European Commission: part-time work. European ombudsman Special report, complaint 242/2000/GG

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PURPOSE : to present the special report from the European Ombudsman to the European Parliament following the draft recommendation to the European Commission in complaint 242/2000/GG. CONTENT : the European Ombudsman, Jacob Söderman, launched a special report on the failure of the European Commission to end its policy of sex discrimination against seconded national experts. The Commission insists that its national experts on secondment to the Commission shall work on a full-time basis throughout the period of detachment, however, this practice discriminates against part-time working on the grounds of sex since it is likely to affect a greater proportion of women than men as women generally have more childcare commitments than men. The Ombudsman already asked the Commission to change its rules by 30 September 2001 at the latest. The Commission failed to do this, saying that it needed to await certain discussions in the context of its present reform process. According to the Ombudsman, there is no valid reason why sex discrimination should continue until these discussions are finished. Almost a year after the Charter of Fundamental Rights was proclaimed, any further delay in putting the matter right is unacceptable. The discrimination was brought to the attention of the Ombudsman by a UK civil servant who had applied for a secondment to the Commission. She wanted to work part-time, in order to look after her young child. According to the Commission, Seconded national experts (SNE) came to work for the Commission for a relatively short period (three years maximum). The number of posts for SNEs was relatively limited and decided by the budgetary authority. The object of the secondment was twofold. On the one hand, the Commission could use valuable expertise which the SNE might bring. On the other hand, the SNE's time in Brussels was to be regarded as a form of training and career development which was of value to the employer who seconded him or her. Since this was a short-term measure, which involved considerable investment for the seconding employer and for the Commission (the seconding employer had to go on paying the basic remuneration, while not benefiting directly and immediately from the person's services; the Commission had to pay a top-up living allowance in Brussels), it was necessary to ensure that both parties had maximum mutual benefit not only in terms of work done, but in terms of training and experience acquired. It was clear that a person who worked part-time could not acquire the same experience in a three-year period; equally, the idea of extending the secondment, for example to six years in the case of part-time working, could not readily be envisaged, since it would then no longer be the essentially short-term arrangement normally implied by the notion 'secondment'. In view of these special considerations, the Commission's current policy was that these had to be full-time posts. The complainant took the view that it was wrong for the Commission to claim that just because a person could obtain more experience by working more hours it was not possible to obtain a benefit at all if he or she worked fewer hours. On the basis of his findings, the Ombudsman submitted the following proposal for a friendly solution to the Commission: TheEuropean Commission should abolish its rule prohibiting national experts on secondment to the Commission from working part-time. In its reply, the Commission pointed out that a new decision on the rules applicable to seconded national experts was being drawn up in the context of the current reform process. According to the Commission, this new decision, which should be adopted later in 2001, envisaged the abolition of the rule prohibiting national experts on secondment to the Commission from working part-time. However, no concrete date was given. This means that the Commission intends to continue applying the relevant rule without giving reasons as to why the change suggested by the Ombudsman needs to be delayed. The Ombudsman considers that this is not satisfactory. The Ombudsman therefore makes the following draft recommendation to the Commission, in accordance with Article 3 (6) of the Statute of the Ombudsman. In this special report to the European Parliament, the Ombudsman recommends that the Commission act as quickly as possible and calls on the Parliament to consider adopting this recommendation as a resolution.