

High-level Conference on the Future of Work “Remote Work: Challenges, Risks and Opportunities”

March 9th 2021



Background document

The world of work has been constantly changing, especially in the past few years. The emergence of new forms of work comes with **opportunities, but also with many challenges and risks**, mainly for workers, labour relations and working conditions, but also for companies and their adaptability in rapidly changing markets.

Since the COVID-19 outbreak, some of those changes have been particularly accentuated and accelerated fast. According to the second Eurofound ‘Living, Working and Covid-19’ survey, in July 2020, 34% of respondents were solely working from home. The recent massive increase of remote work¹ highlighted the potential advantages but also the limits and risks associated with teleworking, such as working conditions and health and safety; work-life balance for workers; the need to guarantee the right to privacy; and the blurring boundaries between work and rest times.

¹ While social partners have collectively agreed on what constitutes “telework”, there is no one definition of “remote work”. “Telework” refers to standard employment occasionally or regularly performed from home, based on a traditional, contract-bound work schedule. “Remote work”, on the other hand, is a broader term that arguably includes telework but also encompasses alternative, highly flexible and ICT-based work which can be performed anywhere and at almost any time.

From the point of view of workers, teleworking can have the potential to reconcile work, family and personal life, as well as significantly reduce costs associated with commuting to work. However, due to the possible assimilation of working and non-working times, teleworking can also pose risks by extended working hours, as well as difficulties with professional disconnection to the expense of private time.

Given the intrinsic characteristics of teleworking, the risks of isolation in daily life, the difficulty of associativism, as well as of enforcing labour and social rights are also relevant. These risks pose significant challenges, both for the prevention of occupational risks and for the effectiveness and enforcement of labour market rules, due to the relative invisibility and dispersion of workers.

In addition, remote work requires skills to exercise it, particularly in terms of information technologies. As it also presumes adequate access to equipment and services, in addition to housing, family and other conditions suitable for the execution of work tasks, raising questions of pre-existing economic and social inequalities and the risk of their reproduction, as well as issues related to who should have the responsibility concerning costs associated to remote work.

From the perspective of companies, teleworking is advantageous in certain contexts. It may lead to increased productivity and greater ease in recruiting workers, even if geographically dispersed. But it can also raise difficulties for the organisational culture and the organisation of work in a broad sense and longer-term risks of lower levels of innovation and workforce's wellbeing, especially when practiced in an exclusive model, with this risk being increased over longer periods of time.

Aiming to reflect on these and other challenges and to discuss the way forward, the Portuguese Presidency will organise a high-level conference focusing on the Future of Work, more specifically on **Remote Work**. The outcome of the conference will feed into a set of Council Conclusions on this subject.

By reflecting on remote work, we will dive into various forms of working from a distance, seeking to promote a broader discussion on interrelated topics, focusing on **the organisation of the working-time, work-life balance, connecting and disconnecting, the access of workers to social protection as well as the right to collective bargaining**.

The Key objectives of the Conference are to:

- Develop a comprehensive and sustainable approach to the new forms of work, which have expanded due to the ongoing pandemic. Facilitate a discussion on the opportunities, challenges and risks of the new forms of work, inviting the widest possible engagement in and contributions to the reflection on the future of work.
- Address the common and the specific issues raised by different modalities of remote work for different types of work, workers and contractual arrangements in order to provide a broad and integrated perspective on the future of remote work.
- Identify main trends, public policies, legislative initiatives, regulatory frameworks, innovative ways and best practices in dealing with the implications of the new forms of work, such as, among others, the organisation of the working-time, work-life balance, connecting and disconnecting, the access of workers to participation and social protection, as well as the right to collective bargaining.
- Produce a background document that helps to structure the debate on and, building on the contents of the conference, provide tentative basis for a set of Council Conclusions regarding these issues.

Session I - “Working remotely: An overview of trends, opportunities, challenges and risks”

Introduction: Head of Unit Employment Eurofound, Irene Mandl

Remote work such as homeworking, home-based telework or travelling sales force have been deployed for many decades, either driven by occupational necessity or due the preferences of employers and employees for a workplace other than the employer’s premises.

