



Brussels, 28 November 2017

**Note to the attention to Mr. Christian Roques, Head of Unit, HR.DDG.E.1**

**Reference: HR.DDG.E.1/LD D(2017) Ares(2017)5562098 of 14/11/2017**

**Subject: Request for technical consultation for the draft COM / EEAS joint decisions on the i) Conditions of employment of local staff; ii) Autonomous and complementary medical cover for local staff; and iii) Autonomous or complementary pension benefits for local staff**

Dear Mr. Roques

With reference to the letter of 14 November 2017, we acknowledge the comprehensive social dialogue and the commitment from the COM / EEAS to modernize the contractual and legal framework for over 3,000 Local Agents colleagues around the world. We trust that the 8 rounds of administrative consultative meetings have provided significant inputs for reflections on the part of all social partners and have contributed to achieve a mutual understanding.

We, representing all the undersigned trade unions, herewith formally request a technical negotiation meeting. In order to facilitate the discussion for the meeting, please find below the key points:

**1. General Remarks**

**1.1 Joint Decisions, Decisions and General Implementation Rules should be subject to social dialogue and consultation with OSPs**

Considering that the draft joint decisions only aim to establish the general framework concerning the contractual relationship between the European Union and local agents, the specific rules on the implementation of these decisions are not contained in the joint decisions. The relevant accompanied decisions/implementing rules (e.g. Decisions on Local agent job functions and job profiles; Special paid leave, Inter-Institutional Joint Committees, Decision on Special Leave, Appeal procedure, General Implementation rules of LA Medical, etc.) must be subject to social dialogue to ensure that the viewpoint of staff representatives is taken into account.

1.2. The 3 decisions submitted to concertation make no reference to disability protection: no medical benefits, no benefits in the event of an accident at work or an occupational disease, no pension in the event of invalidity

This is in contradiction with the European Charter of Fundamental Social Rights, ILO Convention, RAA of the EPF Statute and would constitute an unjustified retreat from the current Framework Regulations.

TUs request that Local Agents, as well as Contract Agents and Officials working in Delegations, should have adequate social security coverage (in case of invalidity for example) as mentioned in art 121 of the Staff regulations (RAA).

The 3 texts in consultation should therefore be amended accordingly.

1.3 Interinstitutional joint committees should have a structure and procedure to ensure the fair representation of both staff and administration representatives

Joint committees should foresee the same number of members, including presidency, equally allocated to both the Administration and staff representatives, and decisions should be taken by majority vote as it is the case and the best practice in the JSIS joint committee;

**2. Conditions of Employment of Local Staff**

2.1 Introduction of a legal basis for reclassification – Art. 9(6)

Reclassification is essential to provide staff with career perspectives and is also a tool for possible corrective measures to address the situation of a local agent in an incorrect function group for incumbent staff;

2.2 Increase Maternity leave to 20 weeks in line with other staff categories - Art. 16(1)

The rationale for maternity leave is the health and safety of pregnant colleagues, and the same standards should apply to all EU Delegation staff categories regardless of their status as local or expatriate staff. Regarding the EU standards on maternity leave, it should be noted that in 2008 the Commission proposed to improve the Pregnant Workers Directive of 1992 by extending the period of leave to 18 weeks (in line with the ILO recommendation) and raising the maternity allowance to the amount of full salary. In 2010, the Commission proposal was adopted by the Parliament which extended the leave period to 20 weeks and added a period of paternity leave. In spite of the fact that this proposal was abandoned in 2015 following several years of being blocked in the Council, Art. 58 of the Staff Regulations foresees 20 weeks of maternity leave (for officials, temporary agents and contract agents) which can be extended to a maximum of 24 weeks in case of multiple or premature birth, or birth of a child with disability or serious illness. Considering that once adopted the Conditions of Employment of Local Staff will not be reviewed for a long period, maternity leave could be placed under the decision on special paid leave for local staff which can be reviewed on a regular basis to take into account the evolution of EU standards in this area. This will provide greater social protection for local agents.

2.3 Maintain reference to private sector entities as possible markers – Art 17(2b)

2.4 Remove the ceiling relating to the number of years for the calculation of the Severance Grant for cases of dismissal due to a work-related accident – Art. 23

2.5. Social Benefits should work on a basis of Solidarity. Different application should be avoided – Art. 32

Since the social security scheme works on the basis of solidarity, differentiating levels of benefits depending on whether a local agent accepts or not the new Conditions of employment is considered unfair practice. Social Benefits, namely LA Medical, should be applied equally to all local agents who contribute to the scheme.

## 2.6 Chapter 10. A formal protection for Local Agents against harassment needs to be included in the decision

### 3. Autonomous or complementary medical cover

#### 3.1 Coverage for entire retirement period with the same contribution rate (1/3 LA & 2/3 EU) – Art. 10(3)(a)

In accordance with the CSISLA Survey launched in 2016, 71.98% of respondent had underlined the importance to receive coverage for health care during retirement. The accumulated contributions of retired Local Agent staff are included in the fund; they must have retirement coverage which is when they most need it rather than the current proposal in which they have limited access, often leaving their contribution behind for the "solidarity" principle which does not apply to them when they most need it during their retirement.

#### 3.2. Allowing preferential out-of-country medical services Art. 11 (1)

When a local agent prefers to receive medical treatment abroad and without prejudicing the financial balance of the scheme, the reimbursement should be systemically allowed. It is extremely important for countries where it is a local norm to seek quality medical service abroad.

### 4. Autonomous or complementary pension benefits

#### 4.1 Percentage of contribution above 5% must be an individual decision rather than a collective one in order to protect low-income staff – Art. 6(3)

#### 4.2. Possibility of voluntary early departures for a fixed number of reasons to better serves the needs of staff should be included

#### 4.3 To establish a legal base for salaried-pension scheme

While not being an obligation, offering an option to have a salaried-pension should be available. This will also facilitate the establishment of extended retirement medical coverage and will better serve the interests and retirement needs of Local agents.

We look forward to hearing from you regarding the date of the technical concertation meeting.

#### Commission Trade Unions (signed)

##### **Union Syndicale Fédérale**

I. Iacono

##### **Rassemblement Syndical**

G. Vlandas, H. Conefrey

##### **FFPE**

PP. Bacri

##### **Generation 2004**

L. Nesheva

##### **Alliance**

M.E. Manon, M. Vicente Nuñez

##### **Save Europe**

L. Dricot-Daniele

#### EEAS Trade Unions (signed)

##### **PLUS**

T. Palma

##### **The Union**

M. Caldarone

##### **Union Syndicale**

N. Bracke

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