



# Social Partner Agreement on digitalisation

# Background

- EU Social Dialogue Committee for Central Government Administrations -SDC CGA- covers 9 Million employees
- 18 governments on the employer's side, EUPAE, and all EU MS on the trade union side, TUNED led by EPSU
- Project on work/life balance and digitalisation, 2018-19
- EC agenda on digitalisation with little say from social partners
- COVID-19 pandemic, introduction or expansion of telework, here to stay. (share of people working from home from 5-6% to 12% in EU 27, ILO)
- More collective agreements on digitalisation
- EU cross-sectoral agreement on digitalisation (2020)
- Negotiations on line January 2021- January 2022
- Adoption delayed on 17 June due to disagreement on "agile work" & signed on 6 October
- EUPAE/TUNED request for legislative implementation

# Objectives

- trade union rights to shape digitalisation, in all its forms, for the interest of employees and users' access to good administration
- Application to all civil servants and public employees



# Broad agreement

- **Definitions incl workers' reps, trade union prerogatives and social dialogue**
- **Telework**
- **Health and safety**
- **Skills development, training and qualifications**
- **Data management and protection**
- **Artificial intelligence**
- **Users' access**
- **Additional clauses: Outsourcing, job protection and agile work**
- **Implementation and non regression clause**

# Telework

- Builds upon 2002 cross-sector telework agreement
- Right to request to telework, voluntary, reversible, limited (No of days or working hours by national collective bargaining)
- Same working conditions and pay
- Administration facilitates communication with trade unions
- Equal treatment clause
- no negative impact if worker refuses to telework
- right to disconnect to be agreed with trade unions (possible derogations)
- Equipment provided by the administration
- compensation for work-related expenses left to national collective bargaining
- transparent management, trust and regular communication

# Health and safety

- digitalisation introduced or deepened only if there are no negative health and safety issues for workers based on risk assessments.
- Health risk assessments in consultation of trade unions must include staffing levels, workload, risks of violence including domestic violence
- ergonomically fit equipment for teleworkers
- Sufficient facility time for workers and trade union representatives to attend trade union health and safety training on digitalisation.

# Training

- essential for successful digitalisation and personal development.
- Must be during working time, paid for by the employer
- Quantitative training budget targets based on a prior evaluation of needs carried out in consultation of workers' representatives.
- Must benefit all workers in line with EU anti-discrimination directives
- specific additional support where needed
- managers to adapt their skills to digitalisation.

# Data management & protection

- Must be subject to law or collective agreements, in line with GDPR
- Workers' control over their personal data
- Workers cannot be subject to a decision based solely on automated processing including profiling
- They can access easily information about the decisions made by automated means with a right to redress and effective remedies.
- collection of data only for a concrete, transparent purpose, not for a possible future undefined purpose
- Mutual trust as guiding principle, staff control procedures for security over data management and protection allowed if agreed with the unions
- Monitoring the performance of employees must be transparent set by law and collective agreements.
- Ban on measuring employees' emotions or instruct employees how to feel.




# Artificial intelligence

- A tool to serve the common good, improve working conditions and public services and support meaningful work.
- Respect of GDPR
- Workers' reps closely involved before introduction or deepening of AI
- AI cannot replace human experience, social and emotional intelligence
- a "human-in-command" and "human-controlled" approach
- option to reject a given type of AI
- Administration has access to the source code of algorithms.
- Assessment with trade unions of safety and inclusiveness of AI
- Ban on discrimination against trade union membership and fundamental trade unions rights.
- Job impact assessments in consultation with trade unions, to assess at an early stage whether and which activities will be replaced and prepare impacted employees.
- requalification in case of jobs threatened by AI.
- Ethical guidelines in consultation of workers and their representatives, addressed to developers, programmers, decision-makers and employees involved in AI systems, to note Eurocadres guide

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# Access for users

- Quality of users' access to the administration is guaranteed
  - Combination of physical and online services
  - Possibility for the user to have a personal contact (digitalized or in presence)
  - Protection of users' data in terms of their rights to information, access, erasure, restriction of processing, data portability, to object and to avoid automated decisions
  - Applies in a context of telework
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## Additional clauses:

- outsourcing
- job protection
- agile work

- outsourcing of digitalisation must be strategically/technically justified, strictly monitored
- Alternatives carefully thought out.
- Develop public sector staff skills to avoid relying on private providers.
- Public contracts are transparent and accessible to all, respect collective agreements.
- Job losses as last resort measure after reduced working hours and support for transition with another employer and in all events is subject to severance payment
- impact assessment carried out on a regular basis in close consultation of the trade unions.
- workers and their trade union representatives consulted in good time regarding the consequences of the introduction or deepening of digital tools so that trust in the process can be built
- Agile work: Italian specificities taken into account: what is covered in national agreement does not apply

# Implementation

- Request to the Commission to implement agreement via Directive for an effective, coherent implementation
- Response by Commissioner Schmit: agreement evaluated together with cross-sector agreement, currently negotiated, on telework and right to disconnect
- SDC CGA agreement goes beyond telework and right to disconnect
- Commission's full discretion to decide - ongoing social dialogue review
- Dual approach, national and EU implementation
- To make the best out of ongoing cross-sector negotiation and put pressure on the Commission to implement both agreements