



Personalausschuss
Staff Committee
Le Comité du Personnel

New Ways of Working

From pilot to “permanent”?

President's promises

- *«[w]e're approaching a critical point in the history of our organization [...] we can continue that journey as a true community of EPO professionals, regardless of where exactly or how we are working »*

Mr Campinos, « Shaping our future» [Communiqué](#) 14 September 2020

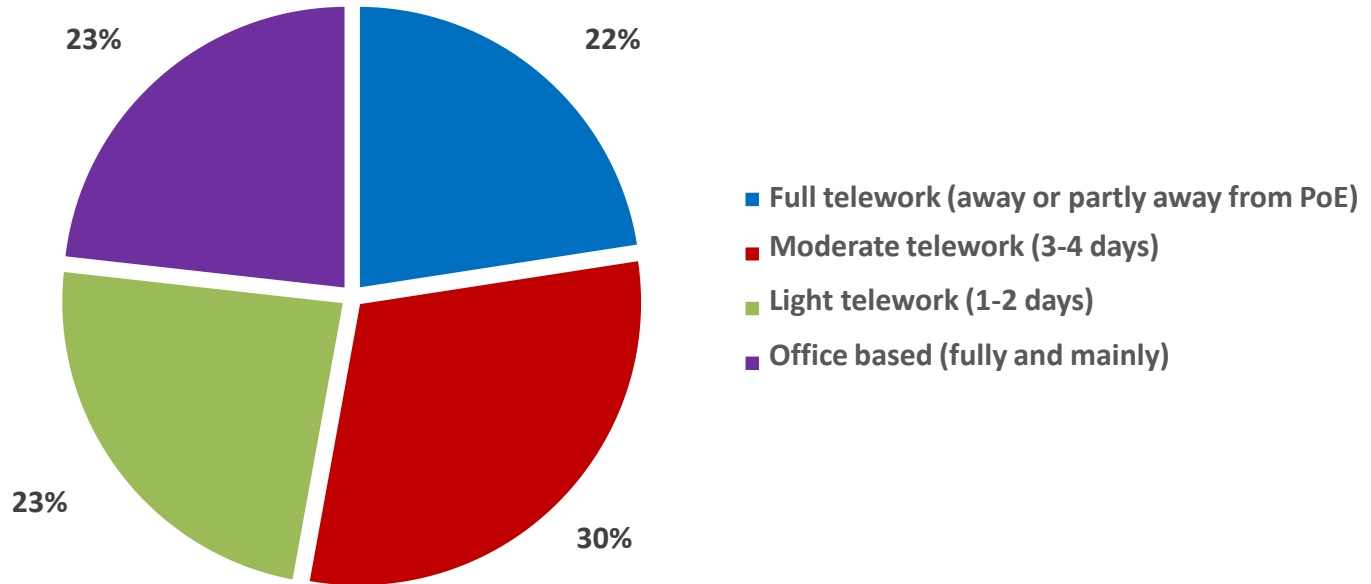
- *« Don't worry. You can move to Düsseldorf or Spain with your family and buy a house there. »*

Mr Campinos in Team Meetings

President's promises

- October 2020: « Shaping the New Normal survey » [results](#)

Please indicate the working pattern that you think would best suit your personal circumstances

