



25 06. 2020.

NEW CONDITIONS OF EMPLOYMENT FOR LOCAL AGENTS IN EU DELEGATIONS

Introduction

After 30 years the time has come to change local agents' conditions of employment. Is it so? Do local agents need something more modern, more adapted to the times we live in? And will it be beneficial for local agents? Should I, as a local agent in Delegation X, accept the new rules? The text below will try to provide elements for you to make your own judgement and final decision...

As you know, we – local agents in service – have all been recruited under the Framework Rules (FR), general document regulating our contracts in all delegations over the world, adopted back in 1990, and Specific Conditions of Employment (SCE), specific for each delegation, which were adopted at different times - for majority of delegations in the course of the 90s. Add to this local legislation - which is directly and automatically applicable irrespective of the two mentioned - and you will have a full set-up which has been regulating our status for decades.

Has this become obsolete? Many would say – yes... For the sake of comparison, the Staff Regulations dealing with officials and Contract Agents – other categories of staff working in delegations - have been revised several times in the past thirty years, and the latest Staff Regulations are indeed from January 2014.

1. Chronology

The Administration came forward with the idea to change legal framework for local agents for the first time in Spring 2017. At a first information meeting with staff representatives, the Administration presented a document, which outlined the main features of the new set-up. It contained many interesting new elements such as the possibility to double the contribution to the Provident Fund, preserving the severance grant for current LAs without the requirement to resign in case of retirement, faster career prospects, extension of the health insurance coverage after retirement, and a general

improvement of the minimum standards set in the Framework Rules. At the same time the idea was to create a more solid and comprehensive legal basis (many decisions were simply based on HQ notes of instruction sent to HoDs) and strengthen two social security funds (Provident Fund and CSISLA). The end result, they said, will be a new text of Conditions of Employment and two new decisions on the two funds - all to be adopted by end of the year (2017).

Of course, this was extremely optimistic bearing in mind complexity of the exercise – and this goal was understandably not achieved. However, the process was launched and in the last three years - with all the ups and downs - things have gradually moved forward. During this time there were periods of several months, or sometimes even longer, of total silence when absolutely nothing was happening and, contrary to this, periods when consultations (“concertation” as they are called in the Commission/EEAS jargon) with trade unions were very intensive, with several rounds of dialogue meetings held within 2-3 months (e.g. in September-October 2017 there were five (!) rounds of administrative consultations followed by several rounds of technical consultations in early 2018)...

Since then, the process has further advanced and is now in its final stage. Three key documents (Conditions of Employment of Local Staff, LA Provident Fund and LA Medical) were all adopted in August 2019.

After new rounds of consultations, some in teleconferencing during COVID-19 crisis, new implementing decisions – so called General Implementing Provisions (GIPs) that deal with operational aspects of the original three key decision and allow for their practical implementation – were adopted in June 2020. (see at: <https://intranet.eeas.europa.eu/page/administration/human-resources/local-agents>)

This means that, as of 12 June, these decisions are made public and this is the date from which the 5-month period to decide whether to sign addenda to our contracts with new provisions or remain with the old FR and SCE starts. In other words, by 12 November 2020 each of us currently in service will have to decide whether he/she accepts new conditions or not.

While the mentioned three key decisions and seventeen GIPs – one more is missing: on anti-harassment policy that will be adopted later – are the major documents that cover almost all aspects of LA working conditions there is still an important element of the whole package that is missing: Delegation-specific decisions that will deal with acquired rights and/or local practices in each Delegation. It is expected that this document will be rather short containing not more than 3-4, maximum 5-6 specific points (e.g. length of annual leave or 13th salary, etc.). The Administration has promised to have these decisions for each Delegation ready by end September 2020.

In practical terms, this means that a local agent can sign an addendum and accept new conditions even now (if she/he would like to have new provisions immediately implemented) or may wait until September and decide on the basis of the full package with all elements of a new contract by 12 November.

2. Why? Philosophy behind...

Coming back to the issue of necessity to launch the exercise, it is difficult to say that there was no need for updating Framework Rules and SCEs: many things have happened since FR were adopted 30 years ago, in some aspects the two documents that regulate our conditions (FR, SCE) have become obsolete, there was often overlapping (or even direct contradiction) between provisions stipulated in SCEs (which was set in stone as the process of occasionally updating them was completely abandoned) and in local legislation (which has all time been developing). Often, there was no clarity which should be applied.

The idea was to modernize, simplify (by abandoning one layer – SCEs by directly applying local legislation), set minimum global standards valid for all local agents in all delegations (that will in many delegations be above provisions of local legislation), adopt decisions that would regulate areas that until now have had no proper legal basis... And also make savings (by eliminating severance grant for newcomers, colleagues that will have joined after 12 June 2020 while maintaining severance grant for staff already in service)...

