



PES

SOCIALISTS &
DEMOCRATS

THE RISE OF TELEWORK

Risks, Opportunities and New Rights

FOREWORDS

Sergei Stanishev

PES President

At PES, social and employment issues are part of our core business. This is why we do our utmost to monitor and anticipate the effects of a changing world of work. We did so in 2017, when we put forward our proposals to ensure platform workers' labour and social rights in this growing atypical form of employment. Today, we continue this fight to ensure that new forms of work do not bring workers back to the 19th century.

In 2020, Covid-19 hit us, and next to its dramatic toll, it also deeply impacted workers. To keep society functioning, the so-called essential workers had no choice but to perform their job at their usual working place. We made it clear that essential workers, the heroes of the lockdowns that got applause from the balconies of the whole continent, should be better protected and that their working conditions and salaries must be improved. This is the best ground for us to continue pushing for stronger workers' rights, adequate wages, and the full implementation of the European Pillar of Social Rights.

Although the many workers that started working from home in March 2020 were undoubtedly less exposed to the pandemic, they nevertheless faced challenges too. The sudden shift to telework changed their working habits, the way their work is organised, and this impacted their work-life balance, their private life and social interactions too. The more work is disconnected from a central workplace, the greater the potential risk there is of social isolation, including psychological and even mental health consequences. In our view, these are sufficient reasons to claim that outside exceptional circumstances such as the Covid-19 lockdowns, telework must remain of a voluntary and reversible nature and cannot be forced upon the



worker. But the expectations of many workers to continue to (partly) telework beyond the crisis also call on us to ensure they will be offered this possibility.

Telework indeed offers no black and white picture – it has both upsides and downsides. It carries its own risks, but also bears the potential to improve the wellbeing of workers with an increased freedom of choosing where and how to work. To make the most out of it, for employers and workers, clear guidelines are needed.

There were already several initiatives taken to clarify the situation of workers. The right to disconnect, that we put forward in several Member States and at the EU level is one of them. No later than in January this year, the European Parliament, at the initiative of the S&D Group, called for a legislative framework with a view to establishing minimum requirements for remote work. Social Partners have been very active too, with several collective agreements found at the national and European level to ensure

telework takes place in good working conditions, that its costs are fairly shared. The guiding principles of telework are progressively emerging around the voluntary nature of telework, the alignment of rights between workers, the employer's responsibility for providing, installing and maintaining the equipment necessary for regular telework.

Framing telework is thus an ongoing process. With this publication on telework, we want to bring our contribution to the debate and ensure that the rights, conditions and safety and health of our workers continue to progress in new work realities.

Agnes Jongerius

Chair of PES Social Europe Network

2020 has changed work as we knew it. For around 40% of the working population, the daily routine of going to the office suddenly stopped when Covid-19 lockdowns came into force and was replaced by teleworking from home.

Telework, until then a rather uncommon practice, emerged as a solution in some sectors to help contain the spread of the virus and maintain professional activity and productivity. For those workers who could benefit from it and continue working safe from Covid-19, telework came with many changes, at a very short notice.

Despite the adverse conditions in which it started, for many workers telework meant a new professional equilibrium. Some of them simply enjoyed working from home



rather than in a noisy overcrowded office. Others used the time saved from commuting to the office to walk children to schools, to sleep longer or to go jogging. The increased flexibility of working time can also enable many to better organise domestic tasks around the working day, allowing them to call it a day with the laundry already clean and dry, or turning the daily office sandwich into a much nicer home-cooked delicacy. All of a sudden, home-made bread even started trending on social media!

For others, especially for women, the changes telework brought turned out to be way less pleasant. Private and professional life became difficult to tell apart. In too many couples, working from home often meant being the sole responsible for domestic chores. The funny and cute intervention of your kid during an important videoconference loses its charm when it occurs day after day. Late emails and SMSes turn into very late emails and SMSes, and the computer is always on on the tiny kitchen table. And because you are working from home, you cannot even share those difficulties with colleagues – social interaction is reduced to its most limited expression. This made many workers feel totally isolated.

The impact of telework thus pretty much depends on each worker's individual situation. For most, it probably

meant a mix of both such positive effects and new challenges. Although the unprecedented experience of the past year was strongly marked by the sanitary context in which it took place, there is nevertheless still an important number of workers who wish to continue teleworking post Covid-19, at least during part of their working time.

This calls on us to draw the lessons from 2020 and frame telework to ensure it benefits workers and respects basic workers' rights. Because it reaches deep into companies' work organisation and the relation between employers and employees, workers' participation and social dialogue clearly have a crucial role to play to settle fair telework arrangements, at all levels. Yet, this does not take the responsibility of the legislator away. Telework is likely to continue beyond Covid-19, we must mobilise to guarantee equal and fair working conditions to all workers, including remote ones.

Yonnec Polet

PES Deputy Secretary General

Gathering representatives of our member parties and organisations, NGOs and trade unions, the PES Social Europe Network led by S&D EMPL coordinator Agnes Jongerius has the ambition to put forward policy proposals for a fairer, more inclusive Europe. Our primary focus clearly rests on workers' rights and social inclusion. Yet, this does not prevent us from looking at longer term evolutions in our societies, and to try and propose an encompassing vision for the future, such as the one developed in our latest publication "Towards a Society of Wellbeing".

