Basic information

2002/2134(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
European Commission: part-time work. European ombudsman Special report, complaint 242/2000/GG **Subject** 4.15.03 Arrangement of working time, work schedules	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	PETI Petitions	LAMBERT Jean (V/ALE)	22/11/2001
Council of the European Union			

Key events

Date	Event	Reference	Summary
15/11/2001	Non-legislative basic document published	N5-0276/2002	Summary
01/07/2002	Committee referral announced in Parliament		
08/10/2002	Vote in committee		
08/10/2002	Committee report tabled for plenary	A5-0355/2002	
17/12/2002	Decision by Parliament	T5-0603/2002	Summary
17/12/2002	End of procedure in Parliament		
05/02/2004	Final act published in Official Journal		

Technical information

Procedure reference	2002/2134(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	PETI/5/16346

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0355/2002	08/10/2002	
Text adopted by Parliament, single reading		T5-0603/2002 OJ C 031 05.02.2004, p. 0029-0088 E	17/12/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
MED	Non-legislative basic document	N5-0276/2002 OJ C 126 02.05.2002, p. 0021	15/11/2001	Summary

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

2002/2134(COS) - 15/11/2001 - Non-legislative basic document

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.

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

2002/2134(COS) - 17/12/2002 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the report by Jean LAMBERT (Greens/EFA, United Kingdom). It pointed out the Commission was not able to justify the requirement that seconded national experts work full-time by relevant and acceptable objective factors, bearing in mind, in particular, that according to the established case-law of the Court of Justice, budgetary considerations cannot justify discrimination against one of the sexes. Parliament endorsed the Ombudsman's Special Report and agreed that the European Ombudsman was correct in finding that the Commission

did not give valid reasons for its failure fully to comply with the Ombudsman's draft recommendation of 10 May 2001. It welcomed the fact that, as a result of the Ombudsman's recommendation, the Commission, albeit later than its own specified date, has honoured the undertakings that it gave at the time of the inquiry. Finally, Parliament stated that the institutions of the Union cannot make respect for fundamental rights the subject of negotiations or postpone at their convenience compliance with legal obligations concerning freedom from discrimination.