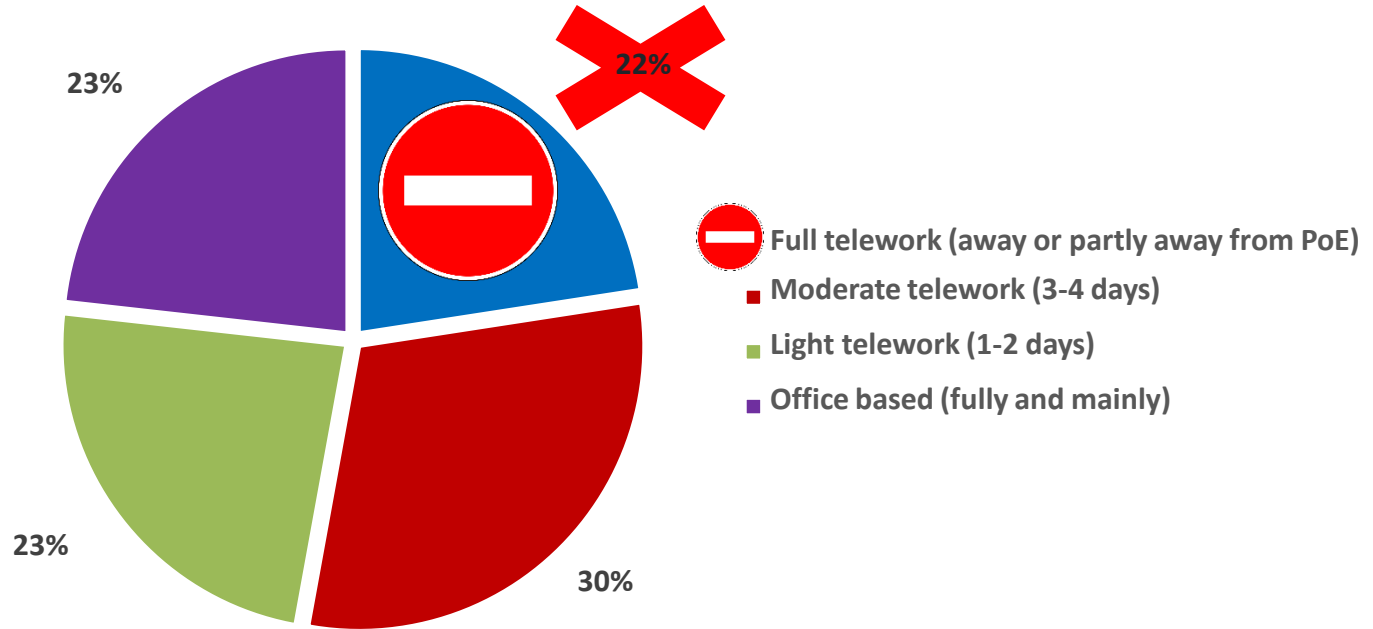


President's promises

- March 2021: [Draft](#) « Towards a New Normal »
 - « *temporary guidelines in place for all staff since March 2020 [...] are not suitable for providing adequate guidance, clarity and certainty for either individual staff members or the Office in the long term* » (p. 10)
 - « *staff of the EPO need to have clarity as soon as possible on the potential for more extensive teleworking.* » (p. 16 of [CA/38/21](#))

President's proposal

- June 2021: « Towards a New Normal » ([CA/38/21](#))



President's proposal

- December 2021: « New Ways of Working » consultation ([CA/77/21](#))
 - **Three-year** pilot scheme with review in 2025
 - **Teleworking** from abroad limited to **60 days** per year (in EPC + PT/ES islands) “allegedly” based on legal assessments in particular on national income taxation and residence (not provided to the staff representation)
 - **Mandatory presence** on Office premises of **40 days** per year (inc. 20 days in other site of country of employment, hence only for MUC/BER)
 - Office may define up to **20 days as periods of common presence**
 - Abolition of core-time and abolition of accrual of flexi-hours (flexitime)
 - Occupational health accidents during teleworking solely if linked to fire or malfunction of EPO equipment

CSC requests

- December 2021: CSC [requests](#) ([CA/77/21](#))
 1. Access to legal assessments e.g. on national income taxation and residence
 2. Proper definition of occupational health accidents during teleworking (not only linked to EPO equipment)
 3. Abolition of core-time but maintenance of accrual of flexi-hours (flexitime) on days of work on office premises
 4. Teleworking allowance (EPO savings on building occupancy)
 5. Safeguards against managerial discretion for refusing teleworking