Over 2020, telework imposed itself both as the new normal for many employees and as a new topic on the political agenda. In a difficult context, workers adapted to



continue their professional activities, and employers, who until then often suspected telework to be synonym of a day off, discovered that their teams actually worked from home, and that they often worked even harder. Last years' experience proved that presence and productivity are not the same thing, and that the latter does not necessarily depend on the former.

Beyond the impact of telework on individual working conditions and work-life balance, this consideration could have longer term consequences, as an indirect impact of telework. On the one hand, more generalised telework could contribute to reducing commuting traffic, congestion and air pollution in cities. It could thus play its part in making our cities more sustainable and reshape the territorial spread of an important segment of the active population, within cities, and possibly between cities and less populated areas. If you can work from home, why not choose a more affordable or greener area to live in? Such changes might deeply influence the organisation of our cities in residence and activity-oriented neighbourhoods and the real-estate offer that replicates it.

On the other hand, telework can also give ground to employers externalising their cost and responsibilities even more. Why should a company rent expensive office spaces when it can offer or request their employees to work from home? If companies review their office organisation in light of the lessons learned from the pandemic, this can never be done at the expense of workers. They should not pass on the cost of the working place to their employees.

Telework can also further blur the line between employees and the self-employed. Indeed teleworkers, with the lesser hierarchic control, greater time-flexibility and the management per objectives that it favours, tends to replicate the conditions of a client-contractor arrangement. Companies might be tempted by moving away from that of a traditional employment relationship towards more flexible and less stable contractual relations, with the risks it entails for the workers and the quality of their jobs.

These phenomena did not necessarily materialise yet, but there are longer term trends that we must also monitor and frame to ensure telework brings progress for workers, and to make the most out of it.



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TELEWORK: LESSONS LEARNT FROM COVID-19

“The transformation of work, the digital revolution, digital working and rapidly evolving labour markets must not undermine European working and employment standards. The digital era has tremendous potential to transform our societies and our quality of life for the better. But to achieve this, we need to manage the deep societal changes that it brings.¹”

This commitment PES took during its congress in Porto in 2018 calls on us to also address the major development that Covid-19 brought to the world of work in 2020, with the massive surge of telework it triggered across Europe.

Indeed, when Covid-19 hit the EU, the lockdowns put in place to save lives led to a broad recourse to telework to maintain business activity. This demanded workers and companies adapt quickly, often without previous experience and without always being able to rely on clearly defined rules regulating work from home arrangements.

Despite the suddenness and conditions in which this change took place, telework allowed many workers to remain active and maintain their income, and a

majority of EU workers report a positive experience teleworking during the pandemic: three out of four employees indicate that they would like to telework in the future, but very few wish to telework all the time — the preferred option being a mix between remote working and workplace presence.²

The recent Porto Declaration³ adopted by the European Council at the Porto Social Summit on 8 May 2021 stresses that “changes linked to digitalisation, artificial intelligence, teleworking and the platform economy will require particular attention with a view to reinforcing workers’ rights, social security systems and occupational health and safety”, further calling on us to frame the use of telework in a way that benefits worker’s wellbeing.



Safe Travels

Essential worker



Yes



Okay to ride



No



**Why are you
even here
reading this?**



Go home.



PES president Sergei Stanishev, PM of Portugal António Costa, S&D group president Iratxe García. Porto, Portugal, May 2021.

1 DEFINITION AND SPREAD OF TELEWORK

Telework can be defined as “a form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer’s premises, is carried out away from those premises on a regular basis.”⁴

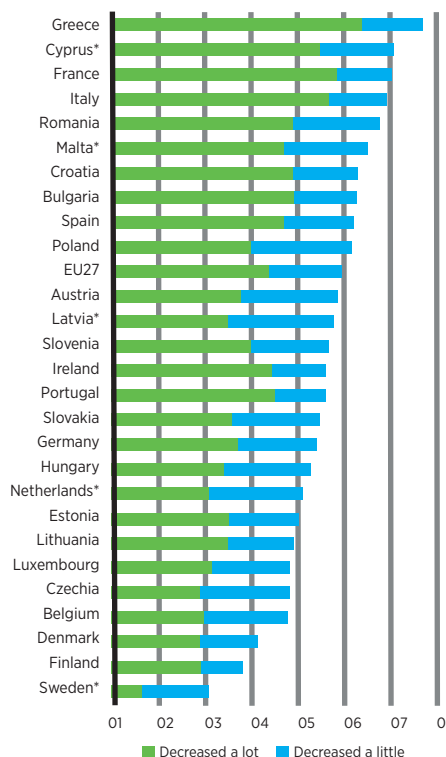
With the progressive spread of Information and Communication Technologies, telework has existed for decades now. Telework can offer greater flexibility and autonomy in work organisation, enhancing efficiency and productivity. It can contribute to a better balance between work, family life and leisure time and cut commuting⁵, and had thus often been offered as an advantage for employees. Yet, prior to the pandemic, telework had only slowly been made available to some

workers, reflecting the fact that not all jobs can be performed in telework (telework is mainly available to office work), as well as different hierarchic and management approaches to it.

