

(i) Background

The new Staff Regulations and the subsequent deterioration in the special and exceptional provisions foreseen under Annex X have been perceived by expatriate staff in Delegations as both a lack of recognition of their work and a lack of empathy towards the different living and working conditions in a third country. The CLP HU therefore considers essential that top management acquire a more informed position concerning the specific nature and the unique challenges – both personal and professional – linked to serving in EU Delegations that expat staff and their families face on a daily basis.

EU Delegations have undeniably undergone a far-reaching transformation over the past 15 years given the ambitious Commission devolution process that commenced in 2000, followed by the entry into force of the Lisbon Treaty in December 2009 which led to the creation of the European External Action Service and the subsequent conversion of European Commission into EU Delegations. This fast-developing role for EU Delegations has resulted in increased tasks and responsibilities within a context of significant budgetary constraints.

Delegations are being requested "*to do more with less*" albeit in a peculiar working environment where ensuring business continuity and full back-up is critical to achieving results and key targets. In this context, it is undeniable that workload and distress in Delegations have both considerably increased, and that options to adapt workload to personal and private needs, that are broadly accessible and encouraged at HQ such as flexi-time and teleworking, have been difficult if not impossible to implement in Delegations.

Against this background, the main concern of expatriate staff serving in third countries has undoubtedly become enjoying a fair balance between work, social and personal life, which is far from guaranteed under the current working conditions. The results of the different staff surveys carried out since the adoption of the new Staff Regulations have demonstrated unequivocally that the particular needs of expatriated staff in Delegations are not adequately taken into consideration, and that there is an urgent need to improve the work-life balance with appropriate measures. Conditions of employment offered in terms of annual and other leave for expatriates are not competitive with those of EU Member States with a network comparable to the EU and with other International Organizations. In most Delegations, local legislation grants to Local Agents more days of annual leave than the package enjoyed by expat staff. This has affected the attractiveness of posts available in Delegations and has contributed to exacerbate frustration and dissatisfaction of staff: for instance, a significant number of posts published in Delegations have had to be republished or even converted into different staff category posts, and there has been an increase in the number of requests for long-term unpaid leave and sick leave.

(ii) Issues

The main issue related to workload and life balance in Delegations remains therefore linked to the global package of leave enjoyed by expat staff. Annual leaves for expat staff in Delegations correspond to a specific need to rest, to maintain capacities to work effectively and under pressure in difficult and different context, to entertain personal contacts, to assume educational/family obligations, and civic/social engagement also in their home countries. Expat staff needs sufficient time to compensate travelling and to recover from time difference and different climate, to undertake proper medical check-ups or care, to fulfil administrative paperwork and periodic removal, and to maintain ties with relatives and friends in Europe.

Such particular needs were adequately covered by the annual leave entitlements provided by the old Staff Regulations (42 days). At present, with the number of annual leaves set at the same level of HQ (24 days), the conditions of employment of expat staff in Delegations have radically changed.

(iii) Proposals

The CLP HU believes that a reasonable and professionally defensible compromise should be found to ensure the right balance between work and social life in Delegations. From both a practical and legal standpoint, the CLP HU considers that the most suitable option to accommodate the needs of Delegations is to make use of all the flexibility allowed by Staff Regulations.

The CLP HU thus proposes to undertake a global review of the non-exhaustive list of Special Leave, among others, home leave, leave for administrative procedures/medical examination, leave for removal, and other types of leave that may be granted by the appointing authority such as leave for exceptional work. These proposals are budget neutral, easily applicable in the short term, and compliant with the will of the legislator¹.

- 1. Home Leave:** Article 7 of Annex V of the Staff Regulations states that the criteria for granting days of home leave should *"take into account the particular needs of staff whose place of employment is outside the territories of the Member States"*. On the basis of the experience gained over the course of the years subsequent the reform and the introduction of the 2013 decision on Home Leave, such particular needs should be interpreted in a broader manner and consider: (i) the possibility for expatriate staff to return to the centre of their respective social/financial interest at least twice in a calendar year; (ii) sufficient time to recover from jetlag, climate difference, difficult connections, and long-distance travel; (iii) the fact that for the nature of their work, most of the expatriate staff in Delegation have a spouse of a different nationality or dependent children studying abroad hence several places of interest in Europe and elsewhere; and (iv) the fact that from 2013 the annual travel allowance covers expenses for a ticket in economy class, making the conditions of travel more exhausting.

