

**GOOD GOVERNANCE SYSTEM**

CIMAM

International Committee of Museums  
and  
Modern Art Collections

**POLICY  
FOR  
DIGITAL DISCONNECTION**

## DOCUMENTATION CONTROL SHEET

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# CIMAM DIGITAL DISCONNECTION POLICY

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## 1. INTRODUCTION, PURPOSE OF THE POLICY AND THE CONCEPT OF DISCONNECTION FROM WORK

The proliferation of communication channels and technological means in recent years allows a connection that enhances the objectives of any company, easily allowing the transmission of information, flexibility in the schedule and collaborative work in digital and delocalized environments.

As the International Committee of Museums and Collections of Modern Art (hereinafter also referred to as CIMAM) is an association that operates in several countries, treasures diversity and works in different time zones, these communication channels are facilitating and necessary to be able to correctly and effectively develop its activity and compete in a very demanding environment.

And in parallel this situation regarding the technological changes that have occurred has produced changes in the field of labor relations and generates challenges in the management of health and safety since the various calls, emails or WhatsApp messages during the work period of the sender, do not always coincide with the person receiving the information is working, being able to be in a time of rest and thus generating a possible interruption of the rest necessary for proper health. Maintaining this situation can lead to problems such as computer fatigue, burnout, stress, etc. It is therefore important to implement a proper management of all these elements that break into labor relations.

Organic Law 3/2018 of December 5, 2018, on the Protection of Personal Data and Guarantee of Digital Rights (hereinafter, LOPDGDD) develops the right to privacy of working people in relation to the digital environment and their right to digital disconnection.

Article 88 of this Law recognizes the right to digital disconnection in the workplace, understood as the right of employees not to connect to any digital device of a professional nature outside their normal working hours, i.e. during their rest periods and vacations, in order to guarantee, outside the established working time, respect for their rest, leave and vacation time, as well as their personal and family privacy.

Furthermore, in accordance with the provisions of Article 18 of Law 10/2021 on Telecommuting, this internal policy defines the modalities for exercising the right to disconnection and the training and awareness-raising actions for personnel on a reasonable use of technological tools that avoids the risk of computer fatigue. In particular, the right to digital disconnection will be preserved in cases of total or

partial remote work ("non-face-to-face mode"), as well as at the employee's home in connection with the use of technological tools for work purposes.

In accordance with the provisions of Article 30.1 of the Collective Bargaining Agreement in force applicable to CIMAM, regarding the right of employees to privacy in relation to the digital environment and digital disconnection, employees have the right, once their working day is over, to have their rest and vacation time respected, as well as their family and personal life, which means not attending to telephone communications, messages or emails, assessing the different cases and differentiated treatment that may exist. Within the company and in a negotiated manner with the RLT, a protocol may be drawn up to formalize this new aspect.

Likewise, the aforementioned article 30.1 establishes that communication and awareness-raising actions shall be initiated, aimed at the workforce, middle management and the company's management itself, on the work guidelines derived from the protocol and on the reasonable use of digital communications and media; employees have the right to privacy in the use of digital devices made available to them by the company and against the use of video surveillance and geolocation devices under the terms established in current legislation on the protection of personal data and the guarantee of digital rights.

Article 79 of the aforementioned Collective Bargaining Agreement, points 5 and 14 and , relating to telecommuting, provides:

5. Persons performing remote work have the same rights as if they were providing on-site services at the company's work center, except for those rights inherent to the performance of the work in the same in a face-to-face manner, and may not suffer prejudice in any of their working conditions, including remuneration, stability in the occupation, working time, training and professional promotion.

14. Reconciliation of work and family life: people who work remotely have the same rights as those who work in person in terms of reconciliation and co-responsibility, including the right to adapt the working day established in article 34.8 of the Workers' Statute.

Digital disconnection should be understood, in addition to being a right, as a way to improve the working conditions of workers and, in particular, as an effective measure to avoid situations of computer fatigue and hyper-connectivity, in the current technological, labor and even social context.

