

Telework in the EU during and beyond the COVID-19 Pandemic^[*]

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I. INTRODUCTION

Working away from the employer's premises has been part of the world of work for a number of decades and became increasingly possible by developments in information technology tools.

In 1999-2000, the promotion of teleworking opportunities was a component in the European Commission's proposals for a *Strategy for Jobs in the Information Society*, including a recommendation to «set up framework conditions and practical arrangements to enable telework to take place on a wide scale».

In 2000, the Lisbon European Council, achieving an "Information Society for all" became a political priority for the European Union (EU)^[1].

[1] The initiative, launched on 8th December 1999, was motivated by the growing realisation that the application

of digital technologies has become the key factor for growth and employment (<https://eur-lex.europa.eu/LexUriS->

[erv/LexUriServ.do?uri=COM:2000:0130:FIN:EN:PDF](https://eur-lex.europa.eu/LexUriServ.do?uri=COM:2000:0130:FIN:EN:PDF)).

Teleworking became an important part of the world of work, as the public health measures implemented in response to COVID-19 pandemic increased the demand for teleworking arrangements.

This paper aims to approach the concept of telework, as established in accordance with the existing framework; set out the main issues relating to the main drivers of telework, with a briefly look at some examples within the EU countries; underline what changed with the COVID-19 pandemic and the public health measures implemented from March 2020 as a response; and, finally, what to expect from telework in the future.

II. CONCEPT AND MAIN INTERNATIONAL AND EU INSTRUMENTS

Telework is not necessarily working from home or just away from the employer's premises, as generally perceived.

The main legal international instruments with respect to telework are the *Home Work Recommendation* (N.º 184) and the *Home Work Convention* (N.º 177)^[2], both adopted by the International Labour Organisation (hereafter, ILO).

As all the twenty-seven EU countries are ILO Member States^[3], the Convention (laying down the basic principles to be implemented by ratifying countries) and the Recommendation (supplementing and providing more detailed guidelines on how the Convention could be applied) have historically been applied to home based workers and may offer some guidance on how to approach not only the concept of telework but also some of the aforesaid telework challenges.

[2] Entry into force: 22 April 2000.

[3] ILO has 187 Members States.

On the EU level there are no legislative acts issued on telework.

Foreseeing the involvement of social partners in the formulation and implementation of national policies negotiating agreements to modernise the organisation of (tele)work, on the 16 July 2002, the *Framework Agreement on Telework* was concluded by the European cross-industry social partners^[4].

1. HOME WORK CONVENTION, 1996 (N.º 177)^[5]

Home work is defined in this Convention as work carried out by a person (homeworker) in his or her home or in other premises of his or her choice, other than the workplace of the employer, for remuneration, and which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used^[6]. Excluded are independent workers and subordinated workers that only occasionally perform their work at home, rather than at their usual workplaces.

Each Member State that ratifies the Convention is required to adopt, implement and periodically review a national policy on home work, aimed at promoting the equality of treatment between home workers and other workers, in particular as regards to: right to establish or join organizations of their own choosing and to participate in the activities of such organizations; protection against discrimination in employment and occupation; protection in the field of occupational safety and health (taking account of its special characteristics, and shall establish conditions under which certain types of work and the use of certain substances may be prohibited in home work for safety and health reasons); remuneration;

[4] UNICE/UAPME ET AL., 2002.

[5] Albania, 24 Jul 2002, In Force; Argentina, 31 Jul 2006, In Force; Belgium, 2 Oct 2012, In Force; Bosnia and Herzegovina, 18 Jan 2010, In Force;

Bulgaria, 17 Jul 2009, In Force; Finland, 17 Jun 1998, In Force; Ireland, 22 Apr 1999, In Force; Netherlands, 22 Oct 2002, In Force; North Macedonia, 3 Oct 2012, In Force; Slovenia, 14 Apr 2021, Not in force (The Convention

will enter into force for Slovenia on 14 Apr 2022); Tajikistan, 29 May 2012, In Force. <https://www.ilo.org/dyn/normlex/en/f?p=1000:12001:::NO>.

[6] Article 1.