CSC requests

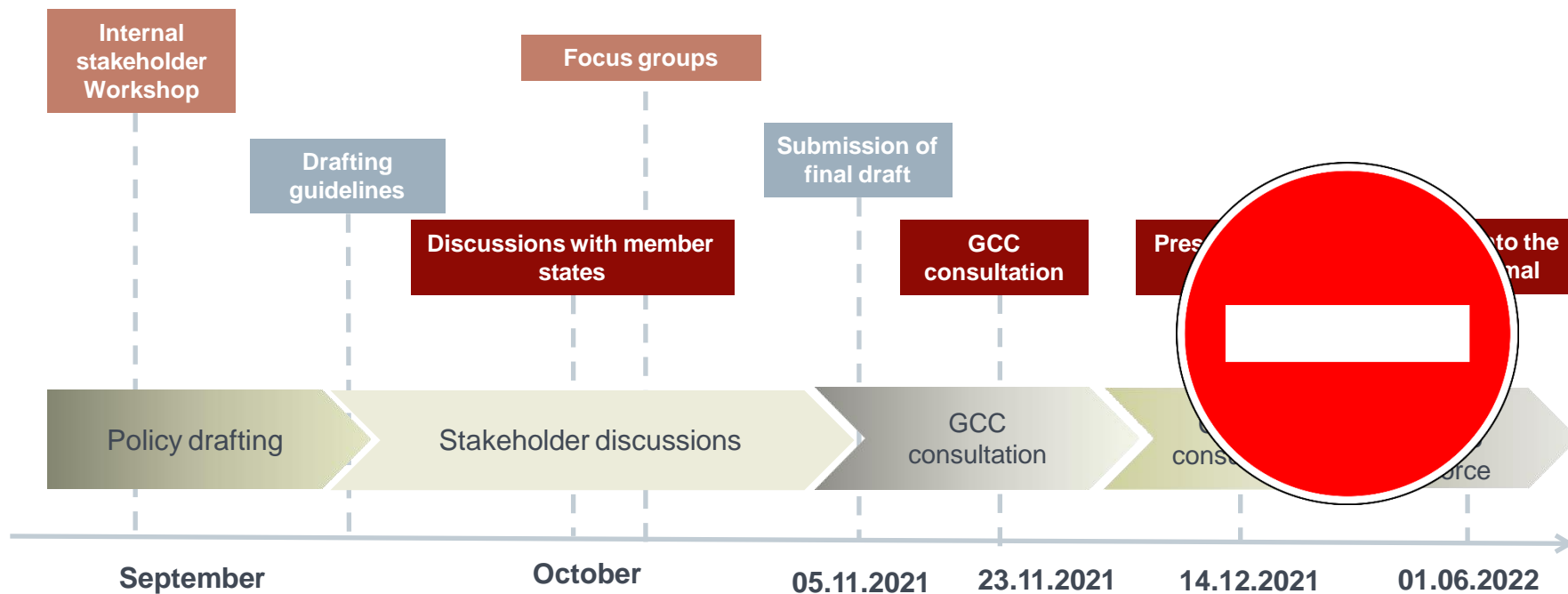
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All CSC requests refused by Mr Campinos

President's proposal

- December 2021: « New Ways of Working » ([CA/77/21](#)) consultation



President's proposal

- December 2021: « New Ways of Working » stopped by the Council
 - Tabled as « ***for opinion*** » and changed to « ***for information*** »
 - Major concerns from Member States
 - lack of clear legal basis Article 6 EPC, Article 55a ServRegs, PPI
 - three year pilot too long (reduction to two years or even six months)
 - risk of loss of sense of belonging: capitalizing on existing teams (newcomers?)
 - decentralization aspects vs International Office culture
 - too generous: reduction of compensation, benefits and allowances
 - unequal treatment among staff in application of Rules

Source: CSC [paper](#) of 21 January 2022, « New Ways of Working: Stopped by the Council »

President's compromise with the Council

- March 2022: « New Ways of Working » revised ([CA/18/22](#))
 - **Two-year** pilot scheme with review in 2024: Transitional period from June to September 2022
 - Mandatory presence **at site of employment** of 60 days per year
 - Office **will not** define up to 20 days as periods of common presence
 - **Accrual of flexi-hours (flexitime) both on office premises and during teleworking**

