

TU Berlin/Staff Council Agreement on Mobile Working  
between Technische Universität Berlin  
represented by

**the President of TU Berlin**  
and

**the Technische Universität Berlin Staff Council for Employees and Civil Servants**

represented by the chair  
and

**the Technische Universität Berlin Staff Council for Student Assistants**

represented by the chair

pursuant to Section 24 of the Staff Representation Act (*Personalvertretungsgesetz Berlin – PersVG Berlin*)

### **Preamble**

With the TU Berlin/Staff Council Agreement on Mobile Working, Technische Universität Berlin as an attractive employer aims to offer its employees the possibility to work flexibly in terms of time and location. Mobile working makes it possible to perform official duties without having to be present at the official place of employment, that is, without being bound to a specific location.

This form of work takes into account the wish for greater flexibility and contributes to increasing autonomy, job satisfaction and motivation as well as to working arrangements that are conducive to good health and to reconciling different areas of life. By introducing this mobile working agreement, TU Berlin increases its competitive advantage as an employer.

Prerequisites for mobile working are goal and result-oriented participation and good leadership. Communication, cooperation and a solution-oriented approach on both sides form the basis for successful mobile working.

### **Section 1 Scope**

This agreement applies for all employees of Technische Universität Berlin who are represented by a staff council in accordance with Section 3 of the Staff Representation Act of Berlin (*Personalvertretungsgesetz Berlin*). All staff, including student assistants, are eligible to work remotely regardless of their pay grade. It excludes trainees.

### **Section 2 Principles of mobile working**

- (1) Unlike teleworking, another flexible working instrument, mobile working does not require staff to work at a fixed location or at fixed times. Instead, it can be individually arranged with an employee's respective supervisor. Participation in the mobile working instrument does not entitle employees to make use of teleworking.

- (2) Mobile working refers to official duties performed outside the regular place of employment. It can be undertaken at home as well as at other locations outside the workplace, both with or without technical aids and online or offline.
- (3) Participation in mobile working is voluntary and takes place following an application by the employee. There is neither an obligation to participate in mobile working nor a legal right.
- (4) Mobile working is possible on a daily or hourly basis and may not exceed 40% of an employee's contractually agreed work time. When mobile working is used in combination with teleworking, employees may work up to 50% of their contractually agreed work time outside of their place of work. The basis for this calculation is one month. Employees may work remotely several days in a row or choose to do so occasionally. In justified exceptions, another percentage can be agreed for in-person work in individual cases.
- (5) Employment/civil service contracts in their existing form remain unaffected. Solely the obligation to perform the respective duties at the regular workplace is abrogated for the duration of mobile working.

### **Section 3 Application procedure**

- (1) Before making use of the possibility for mobile working for the first time, employees must submit a written application in their TU portal to Human Resources via their supervisor. Once the supervisor has given their consent, the application is considered provisionally approved. Human Resources is responsible for reviewing the application and providing final approval.
- (2) If the supervisor does not approve the application, a meeting is held within four weeks between the employee and the supervisor with the aim of reaching an agreement. If no agreement is reached, Human Resources shall take a decision following consultation with the relevant representatives (respective staff council, the Women's Representative, and, if applicable, the Office of Staff with Disabilities).
- (3) Once the application is approved, the employee and the supervisor arrange the details of mobile working. From then on, the instrument can be used flexibly and at short notice if operational requirements permit. The employee and supervisor arrange the type and scope of duties performed remotely. As a rule, this should be in writing (e.g., via email) at least one working day before the intended start of mobile working.
- (4) Employees have the option to cease working remotely by sending a letter to their supervisor and Human Resources. Human Resources reserves the right to rescind its approval of mobile working in justified cases at the request of the supervisor. In cases of conflict, Human Resources will mediate or take a decision in consultation with the relevant representatives.

## **Section 4**

### **Requirements and conditions**

- (1) Employees' duties must be suitable for remote working. In principle, these include duties which can be completed autonomously and independently without compromising University operations and adhering to the relevant data protection regulations.
- (2) Mobile working must be organized in such a way that the employee remains in contact with their unit/team. In principle, suitable technical aids are to be used to allow colleagues, other organizational units, or students to contact employees working remotely. The nature and scope of the work are to be arranged between the supervisor and employee.
- (3) Utilization of mobile working may not lead to increased work or stress for other employees in the same organizational unit. Furthermore, the unit is to take measures to ensure that proper functioning of the place of employment (e.g., consultation hours) is not compromised by mobile working.
- (4) Neither employees working remotely nor those working on campus may be disadvantaged or receive preferable treatment as a result of mobile working.