Recent decades and especially the new millennium, however, also brought about so-called ‘new forms of employment’ that differ from more traditional employment by the formal relationship between employer and employee or by their work patterns. Work patterns have seen innovative forms of remote work emerge with the transition to the digital age, economic push or societal pull factors. An example of this is ‘ICT-based mobile work’, a work arrangement enabled by modern information and communication technologies allowing an employee or a self-employed person to work from various locations – less place-bound than traditional telework and with more flexibility and fluid boundaries between working and non-working time, allowing situations of ‘working anytime, anywhere’. In general, while these forms of employment have been rising in many EU Member States namely during the last decade, in the context of the

pandemic it has strongly accelerated, and it became widespread in each and every of them in 2020.

In fact, in the wake of the COVID-19 pandemic remote work and specifically traditional home-based telework experienced a new momentum. By July 2020 almost half of the EU workforce had moved to exclusive or partial telework – an exponential growth from the level of around 10% pre-crisis. This not only allowed companies to stay afloat during the crisis, but also helped employees to keep their employment status and protect their health.

This short-term trend demands careful reflection for the future. Probably, the ‘new normal’ will be characterised by a higher level of remote working after the pandemic, even if the extent of this expansion remains unclear. Analyses show that about one third of European jobs are ‘teleworkable’, and even if only a part of this jobs become in fact remote work, implications and challenges of this trend in different dimensions must be anticipated.

Undoubtedly, the growth of remote working offers some important opportunities for work and employment in Europe in a post-pandemic economy. From an employee’s perspective, it can be beneficial for work-life balance, result in more flexibility and autonomy as well as skills development and hence improved employability.

At the same time, flexible and remote working bears some important risks, such as the blurring of boundaries between work and private life, increased work intensity and stress as well as social and professional isolation, with less access to daily routines and associative dynamics, as well as risks of reproducing inequalities based on skills, access to technology and other aspects.

As remote work is likely to grow in the future, it is important to be aware of its advantages and disadvantages to capitalise as best as possible on its opportunities and carefully address its challenges, to ensure that present and future remote work has a balanced framework for its development.

Against this background, this session will look into trends in remote work in Europe and beyond, discuss the advantages and challenges of such work patters to employers and employees, and what policy at EU and national level could do to capitalise on these opportunities and counteract their risks.

Key Points for discussion

1. **What trends and developments have you observed in recent years globally as regards remote working? Did the rather stable situation of home-based telework and the increasing deployment of more mobile forms of work as observed in Europe also occur in other world regions?**
2. **Do you think the experiences made with telework in the COVID-19 pandemic result in a substantial change in mind-set of employers and employees as regards teleworking? Are they now more or less open towards this work arrangement?**
3. **What do you see to be the main opportunities and risks for the economy and labour market, but also for individual employers and employees if there was an enhanced use of telework in the future? How could policy foster them?**
4. **Where do you see challenges for decent work and employment in a ‘teleworking society’, and what could policy do to avoid deteriorating labour standards?**
5. **Can you identify specific policy developments and/or social dialogue experiences relevant to better address these issues? What best practices in policy-making and/or adequate regulation experiences through social dialogue of these topics be underlined?**

Session II - “Connecting and disconnecting, work-life balance”

Introduction: Research manager Eurofound, Tina Weber

Although telework has advantages, not least in maintaining employment and productivity during the pandemic, as well as potential for enhanced work-life balance, greater autonomy and reduced time consumption and emissions generated through commuting, it also carries along significant risks. The ongoing digital connection to the workplace from home can contribute to a de-differentiation of public and private and a blurring of the distinction between work and home life that consolidated with the industrial revolution. Besides heightening privacy issues raised by the digital age, eroding boundaries between work and home can enhance the feeling of being constantly connected and having to respond to workplace communication outside of

working hours, extending in practice working time and connection and readiness to work. This session focuses on the scale of this issue and how it can be addressed.

Data show that teleworkers are twice as likely to work in their free time and have insufficient rest compared to workplace-based workers. However, the risk of ever-connectedness is far from being limited to teleworkers. In fact, even if these are more at risk of work intensification, working long hours and suffering the associated physical and psychological consequences (eye strain, headaches, stress, burnout), vast categories of workers are now more exposed to near permanent connection through mobile phones, computers and other digital devices. Such additional hours worked from home, or the work communication and information flows during non-working hours may also not be remunerated or compensated, unless covered in specific regulation at national, sectoral or company level.