1 CSC proposal included by the President

Review of the pilot

- June 2023: Review announced to the Council ([CA/PV 175](#))

“the Office believed that the trends had not changed since the previous survey [...] 50% of the staff’s working time was spent on site, approximately 45% was spent teleworking at home and 5% was spent teleworking from abroad” (par. 45)

Ms Simon, VP4

- October 2023: Strategic Plan 2028 ([BluePrint](#))

*“It is **one of the most flexible remote working schemes of any international organisation, and offers staff greater opportunity to balance their professional and private lives.**” (p. 12/47)*

Source: CSC [paper](#) of 14 March 2024, « *New Ways of Working: From pilot to permanent?* »

Review of the pilot

■ October 2023: Financial Study 2023 & Capacity rush

- Financial Study 2023 in [CA/68/23](#) on page 99/145.

*“Achieving the productivity increase of 2.1% p.a. in the PGP (measured by products per FTE) is an Office wide effort that everyone will have to contribute to, e.g., by [...] **fully leveraging flexibility through new ways of working**”*

- Managers are
 - discouraging staff from taking parental leave and part-time,
 - those already on part-time asked to go back to a higher working time
 - presenting “New Ways of Working” as the alternative providing now the flexibility provided in the past by parental leave and part-time

Review of the pilot

- December 2023: Aim of review ([CA/93/23](#))
 - “*The Office wanted to make this a more permanent scheme.*” (p. 24/96)
Ms Simon, VP4
 - Two years after the start of the pilot, concerns are persisting among delegations
 - One delegation (PT) proposed
*“allow EPO examiners to **spend their last years before retirement at the national office of their country of origin** and to partially work at the national office of their country of origin during their teleworking days”*

Review of the pilot

- **What can be expected for staff?**
 - More “flexibility” is not on the agenda
 - Minor adjustments possible only
 - Two options:
 - 1) make the current scheme permanent,
 - 2) subject current scheme to regular review (e.g. every 3 years)

« Consultation » on the review

- January 2024: Staff Engagement [Survey](#) 2024
 - Mr Campinos rejects CSC request for participation in survey organisation
 - Survey questions confirm that more “flexibility” is not on the agenda
 - No question on (infamous) Bringing Teams Together
 - “Tell me how good the current scheme is, and don’t tell me anything else”
- March 2024: Announcement of Technical Meetings with the CSC
 - Administration asks CSC to provide any questions / proposals by beginning of April
 - **BEFORE** survey results are available

Benchmark with other Organisations

- March 2024: CSC publishes [benchmark](#)
 - OECD allows **maximum of 80 days of teleworking from abroad**
BUT
 - subject to written convention signed by official and whole hierarchy for a maximum duration of 12 months
 - temporary staff shall not perform occasional or regular teleworking outside the duty country, unless authorised by Secretary General
 - ESA allows 40-80% telework and **maximum 80 days of teleworking from abroad**
BUT
 - solely with management agreement and **on a monthly basis**
 - maximum of 9 days of teleworking from abroad per month

Benchmark with other Organisations

- March 2024: CSC publishes [benchmark](#)

Two EU institutions and bodies allow **maximum number of days outside the place of employment at or above 60 days:**

- ESM allows 60 days per year **BUT** 3 days of on-site presence per week
- ECB allows 90 days per year
BUT
 - 50% on site-presence per month
 - maximum of 10 days of teleworking from abroad per month, **not consecutive**

All EU institutions and bodies have requirements in terms of frequency of on-site presence

Benchmark with other Organisations

- March 2024: CSC publishes [benchmark](#)

Five organisations (CJEU, ECA, ESSCR/CoR, EIB, OECD) have **no ceiling on the number of days of teleworking from abroad**

BUT

only in exceptional cases e.g.