## **Section 5**

### **Work time during mobile working**

- (1) Collective agreement and statutory provisions as well as existing TU Berlin/Staff Council agreements and circulars on work time, breaks and incapacity for work apply (for further information see Appendix 2).
- (2) Employees may schedule their work freely within the framework of flextime in accordance with the Flex Agreement (DV Flex) or Work Time Agreement (DV Arbeitszeit). Employees with fixed working hours may only work on a mobile basis during these times.
- (3) Details regarding the employee's contactability when working remotely must be agreed in writing beforehand (e.g., through a email) between the employee and the supervisor.
- (4) Overtime or extra work must be authorized in advance by the unit concerned; later approval is not possible. Supplements and other compensatory arrangements for work performed at unsociable hours (e.g., on weekends and public holidays, night shifts) are only applicable if they have been authorized in advance by the respective unit.
- (5) In the event of technical problems during mobile working, employees are obliged to inform their supervisor without delay and agree on how to proceed. Time lost as a result of technical problems for which the employee is not responsible counts as work time.
- (6) If the employee is asked to return to their regular workplace during mobile working, this is not considered as an interruption of work time, meaning the commute to the workplace is counted as work time.

## **Section 6 Occupational health and safety**

Technische Universität Berlin issues instructions to employees regarding occupational health and safety (Instructions on Occupational Health and Safety During Mobile Working, see Appendix 3). Because work is not bound to a specific location, employees have a special responsibility to observe the occupational health and safety instructions and regulations issued by the University.

## **Section 7 Resources**

- (1) Employees may use both University as well as private resources when working remotely. If University resources are available, these are to be used with priority. There is no entitlement to the provision of University resources.
- (2) The use of private devices is permitted, provided that these are suitable in respect of data privacy and data security (Instructions on Data Privacy and IT Security, see Appendix 4). Technische Universität Berlin is not responsible for the administration of personal devices. Employees must take charge of this themselves.
- (3) No costs for private premises and power consumption or telephone and internet charges will be reimbursed.
- (4) In the event of damage, Technische Universität Berlin is liable solely for University devices and not for damage to private equipment.

## **Section 8 Data protection**

- (1) Technische Universität Berlin issues instructions to employees regarding data protection security standards (Instructions on Data Privacy and IT Security, see Appendix 4). Employees are obliged to organize mobile working in line with these prescribed standards.
- (2) Employees must ensure that personal and confidential data are protected in such a way that unauthorized access to such data as well as to documents is prevented. If required, the University unit must provide technical security measures (e.g. privacy shields for laptops).
- (3) Original files and documents (including copies) must remain on the premises of the regular workplace. If required for work reasons, employees may digitalize beforehand centrally stored resources that are only available in analog form so that they can then be accessed in a protected data area of TU Berlin.
- (4) Should employees breach the standards documented in Appendix 4, the agreement on mobile working can be terminated without notice.

## **Section 9 Liability**

Employees' liability is governed by general civil service/collective agreement regulations. In line with these regulations, employees are liable for damage incurred in the scope of work performed within the framework of their employment contract/civil service duties only in the case of intent and gross negligence.

## **Section 10 Evaluation**

- (1) In the first three years after the entry into force of this agreement, an annual data-based evaluation meeting shall take place between the University and the staff representatives.
- (2) A comprehensive professional evaluation will be conducted by the third quarter of 2024 with the aim of identifying any necessary amendments to continue the mobile working instrument long term. All involved parties will agree in good time how to conduct the evaluation.
- (3) Immediately following the evaluation, all involved parties will take up negotiations to amend the TU Berlin/Staff Council agreement to reflect the necessary changes identified through the evaluation. The aim is to complete this by 15 September 2025. The involved parties will also determine the period of notice with which the adjusted agreement may be terminated in the future and whether this will have any aftereffects.

If the agreement is terminated due to the inability to reach an agreement regarding necessary amendments, the involved parties will use the period of aftereffect to negotiate adjustments.

## **Section 11 Deviating rules in special situations**

- (1) The Executive Board may determine the existence of a special situation by resolution with the aim of preventing hazards, in particular for the protection of health.

In the event of a special situation, the Executive Board can arrange deviating regulations together with the staff representatives.

