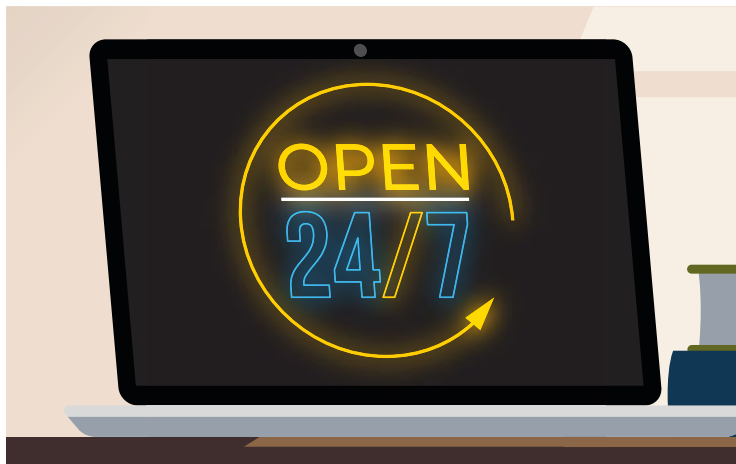




# INDUSTRIALL GLOBAL UNION RECOMMENDATIONS AND PRINCIPLES FOR INSTITUTIONAL REGULATION AND COLLECTIVE BARGAINING ON TELEWORK

## DEFINITION

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



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## CONTEXT

Telework has been a feature of working life for some time. For instance, in 2015 in manufacturing, around 25 per cent of OECD country workers were reported to telework at least some of the time. This change is part of the broader digital transformation under way in our industries. The Covid-19 crisis dramatically accelerated this trend, with a massive and sudden shift to teleworking as a way to break contamination chains and maintain social distancing.

Widespread teleworking may remain a permanent feature of the world of work even after the Covid-19 crisis passes. According to the World Economic Forum in *The Future of Jobs Report 2020*, 84 per cent of employers will rapidly digitalize working processes, including a significant expansion of remote work—with the potential to move 44 per cent of their workforce to remote work.

Employer resistance to staff working from home has been overcome by the experience of successful teleworking during the pandemic. According to surveys conducted by employers and trade unions, workers are also keen to continue teleworking several days a week after the pandemic ends<sup>1</sup>.

This new way of organizing work will impact the future of work, and is likely to reshape our societies. If it is negotiated with the respective trade unions, widespread teleworking has the potential to improve workers' well-being and quality of life. However, the overall impact on workers and trade union rights is ambiguous and carries risks. Due to the potential impact the increase of telework will have, there is an urgent need to regulate this new form of work through appropriate legislation and collective bargaining.

## RISKS AND OPPORTUNITIES OF TELEWORKING FOR WORKERS

Workers have [reported](#) greater job satisfaction with telework, citing autonomy and flexibility as the main benefits. Workers can manage their own time and choose how best to carry out their tasks. Telework may offer opportunities for a better work-life balance, and may facilitate the reconciliation of personal and family life. By saving commuting time, workers may save time for family and leisure.

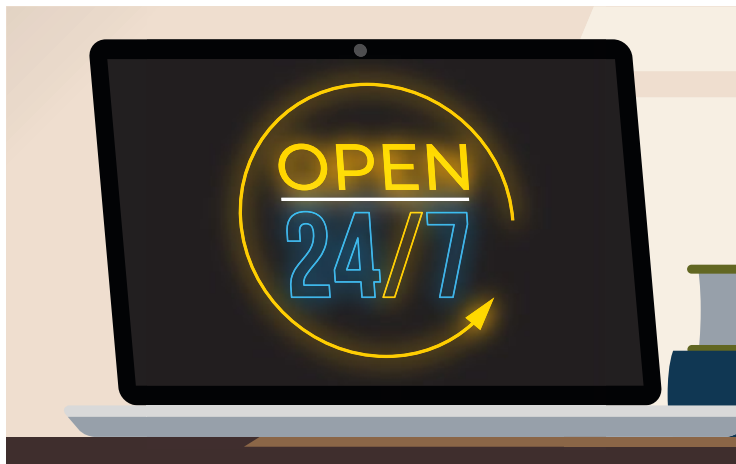
However, experience demonstrates that remote work can lead to a risk of overwork and an increasingly blurred boundary between private and professional life. The latest EU Working Conditions Survey found that those working regularly from home were twice as likely to work 48 hours or more a week than those working at their employer's premises — and six times more likely to work in their free time. During the pandemic, workers were more productive while teleworking and worked longer hours. IndustriAll Europe reported that this resulted in a huge increase of working time and unpaid overtime.

Employers have benefited from these productivity gains as well as from spending less on office space, utilities and other expenses. Already, many companies are considering switching their entire white collar workforce to teleworking.

During Covid-19, most workers had to carry the burden of additional costs incurred by the sudden shift to telework, such as equipment, heating, electricity, and other operating costs. If not regulated, remote work could become an excuse for employers to transfer fixed costs to workers.

Feedback from workers and their representatives shows that prolonged teleworking during the pandemic has led to a significant increase in physical and psychological strain, due to inappropriate ergonomics of the workstation and the lack of social interaction with colleagues.

<sup>1</sup> See for example the results of the [survey](#) conducted in Michelin France on telework by the CGC-CFE in September 2020. In July 2020, Solvay conducted a similar survey among its workers in 19 countries, and 70% of the employees responded that they wanted to continue to telework on a regular basis. See also the results of broader studies conducted for example in [France](#), [USA](#) or [Ireland](#).



