



Study exploring the social, economic and legal context and trends of telework and the right to disconnect, in the context of digitalisation and the future of work, during and beyond the COVID-19 pandemic

Annex 4 Synopsis report covering all stakeholder consultations

LOGO

EUROPEAN COMMISSION

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1. Introduction: objectives and scope of consultation activities

The Consultation work package comprised the following consultation activities:

- Interviews with national stakeholders;
- Expert interviews;
- Employee and employer surveys; and
- Workshops.

Interviews with national stakeholders

The overall objective of interviews with national stakeholders was to obtain an in-depth understanding of the national context as regards four broad issues:

- Past and likely future trends related to telework and work-life balance (right to disconnect);
- Challenges and opportunities (e.g. OSH, decent working conditions, workers' privacy, cross-border telework, regional cohesion, etc.) posed by telework and the need to ensure adequate work-life balance;
- Relevance and effectiveness of national policies and social partners' agreements; and
- Relevance, effectiveness, efficiency and coherence of the existing EU labour *acquis* as well as perceived needs for change.

Two groups of respondents were targeted for interviews with national stakeholders: national authorities (at least one interview) and social partners (two interviews per EU Member State: one with a representative from a sectoral/regional trade union and one with the representative of a sectoral/regional employers' association). In total, 83 interviews were carried out. Two additional interviews were carried out with Croatian trade union representatives and Lithuanian national authorities. For a detailed list of interviews with social partners organised by the country, type of national authority and sector which they represent, please see Annex 1.

Expert interviews

The overall objective of expert interviews was to collect insights on existing policy and academic studies relevant to telework. While the broad list of topics is largely the same as for national experts, each interview was tailored to cover specific issues in which the informant is the most knowledgeable. The main criterion for the selection of interviewees was a demonstrated track record exploring issues germane to telework and the right to disconnect in an academic and/or policy environment. In total 10 interviews with 13 experts have been completed. For a detailed list of interviewees and the focus of each interview, please see Annex 1.

Employee and employer surveys

The overall objective of surveys of employees and employers was to obtain first-hand information from workers and employers regarding their experience and future plans for telework and work-life balance, benefits, as well as the challenges of these working arrangements as well as needs for improvements from a policy perspective. The survey was primarily distributed via two channels:

- *Distribution through sectoral social partners' organisations.* National experts identified sectoral trade unions and employers' associations and asked them to distribute survey invitations to their members.
- *Distribution through social media.* Each national expert identified professional groups on social networks (Facebook, LinkedIn and the like) for which invitations to the survey were sent. However, only very few responses arrived through social media.

In some countries, the above-mentioned strategies did not provide sufficient responses. Hence, national experts tried to reach respondents using alternative strategies, such as reminder letter and calls, targeted advertisement campaigns on Facebook, use of internal networks of the teams' national experts used their internal networks to spread the message about the survey, among other actions.

For more details on the survey methodology, data cleaning, and a more detailed overview of responses, please see Annex 1.

Workshops

The overall objectives of the workshops were a) to obtain feedback and comments on the preliminary results of the study, and b) to obtain fresh insights, data and knowledge from experts in the field. Four workshops and one focus group were carried out in this study, each of which had its own unique audience and objectives (as outlined in Table 1).

Table 1. Meetings and workshops

Meeting	Overview
<p>No. 1: Thematic meeting on the right to disconnect</p> <p>Duration: half-day (approx. 4 hours)</p> <p>Date: 15 July</p> <p>Participants: 43 participants, of which 15 from the European Commission, 7 from the contractor's core team, 8 national experts (part of the contractor's team). The remaining 12 participants were invited experts knowledgeable on the discussions around implementation of the right to disconnect across different Member States.</p>	<p>The objective of the workshop was to gain a better understanding of legal and practical difficulties in implementing the right to disconnect. The workshop had 14 presentations, which were structured around two main sessions:</p> <ul style="list-style-type: none"> • Challenges and opportunities related to work-life balance and the right to disconnect. Presentations and discussions largely focused on the extent to which there is a need for an EU / national – level intervention and what specific issues it should address • Looking forward. This session focused on experience in selected Member States and aimed to take stock of key policy lessons learned for the future.
<p>No. 2</p>	<p>The objective of the workshop was to discuss preliminary findings, share experiences between national authorities, discuss remaining challenges and ways forward. The workshop had 7 presentations:</p>

Meeting with representatives of national authorities in charge of policy framework related to telework.