- (2) If employees are required to work remotely at the request of the University, arrangements must be made between the Executive Board and staff representatives for providing work equipment and the payment of costs for the use of private resources.

## **Section 12 Severability**

Should individual provisions of this agreement, including the regulations therein, be or become invalid in whole or in part, or should a provision have been omitted from this agreement, the validity of the remaining provisions or parts thereof remain unaffected. The respective statutory regulations shall apply in place of the invalid or missing provisions.

## **Section 13 Final provisions**

- (1) This agreement takes effect upon signing. Amendments or cancellation of the agreement are possible at any time by mutual agreement. In the event of differences of interpretation relating to this agreement, discussions are to be held immediately between the staff councils and the manager of the unit where the participant is employed.
- (2) The agreement can be terminated with three months' notice to the end of a calendar month but no earlier than 31 December 2025. Termination effective 31 December 2025 is only possible when a mutual amendment to the agreement could not be found by 15 September 2025.
- (3) The agreement remains in effect for 12 months after termination. The involved parties can mutually agree to extend this period for a further 12 months.
- (4) Appendices 1-5 are part of the agreement. Amendments to the appendices as a result of legislative changes shall take immediate effect without the need for renegotiation.

Appendix 1: Application for Mobile Working

Appendix 2: Further Information on Applicable Rules

Appendix 3: Instructions on Occupational Health and Safety During Mobile Working

Appendix 4: Instructions on Data Privacy and IT Security

Appendix 5: Instructions for Supervisors

Berlin,

Professor Christian Thomsen  
President  
of Technische Universität Berlin

Stefanie Nickel  
Chair of the Staff Council  
of the Employees and Civil Servants  
Technische Universität Berlin

Marcel Fünfstück  
Chair of the  
Staff Council for Student Assistants  
Technische Universität Berlin

Appendix 1:

## **Application for Mobile Working**

Employees must submit an application to participate in mobile working. The application is located in the TU portal.

Most of the application has been pre-filled with data from the University's organization management database (OM). Employees must complete the missing data (e.g. start date, confirmation of receipt of instructions regarding data privacy and occupational and health protection). Information about the supervisor is also pre-completed. If this information is incorrect, it is possible to cancel the application and inform the OM administrative officer.

Employees may include a note about who they believe is the correct supervisor. However, it is not possible to amend the application personally.

If corrections are necessary, the application is cancelled until these could be recorded in the system. The relevant human resources team will confirm.

Once all data in the application form is complete (and correct), the supervisor is notified by email and requested to review and approve the application.

Once the supervisor approves or rejects the application, it is reviewed by the human resources team.

The application will then be approved by the relevant human resources team and the applicant and supervisor notified. The applicant will also be informed in the case of a final rejection.

If the supervisor does not process the application within the defined period, they will receive several reminders. Once the maximum processing period has passed, the application will be automatically forwarded to the human resources team with the annotation "approved due to expiration of deadline."

Section 3 of the Agreement on Mobile Working describes the course of action in case of conflict (rejection of the application).

For security reasons, the technical steps of the system are not described here.

Appendix 2:

### **Further Information on Applicable Rules**

Collective agreement and statutory provisions as well as existing TU Berlin/Staff Council agreements and circulars on work time, breaks and incapacity for work also apply for mobile working (for further information see Appendix 2).

Further information on specific topics can be found online (quick access):

TU Berlin/Staff Council Agreement on Flexible Working Hours (DV Flex): quick access [148496](#) (including time sheets)

on working hours for student assistants at Technische Universität Berlin: quick access [122826](#) (including time sheets)

Convalescent leave for:

Employees covered by collective agreements: quick access [152692](#)

Civil servants: quick access [152691](#)

Student assistants: quick access [131106](#)

Procedures in the case of:

Incapacity for work (employees covered by collective agreements): quick access [153540](#)

Incapacity for work (civil servants): quick access [150048](#)

Incapacity for work (student assistants): quick access [130599](#)

Accidents at work (employees covered by collective agreements): quick access [152685](#)

Accidents at work (civil servants): quick access [150399](#)

Accidents at work (student assistants): quick access [127421](#)

## Appendix 3:

### **Instructions on Occupational Health and Safety During Mobile Working**

Mobile working makes it possible to perform official duties independently of a specific location. Employees can choose where to work, under consideration of the necessary technical and ergonomic requirements.