In 2015, around one-fifth of workers did some form of telework or ICT-based mobile work — meaning they worked, either occasionally or regularly, from somewhere other than a main place of work. There was quite a wide range of variance between Member States: Italy recorded just 8% of workers doing telework/ICT-based mobile work, whereas in Denmark it was 38%.⁶

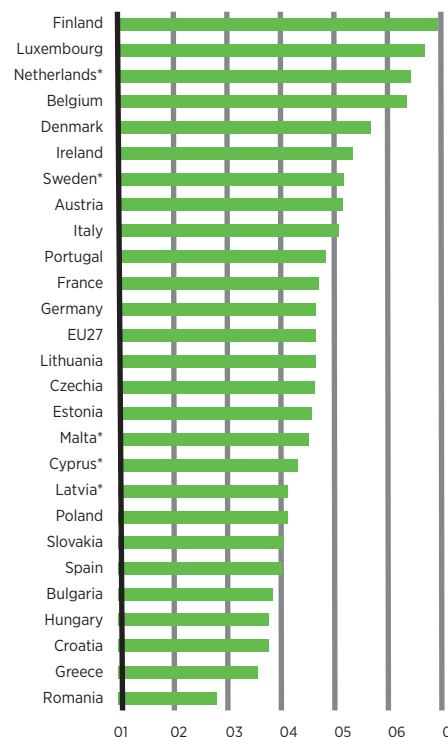
Until the first Covid-19 lockdowns, telework was the exception rather than the norm. At the beginning of

Changes in working time during the Covid-19 pandemic by country (%)



Note: *Due to the lower response rate, the results for Cyprus, Latvia, Malta, the Netherlands and Sweden have low reliability.

Proportion of workers who started teleworking as a result of Covid-19 by country (%)



Note: *Due to the lower response rate, the results for Cyprus, Latvia, Malta, the Netherlands and Sweden have low reliability.

2020, Covid-19 containment measures generated a huge and sudden increase of telework in the EU, bringing close to 40% of workers across the EU to work from home.

- In July 2020, over a third (37%) of those currently working in the EU began to telework as a result of the pandemic – over 30% in most Member States. The largest proportions of workers who switched to working from home are to be found in the Nordic and Benelux countries (close to 60% in Finland and above 50% in Luxembourg, the Netherlands, Belgium and Denmark, and 40% or more in Ireland, Sweden, Austria and Italy).⁷

The Covid-19 pandemic made teleworking from home a habit for millions of workers in the EU throughout 2020. In 2021, telework was still recommended or mandatory in most EU Member States. It is broadly expected that telework will continue to be used beyond the pandemic, and become more frequent even once the sanitary situation goes back to normal. This constitutes an unexpected big scale experiment of teleworking from home, which calls on us to draw the lessons of the past months.



2 RECENT ATTEMPTS TO BETTER FRAME TELEWORK

Some rules already exist and apply to telework, either set through collective bargaining or by legislation.

Since 2002, at the European level, a social partners framework agreement on telework puts forward guiding principles for telework. The agreement endorses the principles of the voluntary nature of telework, the alignment of rights between workers, the employer's responsibility for providing, installing and maintaining the equipment necessary for regular telework. It further addresses issues such as health and safety, privacy, data protection, work organisation and collective rights.

Over 2020, social partners of several countries, including France and Luxembourg, have struck agreements on the matter of telework. These agreements generally uphold the voluntary nature of teleworking for both employee and employer and touch upon practical aspects such as the definition of telework, the rule of non-discrimination/equal treatment between teleworkers and other workers, or the rights, as well as obligations with regard to data protection, work equipment, health and safety, work organisation and training.

At the European Level, in June 2020, cross-industry social partners signed an Autonomous Framework Agreement on Digitalisation, including a section on modalities of connecting and disconnecting⁸.

The recent increase of telework due to Covid-19 has also triggered new legislative developments in several Member States.

In 2020 in Ireland, the Labour party has put forward a Working from Home (Covid-19) Bill, for discussion in the Dáil.⁹ The bill requires employers to inform employees of their policy on out of hours communications and protects employees from punishment for failing to respond to communications. The Bill also requires an employer to pay employees for suitable work equipment and pay them for the costs of working from home including extra utility costs such as electricity, home heating and broadband. In parallel, Ireland's Workplace Relations Commission has launched a consultation on a new code of practice which will give employees the right to disconnect outside normal working hours.¹⁰ So far, unfortunately, the Irish government only followed up with a proposal for a code of conduct on the right to disconnect.¹¹

In April 2020, Germany's SPD Minister of employment and social affairs Hubertus Heil announced his intention to draft a law on telework, with the objective to create a right to work remotely on a part-time basis. The ministry submitted its proposal in autumn last year. At the beginning of 2021, this draft legislation was still in discussion. The SPD has made specific proposals in its 2021 electoral manifesto since¹².

Germany also considers introducing a tax deduction for employees that are working remotely, to offer compensation to employees forced to telework as a result of the pandemic and who are not all supported by

their respective companies.¹³

These legislative efforts come on top of measures taken prior to the crisis, France, Belgium, Italy and Spain on the right to disconnect, which partly also applies to telework.

- **Setting a framework for telework is thus an ongoing process, one in which our family is ready to engage.**
- **EU legislative and policy frameworks should provide an enabling framework for collective bargaining between trade unions and employers. The introduction and regulation of remote work should be based on the principle of subsidiarity, involving national legislation, national collective agreements, sectoral collective agreements and company agreements.**
- **In its European Pillar of Social Rights Action Plan the Commission further encourages Social partners to follow-up on their Autonomous Framework Agreement on Digitalisation, notably in relation to the modalities for connecting and disconnecting, and to explore: 1) measures to ensure fair telework conditions and 2) measures to ensure that all workers can effectively enjoy the right to disconnect.**
- **The Action Plan also announces a report on the implementation of the Working Time Directive in 2022 and a commitment to follow-up on the European Parliament Resolution with recommendations to the Commission on the right to disconnect.**



3 ENSURING TELEWORK BENEFITS WORKERS

Telework has a practical impact on workers' lives. Synergies in work-life balance have emerged from teleworking. It saves many workers the time they used to go to work, it saves as much traffic, and offers a more flexible approach to work both in terms of location and schedule. At the time of the lockdowns, these benefits were felt despite the fact that teleworking mandated by the Covid-19 crisis came as (a) an obligation and not a choice, (b) without prior warning and little time for preparation by companies or by workers, and (c) often without possibility to balance it with a mix of in-office and teleworking.

