

**FINAL VERSION**  
**NOVEMBER 17, 2017**



# **JOINT DECLARATION**

## **TELEWORK IN THE EUROPEAN BANKING SECTOR**

OUTCOME OF SOCIAL PARTNERS' NEGOTIATION

BRUSSELS



## **Joint Declaration on Telework in the European Banking Sector 2017**

### **Preamble**

The impact of modern technology on employment in banking has been in the focus of Social Partners in the banking industry ever since and led to a first Joint Declaration on IT-Employability (2002, assessing research that started 1999).

In the same year, the cross-sectoral Framework Agreement on Telework was signed (16 July 2002).

After EUROFOUND issued a study on Telework in the European Union (2010) and various European sectors have concluded agreements related to telework, current developments were also reflected with support of the European Social Partners at the ILO Global Dialogue Forum on "Challenges and Opportunities of Teleworking for Workers and Employers in the ICTS and Financial Service Sectors", in Geneva, 24 – 26 October 2016 (referred to as ILO Global Dialogue Teleworking 2016).

Against this background, the Social Partners of the Banking Sector agree to this Joint Declaration on Telework to reflect those effects of Digitalization in the Banking Sector (Joint Declaration still in process) that are specifically related to telework.

### **Current Situation for Society and the Banking Sector**

As concluded by ILO Global Dialogue Teleworking 2016 (p. 15, Table 5) society can benefit from telework, because it is environmentally friendly (reduced pollution and stress on infrastructure), creates employment opportunities in remote areas and for persons with disabilities, and enhances global collaboration.

Sectors with high informational components in the work-flow are most compatible to telework (ILO Global Dialogue Teleworking 2016, margin number 44). As a result, telework is a widespread phenomenon in the European Banking Sector and it is observed in many different forms of flexibility.

The European Social Partners are committed to start working immediately on a Joint Declaration relating to the social impact of the Digitalization era on jobs in the Banking Sector taking into context current demographic changes and those of the future. Furthermore, European Social Partners also agree to continue exploring other options of flexible working arrangements that are influenced by customer/employee relationships by:





- Jointly engaging in EU Funded projects to identify the challenges ahead;
- Collaborating together to seek possible joint opinions in anticipation of a new Digitalised Banking era.

## **I. Definition of Telework**

The European Social Partners in the Banking Sector understand Telework to be a form of organising work where tasks are performed with the support and the use of secure ICT devices and ICT-infrastructure outside a locally fixed employer environment.

Therefore, telework is a way of working using information and communication technologies that at least in part is performed from home or in satellite offices or any other fixed location on a continuous basis.

Telework may be a step towards the provision of improving the possibility to combine work and social and family life; another contributing factor to a better work/life balance. Telework may create an opportunity to optimized use of resources.

Telework can also be performed as an employment contract or as an autonomous or para-employment contract.

The above-mentioned definition does not cover and therefore this joint declaration is not applicable to workers performing in different forms of work organization, such as smart-working, even if on a regular or continuative basis. This form of work will be eventually evaluated in a separate declaration.

The influence of effects relating to cybersecurity as well as constraints from general banking regulation on the propagation of telework are still to be assessed.

## **II. Work Organisation and Employment Aspects of Telework**

Telework can be voluntary and reversible both for the employee and the employer. It can be part of the original job description, if it is not, the employee shall have the possibility to either accept or decline the offer of teleworking according to national law and collective bargaining practices. Employees should have the possibility to request the option of teleworking.

Employers' and employees' representatives may agree in principle that the flexibility aspect of telework may be managed in collective and/or individual agreement within the context of what is deemed good practices in the framework of the applicable collective agreements at national and/or company level.



All teleworkers in an employment relationship must have the terms of employment written in accordance with Directive 91/553/EC.

## **1. Terms and Conditions:**

- Regarding employment conditions, teleworkers benefit from the same rights, guaranteed by applicable legislation and collective agreements, as comparable workers at the employer's premises. This includes participating in and standing for elections to employees' representative bodies or providing worker representation apply to them. Employee teleworkers are allocated and included in calculations for determining thresholds for employees' representative bodies in accordance with European and national law, collective agreements or practices. And on the other hand, teleworkers have the same duties as comparable workers. Human resources services and/or managers have to be involved in the process in order to monitor the teleworkers and provide them with the same career opportunities as for other employees.
- The workload and performance standards should be outlined and be equivalent to those of comparable workers based at the company's premises.
- The terms of employment include good and safe work practices where this is applicable, clear definition and allocation of responsibilities.
- The teleworker shall be available within the time period which was predetermined by the employer in agreement with the employee (including in collective agreements). Such agreement could also cover situations where it is not possible for the teleworker to respect these times, and the teleworker has to timely report and justify this to the employer. A single teleworker cannot be available around the clock.
- Teleworkers can be given the opportunity to meet and communicate with colleagues and to access employer's events.