The principles regarding the ergonomic design of equipment and work processes also apply for mobile working. However, due to the distance and changing locations, employers are limited in their possibilities regarding working arrangements. This increases mobile workers' personal responsibility.

The Occupational Health and Safety Act (*Arbeitsschutzgesetz – ArbSG*) also applies without restriction to mobile working.

These instructions describe occupational health and safety requirements that must be observed and met to the greatest extent possible. By signing their application, employees acknowledge these instructions.

#### **Use your mobile devices responsibly.**

- If you work for more than two hours on your laptop, the monitor should be suitable in size. Please organize your work in such a way, so that you can regularly take a break from looking at the screen. When working for longer periods, you should additionally use an external ergonomic mouse and an external keyboard. Ergonomic devices (computer mouse, keyboard) are recommended for individuals who type considerably, type with 10 fingers, or other individuals who experience health issues when using traditional devices. Use your laptop in a standing position to prevent stress on your cervical spine. An external computer monitor is recommended for especially long periods of work or work which is strenuous on the eyes.

#### **Working on the go:**

- Be sure to use anti-glare and non-reflective screens that provide a bright display (the brighter the surroundings, the brighter the display should be).
- Positive display (dark characters on a light background) and sufficiently large fonts ( $\geq 3.2$  mm) make reading easier.
- Ideally, the top line of the screen should not be higher than eye level.
- Changing seats may help if there is reflection or your environment is too bright.
- Employees are advised not to work with laptops on their lap or while in the car.
- The recommended distance between the screen and your eyes is 50 to 60 centimeters (about 2 DIN A4 pages).

#### **Sit in as healthy a position as possible.**

- For an optimum sitting position, use a height-adjustable swivel chair with upholstered seat and backrest. Your forearms should rest horizontally on the surface of the desk or table and your hands should be at the same height as the keyboard. The angle between your forearm and your upper arm should be about 90 degrees. Particularly when working on the go, ensure that your device is on a stable surface and that your seat is stable and has back support.
- You should have sufficient room for your legs when seated. Change your seating position regularly and get up and move around now and again.
- Make sure there is enough daylight, good lighting ( $\geq 500$  lx) and avoid flickering lamps and lamps with a strong glare.
- Fresh air will do you good – but avoid drafts!
- In noisy surroundings ( $\geq 50$  dB, e.g., in the canteen), hearing protectors, such as ear-plugs, can help.

**Take regular breaks.**

- Employees must take a minimum rest break of 30 minutes for work time of 6-9 hours and 45 minutes for work time of 9-10 hours.
- Having completed their daily working hours, employees must in general have an uninterrupted rest period of at least 11 hours.
- Keep work and private matters separate and answer your work emails, for example, during work time and not outside it, despite the technical possibilities to do so (e.g., on the weekend or while on vacation).

**Make use of advisory services and training measures.**

- Advice from Occupational Health and Safety Services and Environmental Protection, contact: [sdu@tu-berlin.de](mailto:sdu@tu-berlin.de), quick access: [5394](#)
- Advice from the Medical Service (BÄD); contact: [baed@ba.tu-berlin.de](mailto:baed@ba.tu-berlin.de); quick access: [27675](#)

## Appendix 4:

### **Instructions on Data Privacy and IT Security** Last updated: 12/2020

#### **Only take absolutely necessary data.**

Only take official data from your regular workplace that are absolutely necessary. Personal and confidential data should not be taken from the workplace.

If required for work reasons, employees may digitalize beforehand resources that are only available in analog form. tubCloud and VPN can be used to access data and the University network. In exceptional cases, data may be stored in encrypted form on a USB stick.

#### **Do not share data with unauthorized persons.**

Protect all data and documents, especially personal or confidential data, to prevent unauthorized access. These may be neither divulged to third parties nor made available to third parties for inspection.

#### **Protect your devices.**

Never leave your mobile workplace unattended. Lock your devices when not in use and store them securely. Sharing University devices with third parties is prohibited. When using personal devices, create a separate password-protected work profile. Do not share your passwords with anyone. If necessary, use a privacy filter on your laptop.

#### **Use suitable software.**

As far as possible, use the same products on your personal devices as at your regular workplace. As a rule, licenses are available from Campus Management. For your work emails, calendar, and address book, use the products recommended by Campus Management. Be sure to use data compliant apps and services when using your tablet or smartphone for work. Delete apps and deinstall software that you do not (or no longer) need. Only use products which are designed or approved for use by TU Berlin. External cloud services such as Skype, DropBox, GoogleDrive, and iCloud may not be used.