Within this framework, the purpose of this Policy is to inform the CIMAM team of the applicable regulations regarding the right to digital disconnection and the internal rules of action in order to comply with these regulations.

This will be achieved by establishing measures that tend to ensure effective organization of working time that clearly delimits working time and rest time for CIMAM employees, private life or personal and family privacy, improves the work-life balance, and family life, and contributes to the professional development of people under healthy and effective criteria, all from an integral perspective of health, in its three areas (social, physical and mental) promoted by the WHO and, therefore, contributes to the optimization of the occupational health of its staff.

These measures include training and awareness-raising actions on the reasonable use of technological tools.

Consequently, from the Board of Directors and the management of CIMAM, in compliance with current legislation, within the framework of its commitment to its system of good governance, we have decided to approve, after consultation and agreement with the representatives of the workers, this Digital Disconnection Policy, establishing the guiding principles of the same, promoting the principles contained in Code of Ethics of CIMAM.

This disconnection implies both an active and passive attitude of all persons who are part of the entity, respecting their own right and that of other employees, which implies disconnecting from any digital device of a professional nature, not answering or making calls, not sending or answering emails or WhatsApp messages outside the established hours.

This "Digital Disconnection Policy" shall be mandatory for all members of the organization and it is the responsibility of all employees to comply with the measures provided, as well as to warn of any non-compliance of which they are aware.

The role of personnel with managerial functions, as well as that of middle management, is particularly relevant in order to ensure compliance with this Policy.

## 2. FRAMEWORK

The regulatory framework governing this Policy is as follows:

- Spanish Constitution, Article 18.4.
- Organic Law 3/2018 of December 5, 2018, on the Protection of Personal Data and Guarantee of Digital Rights (LOPDGDD), Articles 87 and 88.
- Law 10/2021 on Telecommuting, article 18.
- Royal Legislative Decree 2/2015 of October 23, 2015, approving the revised text of the Workers' Statute Law, Article 20.bis.
- Collective labor agreement for the offices and offices sector in Catalonia for the years 2022-2024 (agreement code no. 79000375011994).

Article 18.4 of the Spanish Constitution establishes that *"the law shall limit the use of information technology to guarantee the honor and personal and family privacy of citizens and the full exercise of their rights"*.

Art. 88 of the LOPDGDD (Right to digital disconnection in the workplace) establishes:

- 1. Public workers and employees shall have the right to digital disconnection in order to guarantee, outside the legally or conventionally established working time, respect for their rest, leave and vacation time, as well as their personal and family privacy.*
- 2. The modalities for exercising this right shall take into account the nature and purpose of the employment relationship, shall promote the right to reconcile work and personal and family life and shall be subject to the provisions of collective bargaining or, failing this, to the agreement between the company and the workers' representatives.*
- 3. The employer, after hearing the workers' representatives, shall draw up an internal policy aimed at workers, including those in managerial positions, defining the modalities for exercising the right to disconnection and the training and awareness-raising actions for personnel on the reasonable use of technological tools to avoid the risk of computer fatigue. In particular, the right to digital disconnection will be preserved in cases of total or partial remote work, as well as at the employee's home in connection with the use of technological tools for work purposes.*

Article 18 ("right to digital disconnection") of Law 10/2021 on Telecommuting, provides:

- 1. People who work remotely, particularly in teleworking, are entitled to digital disconnection outside their working hours under the terms established in Article 88 of Organic Law 3/2018, of December 5.*

*The employer's duty to guarantee the disconnection entails a limitation on the use of technological means of business communication and work during rest periods, as well as respect for the maximum duration of the working day and any limits and precautions regarding the working day provided for in the applicable legal or conventional regulations. .*

- 2. The company, after hearing the legal representatives of the employees, shall draw up an internal policy aimed at employees, including those in managerial positions, defining the modalities for exercising the right to disconnection and the training and awareness-raising actions for personnel on a reasonable use of technological tools that avoids the risk of computer fatigue. In particular, the right to digital disconnection will be preserved in cases of total or partial remote work, as well as at the employee's home in connection with the use of technological tools for work purposes.*