- for justified circumstances,
- for duly documented family emergencies or medical reasons (in consultation with the responsible services)

CSC requests

- April 2024: CSC [requests](#)
 1. Access to legal assessments e.g. on national income taxation and residence
 2. Explicit reference to possibility of exceptions to quotas of minimum on-site presence and teleworking from abroad
 3. Proper definition of occupational health accidents during teleworking (not only linked to EPO equipment)
 4. Teleworking allowance (EPO savings on building occupancy)
 5. Safeguards against managerial discretion for refusing teleworking
 6. Right to disconnect
 7. Virtual transfers, Duty travel and Physical transfers

CSC requests (1/7)

- Access to legal assessments e.g. on national income taxation and residence

What CSC said

- if limitation to 60 days of teleworking from abroad is due to taxation and social security issues, a copy of the legal assessment should be shared
- when asked to give an opinion, all the relevant documentation is needed

What management said

- *“A legal assessment is privileged information”*
- no legal assessment could anyway guarantee that there would be no risk

CSC requests (2/7)

- Explicit reference to possibility of exceptions to quotas of minimum on-site presence and teleworking from abroad

What CSC said

- Five organisations codified in their regulations the possibility of exceptions
- If the EPO also grants exceptions, staff should be informed via Circular
- More than 100 occurrences of the term “except” in the Codex
- Granting exceptions instead of asking staff to take leave would be beneficial for the Office

What management said

- Article 10 EPC deemed sufficient for President to grant exceptions
- Exceptions granted to at most only 1% of staff so far
- Codifying exceptions *“would weaken the regulations”*

CSC requests (3/7)

- Proper definition of occupational health accidents

What CSC said

- Article 13(2), [Circular 419](#) reduces qualification of occupational health accident during teleworking to an injury due to fire or malfunction of EPO equipment
- Lower level of protection than DE/AT legislation contrary to [Article 20 PPI](#)
- Lowest level of protection among IOs e.g. [EUIPO](#)
“Teleworkers shall benefit from the same insurance against accident and occupational disease as staff working at the workplace.”

What management said

- During pilot, only 1 case of accident during teleworking
- *“Case was solved positively”* (sic!)

CSC requests (4/7)

- Teleworking allowance (EPO savings on building occupancy)

“New Ways of Working would offer one of the most generous teleworking schemes where no EPO Staff would have to give up their office spaces”

Mr Oliver Dreute, Chief of Staff in 2021

What CSC said

- Broken promise: Bringing Teams Together generalized “workplaces-for-the-day”
- Mr Campinos plans to rent out PH1-4, move staff to PH5-6 (with glass walls) and PH8, PH7 (BoA)
- Recalculation of savings as a basis for discussion

What management said

- *“New Ways of Working is only about flexibility”* (sic!)

CSC requests (5/7)

- Safeguards against managerial discretion for refusing teleworking

What CSC said

- Growing tendency among some line managers to withdraw or to threaten to withdraw teleworking (from abroad) as retaliation against a performance considered too low
- Two options:
 - 1) pattern of teleworking (from abroad) agreed upon for a period of 1 year and cannot be withdrawn,
 - 2) fast conflict resolution panel

What management said

- Line managers shall consult HR before revoking teleworking
- *“HR prevents arbitrariness”* (sic!) and *“only a few cases escalated to HR”*
- Number of management reviews limited

CSC requests (6/7)

- Right to disconnect

“ability of people to disconnect from work and primarily not to engage in work-related electronic communications such as e-mails or messages during non-work hours.”

What CSC said

- Some line managers ask colleagues to work late hours and finish urgent “assignments” during the weekend
- Some line managers unduly contact staff during sick leave or maternity leave for e.g. appraisals review meetings and expect them to be connected
- Around half of organisations codified “right to disconnect”

What management said

- *“EPO has the most flexible scheme”*

CSC requests (7/7)

- Virtual transfers, Duty travel and Physical transfers

“virtual transfers consist in transferring a staff member to a team at another site without any physical relocation” (save on allowances and removal expenses)

What CSC said

- For colleagues virtually transferred to team in other site, days spent on that site do not count for quota of minimum on-site presence (as not covered by a duty travel). This contradicts “sense of belonging” as justification for on-site presence.
- Colleagues waiting for a physical transfer since years

What management said

- Virtually transferred colleagues shall make use of their quota of teleworking (from abroad)
- Physical transfers are only for business reasons and “hardship” cases