#### **Keep your technology and devices secure**

Regularly coordinate with your local workspace or IT officer to ensure necessary system settings and updates are installed.

Configure your personal device's security settings according to the recommendations of Campus Management and the data protection officer. Use a separate administrator profile to do this. Update the operating system and all programs and apps installed on your devices at regular intervals. Install virus protection software and activate the firewall on your devices. Deactivate caller ID on your private telephone if you do not wish to share your telephone number with others.

#### **Ask questions.**

The data protection officer and Campus Management can provide assistance.

#### **Stay up to date:**

- Information about data protection can be found here: <https://www.tu-berlin.de/asv/menue/datenschutz>. Tips and instructions can also be found on the data protection blog: [https://blogs.tu-berlin.de/datenschutz\\_notizen/category/anleitungen](https://blogs.tu-berlin.de/datenschutz_notizen/category/anleitungen)
- We are happy to advise by phone or email [info@datenschutz.tu-berlin.de](mailto:info@datenschutz.tu-berlin.de)
- Use TU Berlin's continuing education offers, such as those found at <https://www.wb.tu-berlin.de>
- Further information is available on the Campus Management website <https://www.campusmanagement.tu-berlin.de/>

## Appendix 5: Instructions for Supervisors

With goal-oriented cooperation and leadership, mobile working can be profitable for all sides. These guidelines contain information to bear in mind when planning and implementing mobile working in your team.

### **Mobile working pays off.**

The possibility for employees to work flexibly in terms of time and location can lead to greater motivation and job satisfaction. Being able to choose where to work can boost concentration and creativity and improve results. Mobile working can take place on a daily or hourly basis, with the result that dead time and waiting times during official travel, in hotels or before and after conferences, for example, can be reduced.

### **Communication & goal orientation are success factors for mobile working.**

Agree with your employee exactly how to make use of the possibility for mobile working. Both sides' expectations can be discussed in an open and constructive dialog. Together you should clearly define the following beforehand: tasks, operational framework and reachability. A final agreement can be documented by email, for example.

Where possible, problems should always be discussed in a personal meeting, e.g., if expectations are not met (e.g., deviations from agreed activities).

A high degree of responsibility for the success of mobile working also lies with your employees. Their manner of working and performance should reflect the trust placed in them and they must themselves actively foster communication with colleagues. Regular exchange and your feedback will help here.

### **Duty of care and legal regulations continue to apply.**

The Occupational Health and Safety Act (*Arbeitsschutzgesetz* – ArbSG) and the Working Time Act (*Arbeitszeitgesetz* – ArbZG) continue to apply without restriction. However, due to the location-independent nature of mobile working, the Workplace Ordinance (*Arbeitsstättenverordnung* – ArbStättV) does not apply. This makes it all the more important that you sensitize your employees towards this and help them to arrange their work in such a way that health risks are avoided or reduced to a minimum. Risk assessment helps to identify hazards (quick access: [27994](#)). Briefings, e.g., on ergonomic workplace design, help to raise awareness (quick access: [27992](#)).

As generally applies, the employer is obliged within the scope of the Occupational Health and Safety Act to make occupational healthcare offers available for mobile workers, e.g., in the case of computer work, opportunities for employees to have their eyes and eyesight tested (quick access: [34184](#)).

Collective agreements and statutory provisions as well as existing TU Berlin/Staff Council agreements and circulars continue to apply (procedures in the event of illness: quick access [153055](#); in the event of accidents at work of employees/civil servants: quick access [152685](#) and [150399](#)).

### **Make use of advisory services and training measures.**

- Contacts in Human Resources; quick access: [142362](#)
- Services offered by Human Resources and Continuing Education on coaching for managers and team development measures; quick access [168686](#)
- Advice from Occupational Health and Safety Services and Environmental Protection, e.g., on risk assessment; contact: [sdu@tu-berlin.de](mailto:sdu@tu-berlin.de); quick access: [5394](#)
- Advice from the Medical Service, e.g., on occupational healthcare; contact: [baed@ba.tu-berlin.de](mailto:baed@ba.tu-berlin.de); quick access: [27675](#)

- Booklet published by the German Social Accident Insurance (Deutsche Gesetzliche Unfallversicherung – DGUV) on choice of technical equipment: Einsatz mobiler Informations- und Kommunikationstechnologie an Arbeitsplätzen