

Information and consultation of employees: establishment of a European Works Council or a procedure in Community-scale undertakings and groups of undertakings. Recast

2008/0141(COD) - 02/07/2008 - Document attached to the procedure

The Commission presents a report on the implementation of the European social partners' Framework Agreement on Telework. It recalls that the Framework Agreement on Telework is the first autonomous agreement negotiated by the European social partners and as such it represents a landmark in EU industrial relations. This report assesses the extent to which the implementation of the Framework Agreement on Telework has contributed to achieving the Community's objectives and whether there is scope for improvement. Respecting the principle of autonomy of the social partners and giving priority to monitoring undertaken by them, it examines in detail the implementing measures taken by the social partners and public authorities in all EU Member States and the EEA countries whose social partners participate in the European social dialogue, i.e. Iceland and Norway. It takes account of the views expressed by the European social partners.

The report states that, at this point the implementation of the Framework Agreement on Telework may be considered a success. Given the objectives and scope of autonomous agreements, the instruments chosen and the level of protection and guidance provided by them are deemed adequate in the majority of EU Member States and EEA countries.

The Agreement's implementation has clearly contributed to the Lisbon goals of modernising labour markets and achieving a more dynamic knowledge-based economy. By ensuring the sound management and organisation of telework, it has also made useful contributions to the goals of the i2010 Strategy, which emphasises information and communication technologies as a driver of inclusion and quality of life, and to the EU's Sustainable Development Strategy.

The Framework Agreement and the autonomous process for its implementation have paved the way for steady, balanced development of telework across Europe and are likely to warrant a high level of ownership and commitment by employers and trade unions.

Analysis has also shown that there is scope for improvement in several Member States in terms of the implementation process, follow-up to implementing measures and/or the content of instruments.

(1) The coverage of the Framework Agreement could be improved by:

- starting or pursuing discussion in countries where the implementation process has not yet been finalised or even started;
- exploring the possibility of a joint instrument being adopted by both employers and trade unions in cases where the only solutions found so far have been unilateral.

(2) The impact of several implementing measures might be enhanced by:

- improving the Framework Agreement's visibility in some countries through additional instruments, such as joint guidelines;

- taking up recommendations from national social partners to counterparts at lower levels in periodic sector-level bargaining;

- strengthening efforts to disseminate non-binding guidelines drafted by social partners in several countries and to raise awareness among individual employers and local trade union officials. Monitoring of company-level developments could be useful in that case.

(3) Lastly, the Framework Agreement's specific objectives could be achieved more successfully in some countries by:

- implementing those aspects of the Agreement still outstanding in countries where it has only been partially implemented;

- clarifying the following content-related aspects: the relationship between traditional home working and telework in national legislation; the protection of teleworkers who are bogus self-employed; the implementing measures' applicability to alternating telework (which concerns the large majority of teleworkers) and permanent telework;

- concentrating special efforts on sectors and professions where there is a high incidence of telework.

At European level, the social partners have played a very important role in promoting the Framework Agreement, coordinating exchanges and cross-border learning, and monitoring the implementation process. Further monitoring and, where appropriate, specific action in the context of sectoral social dialogue could also help in implementing the Framework

Agreement. In addition, where the European social partners decide to conduct a review under Clause 12 of the Framework Agreement, they could usefully consider at greater depth some of the issues that have emerged both in this report and in the social partners' own analysis as a result of monitoring the Framework Agreement, such as bogus self-employment, treatment of teleworking as equivalent to home working, alternating and permanent telework, cross-border situations and coverage of the public sector.