CSC requests

- April 2024: CSC [requests](#)

- ~~1. Access to legal assessments e.g. on national income taxation and residence~~
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All CSC requests refused by Mr Campinos

What the CSC did not request

- Increase of minimum on-site presence for majority of part-timers

Present rules on minimum on-site presence

- reduced to 20 days where at least 125 days of yearly absence is taken ([Circular No. 419](#), Article 4(3))
- **reduced pro-rata** for part-timers and sick staff with reduced daily working hours (Article 4(2))

Future rules: from pro-rata to threshold approach

Active working days (AWD)	Minimum on-site attendance days
AWD >140	60
140 ≥ AWD >70	40
70 ≥ AWD > 20	15
AWD ≤ 20	10

Active working day =

each working day during the normal working week, as defined in Guidelines on arrangements for working hours, an employee performs their duties, regardless of the number of hours worked that day

What the CSC did not request

- [Increase of minimum on-site presence](#) for majority of part-timers

Staff with part-time percentages of 67–99% (most commonly 70%, 80% or 90%), approximately [84%](#) of the staff working part-time, are essentially **excluded** from any reduction, removing the pro-rata reduction they currently benefit from.

Part-time work percentage	Minimum on-site presence	
	Present rules	Future rules
90%	54 days	60 days
80%	48 days	60 days
70%	42 days	60 days

- **Unequal treatment of staff on maternity leave**

Birth in November causes 20 weeks to be spread over two years and do not contribute similarly to reduction of active working days as a birth in March

What the CSC did not request

- Increase of minimum on-site presence for majority of part-timers

What CSC said

- proposal will be perceived by part-timers as a loss in flexibility
- revert to a **true pro-rata** approach to all kinds of leave **AND NO** threshold approach

What management said

- *“Coming to the Office is a necessity and not a penalty/punishment”*
- *“Thresholds are used successfully elsewhere in the Codex, like for the entry grade assignment”* (sic!)

Bringing Teams Together

- **Do you want an allocated workplace? Ask for it!**

The topic of allocation of workplaces was addressed in three out of four of the Technical meetings on New Ways of Working

What CSC said

Dissatisfaction caused among staff who were deprived of an “allocated workplace” and forced to use a “workplace-for-the-day”

What management said

“staff members who say to their Director that they intend to come to the office three days or more per week would be granted an ‘allocated workplace’”

President’s Office in coordination with PD44 (General Administration)

Bringing Teams Together

- **Do you want an allocated workplace? Ask for it!**

Local Staff Committees Munich and The Hague [published](#) template emails for staff to contact their Director

Directors replied that they do not have enough workplaces and consulted their hierarchy


Mr Menidjel (DG1 COO) reacted

“The staff representatives are lying”

Bringing Teams Together

- **Do you want an allocated workplace? Ask for it!**

New Ways of Working: Pilot Evaluation ([CA/16/24](#)), page 42/100



1. FLEXIBILITY AND WORK-LIFE BALANCE FOR ALL
epo.org

BRINGING TEAMS TOGETHER (BTT)

- As more colleagues make use of teleworking opportunities, we have reorganised our workspaces accordingly, through the '**Bringing Teams Together**' project (individual offices allocated to staff who work on-site at least 3 days / week).
- This ensures the **sustainability** of our premises, allowing us to minimise operating costs in areas that are unattended.
- Sense of belonging is nonetheless maintained through '**neighbourhood**' **approach** to Office space.
- **Social in-person interactions** are a key driver for Office presence:
- **82%** of staff come to the office **to meet with colleagues**
- **59%** of staff to participate in **informal exchanges**

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Conclusion

- New Ways of Working: Pilot Evaluation ([CA/16/24](#)) submitted to June Council
- Not a pilot anymore BUT scheme NOT permanent (subject to three year review – next on 1 July 2027)
- Mr Campinos has shown no willingness to even consider any of the reasonable CSC requests
- « [Do you want an allocated workplace? Ask for it!](#) »

Thanks for your attention!