## **2. Health & Safety**

The occupational health and safety of the teleworker is regulated and followed in accordance with the Directive 89/131 and the relevant daughter directives, national legislation and collective agreements. Employees who telework may face different health and safety risks than employees who work from the regular office and attention should be directed to ensure the well-being of teleworkers.

Given the specific circumstances of telework, the employer needs the on-going support of the teleworker to fulfill these duties.





Telework may be a challenge to ensure a healthy work-life balance for employees in such work and needs to be considered by both the employer and the employee.

In order to verify that the health and safety and data protection provisions are correctly applied, the employer, workers' representatives and/or relevant authorities have access to the telework place within the limits of national legislation and collective agreements. If the teleworker is working at home, such access may be subject to prior notification and her/his agreement.

### **3. Data Protection & Cybersecurity**

It is the employer's responsibility to take measures to ensure data protection and keep the teleworker's software and hardware updated and secure whilst the teleworker is bound to strictly follow all applicable cybersecurity and usage rules both related to the software and hardware.

All employees engaging in telework must abide by and respect the provisions outlined by the GDPR (General Data Protection Regulation), national legislation, ethics policy, the confidentiality and security clauses issued by the employer, and any other similar clauses as stated in individual contracts.

### **4. Privacy**

The employer ensures that appropriate security levels are in place while respecting the privacy of the teleworker and that any monitoring system is in accordance with applicable European and national legislation or collective agreement at national/company level.

### **5. Equipment Use**

As a general rule, the employer is responsible for providing, installing and maintaining equipment necessary for telework. If it has been agreed that the employee uses his/her own equipment such usage is subject to all applicable cybersecurity, data protection usage, workers' privacy and other relevant rules.

Terms and conditions regarding use of equipment needed to perform telework are to be clearly defined before start telework and outlined in accordance with the Written Statement Directive.



### III. Training

In terms of training opportunities, career development and appraisal policies, teleworkers benefit from the same rights and access as their office-based colleagues. In terms of frequency, training to teleworkers may be delivered at more regular intervals than the norm to ensure necessary skills and knowledge. In terms of content, training for teleworkers can be seen on at least two levels:

- 1) Training for their professional development in their current field of responsibility to which they should enjoy the same access as their office-based colleagues. This includes cases where the employer perceives imminent and fundamental changes of tasks.
- 2) Training specific to this method of working, i.e. on the rules, obligations and rights of the teleworkers, on time management, e-mailing and e-archiving, and on the related software, hardware and any other technical aspects/equipment necessary for the teleworker to perform adequately. Special attention may be attributed to:
  - a. Training of teleworkers on how to deal with the lack of social contact accompanying this form of work so as not to lose touch with the organisation and their colleagues (good practices could include related engagement policies e.g. virtual classrooms, regular meetings, access to organisation's information and news);
  - b. Training of teleworkers on cybersecurity issues for the security of (theirs and the employer's and customers') data and the prevention and mitigation of cyber incidents; especially for the latter, protection, prevention, detection, mitigation and damage control policies and plans related to teleworking should be in place and training of employees on them should be regularly repeated/updated;
  - c. Training may also be targeted to anyone in the organisation that works directly or indirectly with teleworkers, i.e. supervisory staff (managers/leaders of teams that include teleworkers, HR officers, legal departments, etc.) and the teleworker's colleagues. Possible training subjects in this context: introduction to teleworking, management by objectives, specific management of distant or mobile workers, health and safety in teleworking.





#### **IV. Social Dialogue**

All issues mentioned may be discussed and developed between the Social Partners at the appropriate level e.g. European, national and/or local/company level. Effective social dialogue is a positive tool to deal with telework. In a digital era, the Social Partners should jointly work to promote social dialogue at all levels, including collective bargaining, where appropriate, for the benefit of all stakeholders involved.

In order to achieve a successful outcome, as a priority, European Social Partners as stakeholders agree to fully respect human values by giving timely feedback and recognition, work in favor of improving the financial sector to the benefit of companies, employees, customers and society by making use of good practices at all times.

#### **V. Moving Forward**

The Social Partners commit to promote the joint declaration in the best feasible way both at European and national level.

Trade Unions, Associations and Employers' representatives will be continuously updated with communications and developments following the launch of the Declaration supported by joint meetings and/or press conferences.

The Joint Declaration will also be translated into as many official EU languages as possible, provided appropriate EU funding.

Social Partners at EU level may monitor the implementation process. Means can include surveys and questionnaires.

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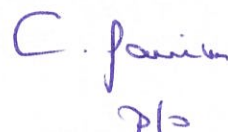


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