Duration: full-day

Date: September 15

Participants: 32 participants, of which 10 from the European Commission, 5 from the contractor's core team. The remaining 17 participants were invited representatives of national authorities in charge of policy framework related to telework.

3 from the project team, 3 from national authorities, and one Member of European Parliament (Malta). The discussions were structured around three sessions:

- **Session I. National approaches:** members of the study team provided an overview of national approaches to regulation of right to disconnect and working time. This was followed by four presentations by participants outlining the legal regime, implementation challenges and policy discussions in Bulgaria, Portugal, Malta, and the Netherlands (respectively).
- **Session II. EU labour acquis:** tackling new challenges presented by an 'always on' culture. Presentation by member of the study team was followed by in depth discussions at three parallel sessions.
- **Session III. The future of telework:** drivers, challenges and opportunities. Presentation of initial study findings was followed by in depth discussions at three parallel sessions.

No. 3 Expert meeting with EU and international academic and research experts

Duration: half-day

Date: October 11

Participants: 26 participants, of which 13 from the European Commission, 10 from the contractor's core team. The remaining 4 participants were invited international academic and research experts. All participants were selected based on their methodological skills and thematic knowledge relevant to discussing the future trends and scenarios of telework, and adequacy of the current EU legal and policy framework.

The objective of the workshop was to discuss future trends and scenarios and adequacy of the current EU legal and policy framework. The workshop had 7 presentations. The discussions were structured around two sessions:

- **Session I. Drivers and evolution of telework in the medium and long term.** The core team presented three telework scenarios: (1) the case of a gradual increase in the prevalence of telework; (2) the case of high future prevalence and (3) the case of a decline in the prevalence of telework. This was followed by in-depth discussions on how likely the scenarios to happen and what is the reasoning behind this.
- **Session II. Future impacts on telework.** The core team presented three provocations on telework's impact on (1) employee well-being; (2) work organisation practices, productivity and competitiveness; (3) social, regional and other inequalities; (4) impacts on cross-border work. This was followed by in-depth discussions on how likely the scenarios to happen and what is the reasoning behind this.

No. 4 Thematic expert meeting (focus group)

Duration: 2 hours

Date: October 12

Participants: A focus group on cross-border telework and digital nomads was carried out in a hybrid, asynchronous format (with some online, some in person, some submitting written responses based on themes that emerged in the live meeting); there were a total of 12 participants (2 in person, 6 online and 4 submitting written responses).

The objective of the focus group was to discuss topics that have been highlighted as of interest to the social partners. Topics covered included: flexibility and work-life balance, administrative and taxation issues, professional/career development opportunities, cost of living, personal health and well-being, and office setup/working habits. Other issues that emerged were environmental impacts, and digital nomadism and related visa issues.

**No. 5
Workshop with all relevant stakeholders**

Duration: full-day

Date: December 1

Participants: 57 participants, of which 15 from the European Commission, 5 from the contractor's core team, 15 national experts (part of the contractor's team), 13 representatives of national authorities, 3 researchers, 4 representatives of national trade unions to whom requests to disseminate employee survey were sent. Two representatives from EU-level social partners attended the workshop (ETUC and SGI Europe) at the invitation of the European Commission.

During the validation workshop, the preliminary findings of the study were presented and discussed with the aim of gathering input from stakeholders.

Other than the study findings, other topics touched upon the EU labour acquis, national approaches to telework and the right to disconnect, and future scenarios of telework. Two separate parallel sessions were held with a total of 57 participants, representing stakeholders previously involved in the study's evidence-gathering exercises, including representatives from academia, industry experts, national authorities of EU Member States, and the European Commission.

The consultation activities are summarized around four key topics:

- Trends in telework after the Covid-19 pandemic;
- Issues related to right to disconnect;
- Challenges of telework; and
- EU labour acquis.

Table 2 below provides an overview of which consultation activities provide insights for each of the four key topics.

