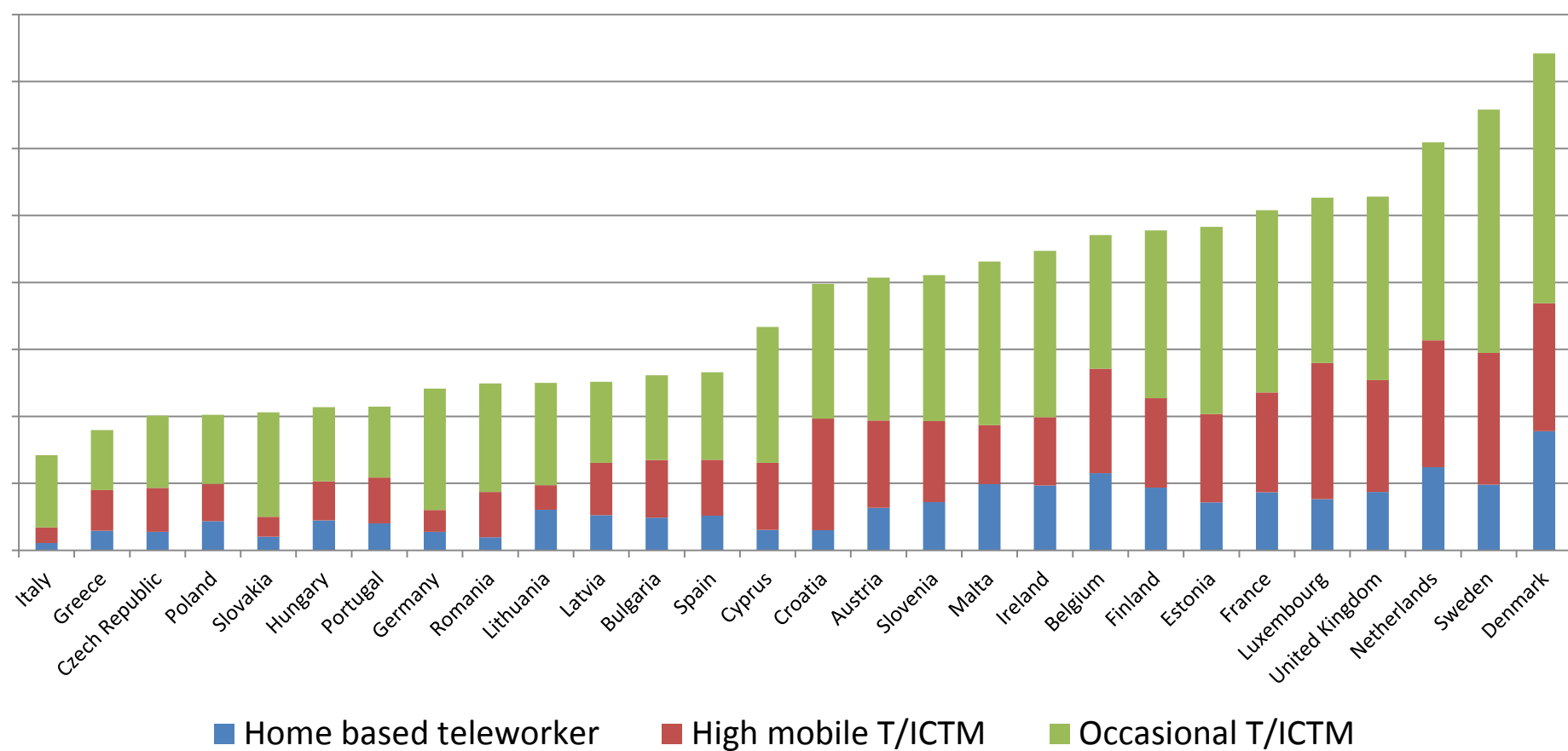
Checklist General Recommendation: To enforce rules and rights and identify gaps

- EU Framework Directive (89/391): employers' obligation to protect workers by evaluating and combatting risks to their safety and health, information and consultation rights, covers implicitly mental health

- EU directive on working time, 48h maximum working week, 11h-daily rest, breaks , 4-weeks paid annnual leave

- EU Social Partners autonomous (non legally binding) Agreements on:

  - Telework (2002)
  - Work-Related Stress (2004)
  - Violence and Harassment at Work (2007)

- European Pillar of Social Rights (2017)

Chapter II, 9 importance of 'Work-life balance' and 10 'Healthy, safe and well-adapted work envir. and data protection''

 strong OSH and gender equality legal basis in European treaties

- EU parental leave agreement turned into a directive (into effect in June 2022), 10 days paternity leave, 4 months parental leave (shared by women and men), flexibility working hours

Collective agreements

- Tripartite agreement, Norway, healthcare
- Bipartite agreement, Netherlands, central government, upskilling and anticipating and reducing risks of job losses
- Bipartite body on innovation, Italy, dealing with smart working, WLB, OSH incl PSR (2016-2018)
- IT health inspectors, Sweden, local government, survey on correlation between employee influence and levels of stress related to IT systems
- Agreements on telework: e.g France for central govt: voluntary, negotiated, substitutes (not supplements) office work – Evidence in Spain, Germany that more working mothers do teleworking
- Outsourcing, part of Irish collective agreement
- Domestic violence, worplace approach in Sweden, Spain

Checklist 2ⁿᵈ General Recommendation

- Digitalization should maximize opportunities and minimize the risks to ensure that private and professional life can indeed be well-balanced.