Yet, next to these positive aspects, increased telework also blurred the boundaries of contractual working time. For many, telework also meant working extra hours, increased workloads, not being able to disconnect, additional monitoring and surveillance, increased interference of work into private life and vice-versa, increased isolation. These challenges were not equally felt by all workers and telework has posed higher risks to certain groups, such as younger people, families with dependant relatives, workers with unpaid care duties, as well as to marginalised people.

Additionally, telework also challenged companies to adapt their work organisation and management practices and has impacted trade unions' ability to organise and collectively bargain on behalf of workers.

3.1 UNEQUAL ACCESS TO TELEWORK

The lockdowns that came into force to fight Covid-19 have shown that close to 40% of EU workers can use telework simultaneously. They have also strongly highlighted the need for some workers (the so called essential or frontline workers) to perform their job at their usual working place for society to keep functioning. Although not all jobs are ‘teleworkable’, there is an important number of jobs that can be.

In general, information and communications technologies enable good communication and distance work for many office jobs, as well as for part of the medical, teaching, counselling, and care sector. Prior to the pandemic, telework and working from home were relatively frequent for some categories of self-employed people (craftwork, but also consultants, graphic designers, etc.) while its use remained sparser for

Education as a pathway to self-determination and participation





employees, and often limited to high earners and management positions. In 2015, the overall high share of telework was found in high skilled occupations, whereas telework was lowest among low- and medium-skilled workers, as they often perform tasks requiring a physical presence, e.g., personal care workers, production workers or sales staff. This suggests that, in the absence of targeted measures to reduce gaps in the ability to telework, more widespread telework could exacerbate disparities in working conditions in the long run.¹⁴

Until the first Covid-19 lockdowns, telework remained a non-standard working arrangement and was more developed in some countries than others. Next to the possibility of teleworking for some jobs, this can be explained by different working culture in companies, activity sector or even countries. Where work is organized very hierarchically, task distributions made orally and working time defined by presence at the office,

telework indeed brings drastic change to the work organization, which managers, workers and trade unions/worker representatives are confronted with. An additional element to take into account is that, while some (essential) services can be delivered via telework, they also lose in quality in the process. The Covid-19 pandemic forced a sudden unprepared shift to distance learning and has showed both the potential and the limits of the use of digital technology in education, training and communication. It has highlighted and sometimes aggravated inequalities of access, may it be due to lack of hardware, of connectivity or of an adapted, quiet learning space.



Further than the work specification of a job, additional elements stemming from the personal situation of each worker might also influence the ability and decision to telework or not. For instance, by allowing workers to perform their duties from their own home, presumably adapted to their needs, teleworking can facilitate access to employment for people with disabilities. This possibility should nevertheless not be used by employers as an excuse not to make their workplaces accessible for people with disabilities. Telework can also have the opposite effect and create additional difficulties for workers that only have a basic command of digital tools, or that are ill-equipped at home, because of the increased recourse to ICTs telework demands. For example, older persons may be more vulnerable to fast changing technological developments, such as those caused by the pandemic and the increase in telework as they may be less at ease with digital tools.

Proposals:

- To further access to telework, there should be a right to mobile work. As a matter of principle and depending on the job, employees should be entitled to work remotely or from home at least for part of their weekly and annual working-time.¹⁵
- Employees must remain free to choose whether they want to engage in mobile work or not. Telework should only be applicable with the consent of the employee.
- Policies targeted at increasing the capacity for telework of disadvantaged worker groups, e.g. low skilled, older or rural workers, may help avoiding that they fall further behind and are excluded from the benefits telework offers.¹⁶
- Trade Unions and employers should be further encouraged to set collective agreements at the company and sectorial level identifying positions and tasks that can be performed in telework.

3.2 TELEWORKERS MUST ENJOY THE SAME RIGHTS AS THEIR COLLEAGUES

We must ensure a collective legal framework is fit for the new digital realities, protecting the rights, conditions, and health and safety of our workers in the long term. We need clarifications of the working conditions – contractual as well as provisions and equipment – of teleworkers and their rights and performance standard should be the same as those not working remotely.

Individual rights

Telework offers the possibility to organise work outside a company's premises. While telework can improve workers' quality of life, it can also constitute a constraint for both the employee or the employer. It is thus crucial that, outside exceptional circumstances such as the Covid-19 lockdowns, telework remains of a voluntary and reversible nature and cannot be forced upon the worker.

The choice to telework should not hinder a worker's professional prospects in the long term either. Employers must ensure that remote workers are 'visible' within the company and provide them with opportunities for regular face-to-face meetings for career development and mentorship to promote their growth and advancement. The potential increased isolation of prolonged remote work can also impinge on the creation

and building of workplace networks and breaking the glass ceiling, which could particularly impact the career development of women and minority groups.

It is crucial that we guarantee equal pay and treatment, there should be no differentiation in terms of wages or contracts between those teleworking and those working physically in the office nor prejudice when it comes to promotion of workers.