*Collective bargaining agreements may establish the appropriate means and measures to guarantee the effective exercise of the right to disconnection in remote work and the appropriate organization of the working day in such a way that it is compatible with the guarantee of rest periods.*

In the area of labor legislation, it is worth mentioning Article 20 bis of the Workers' Statute, which also provides for this right:

*"workers have the right to privacy in the use of digital devices made available to them by the employer, to digital disconnection and to privacy from the use of video surveillance and geolocation devices under the terms established in current legislation on the protection of personal data and guarantee of digital rights."*

### 3. SCOPE OF APPLICATION

The contents of this Policy shall apply to all those persons who are linked to CIMAM, regardless of their hierarchical position within the organization (including employees holding managerial positions) and whatever their group, qualification or professional category and the type of relationship or contractual form, and applies both in the form of on-site work at the organization's work centers or facilities and in cases of total or partial remote work ("non-face-to-face mode").

For the purposes of regulating the right to digital disconnection covered by this Policy, all means, devices and tools made available to the persons employed for the provision of their services (cell phones, tablets, mobile applications, e-mails and messaging systems, etc.) shall be taken into account.

All employees undertake to make appropriate use, in accordance with the contents of this Policy, of the computer and technological resources made available to them by CIMAM, avoiding, as far as possible, their use outside the stipulated working day.

### 4. PRINCIPLES OF ACTION / RIGHT TO DIGITAL DISCONNECTION

As part of a proper reconciliation of professional and personal life, CIMAM's management recognizes the right of employees not to use digital devices, and not to read or respond to any communication outside working hours, whether by telephone, email, instant messaging applications (whatsapp, hangouts, etc.) or any other digital tool that interrupts their right to rest, as well as not to attend to professional matters outside their established working hours, unless the circumstances indicated in this Policy, especially in section 8, apply.

In general, communications on professional matters shall be made during working hours, and in any case, employees shall have the right not to reply to communications received after working hours, unless it is an exceptional situation due to force majeure that requires contacting them, or other cases of exclusion from the measures provided for in this Policy established in section 8. In these cases, it will always be preferable to use a telephone call rather than an e-mail or other forms of communication.

- The right to digital disconnection is embodied in this Internal Policy prepared in accordance with the provisions of the Law and shall be governed, in general terms, in accordance with the following principles:
  - Digital disconnection is a right and, consequently, does not constitute an obligation.
  - CIMAM recognizes in any case, the right to digital disconnection of employees, in order to ensure, outside working time, respect for rest time, leave and vacations, as well as their personal and family privacy except in situations of urgency, extreme necessity or force majeure.
  - Always ensuring productivity and the proper provision of the service, the exercise of the right to digital disconnection will not involve the application of disciplinary measures or impact on performance evaluations, unless the conduct of the employee has resulted in damage to the company and/or the rest of its employees.
  - In particular, CIMAM shall ensure that employees may exercise their right to digital disconnection. This right will take into account the nature and purpose of the employment relationship and, with the differentiation between effective working time and personal time and rest, will contribute to the reconciliation of the professional and family life of employees.



## 5. MEASUREMENTS

The measures to be taken by all employees to ensure digital disconnection are as follows, without prejudice to the other rules and guidelines for conduct set forth in this Policy:

### 5.1. Right to digital disconnection

The execution of the work must respect the employee's working day, in order to guarantee the right to computer/digital and work disconnection in relation to the effective reconciliation of work and family life. The Company shall not be liable for personal, family and work-related expenses, unless the circumstances described in section 8 apply, including in the case of employees whose duties must be performed on holidays or those who perform their work on special schedules.

Employees have the right not to use digital devices outside their working day, nor during rest periods, leaves, leaves of absence and/or vacations, incapacities or leaves of absence, and not to read or respond to any communication, regardless of the means used, unless there are justified reasons as indicated in section 8.

