



## PERC-FES conference



# New realities of labour in the Pan-European region: remote work challenge and its regulations

PERC

### ▶ Session 2: Setting up the scene: challenges of remote work

Working from home (teleworking): before, during and after COVID times

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Thursday, 15 April- 2021.  
1 09:30-14:00

# OBJECTIVES FOR THIS BRIEF PRESENTATION

Present the overall framework proposed for the ILO to respond the pandemic.

Present briefly the guidance on teleworking in the context of covid 19:  
Before Covid. Jurisprudence of the ILO ILS Supervisory Bodies  
During Covid 19  
Post Covid 10

Present different resources that can help the debate for the demand of international regulations; development of national legislations and frameworks: recent examples from the region; specific categories of workers, sectoral approaches and agreements and lastly the conclusion and follow up: next steps.

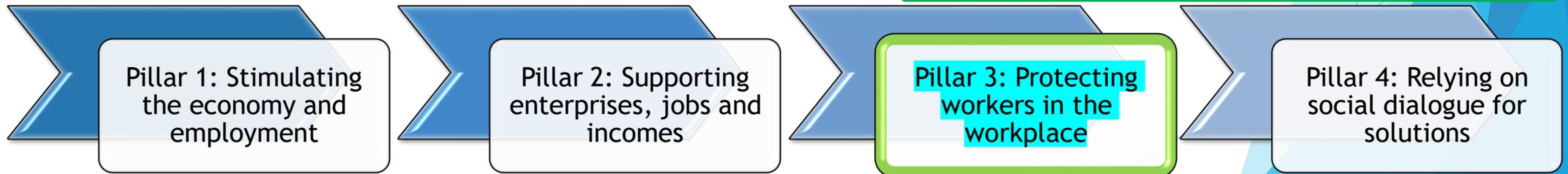
# 1) ILO proposed Policy Framework to response to the COVID 19 crisis, and its recovery.

ILO Monitor: Covid 19 and the world of work – 7 Editions so far.

The ILO has structured its key policy messages for response to the crisis around four pillars.

## CENTENARY DECLARATION FOR THE FUTURE OF WORK

International labour standards provide a tried-and-trusted blueprint for policy responses designed to facilitate a response and a recovery that is sustainable and equitable.



# Pillar 3: Protecting workers at the workplace.

## Main components

Strengthen	Strengthen occupational safety and health measures and promote the implementation of public health measures in workplaces
Adapt	Adapt work arrangements (here it is included TELEWORKING and the Return to Work guidance)
Prevent	Prevent discrimination and exclusion
Provide	Provide access to health for all
Expand	Expand access to paid sick leave and family leave



**Pillar 3**  
**Protecting workers in the workplace**

- ▶ Strengthen occupational safety and health measures
- ▶ Adapt work arrangements (e.g. teleworking)
- ▶ Prevent discrimination and exclusion
- ▶ Provide health access for all
- ▶ Expand access to paid leave

# Adapt work arrangements



## Teleworking

Adjusting work processes and work arrangements through measures such as teleworking reduces the risk of workers contracting and spreading the virus. The effective management of teleworkers requires a results-based approach: identifying objectives, tasks and milestones, and monitoring and discussing progress without overly burdensome reporting.

## Conditions

It is essential to provide teleworkers and managers with access to appropriate hardware and software (including dedicated teleworking apps), technical support and training.

## Clarity

All parties need to be clear about the results that are expected to be achieved, the conditions of employment, the hours when they are expected to be contactable, and how they should monitor progress and report results

## Balance with private life

Teleworkers need strategies for effectively managing the boundary between paid work and personal life (e.g. a dedicated workspace, disconnecting from work at specified times).

## Return to Work

Safe and healthy working conditions are fundamental for decent work and are the foundation upon which policy guidance for the return to work must be based

## 2) Present briefly the guidance on teleworking in the context of covid 19 Before Covid. Reactions of the ILO ILS Supervisory Bodies

2018 General Survey on working time. Emerging issues. Telework.

- ▶ **741.** Regulation of telework has begun to take shape in several parts of the world. While not widespread, this is an indication that policy-makers and the social actors in some countries are beginning to be aware of how technology can impact on working hours and time via emerging flexible work arrangements, such as T/ICTM work.
- ▶ **742.** The Home Work Convention, 1996 (No. 177), does not seek to address the issues raised by the development of telework. The concept of homework within the meaning of the Convention is not linked to the use of ICTs. However, “persons with employee status do not become homeworkers within the meaning of this Convention simply by occasionally performing their work as employees at home, rather than at their usual workplaces” (Article 1(b)).
- ▶ **743.** Reference made to the EU framework agreement on telework in 2002 with a view to establishing a general framework at the European level concerning the employment conditions of teleworkers and at reconciling the need for flexibility and security shared by employers and workers. Most importantly, it grants teleworkers the same overall level of protection as workers who carry out their activities at the employer’s premises.
- ▶ **744.** At the national level, a few countries around the world have begun to address telework in their laws and policies. Although the emphasis of these laws varies, they generally address the rights and responsibilities of employers and workers who enter into telework agreements.....

