



**Union  
Syndicale  
Fédérale  
Consilium**

Brussels, 16 November 2017

## **FLEXITIME CONSULTATION (second phase) A RATHER LABORIOUS START**

On 25 October, the trade unions and the Appointing Authority met around the table again to finally discuss the former's [long-standing](#) requests, which the administration had refused to address under the [agreement reached on 31 July](#).

From the outset, it became apparent that certain representatives of the Appointing Authority – who were admittedly not involved in the previous discussions – had some difficulty in understanding these requests and the reality of the problems behind them. The first meeting therefore essentially allowed **Union Syndicale** and the other unions to set out the staff requests yet again. The next meeting is scheduled for 23 November. Let us hope that we shall finally be able to engage in substantive talks.

### **Reminder: what are our requests?**

There are five requests.

The first three are simply intended to bring the rules and practices of the GSC into line with legislation on the protection of the interests, health and safety of workers. It is in the Appointing Authority's own interest to comply with this legislation, as staff productivity depends on it.

- Firstly, **overtime and compliance with [Article 56](#)** of the Staff Regulations. For all officials and other staff, overtime is **limited to cases of urgency or exceptional pressure of work**; night work, and **work on Sundays or public holidays** requires authorisation in accordance with the procedure laid down by the Appointing Authority. The Council is not complying with this provision. The increased number of summits held in 2015 prompted staff to call for the Council to abide by this article. Clearly, an institution such as the Council cannot function without night and weekend work, but we ask that everything be done to ensure that it is kept to a strict minimum. The article **also limits the total overtime which an official or other staff member may be asked to work at 150 hours in any six months**. We ask that all overtime work be recorded so as to ensure that this limit is strictly adhered to, on the one hand, and to enable comprehensive monitoring to prevent possible abuses and to offer solutions, on the other hand.

- Secondly, **compliance with rest periods.** [Directive 2003/88/EC](#) provides that daily and weekly rest periods must be **uninterrupted** (Articles 3 and 5). At the Council, these periods may be split according to service needs. We are asking for full compliance with the Directive.
- Thirdly, **compliance with the maximum length of the working day.** In practice, at the Council, the fact that there is a break of 12 hours between two working days does not in any way mean that a working day cannot exceed 12 hours (lunch break included). You can work 18 hours consecutively, have a break for 12 hours, then return to work for 14 hours consecutively. However, the Commission has contradicted this interpretation, recently clarifying the point in a [communication published in the OJ](#) (point V.A., p.24). **We simply ask that the GSC comply with the 12-hour limit on the length of a working day.**

Obviously, if there is no satisfactory solution to these points, the GSC may be forced to comply with them by a judgment of the Court. However, we would prefer a negotiated solution which combines the protection of our colleagues with the need for our two institutions to work smoothly.

In addition to the three points mentioned, we have two requests of a more political nature.

- Firstly, **the value of work at night, during weekends and during public holidays.** As mentioned above, this work must be exceptional and authorised via a special procedure. In our opinion, the procedure, as required by the Staff Regulations, should make provision for different values to be attributed to hours **worked at night, on public holidays or at weekends.** It is clear that working one hour during the day, during the working week, is not the same thing as working one hour at night, at the weekend or on a public holiday. It does not seem reasonable that at the GSC 'one hour = one hour', whenever it is worked, while across Europe, hours worked outside the normal framework count for more. This claim, first made in 2015 – a year in which the number of summits and other extraordinary events increased considerably – is still valid today given the political context and the prospects for 2018 and 2019.
- Secondly, **protecting against the intrusion of work into private life** owing to uninterrupted access to modern communication tools. The expectation that the GSC should function 24/7/365 cannot mean that staff are required to be available at all times. Admittedly, the Appointing Authority is in agreement in this regard, but we ask that specific, binding measures be taken to protect the private lives and health of all our colleagues.

### The Executive Committee