The right to digital disconnection, is guaranteed regardless of the type of working day, paying special attention, under Article 88.3 of Organic Law 3/2018, to cases of total or partial performance of remote work, as well as at the home of the employee linked to the use for work purposes of technological tools

The person in charge of occupational risk prevention could be consulted whenever needed about possible risks and/or cases of technostress and analyze the impact of digital disconnection policies from the point of view of psychosocial risks.

In the event that any employee considers that adequate measures are not being taken to ensure the digital disconnection, he/she can inform Ines Jover by email at [inesjover@cimam.org](mailto:inesjover@cimam.org).

### 5.2. Disciplinary regime

Employees may not be disciplined for exercising the right to digital disconnection under the terms of this Policy. In any case, the exercise of the right to digital disconnection may not have a negative impact on the professional development of employees.

### 5.3. Use of computer and technological means and communications

CIMAM must make available to all employees who so require the technological tools necessary for the proper performance of their duties.

As a general rule, employees undertake to make appropriate and responsible use of the media, systems and equipment, computer or technological (cell phone, tablet, computer, etc.) that CIMAM makes available to them, avoiding whenever possible the use of these digital tools outside working hours.

All work communication will be carried out through the tools and devices made available to the person employed by CIMAM.

CIMAM's computer systems and equipment are for professional use only.

As a general rule, the issuance of communications of a work-related nature through digital means may not take place between the end of the working day and the beginning of the next working day. In the event that such communications are sent and/or received outside the aforementioned hours, the sender of communications must bear in mind that the recipient may exercise its right to digital disconnection and answer them only within its working hours.

If it is necessary to send e-mails outside the working day, the "delayed sending" configuration will be used preferably to ensure that the messages reach the addressee within the time frame of disconnection.

Avoid marking mails as urgent if it is not strictly necessary.

All of the above provisions shall not apply in the cases provided for in section 8.



#### 5.4. Vacations and leaves of absence

In order to guarantee the right to digital disconnection during periods of rest (holidays, vacations, etc.) or sick leave, and for better management of work time, employees shall, at the end of the day immediately prior to the start of vacations or absences, try to activate the automatic response for absence in their corporate e-mail account and the date of resumption of activity.

Likewise, this message shall indicate: (i) Period of absence specifying the next day and time of availability (ii) Contact person during the absence for the resolution of emergencies. This e-mail will be configured for periods of absence longer than 1 day, except for weekends.

#### 5.5. Convening of meetings and training and reconciliation of personal, family and work life.

As far as possible, meetings, internally or with outsiders, and mandatory training sessions and similar calls (both face-to-face and remote) shall be organized and convened taking into account their expected duration and shall be held, whenever possible, within the limits of the working day, respecting rest times, weekends and/or holidays corresponding to the localities where the company is present (at local, regional and national level).

As a general rule, the start time and estimated duration shall be included in the notices, as well as all the documentation to be dealt with, so that the issues to be discussed can be visualized and analyzed in advance and the meetings can be as productive and effective as possible without taking longer than the established time.

Likewise, as far as possible, they shall be convened at least 2 days in advance so that employees can plan their working days, and their schedules shall be taken into account, especially those who have a reduced working day.

Likewise, and in order to ensure that working hours are not exceeded, all sessions will start no later than 1:30 hour before the end of the employees' working day, and will be held within the scheduled hours.

If, for justified reasons, meetings or training sessions must be held outside the employees' working day, attendance shall be considered effective working time for the purposes of the working day record.

#### Efficient meetings

In order to avoid overwork (the excess of non-productive work), the following good practices are established in the holding of meetings, which will be based mainly on:

- Virtual meetings will be promoted.
- The planned duration times will be respected, both in terms of starting and ending time. It is advisable that the duration should not exceed one and a half hours.
- Only those persons who are necessary will be summoned.
- The start time and estimated duration (or end time) of meetings within working hours shall be included in the notices.
- As far as possible, sessions will be convened sufficiently in advance so that people can plan their day.
- Avoid, as far as possible, that the time spent daily in meetings exceeds 4 hours.