- ▶ In this General Survey, some of the conclusions of the CEACR were:
  - ▶ The Committee noted that information and communication technologies were having an increasingly important impact on the organization of work, as well as on the length and arrangement of working time, contributing to the development of telework and the blurring of boundaries between working time and rest periods. While recognizing that these working arrangements may offer advantages for both workers and employers, the Committee observed that they are also associated with a number of disadvantages, including the encroachment of work on non-working time and rest periods, the unpredictability of working hours, income insecurity and the stress associated with the perceived need to be constantly connected to work.
  - ▶ The Committee emphasized the importance of these issues being regulated by national legislation, taking into account both the needs of workers in relation to their physical and mental health and work–life balance and the flexibility requirements of enterprises.
  - ▶ The Committee also recalled that efforts should be made to ensure the effective planning and recording of the working time of teleworkers so as to ensure that working time limits and rest periods are observed. It further considered that training and awareness initiatives for both employers and workers are necessary on this type of remote work to ensure that all the parties concerned are aware of the risks involved in these types of work arrangements.
  - ▶ Finally, the Committee considered that efforts should be made, in consultation with the social partners, to find innovative solutions to ensure compliance with working time standards for this type of work.

# Observations and Direct Requests CEACR

- ▶ References to telework were made directly or indirectly in Observations and Direct Requests from the CEACR in:
  - ▶ C 177 Home work (Albania, Argentina, North Macedonia etc)
  - ▶ C 87 FoA (Chile)
  - ▶ C 144 Tripartite consultation (Brasil)
  - ▶ C 183 Maternity Protection (Dominican Republic)
  - ▶ C 156 Workers with Family Responsibilities (Guatemala)
  - ▶ Etc...

## During the pandemic.

What is teleworking? Telework is defined as the use of information and communications technologies (ICTs), such as smartphones, tablets, laptops, and desktop computers, for work that is performed outside the employer's premises. In other words, telework implies work achieved with the help of ICTs and conducted outside the employer's locations.

Teleworking should happen in a voluntary agreement between the employer and the worker. Besides, agreeing on the location of the work (at the home of the worker or elsewhere) there are several other aspects that need to be clarified, namely the working hours or schedule, the communication tools to be used, the work to be accomplished, the supervisory mechanisms and the arrangements for reporting on the work undertaken.

Teleworking is not normally defined so as to include those working in the platform or gig economy; for example a freelancer who works primarily from home may not be classified as a teleworker but might be classified as a home-based worker, under the terms of ILO Convention 177 on Homework (1996).

Teleworking and continuity? Teleworking policies could be an essential part of any business continuity plan. In the case of an unforeseen event (extreme weather, pandemic) that prevents workers from taking up work at their regular offices or workplace, the possibility of teleworking allows them to perform work offsite and to keep the organization operational.

# Some aspects to consider on teleworking...

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## Entering a new era of teleworking

Before the pandemic, only a fraction of the workforce was working from home occasionally. Within the European Union (EU), the incidence of regular or occasional teleworking (home-based telework and mobile telework combined) varied from 30 per cent or more in Denmark, the Netherlands and Sweden to 10 per cent or less in the Czech Republic, Greece, Italy, and Poland.

Employers need to take into account the perspectives of workers in relation to the challenges and opportunities of teleworking for them (family and living situation, type of role, skills...).

Workers and their representatives need to play an active part in the decision-making process through a constructive social dialogue that may take different forms, including consultations, exchange of information or negotiation.

This new era of teleworking will require much wider use of a new kind of **management**—one which is more **trusting and more results-based**—and also a **new way of working**—one which is more autonomous, more flexible, and better adapted to the individual circumstances and preferences of employees/workers than before.

## Ensuring the well-being of workers and continued productivity while teleworking: Focus on:

- Working time and work organization
- Performance management
- Digitalization
- Communication
- Occupational Safety and Health (OSH)
- Legal and contractual implications
- Training
- Work-Life Balance



# The gender dimension of teleworking during the COVID-19 pandemic

Employers need to demonstrate empathy and creativity in supporting female workers and workers with care responsibilities, to avoid leaving them with no other option than to cut back their working hours or quit their jobs entirely, thus increasing the risks of women falling behind in their careers.

Employers should continue promoting family-friendly policies and measures, with a particular focus on encouraging men to equally share the responsibilities of unpaid care and domestic chores by means of targeted employee engagement and creative initiatives, such as role-modelling of good practices by male managers, social-media campaigns, internal blogs or photos, videos, etc. It is important that the new working arrangements offer both women and men equal opportunities to telework and viable options to overcome work-life conflict (ILO, 2020f).