The following modifications to Article 1 of the Decision on Home Leave of 2013 are proposed:

| Geographical distance between the place of employment and the place of origin, in kilometres | Days of home leave per calendar year |
|--|--------------------------------------|
| 0-5,000 | 6 |
| 5,001-10,000 | 9 |
| Above 10,000 | 12 |

- 2. Special Leave for removal:** Removal mostly affects expat staff in Delegations involved in the periodic compulsory rotation/mobility exercises (transfers from a Delegation to another Delegation); it may also affect staff in HQ in case of taking-up duty. The 2013 Commission decision on leave maintains for expat staff in Delegations a special leave of 2 days for removal. Based on the experience of periodic compulsory changes of place of employment in the context of the rotation and mobility exercises, 2 days are considered inadequate to undertake all the administrative procedures required before departure in the place of origin and upon arrival in the new place of employment. These procedures include (list not exhaustive): ending/negotiating the house rental contract; contracting a removal company; supervising the work of packing/unpacking and loading/unloading the container; closing/opening the local bank account and services/utilities; selling/purchasing a vehicle; and enrolling children at school. Such varied and numerous administrative procedures require a minimum of 6 days, to be split according to particular needs between the place of departure and the new place of employment. The CLP HU is aware and can document that EU Member States diplomatic services grant up to two weeks of special leave to diplomats that move to another post.

The following modifications to Section II, point b.8 of the 2013 Commission Decision on leave are proposed: Special leave days for removal should be increased to 6 days. Alternatively, the need for an increased number of days to enable expatriate staff to deal with removal-related administrative

¹ The original proposal of amendment of the Staff Regulations by Parliament dated 2012 and introduced a reduction of basic leave entitlement from 42 to 36 days per year (EP document PE480.807v02-00 A7-0156/2012). Later in the legislative process, the version adopted by COREPER on 28/06/2013 contained a reduction to 24 days of leave per year. This change was adopted by the EP and Council following an initiative taken by former EEAS Management and without an adequate social dialogue and assessment of specific needs of Delegations. On the basis of three years of implementation of the new Staff Regulations, these needs are now recognized by the new EEAS and COMM Management.

procedures could also be achieved with a modification of the EEAS decision on administrative procedure (see point 3 below).

- 3. Special Leave for administrative purposes and medical examination:** this special leave was introduced by EEAS decision in 2016. While the decision was fully justified, its provisions are inadequate as their application is unevenly applicable to staff in Delegations.

With regards to the Special Leave for **administrative purposes**, its justification does not take into account the need for all expat staff to carry out, at least once a year, administrative procedures in their primary centre of interest. Such procedures are not necessarily included in the scope of activities covered by embassies (such as passports, certified documents), but may include more mundane issues such as the need to go to a bank or to manage different interests in the place of origin or centre of interest (procedures relating to a rented apartment, the purchase/sale of vehicle, etc).

The following modifications to Article 1 of the 2016 EEAS Decision on Administrative purposes are proposed: Special leave days for administrative purposes should be 2 per annum (number of days should be increased if aimed at covering also the administrative procedures linked to removal), without the need of certification.

With regards to Special Leave for **medical purposes**, the current provision applies only to expat staff serving in Delegations where the health situation is considered in the context of the annual living conditions exercise "*difficult, very difficult or extremely difficult*". Such Special Leave should be uncoupled from the living conditions exercise, which in any case offers a monetary compensation. The opportunity to undergo medical examination in the country of origin, and to receive a second medical opinion, should be granted universally to all expat staff in Delegations.

The following modifications to Article 2 of the 2016 EEAS Decision on Administrative purposes are proposed: 2 of Special leave days for medical purposes should be applicable to all expat staff serving in Delegations.