- Equal treatment principle, concerns <u>all </u>workers

- A regulatory framework is essential incl EU minimum standards on information and consultation rights of employees and their representatives on restructuring, OSH, gender equality as agreed by the SDC CGA in 2015, alongside affordable, quality child and eldercare infrastructures.

- Key role of social dialogue/collective bargaining

Dos and Don'ts in 7 areas

1. Trust and social dialogue
2. Gender equality
3. Health and safety
4. Data privacy and protection
5. Training
6. Work organisation
7. Performance management

1.Trust and social dialogue

DOs

- build a fair working environment regarding communication, consensus and trust.
- Define jointly with TU objectives of digitalisation for employees, the administration and users
- Prepare for effective social dialogue on negative impact of digitalization processes on work/life balance.
- Joint evaluation
- Safeguard existing work-life balance measures and collective agreements or other forms of social dialogue in case of restructuring
- Collective ethos
- Envisage a pilot phase
- Define types of "mobile" workers

DON'TS

- Assume that digitalisation is simply about technical device and software – *this is restructuring*
- Design policies that are too rigid, administrative
- Underinvest in training of staff - IT systems, relevant devices, and continuous support.

2.Gender equality

DOs

- Digitalisation must improve WLB and gender equality
- Collect and monitor gender-segregated data to evaluate implementation of digitalisation e.g. telework or mobile work, and verify if and how work-life balance measures are useful to support women and, if not, follow up actions
- telework as a voluntary option –no substitute to formal care- open to all workers regardless of gender, grade and ethnic background

DON'Ts

- Use only general workforce data without insight into gender and occupational differences.
- assume that women will be more interested than men in telework

3.Health and safety- longer section

DOs

- social dialogue or collective bargaining & digitalisation and WLB as regular topics on health and safety committees
- provide, install and maintain the equipment necessary for regular telework unless teleworker uses his/her own equipment.
- Review responsibilities , workload and staffing needs on a regular basis
- Designating a person of trust to support workers, detect first signs of PSR
- Review IF there is a right to disconnect in place in addition to working time rules
- OSH data available for the purpose of updating policies and social dialogue, respecting privacy
- Be attentive to risk of isolation by maintaining intensive communication with and between on and off-site staff, and limiting if necessary number of telework days

DON'Ts

- Underestimate potential risks linked to digitalization and new ways of working on employees' well-being.
- Assume that workers will know and use the best IT equipment in his/her interest or of the administration
- Just address issues like burnout and chronic stress when they are already manifesting in the workforce.
- Underestimate the collective impact of individual burnouts
- Assume that well-equipped off site workers have the same degree of communication as on-site

4. Data privacy and protection

DOs

- Invest in trust
- Clear rules, easily available on both the rights and obligations of employees and employers regarding the use of work-related equipment.
- No use of data without consent of employees
- Ensure that information on what data is being collected and how it is being used is well communicated to employees.
- Train employees on how to handle data and proper use of digital tools to protect sensitive information.

DONT's

- Invest in surveillance software, often ineffective, costly and potentially illegal.
- Collect data for the sake of it without clear use to the organisation, mission and employees.
- Neglect regular training duties on data protection.

5.Training

DOs

- Free, during working time, reaching out to all grades means earmark budget
- Offer training not only on technical skills but also on soft skills and building confidence in workers and management in using the new technologies
- work-life balance included in training offer (i.e. time-management, tele-working, limits between personal life and work, boundary management, prioritisation...etc), identifying earliest symptoms of digital stress.

DONTs

- Assume you know what employees need in terms of training and information, especially senior workers
- Provide training limited to specific topics (i.e. telework, health and safety, time management, resilience, etc.) without considering the whole picture.
- Cut down on time and financial resources to be spent on training and communication.

6.Work organisation

DOs

- While employees want more autonomy, measures should be taken to avoid overtime, if not, make sure it is compensated
- Be aware that digitalisation processes can create information, work and social overload
- Distribute work fairly among workers, building in contingencies and extra resources as needed.

DON'Ts

- Leave excessive workloads not tackled

Not easy in context of understaffing

7.Work performance

DOs

- Transparent, jointly agreed with employees performance evaluation criteria, based on set procedures, both individual and team based
- Regularly conduct employee surveys to understand whether they are more productive while teleworking or do overwork.

DON'Ts

- Irrational deployment of personnel (excessive or insufficient)
- Use teleworking or flexible working options as a tool to reward or punish an employee.

Follow up

- Promotion of the checklist at national level
- Survey and checklist as awareness-raising and warming up exercise
- Last June, agreement to negotiate a social partner agreement based upon and going beyond the guidelines
- List of topics agreed including, in addition to those in the checklist: Artificial intelligence, outsourcing of IT tools and platforms, drawing lessons from Covid-19 related teleworking
- Working time organisation, supervising outside employers' premises
- different types of teleworking
- Trade union objective is to keep all topics together in the agreement and reach a legally binding Agreement
- Negotiations start on <u>20 January</u>