# Trust and organizational culture

Workers need to feel empowered to make decisions without fearing negative repercussions. They also need to be reassured that making mistakes is part of the learning and development process. If workers feel trusted, they won't unnecessarily involve lots of other colleagues in solving problems or making decisions, which will translate into time efficiencies for the entire team.

One of the fastest ways to build trust is to be very specific about what is expected of workers and by when. Once direct supervisors can articulate these expectations very clearly, ideally involving workers in the discussion of goals and objectives, there is much less need to micromanage, as performance issues become very apparent.

Workers need to know when and how they can reach their colleagues and direct supervisors for support and how they are expected to communicate their progress.

# Policy responses for supporting employers and workers in introducing and sustaining effective teleworking

- ▶ Providing up-to-date, reliable, and accessible information to all stakeholders concerning teleworking during the COVID-19 pandemic.
- ▶ Providing diverse forms of financial, fiscal and administrative support and other relief for enterprise.
- ▶ Supporting teleworking workers by introducing new teleworking regulations, as appropriate, which may include improved protection standards for all workers working remotely for example.
- ▶ Involve social partners in the design and implementation of teleworking.
- ▶ **ACTRAVs Global trend analysis on the role of trade unions in times of COVID-19:** This Policy Brief is primarily directed to workers and their organizations. Its main purpose is to promote a better understanding of the pivotal role trade unions have played in COVID-19 responses worldwide either through tripartite and bipartite social dialogue, bilateral interactions with their governments or targeted actions carried out in support of their members and society as a whole.



▶ **A Global Trend Analysis on the Role of Trade Unions in Times of COVID-19**  
A Summary of Key Findings



## The future of teleworking post-COVID-19

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The full impact of COVID-19 on labour markets remains to be determined. However, it is likely that rates of telework will remain significantly higher than they were prior to the onset of the pandemic.

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Governments and social partners will have to plan for several different scenarios, in which restrictions will be increased or eased according to how the epidemic is advancing or receding on their territory and prepare for teleworking arrangements to once again become generalised on short notice.

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During the next, highly uncertain period, workers, employers, and governments will have to adapt to a new way of living and working, which will require new behaviours and new norms. It most likely will involve a hybrid or blended form of isolation (i.e., teleworking) and deconfinement (i.e., the possibility to use the workplace but with controlled conditions based on physical distancing).

Policymakers may also wish to consider the following actions to help foster an enabling environment for teleworking in both private enterprises and public organizations

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Monitor and evaluate the take-up of their proposed financial incentives as well as the impact of their legislative efforts during the initial stages of the pandemic; learn from this feedback; and build on the successes to better support employers to implement teleworking effectively.

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If they have not done so already, national authorities should review their operational plans to address COVID-19 with regards to the prevention and mitigation of the social impacts of the crisis, including teleworking, as well as those areas that may disproportionately affect vulnerable groups, such as women, the elderly, individuals with disabilities, migrants, single parents, etc.

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Social dialogue: Last but not least, it is imperative for policymakers to involve social partners in reviewing the lessons learned from the current phase of pandemic regarding how management and workers transitioned to teleworking, and then use these experiences to adjust, as needed, existing teleworking policies or initiate new policies.

### 3) Present different resources that can help the debate on teleworking

1. **2018 General Survey on Working Time instruments:** [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_618485.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_618485.pdf)
2. **2021 General Survey on Promoting Employment and Decent Work in a Changing Landscape :** [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_736873.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_736873.pdf)
3. **COVID-19: Guidance for labour statistics data collection (2020):** [https://www.ilo.org/wcmsp5/groups/public/---dgreports/--stat/documents/publication/wcms\\_747075.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/--stat/documents/publication/wcms_747075.pdf)
4. **Teleworking during the COVID-19 pandemic and beyond A Practical Guide:** [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/instructionalmaterial/wcms\\_751232.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/instructionalmaterial/wcms_751232.pdf) (2020)
5. **Working from home From invisibility to decent work:** [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_765806.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_765806.pdf) (2021)
6. **ILO Standards and COVID-19 (coronavirus) FAQ Key provisions of international labour standards relevant to the evolving COVID19 outbreak:** [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/genericdocument/wcms\\_739937.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/genericdocument/wcms_739937.pdf)
7. **Home Work Convention, 1996 (No. 177)**  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_INSTRUMENT\\_ID:312322](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312322)
8. **Home Work Recommendation, 1996 (No. 184)**  
[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100\\_ILO\\_CODE:R184:NO](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:R184:NO)
9. **EU Social Partner's Framework Agreement on Telework, of 16 July 2002:** <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Ac10131>
10. **A Global trend analysis on the role of trade unions in times of COVID-19:** [https://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/publication/wcms\\_767224.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_767224.pdf)

Thanks a lot  
for your kind  
attention

Victor Hugo Ricco

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