Workers should be supported to continue skill-learning and training while teleworking, all workers' rights, individual or collective, should apply equally to teleworkers and face-to-face workers. Remote workers should receive the same information and have equal access to employer-funded training (digital training, including for new tools, technologies, and cyber security) and re-/up-skilling, guidance and career opportunities. In regards to training, the case of internships during the time of Covid-19 has often resulted in disappointing as work from home requirements have forced most internships to be carried out online, thus reducing both the learning dimension of internships and full-time opportunities afterwards.¹⁷

ERROR!



DATA PROTECTION BREACH

Because it is performed mainly via ICTs, and often from personal devices or networks, telework also brings new challenges in terms of data protection. Remote working may bring monitoring systems which invade privacy and liberty.¹⁸ Existing communication channels between workers can be surveyed, while employers can monitor workers' activities both at the workplace or at home via IT surveillance tools.¹⁹ This is a big issue. We need to protect workers' private data. There is a potential detriment for workers, as they have to prove they are doing enough work, and there is a potential loss of trust from the employer to the employee.

The use of surveillance tools to monitor remote workers and store their data can create excessive controls, invade privacy (including data rights), and undermine positive working relations, and should be restricted as a matter of principle unless firmly regulated through national or local law and a trade union collective agreement. Workers and trade unions should be granted the right to transparency and to participate in the implementation and use of such tools, including for disciplinary procedures.

Proposals:

- In a resolution adopted on January 21st on the right to disconnect²⁰, initiated by S&D MEP Alex Agius Saliba, the European Parliament calls for a legislative framework with a view to establishing minimum requirements for remote work.



Alex Agius Saliba, MEP

- Trade unions play a crucial role in negotiating and ensuring the respect of collectively agreed rights and conditions for all remote workers – may it be on working conditions, ergonomics, health and safety, access to training and career development, or any other.
- Collective bargaining agreements on telework, especially at the sectoral level should be further encouraged.
- Data protection for employees must be clearly guaranteed through legislation.²¹
- Employees should be informed about the rights and conditions linked to telework prior to starting to work remotely.

Collective rights

The absence of a common working place and the decrease of contacts between workers employed by the same company make it difficult to recognise shared problems, to articulate them, and then enforce collective interests. This might contribute to a further decline in collective bargaining coverage and generally in workers' organisation, such as trade unions that play a crucial role in protecting workers and bargaining on their behalf.²² Freedom of association and collective bargaining rights are fundamental and must be guaranteed also in a remote work setting – including employers putting all tools at the trade unions' disposal to be able to organise and communicate with workers also in a remote work setting.

More action is needed to ensure equal rights in regards to freedom of association and collective bargaining. Remote work should not be used to diminish or obstruct workers' rights to form or join a trade union, nor to weaken social dialogue and collective bargaining or impinge trade union rights, activities and organisation. Employers are still responsible for providing trade unions and employee representatives with full access to the remote workforce and communication tools in an online setting, without employer presence or oversight.

Companies should not exclude remote workers from the determination of bargaining thresholds. Employees, regardless of the length of the contract, working remotely must remain under the same collectively bargained rights and conditions provided to all other workers, including equal pay, equal treatment, non-discrimination and work-life balance.²³ Their contract of employment must not be significantly amended so as to reduce any existing benefits, remote work should not be used to shift employment status

towards more precarious forms such as temporary, agency or independent contracting arrangements. Employers should not attempt to introduce remote work as a means of abandoning traditional employment relations and should not reward nor punish workers for preferring one kind of work arrangement over another.

Confronted to these changes, public authorities, company and trade union practices will need to adapt via more digital organising and communication methods, and organisations will need to learn new ways of operating. Fundamental trade union rights such as freedom of association and the right to bargain collectively must be ensured in a remote work setting. Employers must continue to respect and guarantee these.

Proposals:

- **Legislators and social partners must seek to include provisions for workers on guaranteeing the voluntary nature of telework or the suitability of specific tasks to teleworking in any legal frameworks or agreements.**
- **To support corporate mobile work regulations, we should create co-determination rights relating to the introduction and arrangements of mobile work.²⁴**
- **The rights between face-to-face work and telework should be completely aligned and guarantee equal pay and access to training for those working remotely.**
- **Trade unions should be given digital access rights to the “virtual” workplace and to remote workers.**

3.3 WORKING CONDITIONS AND HEALTH AND SAFETY AT WORK

Worker satisfaction, depend crucially on working conditions while teleworking, for example. in terms of ICT equipment, office space, or childcare.²⁵ By definition, telework is not happening at the employer's premises, and this can have strong repercussions on working conditions as well as for the implementation and monitoring of health and safety regulations...While, it is difficult and not desirable than an employer would be effectively required to inspect employees' homes to ensure they are suitable for work purpose., it is essential that employers do not overlook their legal obligations to employees and ensure good working conditions to teleworkers too, They can indeed act on the equipment provided to teleworkers, on the costs implied by telework, as well as on the prevention of psycho social risks related to telework.

Although several Member States and employers have set up special benefits for employees to cover additional cost incurred by teleworking (electricity, heating, communications, but also furniture, ICT equipment), during Covid-19 lockdowns, fewer than half of employees teleworking report having received the required equipment from their employer. Despite of existing

legislation setting the obligation for employers²⁶ to ensure decent working equipment²⁷, this indicates that not all costs of teleworking are covered by firms, but instead that part of them are shifted onto workers. More generally, telework raises the question of the availability and costs of both hardware and software needed for the workers to perform their tasks. It also stresses unequal access to efficient communication networks. Gaps in networks grids can indeed constitute an obstacle to or imply additional costs for telework. This all calls for greater clarification about how employers can contribute to expenses linked to working from home.

