EUROPEAN COMMISSION

Maroš Šefčovič
Vice-President

Brussels, 25 March 2021

Dear President Sassoli, Dear David,

The Commission would like to thank the European Parliament for its legislative initiative resolution of 21 January 2021, adopted in accordance with Article 225 of the Treaty on the Functioning of the European Union (TFEU), with recommendations to the Commission on the right to disconnect.

The resolution sets out a number of requests to ensure that European workers are able to exercise effectively their right to disconnect and to regulate the use of existing and new digital tools for work purposes. To that end, the resolution calls on the Commission to present, "on the basis of a thorough assessment, a proper evaluation and a consultation with Member States and the social partners, a proposal for a Union directive on minimum standards and conditions" for the right to disconnect. The resolution also calls for "a legislative framework with a view to establishing minimum requirements for remote work across the Union, ensuring that teleworking does not affect the employment conditions of teleworkers".

The Resolution highlights the fundamental role that social partners have in identifying and implementing measures with regard to the right to disconnect and in finding the right balance between reaping the opportunities brought by digitalisation for the workplace and tackling the challenges they pose. To this effect, as a first step, the Parliament's Resolution recommends that social partners take implementing measures within a 3-year time framework.

Mr David Sassoli
President of the European Parliament

The Commission welcomes this resolution, which was discussed in the College at its meeting of 24 March 2021. In accordance with the political commitment made by President von der Leyen in her Political Guidelines as regards resolutions adopted by the European Parliament under Article 225 TFEU, the Commission is committed to follow up with a legislative act, in full respect of proportionality, subsidiarity and better law making principles.

It should be noted that all initiatives in the field of social policy must, in accordance with Article 154 TFEU, be subject to a two-phase consultation of the EU social partners, who may decide to act by means of agreements.

The Commission takes note of the European Parliament's concerns on the need to address the challenges posed by digitalisation to the world of work, while seizing the opportunities brought about by the digital transition to our economies and societies.

Therefore, when following-up to the resolution, the Commission will acknowledge the importance of advancing the digitalisation of the European economy and of the world of work, while respecting working time arrangements, upholding sound working conditions, ensuring health and safety, and preserving the boundaries between professional and private life.

In line with Parliament's resolution, as a first step, the Commission invites social partners to find commonly agreed solutions to address the challenges raised by telework, digitalisation and the right to disconnect. In particular, it encourages social partners to follow-up on their Autonomous Framework Agreement on Digitalisation, notably in relation to the modalities for connecting and disconnecting, and to explore: 1) measures to ensure fair telework conditions and 2) measures to ensure that all workers can effectively enjoy a right to disconnect.

In its concrete follow-up response to the European Parliament's resolution, the Commission will be reaching out to social partners to ensure that they are fully involved, in full respect of social partners' autonomy.

The Commission will proactively support social partners in their endeavour, facilitating discussions and the identification of best practices, by assessing existing practices and rules related to the right to disconnect.

In view of this, the Commission will continue to explore the context and implications of the right to disconnect and remote work in order to underpin social partners' discussions on the matter. The insights gathered would complement ongoing and future exchanges between social partners and the Commission, and would also inform reflections on a potential EU legislative initiative on the right to disconnect, within the broader context of remote work.

In addition, the Commission intends to call for policy debates with Member States within the EPSCO framework, addressing issues linked to remote work.

The future implementation report of the Working Time Directive will also provide an opportunity to reflect further on the implications of remote work on working time.

Finally, based on the evidence collected, the Commission may proceed with a first stage of the formal Social Partners Consultation under Article 154 TFEU, in view of a possible Commission proposal addressing the requests of the resolution.

The Commission looks forward to continuing a close and constructive cooperation with the Parliament on this matter.

Yours sincerely,

Maroš Šefčovič