In view of all this, revision of the rules looked pretty logical...

3. Main changes

The key element in deciding whether to sign new conditions or not should of course be based on comparison between provisions of the two sets of rules: old FR and SCE, on one hand, and new Conditions of Employment with all accompanying other decisions, on the other.

Here bellow is a non-exhaustive list of new elements / benefits that new conditions bring:

- Promotion will result in two additional steps (instead of one as was the case in the old rules), *see Joint Decision on the Conditions of Employment, Art. 9.5.*
- Minimum for annual leave is set at 20 working days (if until now you had less, if more you will keep annual leave unchanged), *see Joint decision on the Conditions of Employment, Art 12.1.*
- Paid maternity leave is extended to a minimum of 20 weeks (instead of current 8 weeks, for countries where local legislation stipulates more than 20 weeks nothing will change), *see Joint Decision on the Conditions of Employment, Art. 16.1.*
- If contract is terminated due to medical reasons (occupational decease or accident at work) severance grant of one-month salary for one year of service with maximum of 12 months will be paid, which in some cases might be increased to up to 18 months, *see Joint Decision on the Conditions of Employment, Art. 23.1 and 23.2.*
- In case of death surviving dependents will receive lump sum equal to one-month salary for each year of service, with the maximum of 12 salaries, *see Joint Decision on the Conditions of Employment, Art. 27.2*
- Appeal can be re-opened within 12 months if new facts emerge, *see Joint Decision on the Conditions of Employment, Art. 28.4*
- Possibility for flexible working arrangement, including flexitime, is introduced, *see Joint Decision on Working Time, Art 4.1. and 4.2.*
- New legal basis for procedures in case of harassment is created, *see Joint Decision on the Conditions of Employment, Art 29.*

- Whole range of new special paid leave provisions are adopted for local agents such as birth of child (for staff not eligible for maternity leave, i.e. for paternal leave): 10 days, disabled or seriously ill child: up to 20 days, adoption of a child: up to 5 weeks, which in case of need can further be extended, *see Decision on Special Paid Leave, Art 3 and 4*
- CSISLA: whole set of new services is introduced, some also for those who do not sign the addendum (Annex 1), but much more for those who sign (Annex 2), *see Decision on General Rules on the LA_Medical, Annex 1 and Annex 2*
- Annual leave carry-over is increased to 12 days with a maximum (with approval of HoD) of 20 days, *see Decision on Working Time of Local Staff, Art 5.2 and 5.3.*
- Additional five days of special paid leave are granted once local agents reaches 20, 25, 30, 35, 40, 45 years of service, *see Decision on Special Paid Leave, Art. 5.*
- Possibility to increase contribution to the Provident Fund from 5% to up to 10% is introduced, *see Joint Decision on Autonomous or Complementary Pension Benefits, Art 6.3.*
- Clear legal basis is established for a number of specific topics such as change of function group, reporting and dealing with harassment cases, flexible working arrangements for Group I and II, etc.

4. What next?

As already stated above, the 5-month period during which each local agent currently in service will have to decide whether to accept new conditions or not has started and will finish by 12 November.

Important to stress is that the decision should/will be individual... Local agents, each of us, may have different preferences and may decide to sign addendum for different reasons... For some female colleagues in countries where maternity leave is short, the decisive factor may be the extended minimum length of maternity leave set in the new conditions. For colleagues close to retirement it might be important to remain in service until the last day before retirement and still get severance grant that the new rules allow (in the old rules in order to qualify for severance grant one had to resign earlier, within the notice period which meant one or two months before actual retirement). For some colleagues it might be important to get additional five days of annual leave once they reach 20, 25, 30 or 40 years of service. For some colleagues it might be important to get more benefits under the LA Medical scheme from the extended list, to benefit even in retirement (though for a limited period) or to have possibility to put 10% - with the same amount of contribution paid by the Commission/EEAS - in the Provident Fund...

All in all, individual situations are different, individual preferences are different and therefore decisions must be individual.

For those who already now see a lot of benefits in the new set of rules, even without knowing details of the delegation-specific provisions – you can sign immediately. For those who would like to see what individual Delegation-specific decision will bring in addition (it may be that they will not contain something that you now have under SCE!) – you may wait until September. Finally, for those who have doubts about benefits of the new system and would prefer to remain under old rules even before (or after) knowing Delegation-specific decision – you can refuse new conditions completely and sign nothing...

What is important? that your decision is based on the full knowledge and understanding of the novelties that new conditions bring and that you take a decision, which you believe is the most favourable for YOU.

This text aims to help you decide...