The more work is disconnected from a central workplace, the greater the potential risk of social isolation. Workplaces are not just spaces for work but are places where identities and social bonds are cultivated. They are essential to the complex interplay of factors that influence an individual's identity, worth and wellbeing. If the workplace does not offer social intercourse anymore, it must be replaced with other spaces of socialisation.²⁸



Communication with staff and support from management and colleagues are key to prevent isolation.

Employers should ensure that there is regular contact between employees and consider whether they need to adapt their current employment policies to ensure they cover working from home as well as in the office (such as communication tools and networks – both formal and informal – accessible also in a remote work/online setting). Employers should also commit to maintaining a relationship with the remote workers, both individually and in a wider staff setting.

This particular setting of telework, in combination with anti-Covid-19 lockdown measures, is also posing a challenge in terms of domestic violence. Overall, an

increase in the number of cases of gender-based violence has been observed during this pandemic. Because of the relative isolation it implies, telework has taken away support from victims of intimate partner violence and has contributed to its surge.²⁹ We need urgent effective measures to address domestic violence. Teleworking also poses new problems when it comes to online harassment and work-related cyber-bullying, including a greater risk of gender-based harassment the use of information and communication technologies can lead to an increased sense of impunity.

Proposals:

- Employers have a collective responsibility for occupational health and safety; including comprehensive insurance and liability, sick leave, quality work environments, ergonomics, and violence-free workplaces (C190).
- Employers introducing remote working rules should particularly review their health insurance and sick leave policies to ensure that remote workers are given equal protections, including during crisis situations when remote work may need to be extended or made obligatory.
- Employees should be provided with adequate technical equipment and a good accident insurance.
- Employers should provide, maintain, and replace equipment needed for telework and should compensate teleworkers —with respect to the applicable law—for direct and indirect costs necessary to perform their duties, including but not limited to rent for workspace, insurance, electricity, internet, mobile phone service, and others.
- Technological progress should not turn into additional constraints for employees. Its benefits should be shared between workers and employers. Legislation and collective agreement should ensure work arrangements that provide workers with an appropriate working environment and that ensure that additional costs incurred to the workers are compensated for.
- Employer responsibility should be established for more than just physical health but also mental health. Measures are needed to reduce psycho-social risks related to potential feelings of isolation for remote workers and to prevent an increased risk of technology-enabled violence and harassment.
- Specific measures to tackle gender-based violence and the strengthening of existing measures should be considered in order to support victims, who have greatly increased their exposure to intimate partner violence due to telework. Such measures should not only tackle the current emergency, but also remain in place after the Covid-19 lockdowns end.
- Introduce a gender-sensitive framework for telework as part of the provisions of flexible working arrangements in the Work-life Balance Directive.



3.4 WORK-LIFE BALANCE AND GENDER EQUALITY

Teleworking from home can generate clear benefits for people's work-life balance, enabling them to adapt their working time to their private and family-related needs³⁰. It not only saves workers the commuting time to their workplace, but also offers greater possibilities to combine small domestic tasks and family and caring responsibilities with work on a daily basis, and in general greater autonomy over working life.

But telework can also create new challenges. The European Commission's European Pillar of Social Rights Action Plan acknowledges that "generalised teleworking raises the need to reflect, for example, on the boundaries of contractual working time, and the balance between work and personal life".³¹

Working time in telework is indeed often more porous, irregular and unpredictable³². It can blur the boundaries between work and private life, by making workers reachable by phone, e-mail or instant messages outside of normal working hours. This 'always on', or "virtual presenteeism" culture may be aggravated by organisational cultures characterised by heavy workloads and overtime, resulting in long working hours. Working from home during the pandemic has led many to extend their working days late into the evening, and into the weekend. Yet, presence and productivity are not the same thing and improved output can also be linked to remote workers' ability to manage their time flexibly and in accordance with rhythms that are optimal for them³³.



Telework favours managing objectives over managing working time. It thus imposes to rethink workers' autonomy, control mechanisms, team work, as well as the training and integration of new employees. This may require the development of new tools and rethinking how to measure work. In any case, performance criteria should be the same for all, whether working remotely or not.

According to the EU's working time directive³⁴ employers have an obligation to monitor and maintain records of working hours of their employees to ensure the maximum working week limit and daily and weekly rest periods are adhered to. More generally, employers

have a collective responsibility to ensure workers take regular breaks and that they do not fall into a cycle of working longer hours and not switching off. Too often, the freedom to decide when and where one works turns into an obligation to work everywhere and at all times. It is essential to ensure that telework does not create an obligation of permanent availability, by acknowledging the right for employees to disconnect.³⁵ Eurofound has highlighted the need for governments and social partners to introduce 'right to disconnect' initiatives in order to prevent large segments of workers becoming at risk of physical and emotional exhaustion, which in turn affects mental health.³⁶





One group that is particularly impacted by the change in work patterns as a result of Covid-19 are people with children. More flexible working schedules can help meet childcare obligations, but as they become more porous, irregular and unpredictable, they also often intrude in family time. Flexibility of work and in part telework do not replace the need for affordable and accessible childcare. Doubling paid and unpaid work poses risks to both mental health and career progression. This urges the need for a right to disconnect even further.

Furthermore, the OECD suggest that the double pressure of work and household and care duties while

teleworking during the crisis may have fallen disproportionately on women or single parents.³⁷ Women's productivity in professions that could be easily adapted to telework, like academia, greatly suffered in part due to expectations of care for children during telework.^{38 39} While teleworking could, theoretically, help promote equality between men and women on the labour market by making it easier to break down traditional gender roles, it often adds extra pressure on women to juggle work and family care duties. Many people suddenly saw themselves cast back into old role models, stressing that cultural change and society-wide efforts must follow to change gender roles through education, media and economic incentives.

Proposals:

- Telework must not degenerate into round-the-clock work: normal work and rest periods must apply in the home office just like anywhere else, working times must be recorded daily and in full, and employees must be entitled to be “not available” at certain times.⁴⁰
- Workers should not be pressured or face negative repercussions because they do not work on their free time.
- Trade unions and worker representatives have a key role in implementing and monitoring working time rules. Beyond presence and productivity, they should develop together clear tools to measure work and establish performance criteria equal for all, reflecting remote workers’ ability to manage their time flexibly.
- Worker’s autonomy in determining flexibility in working hour arrangements must be reinforced, based on sectoral collective bargaining agreements (which should cover non-standard forms of employment) in order to bring the ongoing increase of overtime hours to an end.⁴¹
- A few EU countries have already started introducing the right to disconnect, while some are exploring and considering doing the same.⁴² For instance, France passed a law in 2016 which makes the right to disconnect a topic for mandatory negotiation in companies.⁴³
- In a resolution on a right to disconnect⁴⁴ of 21 January 2021, the European Parliament called on the Commission to regulate the right to disconnect for all employees in the EU and on Member States to ensure that workers were able to exercise the right to disconnect effectively, including by means of collective agreements. This report calls on the Commission to regulate the right to disconnect for all employees in the EU as soon as possible.
- The right to disconnect should be part of the upcoming occupational health and safety strategy and ensure a minimum level of protection for all workers who use digital tools, including ICT, in the course of their work, including atypical workers.⁴⁵ The possibility to introduce a specific directive on the right to disconnect could also be considered.
- Arrangements for working time and workload, as well as in terms of leave and support measures, should take the needs of people with children and other caring responsibilities into account.
- Family support infrastructure may need to be adjusted to more widespread teleworking, e.g., childcare may need to be offered closer to the home and should in any case not be limited on the ground of a higher incidence of employees working from home.

4 THE BROADER SOCIETAL IMPACT OF TELEWORK

Telework does not only have an impact on the daily reality of employees and employers, it also can bring about or reinforce structural changes in our societies and economies.

4.1 TELEWORK, A CATALYSER FOR FURTHER EXTERNALISATION OF COSTS

One of the key determinants of a good working environment is the possibility of having a dedicated working space. Not all workers have such space available at home, and anticipating the need for an additional space would strongly impact housing budgeting and decisions, especially where the housing market is already tense.

Real estate and office costs constitute one of the main expenses of a company. For employers, telework can thus directly lower capital costs by reducing office space and equipment required by the company⁴⁶. If moving to fully remote telework, i.e. with no office space provided at all, employers can save all office costs while recruiting their employees from all over the world.

Telework can also further blur the line between employees and the self-employed, in particular freelancers. Indeed, telework, with the lesser hierarchic control, greater time-flexibility and the management per objectives that it favours, tends to replicate the

conditions of a client-contractor arrangement, moving away from that of a traditional employment relationship. Replacing employees by contractors becomes easier and could allow companies to dip in and out of a great pool of workers engaging them on freelance terms for short-term projects.⁴⁷

The surge in telework has given ground to issues on social protection across borders. Labour mobility has been facilitated by teleworking and the growing number of digital nomads⁴⁸ across the EU.⁴⁹ This increased mobility also has consequences in terms of portability of social security rights and cross-border verification of social security coverage.

Combined, those trends picture new business models. In these models, companies impose widespread telework to their offices costs and their duty to provide a healthy working environment, while being able to put a larger pool of workers into competition across borders, selecting their employees and contractors from countries offering lowest wages and social protection.



It is clear that workers should not be subject to adversities for choosing the place where they would like to work and can carry out their telework, as this is one of the main advantages of telework. Yet it is equally important that telework is not used by employers as an additional means to avoid social contributions, cut costs by lowering conditions, cutting jobs, introducing more digital off-shoring and restructuring on a massive scale, or as an additional tool for letter-box companies to minimise their legal and tax obligations.

Proposals:

- It is essential to frame telework to prevent that it becomes a tool for employers to push more precarious employment relationships, both in terms of moving towards piecework, self-employed contracts on the one hand, and on the other hand towards sourcing services across borders and even globally.
- Employers should compensate teleworkers — with respect to the applicable law — for direct and indirect costs necessary to perform their duties, including but not limited to rent for workspace, insurance, electricity, internet, mobile phone service, and others.
- The increased recourse to telework further calls for a clarification of the distinction between self-employed and employees, to prevent it from leading to the externalisation of employment costs.

4.2 TELEWORK, A TOOL FOR ENVIRONMENTAL AND TERRITORIAL POLICIES

Beyond the social and employment impact of telework, the fact that today's office work is increasingly mobile offers new perspectives for reducing carbon emissions and reshaping the urban environment.

In the first half of 2020, a drastic reduction of traffic and improvement in air quality could be observed once the Covid-19 lockdowns started. Although air quality levels appear to be returning to near-pre-lockdown levels in many parts of the world as stricter lockdown measures are lifted, this period has revealed some of the benefits that could be achieved from a lasting and sustainable reduction in air pollution. Environment Agency Data show how concentrations of NO₂ — a pollutant mainly emitted by road transport — fell sharply in many European countries where lockdown measures were implemented in the spring of 2020.⁵⁰

This could be explained in great part by fewer people commuting from home to their workplace as they started working from home. This unforeseen side

effect of the pandemic not only evidenced the huge impact of daily traffic on air quality and the positive consequence of its reduction, but also showed how nicer cities could be, once freed from a good part of the traffic and cars. Amongst others, it allowed people to experience the immediate benefits of quieter cities.⁵¹

There are also potential energy savings to be found from a reduced use of office spaces. For example, the European Commission plans to close half of its 50 office buildings across Brussels by 2030, as it aims to merge office space and allow home working beyond the pandemic. According to the Commission, this would help reduce building emissions and save energy while also contributing to a better territorial balance in Brussels.⁵²

Less commuting also could stimulate local economies. Most job growth has, over the last decade, been centred in large metropolitan areas. Commuting workers tend to buy food, coffee and do other consumer



activities in the cities or neighbourhoods they travel to.⁵³ Workers undertaking work from their homes, local workspaces or cafes would likely spend some of the money once spent in commuter consumption spaces in local businesses. More people spending in the towns neighbourhoods where they live, as opposed to those of where they work, means greater demand for local cafes, restaurants, pubs and shops. This has the potential to lead to significant growth both in terms of profits for SMEs and in terms of local job markets⁵⁴, but it can also lead to significant job losses in the former areas of activity when this reshuffle takes place. This could also impact real estate and renting markets, notably in big cities.

With telework becoming mainstream, knowledge workers who work remotely from a variety of different cities, and more generally, workers whose job offers the possibility of telework, could become an increasingly important cohort in labour and real-estate markets and facilitate a move away from cities towards rural areas. The potential of less developed regions, including rural regions, to become attractive again has,

to a certain extent, been accelerated by the Covid-19 pandemic. There is also an improvement in Digital Cohesion resulting from this rise in telework: rural areas are becoming increasingly more digitalised. With sufficient infrastructure such as transport, digital connectivity and other conditions, small and medium towns can provide a great working environment to those partaking in teleworking activities. Telework could thus help bridge the territorial gap between urban and rural areas. This, in turn, would constitute an additional incentive to improve the infrastructure that benefits the whole local population, help maintain public services, in particular schools, and create new job opportunities on the spot.⁵⁵



Proposals:

- Telework could be incentivised alike the use of public transport, as a way to reduce commuting-induced pollution.
 - Telework could be considered and encouraged as a tool for urban planning policies, supporting the objective of The 15-minute city, within which homes, workplaces, public services and shops are accessible within 15 minutes by foot or public transport.
 - The shift to remote working has shown a range of possibilities to revolutionise office work, including public administration. If large numbers of staff are no longer required to operate in the same building, a greater number of them can be reallocated to different neighbourhoods so that residents no longer have to travel as far to access in-person services.
- Public services could thus be brought closer to citizens through decentralised offices in different neighbourhoods and contribute to a deconcentration of the activities at a city level
 - Telework and ICTs can be used to relocate public services from the capital and big cities to rural areas and thus contribute to a better territorial coverage and a better territorial spread of public servants in a country.
 - Public authorities and administrations could introduce a general use of telework within their services, with a view to lower commuting traffic and to foster a more diversified repartition of activity throughout their constituency.

5 CONCLUSION

Covid lockdowns have shown both the interest of promoting telework, for social and environmental reasons, as well as the great need to further regulate it and prevent it from leading to an increase in work intensity in non-adapted work environments and working conditions. This crisis might be solved as soon as everyone is vaccinated, but other crises might emerge, and telework can offer a long-term stable source of production. Although there is great uncertainty as to what the future might challenge us with, it is clear that some workers have found that teleworking suits their necessities better than face-to-face work. Whenever possible, everyone's choice of their type of work should be respected and maintained even post-pandemic.

More and better social protection has always been part of the answer to technological revolutions; we need to further these historical dynamics. The deep changes telework brings to labour rights, working conditions, working arrangements, and beyond these, to the way work is organised in our society, call on us socialists and democrats to seize the topic. We want to strike a fair balance between the promises of technology and the protection of workers⁵⁶ and make sure telework contributes to the wellbeing of all workers with “adequate working conditions underpinning quality jobs”.⁵⁷



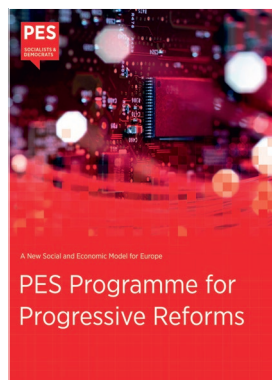
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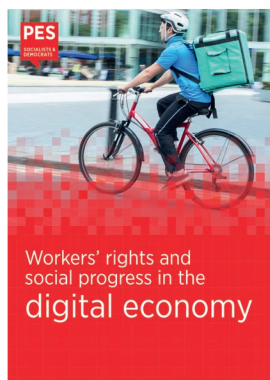
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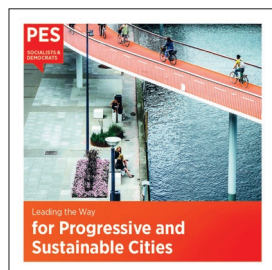
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