The existing EU labour acquis^[1], as well as the autonomous agreements by social partners^[2], already provide a framework and set rules and action on various aspects of remote work, such as working and resting time, work-life balance, sound working conditions and health and safety at work. In January 2021, the European Parliament adopted an own initiative legislative opinion on the right to disconnect, calling on the European Commission to come forward with regulatory action. At the same time, a number of Member States have already put the spotlight on the issue by introducing a 'right to disconnect'. In these countries (Belgium, France, Italy and Spain), the implementation of this 'right' relies on sectoral or company level agreements between social partner and individual employers and employees.

The implementation of the right to disconnect in these countries is therefore shaped by the requirements and priorities of employers and trade unions at sectoral and company level and takes different forms. Most commonly, disconnecting regulation is ensured through awareness raising, training technical solutions which indicate in communications that messages received and sent out of hours need only receive a response during working time. A limited number of employers have opted for 'hard disconnection' by severing the link between servers and the delivery of messages during specific times.

[1] The Framework Directive on Occupational Safety and Health (1989), the Directive on Working Time (2003), the Directive on Work-life balance for Parents and Carers (2019) and the Directive on Transparent and Predictable Working Conditions (2019).

[2] 2003 Social Partners' Autonomous Agreement on telework and the 2020 Framework Agreement on Digitalisation, which contains arrangements for connecting and disconnecting.

A cultural shift in the workplace and management styles may also have an important role to play in ensuring a right to disconnect, in the context of a gradual move from presence to output based systems of management, with adequate safeguards concerning time allocated to expected outputs. This and the monitoring of working hours of teleworkers can give rise to privacy concerns, depending on the methods and systems implemented to control working time and performance.

In this context, a wide debate about public policy in close articulation with social dialogue and the involvement of representatives of workers and companies at all levels, including company level, are key cornerstones to design balanced frameworks to adequately regulate connection and disconnection modalities.

Key points for discussion

- 1. What is the best way of ensuring disconnection does take place and workers do not feel obliged to respond to workplace communications outside of working hours?**
- 2. What evidence is available of the benefits of implementing policies that promote the effectiveness of disconnection? Should there be a right to disconnect and how should it be regulated?**
- 3. What privacy concerns arise surrounding the monitoring of working time and performance of teleworkers and other digital workers and how should these be addressed?**
- 4. Can you identify specific policy developments and/or social dialogue experiences relevant to better address these issues? What best practices in policy-making and/or adequate regulation experiences through social dialogue of these topics be underlined?**

Session III - “Access to Social protection, representation and workers’ involvement processes, social dialogue and collective bargaining in new forms of work”

Introduction: Director of COLABOR, Manuel Carvalho da Silva

Access to social protection and representation of workers is asymmetric and unequal for different categories of workers (e.g. full-time open-ended contracts between a worker and a single employer vs those with other non-standard forms of contracts). Many of the developments in digital work present risks concerning these issues, albeit to variable extent.

For telework, which is mainly performed by employees as an exception to the rule of office-work, the main risk may be access to social dialogue and representation arising from the isolation and physical dispersion of workers. But for the workers with more flexible and atypical contractual arrangements, that are frequent in digital sectors, often do not involve access to effective and adequate social protection.

This is also the case for platform workers, who are often characterised as independent workers or as other atypical forms of employment, even more so for platform work performed at a distance, sometimes from different countries. For workers with scarce embeddedness in a specific regional and performing transnational activities that are not specifically connected to a country and that perform transnational activities, such as digital nomads, access and coverage is even more uncertain.

The lack of, or difficulties in access to social protection and representation and collective bargaining pose serious risks for growing segments of the labour market. This trend is not specific to remote work or digital activities in general, but its scale undoubtedly grows in these emerging sectors.

This growth risks expanding and reproducing inequalities, as well as gaps and loopholes in social protection, imbalances in labour relations, while harming access to rights, fostering segmentation and endangering social cohesion.

