



SEC/EB/14/863/22

DIRECTORATE GENERAL HR, BUDGET & ORGANISATION

HR POLICIES & STAFF RELATIONS DIVISION

DIRECTORATE GENERAL LEGAL SERVICES

03.01.02/2014/000040

To: The Executive Board

Via: P. Praet [*approved*]; M. Draghi; S. Keuning [*approved*], C. Zilioli [*approved*]

From: [REDACTED]

cc: [REDACTED]
[REDACTED]

Date: 21 January 2014

Subject: CHANGES TO THE STAFF RULES (TELEWORKING AND SELECTION OF CANDIDATES):
OUTCOME OF THE CONSULTATION WITH THE STAFF REPRESENTATIVES & ADOPTION

This memo summarises the scope of the consultation on the changes to the Staff Rules related to teleworking and the rules on the selection of candidates. The two items are connected to the general objective to enhance gender diversity for salary bands I and above. The Executive Board is requested to adopt the related Decision, which is changed very marginally in comparison with the version it endorsed on 3 September 2013 (cf. the enclosed version with revision marks).

Teleworking

Throughout the consultation (SEC/EB/14/863/22b), it was confirmed that all features of the teleworking policy as embodied in the draft decision amending the ECB Staff Rules as regards telework (SEC/EB/14/863/22a) are proposed to remain unchanged - besides minor administrative adjustments - compared to the current provisions in place, with the exception of extending the maximum number of possible teleworking hours to which staff may apply, from 24 hours to 40 hours per month (with a maximum of two consecutive working days), either on an occasional basis or by means of a repetitive teleworking pattern for a certain duration.

This opportunity was also used to further the Staff Handbook Project, which aims at consolidating employment related rules and HR policies, by incorporating the teleworking rules into the ECB Staff Rules.

Overall, the feedback received from the staff representatives was positive and they welcome the proposed changes to the rules.

Throughout the consultation, the staff representatives made a number of additional observations.

The Staff Committee suggested that the increase in teleworking days could be even more effective in terms of work-life balance if there were no constraints regarding the number of consecutive days that a staff member can telework. DG/H reiterated the view that the maximum of two consecutive working days of teleworking should be maintained. Indeed, teleworking should not impede the essential aspects of team spirit and communication within teams: that the ECB office environment is still considered the most suitable place to work, including from a health and safety perspective.

The Staff Committee also mentioned their wish to foresee more flexible working time arrangements, for both female and male staff members. DG/H confirmed that the level of flexibility granted locally via management is already assessed as being high. This decentralised system has proven to have functioned well and has also taken into account business requirements.

Finally, the Staff Committee suggested to also consider as accidents at work those accidents that occurred during teleworking, which was not formally approved by management. DG/H will revert to the Staff Committee acknowledging that teleworking requires formal managerial approval in order to be recognised as such. DG/L has also advised against amending the current rule.

From the IPSO's side, the main comment was on the possibility for agency staff to benefit from teleworking. DG/H clarified this would not be feasible as agency staff are not subject to the ECB Conditions of Employment and Staff Rules. For all deployments of agency staff to the ECB, this is regulated by the German Act on the supply of temporary workers (Arbeitnehmerüberlassungsgesetz (AÜG)). As a consequence, there exists no contractual relationship between the ECB and the agency staff working for the ECB, but only a contractual relationship between the ECB and the agency, and between the agency and the agency staff.

Selection of candidates

As part of the action plan to enhance gender diversity for salary bands I and above, the consultation addressed that positions in these bands are to be advertised simultaneously internally and externally right away in order to allow the ECB to source from a larger pool of talent from scratch, thereby also increasing the likelihood of attracting a higher amount of applications from suitable female applicants. It was confirmed that this change in the Staff Rules does not affect the possibility to directly fill vacancies via horizontal mobility.

Throughout the consultation, the staff representatives made a number of additional observations.

The Staff Committee suggested that the proposed approach presupposes that the ECB does not have sufficient talent in-house and that by going externally the ECB does not first tap on its internal female talent only, who may thus feel demotivated. DG/H reiterated that the change in policy merely responds to the need of tapping on a wider pool of talents from scratch and that experience has shown that, in many instances, internal candidates have proven to be most suitable ones in such competitions. Furthermore, DG/H emphasised that the ECB cares for its entire staff and that, in the context of gender diversity,

additional frameworks have been introduced to support female staff members in their development (e.g. mentoring, training programme for female staff members).

The Staff Committee has also suggested that the proposed change should be reverted after the first wave of SSM recruitment. DG/H will clarify that this change to the Staff Rules will require some lead time before its impact is felt.

In its comments, IPSO welcomed the objective of enhancing gender diversity. Regarding the proposed change to advertise positions I and above externally, they highlighted two concerns: first, the potential demotivation of current staff who could interpret this as a deterioration of their career chances; and, second, a huge challenge to the corporate culture and identity of the ECB if senior positions are filled by external candidates. They proposed, therefore, an alternative path consisting of creating more positions at H band and supporting existing female staff to reach those positions. DG/H has reiterated its ample support offer to female staff members for this purpose.

The *Executive Board* is invited to:

- (a) take note of the outcome of the consultation with the staff representatives on changes to the Staff Rules on teleworking and rules for selection of candidates; and**
- (b) adopt the Decision amending the ECB's Staff Rules as regards telework and rules for selection of candidates (SEC/EB/14/863/22a).**