#### 5.7. In the workplace

This measure will be applied with the exception of spaces for teams that, due to the nature of their work, finish their working hours later. Specific areas will be set aside for special and exceptional needs in the event that a person needs to stay longer in the facilities.

## 6. PERSONS EMPLOYED IN MODALITY TOTAL OR PARTIAL NON ATTENDANCE

Given the special uniqueness of employees in total or partial non-face-to-face work, CIMAM shall guarantee the right to digital disconnection both to employees who perform their workday in person and to the cases of total or partial remote work, as well as in the home of the employee linked to the use of technological tools for work purposes, and all the measures indicated in point five shall be complied with as far as these employees are concerned.

## 7. DISSEMINATION, TRAINING AND AWARENESS-RAISING ACTIONS ON THE REASONABLE USE OF CORPORATE TECHNOLOGICAL TOOLS, AS WELL AS ON THE RIGHT TO DIGITAL DISCONNECTION.

This Policy will be disseminated internally through:

- Timely communication to all CIMAM employees.
- It will be available and permanently updated on the corporate intranet.

In this way, all employees will be duly informed of the criteria and rules contained in this document.

CIMAM undertakes to carry out the appropriate actions to raise awareness, awareness and training on the right to digital disconnection, the rational use of technological tools to minimize the negative aspects and achieve an efficient use of them, and to protect health and, in general, the measures set forth in this Policy.

Persons having responsibility for a team of people shall pay special attention to this Policy, and shall ensure that the team they coordinate is aware of it.

## 8. SITUATION OF EXCLUSION FROM POLICY MEASURES

Exceptionally, the measures set forth in this Policy that guarantee the right to digital disconnection shall not apply in the following cases:

- Occasional work peaks.
- Force majeure.
- Situations that due to their seriousness, urgency or extreme necessity may require the adoption of special measures, immediate responses, actions required at that specific moment, or an extension of the working day, and which, if not carried out, could pose a serious, imminent or evident risk to people, or potential business damage to the activity carried out by the entity or the business, or, in general, an evident damage to the organization.
- In the case of persons whose duties require them to be on call or on standby.
- Regarding employees whose duties must be performed on holidays or those who perform their work during special hours.

In these cases, communications with the employee should preferably be made through the corporate telephone as far as possible, and in the case of e-mail, it should be marked as "high priority".

## 9. PENALTIES

Compliance with this Policy is mandatory for all CIMAM employees. In the event of non-compliance with this Policy, the penalties set forth in the Workers' Statute shall apply, as well as, if applicable, the contents of the applicable Collective Bargaining Agreement in force, without prejudice to any civil or even criminal actions that may arise from the aforementioned non-compliance.

## 10. REVIEW AND UPDATE

This Policy may be reviewed, when appropriate, in order to include in it as many modifications and updates as deemed necessary for its proper functioning and its adaptation to the new and future needs of CIMAM, especially in the following cases:

- For possible modifications and/or approval of reference regulations on the subject.

- For possible referral of reports from the corresponding functions (HR, Occupational Risk Prevention, mainly) related to the measures described in this Policy that advise its revision.

The opinions and suggestions made by employees shall be taken into account in the reviews carried out.

## 11. ENTRY INTO FORCE AND EFFECTIVENESS OF THE POLICY

This Policy shall enter into force upon its publication and communication, after approval by CIMAM's Board of Directors, and shall remain in force until it is renewed by another similar Policy that regulates the same situations.

## APPENDIX I: RECEIPT FROM EMPLOYEES

D/Da. .... (name and surname of the employee) with D.N.I. .... (DNI number) I declare that on ..... I have been given CIMAM's Internal Digital Disconnection Policy, which I have read and agree with.

In [city], on [day] of [month] of [year].

Signed: