

Telework requirements from the perspective of public service workers

PERC-FES Conference: „New realities of labour in the Pan-European Region:
Remote work challenges and its regulation“
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Key Points

1. Telework varies across countries and categories of workers
2. Why it is important to regulate telework
3. Legal and other sources of regulation
4. Collective bargaining agreements are key
5. Other types of trade union action

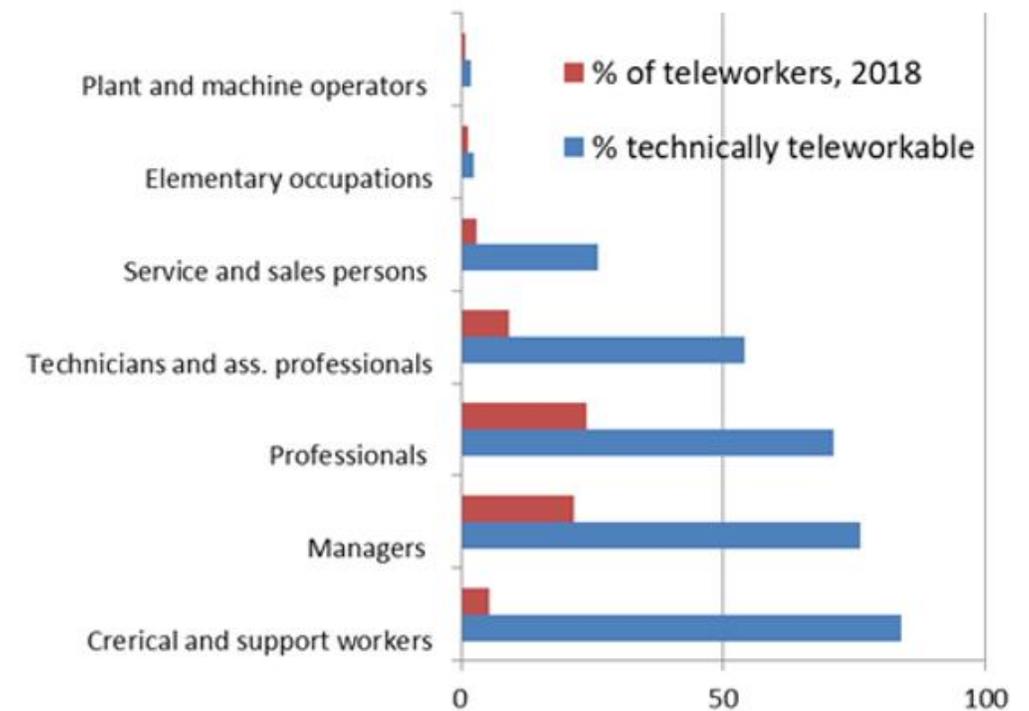
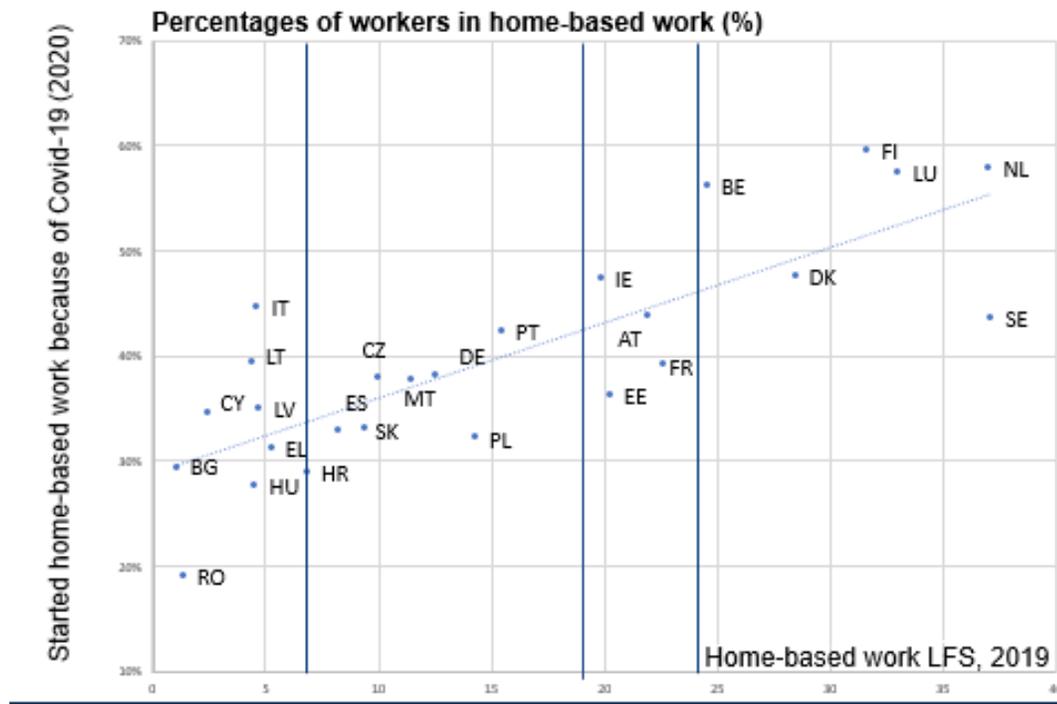
Varieties of Telework

Telework and ICT-based mobile work: definitions and varieties

According to Eurofound, teleworking refers to 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, as defined in the European framework agreement on telework of 2002. The characteristic feature of telework is the use of computers and telecommunications to change the usual location of work.

Teleworkability before, during and after COVID-19

- The growth in teleworking seen during the Covid-19 crisis has been strongly skewed towards highly paid occupations and white-collar employment enforced closures of economic activities due to confinement measures resulted in many new teleworkers amongst low and mid-level clerical and administrative workers who previously had limited access to this working arrangement.



Not a win-win situation for all: Why it is important to regulate telework

- COVID-19 on telework has resulted in increased diversity of telework and mobile work. All types are related to certain skill levels (and correspondingly wage/income levels) and there is a strong gender element:
- Three broader types can be described.
 - **Voluntary telework by high professionals:** Conducted by highly skilled professional workers and experts with high wages that already before COVID often had been teleworking or working mobile regularly or occasionally. Such workers often prefer to work mobile and/or from home because of gaining a better work-life balance. This group overwhelmingly is male and often has IT and/or engineering skills that often are scarce in the labour market.
 - **COVID triggered voluntary and involuntary telework:** Many higher and medium skilled professional workers started teleworking for the first time during the COVID crisis or had worked this way only occasionally before. This group is quite heterogeneous, consisting of male and female professionals and the individual experience of telework is quite different. Many of those workers would like to continue to work at least some days per week from home after the crisis, whereas there is also a significant group (often female workers) that report a preference of office work because of clearer working time organisation and less blurring of private and work-related activities.
 - **Involuntary telework by lower and medium skilled administrative and supportive staff:** Administrative and supportive workers, for example office administration, accounting, office organisation and other back-office and operational functions (including for example meetings) is conducted mainly by female workers (often part-time) that never teleworked before the crisis not only because of a generally presence oriented corporate culture but also because they don't have the facilities at home to do telework (hard and software, room facilities, etc.). During the crisis this group was forced into telework and for most workers of this group telework is certainly not voluntary but rather an expression of an emergency. For these workers, telework comes with increased work pressure and stress levels in particular in situations where female workers have to take care of children, organise home-schooling etc.

Gaps in legal regulation

- Research has identified **four different approaches** of regulating working conditions in the context of telework and occasional mobile work in different EU Member States:
 - **'balanced promote-protect' approach:** specific legislation introducing a legal framework for the right to disconnect (Belgium, France, Italy and Spain);
 - **'promoting' approach:** legislation on the use of telework, with provisions identifying its potential advantages but not its potential disadvantages (Czechia, Lithuania, Poland and Portugal);
 - **'general' regulatory approach:** only general legislation regulating the use of tele/remote work (Austria, Bulgaria, Estonia, Germany, Greece, Croatia, Hungary, Luxembourg, Malta, the Netherlands, Romania, Slovenia and Slovakia);
 - **no specific legislation governing tele- or remote working** (Cyprus, Denmark, Finland, Ireland, Latvia and Sweden).



Why collective bargaining is important

- Whereas telework is regulated by the European Framework Agreement and in many EU Member States covered by labour law legislation on working time and health and safety provisions at the workplace, regular or occasional mobile and distance working or other forms of ICT based mobile and home-based work are much less regulated by national legislators.
- Surveys have shown the negative impact on aspects such as working time, health and wellbeing at work, availability, gender equality, right to training and LLL.
- Public services: COVID-19 has a strong impact on the increase of involuntary teleworking, labelled 'smart working', 'working from home', 'agile working', etc.
- Announcements of larger private companies indicate that also in the post-COVID situation, working from home and (less regulated) mobile working will become a part of 'Future Work'
- In the context of legal regulation absence, collective agreements are the only source of regulation

Collective bargaining practice and achievements

- Our research for PSI Global identified different types of bargaining and negotiation practices across the world:
 - **Cross-sectoral agreements**, e.g. October 2020 Agreement of Spanish public service trade unions FSC-CCOO and FeSP-UGT covering > 2 Mio. Public sector employees
 - **Sectoral agreements** defining certain principles as regards teleworking and mobile working / working from home as in federal states public administration in Germany, negotiated by the ver.di trade union
 - **Local agreements at the level of specific regional or municipal authorities** as regards mobile working from home, for example the agreements on ‘agile’ or ‘smart’ working as negotiated in 2020 by the Italian public services unions FP-CGIL
 - **Local agreements** at the company/provider level, either negotiated by trade unions or staff delegations
- Collective bargaining practice reflects always the national legal framework of industrial relations as well as power-relations and organisational strength of trade unions

Key principles regarding mobile working

▪ Example of YOUNION, Austria

Self-determined mobile working

- Voluntariness and mutual willingness and agreement.
- A legal framework and collective agreements at company level are needed
- Clear rules and criteria on who can work mobile and how. [...]

Clear regulations

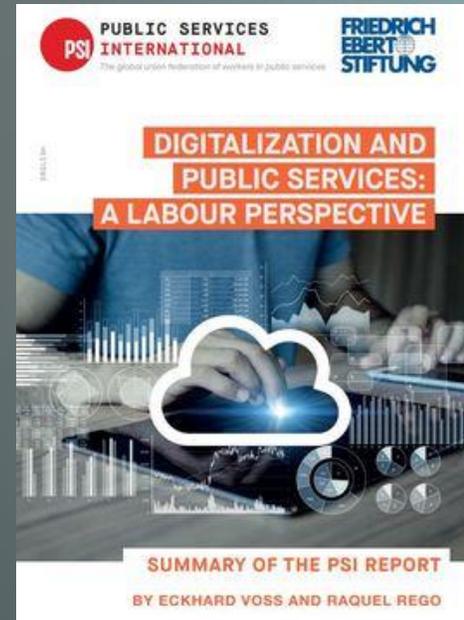
- Working hours apply [...], as provided for in the Working Hours Act.
- Records of working time must be kept - employer is obliged to ensure that the employee fulfils his obligations and keeps a record: Duty of care of the employer.
- Right of non-reachability.
- Travel to work is working time.

- Appropriate equipment: The necessary equipment should be set out in as much detail as possible in a (company) agreement so that all employees can work under good conditions even in the case of mobile work.
- Desk sharing only with the mandatory consent of the works councils/staff representatives.
- Accident insurance coverage.
- Home office as an external workplace.
- Duty to instruct.

Obligation to evaluate workplaces

- Strengthening prevention specialists and occupational psychologists.
- Mobile work needs leadership.
- More resources for labour inspection.

Further reading



- PSI/FES: Digitalisation and Public Services – A Labour Perspective, by E Voss and R Rego, 2019.
- Forthcoming 2021: PSI/FES Compendium of Collective Bargaining Clauses on Digitalisation, by E Voss and C Benning
- EPSU: Project on Digitalisation and Collective Bargaining, including Training Toolkit, 2020

Many thanks!
**Please contact us in case
of any questions**



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