

## *Supplement to the company's Work Regulations :*

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### **Regulations declaration concerning “the right to disconnect”**

#### **Applicable to employees and blue-collar workers**

#### **Legal framework**

The law of 3 October 2022 concerning multiple labour regulations (better known as “de Arbeidsdeal”, Belgian Official Gazette 10/11/2022) grants employees a “right to disconnection” and modifies to that goal the law of 26 March 2018 (Chapter 2, section 2) concerning the stimulation of economic growth and social cohesion. The latter law already contained a consultation about disconnection and the use of digital means of communication.

An employer with 20 or more employees must specify the modalities of this right for disconnection and the mechanics of the control of digital communication means usage in a CLA at corporate level or in the Work Regulations. Our company chose the latter option.

#### **Basic principles**

- The measures concerning the right to disconnection have as aim the smooth functioning of the company, increasing employee productivity and motivation, respecting the break times, increasing mental and physical health and guaranteeing a healthy balance between work and personal life, to decrease the risk of psychosocial conditions such as burn-out. In accordance with the regulations about work duration and work times in legislation as well as CLAs, work regulations, labour agreements and possible other contractual regulations, the employee is not assumed and nor obligated to be accessible or connected outside of the normal working hours.
- Reaching company goals should not require connection/accessibility outside of working hours.
- Inside of the company, we seek a culture that avoids accessibility, contact and connection outside of the working hours.
- Every employee has a right to clarity as to what is expected of them concerning accessibility, inaccessibility, connection and the use of digital communication means.

#### **Definitions**

Under the “right to disconnection”:

- The right of the employee not to be available outside of the agreed upon working hours or on-call services (mentioned in the work regulations/ the individual or collective labour agreements or internal agreements between employee and employer) through digital communication channels (such as mobile phone, smartphone, email, ...).

The exceptions to this principle are:

- Employees that have a critical function where they may or may not manage one or multiple teams of people.

- Force majeure: unforeseen situations such as a flood destroying a POP location or the network being down due to, for example, a storm. Unforeseeable situations caused by natural phenomena. Concerns unforeseen situations that have a big impact.

The engagement of all employees to refrain from contacting their colleague outside of working hours, during breaks, leave and suspension of the employment agreement, except in case of emergency.

An emergency is a situation in which the functioning of the organization, service or persons is or may be seriously disrupted, potentially causing harm and requiring immediate or prompt action.

### **Regulations concerning the right to disconnect**

The company acknowledges the right to disconnect as to respect the break and leave times and to protect the balance between work and private life.

Subject to the above exceptions, an employee cannot be sanctioned for being (digitally) inaccessibility outside of work hours or periods of authorized absence. Nor can rewards or preferential treatment be awarded for remaining online during these periods.

In no case does the employer promote the use of non-official or private digital tools such as WhatsApp.

### **Practical modalities and guidelines**

Practical modalities and guidelines for the employee's application of his right not to be on-call outside his hourly schedules.

- Employers and employees refrain from contacting colleagues outside of normal working hours (meaning the hours mentioned in the work regulations) except in case of exceptional and unforeseen reasons that require action that cannot wait until the next work period.
- The employee cannot be at a disadvantage if he does not pick up the phone or answer work related messages or emails outside of working hours.
- For practical reasons, the employee guarantees that:
  - They will prepare for their leave/vacation period well by notifying their colleagues in a timely manner and by assigning their tasks to back-ups and giving them all the necessary instructions. They are herein supported by their supervisor.
  - Their calendar will be up to date so their colleagues are informed and can respect their free time
  - Their calendar setting has their normal working time set up;
  - They foresee an automatic reply in their email setting when they are absent for a day or longer;
- Professional and individual needs are very different. It is recommended that every team/department discuss insights concerning disconnection and the use of digital communication means to ensure their own smooth functioning. The aim is to come to an agreement about which specific communication methods to use, in normal circumstances as well as in case of emergency.

- The employee and employer make sure that leave/vacation periods are communicated to colleagues in advance or are listed in a digital tool where absences of colleagues can be consulted.
- Unforeseen absence (illness): The supervisor must inform colleagues insofar as necessary while respecting the GDPR legislature.
- The supervisor tries to provide sufficient back-up during absences.
- The supervisors keep track of realistic deadlines and workloads, keeping in mind the provided work time and schedules.

### **Training and awareness campaigns**

The employer engages themselves to organize training and awareness campaigns for employees and supervisors concerning the mindful usage of digital tools and the risks of excessive connection.

These training and awareness campaigns will focus on the basic principles of working time regulation and specifically on the relevance and benefit of limiting working times and respecting sufficient rest for mental and physical wellbeing of employee and the balance between work and private life.

These training and awareness campaigns can be:

- the inclusion of a sheet with instructions on the responsible use of digital tools and the importance of disconnection;
- An annual informational moment, either in teams or for all employees at the same time;
- toolbox meetings;
- An appropriate training (possibly organized in collaboration with the external prevention service), digital or otherwise, according to the needs and competencies of the workers involved;
- ...

The employer can use the training and awareness offer developed by sectoral institutions.

### **Violation of the right to disconnect**

Employees are invited to contact their manager, the internal and/or external prevention advisor, the confidential adviser or their trade union representative if they notice that the right to disconnect is being violated.

This document was drawn up on 17/10/2024 and will be attached as an appendix to the labour regulations.