- 4. Introduce the possibility to work on certain public holidays and recover these days with annual leave:** under the recently-automated flexibility arrangements in Sysper2, staff in HQ may choose to work on certain public holidays when the Commission's offices remain open.

The same possibility should be made available by relevant EEAS decision to all expatriate staff in Delegations, in particular for those European public holidays that are not granted to Local Agents and that require the Delegations' offices to remain open. This should be easily manageable and would not modify the total number of bank holidays; yet it would provide increased flexibility to colleagues in Delegations and at the same time ensure business continuity.

- 5. Introduce teleworking in Delegations²:** Teleworking is part of a modern workplace which focuses on result-based management and objective-driven performance to increase efficiency of operations. It allows greater flexibility for work organisation and a better work-life balance for staff by increasing autonomy and making better use of technology. Teleworking (and flexitime) is widely encouraged and accessible at HQ. The CLP HU is aware that in a limited number of cases, the use of teleworking in Delegations may encounter obstacles of a different nature (technical and security). This HR policy should however be introduced as soon as possible all Delegations where there are no constraints. Occasional teleworking for example (for up to 60 days in a year) can be instrumental to accommodate work circumstances involving one-off tasks that can be better carried out outside the office, such as focussing on a project that requires specific concentration. Occasional telework may also be used in case of specific personal or family problems, transportation and mobility issues (e.g. strikes) or in cases where it could facilitate business continuity when the security situation of staff is at risk (for example in case of a natural disaster or crisis situation, recent events occurred in Turkey, Nepal, Central African Republic, Burundi, South Soudan and Peru). Given that the EEAS Decision on teleworking does not currently apply to Delegations, a new Decision should be adapted to the peculiar working environment in Delegations.

² Teleworking shall be made available also to Local Agents.

- 6. Special Leave for exceptional work:** The possibility to grant special leave by AIPN decision for exceptional work was introduced with the last amendments of the Staff Regulations (point II.b.14 of the 2013 Commission decision on leave) to somehow compensate the drastic reduction of annual leaves of staff working outside the EU. However, the CLP HU is unaware of how this type of leave has been granted since its introduction, either on an individual or on a collective basis. The CLP HU would like to suggest the development of guidelines to frame possible specific circumstances (political crisis, natural disasters, terrorist attacks or bilateral summits, high-level visits and/or any other major event in the bilateral relations with third countries) putting exceptional workload on the staff of a Delegation and that would justify a request of special leave by the official's hierarchical superior. A Special Leave for exceptional work should be granted automatically to compensate the additional work burden on expat staff that are requested to carry out the role of Duty Officer (permanence) during week-ends/public holidays and to attend/contribute to 9th of May celebrations.
- 7. Special Leave for grade:** whilst this principle was fully recognised and introduced into the new Staff Regulations, its application is severely limited and unequal between different staff categories. The current point I.b of the 2013 Commission decision on leave grants the following additional leave entitlements based on grade:

| | |
|---------------------------|--------|
| AD16-AD15 | 3 days |
| AD14-AD13 | 2 days |
| AD12-AD9 | 1 day |
| AST11-AST10 | 1 day |
| CAIV/18, III/12, II7, I/3 | 1 day |

The CLP HU considers that this entitlement should be granted more equally across different staff categories that serve as expatriate staff in Delegations. As a result, at least 1 day of leave entitlement based on grade is accessible to more than 50% of the AD population (from AD9 to AD16) regardless of management responsibility actually carried out; on the contrary, AST and Contract Agents are almost excluded (there are only very few if none CAIV/18 in Delegations).

The CLP HU suggests a fairer approach and a more uniform access to this entitlement, and proposes the following modifications in the table of the 2013 Commission decision on leave, point I.b:

| | |
|------------------------------|--------|
| AD16-AD15 | 3 days |
| AD14-AD13 | 2 days |
| AD12-AD9 | 1 day |
| AST11-AST10 | 2 days |
| AST9 | 1 day |
| CAIV/17-18, III/12, II7, I/3 | 2 days |
| CAIV/16, III/11, II/6 | 1 day |