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Telework, particularly if it is implemented on a permanent and full-time basis, risks undermining the collective approach to work, weakening the relations between workers and their trade unions. Freedom of association and the collective bargaining rights of remote workers should be safeguarded, especially with the development of new surveillance tools and software enabling employers to monitor the email and web activities of the employees, and analyse workers' level of activism. The development of intrusive surveillance systems represents a serious violation of workers' right to privacy and protection of personal data.

There is also a risk of a two-tier workforce developing, with a divide between workers whose jobs allow them to access telework and enjoy more flexibility, and those whose jobs make this impossible. During the Covid-19 crisis, in manufacturing, energy and mining, there has been a clear divide between office workers who have been able to telework, and production workers who have had to work on site, with lower protection in terms of social distancing. Trade unions must fight to preserve the unity of the workforce.

There is also a risk that telework is perceived as being designed primarily for women workers, to allow them to reconcile paid and unpaid work while failing to eliminate the risks and disadvantages to the health and professional development of women workers. Telework should not be seen as a solution to inequality in the distribution of domestic and childcare work, and should be promoted as a way to grant co-responsibility to both men and women in doing unpaid care and domestic work. Furthermore, telework should not be used as an excuse by governments to delay the development of high quality childcare services.

### AN URGENT NEED TO REGULATE TELEWORK THROUGH SOCIAL DIALOGUE

For the reasons outlined above, there is an urgent need to regulate this new form of work. Social dialogue must be central to this regulation. Trade unions must be actively involved in the development of new legislation in this area. Since the start of the Covid-19 crisis, several countries, including Chile, Argentina, the Dominican Republic, Spain and France have implemented new regulations and legislation, some of them through social dialogue with the social partners.

At company level, too, the health crisis has increased the need for the negotiation of agreements or policies on remote work. Collective bargaining at sector, company and workplace levels must play a key role in regulating telework, especially when legislation is weak.

Trade unions must ensure that telework becomes an opportunity for an improved quality of work and life for workers, and that flexibility does not lead to a lack of protection and security.

To reach this goal, social dialogue and collective bargaining should meet the following objectives:

- Maintain a collective approach and avoid the individualization of work.
- Defend and promote trade union rights.
- Ensure a fair and just digital transformation for workers.
- Ensure that access to teleworking is a right open to workers meeting transparent and inclusive eligibility criteria, and is neither a privilege nor a punishment granted randomly or arbitrarily.
- Improve the work-life balance and quality of life of workers.
- Ensure that the increased flexibility and autonomy benefits workers.
- Guarantee that this new form of work organization is not an excuse to offer a lower level of protection for workers, especially in terms of health and safety.
- Promote management models based on trust and autonomy.
- Guarantee that teleworking contributes to gender equality and the promotion of co-responsibility for household work.
- Find the right balance between workers' demand for greater flexibility in their work organization and maintaining optimal protection for workers.
- Allow the savings and gains associated with this new form of work organization brought about by higher productivity and the reduction of real estate costs to be shared with workers.
- Prevent the abusive use of digital tools and new technology to attack workers' right to privacy and dignity.



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## PRINCIPLES FOR INSTITUTIONAL REGULATION AND COLLECTIVE BARGAINING ON TELEWORK

The following key principles should form the basis of collective bargaining and social dialogue to reconcile workers' demands for more flexibility with safeguarding labour protections.

- Workers should fully enjoy their rights to freedom of association and collective bargaining. Trade unions should be given the means to communicate safely with remote workers without the control and interference of employers.
- Telework should be voluntary and reversible. Teleworking may not be suitable for all workers and for all types of jobs, therefore no worker shall be forced to telework.
- Telework should not be permanent. A minimum of working days during the week on the employers' premises should be provided in order to maintain contact with their colleagues and with their unions.
- Conditions to access telework should be fair, non-discriminatory and transparent.
- Workers who cannot access telework because of the nature of their work, mainly production workers, should not be disadvantaged. Measures should be negotiated to allow them to improve their work-life balance, such as more flexible working time.
- There should be equal treatment for all workers. Workers who are teleworking should enjoy rights and conditions comparable to all other workers.
- Workers' right to lifelong learning should be promoted. Workers will have the same access to training and career development. Workers and managers should have access to training to be able to adapt to telework.
- Ensure that remote work is not used to change employment status to more precarious forms of contracting, or lead to unnecessary outsourcing.
- The employer's duty of care remains. Employers should remain responsible for the health and safety of workers, including the responsibility for violence-free workplaces.
- Remote workers should benefit from the same level of protection in terms of health and safety, including in case of accidents at work.
- Contractual daily, weekly, monthly and annual working time must be respected.
- The work-life balance of teleworking workers must be respected, as well as the right to disconnect. Overtime must be limited and compensated.
- Teleworkers must not carry the burden of any extra costs related to home working. Employers should provide workers with all suitable equipment - technical and furniture - necessary for them to perform their contractual duties. All costs incurred by the workers while teleworking, including internet, insurance, heating, electricity, rent of workspace or mobile phone service, should be covered, reimbursed or compensated through allowances by the employers.
- The right to privacy must be safeguarded.
- All provisions of the existing collective bargaining agreements must be preserved and applied.

The IndustriALL Global Union guidelines on institutional regulation and collective bargaining on telework provide a comprehensive overview of items to be covered by trade unions in their collective bargaining and in their efforts to improve legislation in the area of telework.