In this context, existing provisions of social protection, often shaped by traditional labour relations need to be adapted to new realities to ensure broader access to adequate protection. This is one of the objectives of the Council recommendation adopted in 2019 on access to social

protection for workers and self-employed. At the same time, the characterisation of emerging forms of work in relation to traditional categories must also be improved.

In the field of social dialogue and collective representation, public policies and regulation are important but social partners play a key role. Remote work poses significant challenges for association dynamics and collective action and these challenges must be addressed to improve information and reaching out and thus foster representation and participation of all workers that wish to do so.

Key Points for discussion

- 1. How can social protection systems be adapted, in coordination with labour relations, to improve adequacy and (formal and effective) coverage for different groups of workers, namely in digital-related activities such as telework, platform work or digital nomads? How can access to adequate social protection be improved to all workers, in line with the Council Recommendation on access to social protection for all?**
- 2. How can the access of digital workers, and specifically remote workers, to collective representation and bargaining be guaranteed and improved?**
- 3. What changes in public policies and regulations should be implemented? And how should social dialogue and social partners be involved?**
- 4. Can you identify specific policy developments and/or social dialogue experiences relevant to better address these issues? What best practices in policy-making and/or adequate regulation experiences through social dialogue of these topics be underlined?**

Session IV - “Labour market regulation, effectiveness of legal rights and obligations and Safety and Health at work”

Introduction: Head of Unit Working Life of Eurofound, Barbara Gerstenberger

The emergence of new forms of remote working, as outlined in session I, and the challenges for work-life balance and well-being of workers associated with the surge in home-based telework during the COVID-19 pandemic, as discussed in session II, as well as challenges and imbalances in access to social protection and social dialogue, as explored in session III, raise questions about ensuring adequate regulation and protection for workers while responding to companies’ needs in very competitive markets.

Across this wide spectrum of issues raised by remote work (be it telework, platform based work and other forms work under different contractual arrangements), the effectiveness of legal rights and obligations and labour market regulation at large is a cross-cutting and challenging issue at the national and European level. Working from a distance outside traditional and space-bound workplaces brings about a new world of challenges for labour relations, collective representation and social partners and not least for compliance, law enforcement and labour inspections. Plus, remote work can be and often is operated transnationally, crossing borders of regulation by means of its digital framework.

Also, in general, evidence shows that provisions relating to working hours, rest periods and recording working time are more difficult to implement for remote working arrangements. The same applies for the enforcement of health and safety provisions. The latter focus mainly on physical risks at the workplace. However, remote work could also enhance psychosocial risks, resulting from an intensification of work, longer working hours, feelings of isolation and the blurring of boundaries between work and non-working life. These psychosocial risks, leading to poor physical and mental health outcomes, including burn-out, have not yet been addressed comprehensively.

Existing EU legislation touches upon some of the issues related to remote work. The Framework Directive on Safety and Health (89/391/EC), the Working Time Directive (2003/88/EC), the Transparent and Predictable Working Conditions Directive (1152/2019) and the Work-Life Balance Directive (1158/2019) address the wellbeing of European workers and put forward safeguards, amongst other things, against excessive working hours and unpredictable work schedules, including for ICT-based work.

This session will look at the adequacy and effectiveness of European-level provisions which help to govern the working conditions of workers in remote working arrangements and also at how different Member States are trying to promote the benefits of remote working while also protecting workers against its downsides. This will include, for instance, a look at recent measures around telework introduced during the COVID-19 pandemic, as recorded in Eurofound's COVID-19 EU PolicyWatch database, not losing sight of the more structural debate about the broad direction and challenges of policy-making perspectives for such a crucial from the perspective of decent work.

Key Points for discussion

- 1. What are the main challenges for the effectiveness of legal rights and obligations in the context of remote work? How can they be better addressed?**
- 2. Specifically about health and safety, what should be done to ensure adequate provisions and for enforcing health and safety regulation in the context of remote working and how are Member States addressing the issue?**
- 3. Do we need new, specific regulation to address the risks associated with remote working and at what level should it be introduced – also keeping in mind the cross-border nature of remote working? What alternatives, if any, could be envisaged in addressing risks associated with remote work?**
- 4. Can you identify specific policy developments and/or social dialogue experiences relevant to better address these issues? What best practices in policy-making and/or adequate regulation experiences through social dialogue of these topics be underlined?**