Table 2. Scope of the consultation activities

Issue	Type of consultations	Date of consultations
Trends in telework after the Covid-19 pandemic	Expert interviews	13 July – 28 July
	Interviews with national stakeholders	End of June – 28 September
	Employees' and employers' survey	8 July – 26 September
	Workshops	15 July – 1 December
Issues related to right to disconnect	Expert interviews	13 July – 28 July
	Interviews with national stakeholders	End of June – 28 September
	Workshops	15 July – 1 December
Challenges of telework	Expert interviews	13 July – 28 July
	Interviews with national stakeholders	End of June – 28 September

	Employees' and employers' survey	8 July – 26 September
	Workshops	15 July – 1 December
EU labour acquis: Should it be changed?	Expert interviews	13 July – 28 July
	Interviews with national stakeholders	End of June – 28 September
	Workshops	15 July – 1 December

2. Findings from consultation activities

Trends in telework after the Covid-19 pandemic

All of the consultation activities revealed the expectation towards similar trends in telework, broadly indicating that telework is here to stay. Through expert interviews, interviews with national stakeholders, and surveys with both employers and employees, respondents enumerated several reasons why telework will remain prevalent in the future, such as greater flexibility in arranging working hours, and costs and time saved by not commuting.

National stakeholders (national authorities, employee and employer representatives) and experts that were interviewed, and the participants of the second workshop (with national authorities) and third workshop (with experts) mentioned noticing that the following trends in telework are gaining prominence:

- Increase in 'teleworkable' occupations;
- Energy costs;
- Younger age cohorts entering the job market; and
- Technological advancement.

National authorities, employee representatives and employer representatives that were interviewed, as well as expert interviewees, and participants of the second, third and fifth workshops (representatives of national authorities, experts, and a variety of stakeholders, respectively) agreed that telework will stay at lower levels and might revert back to a hybrid form away from full-time teleworking.

Findings from the third workshop with experts revealed that the increase in telework will depend on context-based factors, including the country, size of the companies, relative degree of innovation, work culture, as well on the specifics of certain sectors – while some sectors will continue to have a very high prevalence of telework, others will return to lower percentages of telework.

All types of interviewees (national authorities, employee and employer representatives, and experts) and the participants of the third workshop (experts) also mentioned the reasons why telework is not likely to return to levels seen during the pandemic, although it may remain prevalent in other forms (i.e. hybrid work). Employer representatives underlined these types of issues:

- The need to cover utility and equipment costs for teleworkers;
- Upskilling as new technologies emerge; and
- Managers want employees to come back to the office, as it is easier to manage in person.

Likewise, employee representatives and expert interviewees highlighted two issues:

- Gender discrimination, and
- Flexibility stigma (the belief that if you work from home, you are not as committed and productive).

Both surveys of employees and employers revealed that Northern and Western European countries were among the ones where the highest share of respondents indicated that they/their employees

teleworked daily or several times a week during January-June 2022¹. However, employer and employee surveys reveal diverging trends in terms of low frequency of telework. According to the employee survey, the highest share of employees responding having teleworked less often than several times a month or not teleworked at all were found to be in Central Eastern Europe². However, employer survey revealed that the highest share of respondents from Southern and Central Eastern Europe³ reported having teleworked less often than several times a month or not teleworking at all.

In addition, according to the responses to the employee survey, the top three sectors where the highest share of respondents reported having teleworked daily or several times a week during January-June 2022 were financial services, industry, and public administration, while the highest share of employees that responded to the survey reported having teleworked less often than several times a month or did not telework at all were from health and agriculture sectors. However, commerce and hospitality as well as agriculture were reported by employers as sectors where the least amount of employees teleworked in January-June 2022. These industries are often considered as the ones that require physical presence, face-to-face interactions and constant supervision, which makes remote working difficult. The survey results hinted that in these sectors, a significant portion of the workforce continued to work on-site during the period, despite the ongoing pandemic and the rise of remote working in many other sectors.

Issues related to the right to disconnect

Workshop and interview participants stated that the legislation on the right to disconnect varies across different EU countries. While discussions between social partners have focused on these issues, and while there is some existing regulation through collective agreements, most Member States still lack a general legal framework for these issues. The first workshop with experts in particular provided the insight that in the countries that have enshrined a right to disconnect, implementation seems to be the most important issue.

Both employee and employer representatives that were interviewed as well as expert interviewees and attendees of the first workshop acknowledged the risks of blurring the line between professional and private life due to telework. However, views diverged according to the views of particular kinds of stakeholders.

In interviews with national stakeholders, most of the employer representatives and national authorities stated that the right to disconnect was not (yet) considered an issue/not yet discussed, as it is not yet legally established and/or is not considered important by employees. Other employer representatives stated that they have managed to achieve a sufficient balance between working time flexibility and the right to disconnect to the extent that ensuring a 'right' to disconnect is not necessary.

However, employee representatives consider the right to disconnect to have been handled unsuccessfully so far, and mostly agreed that employees' right to disconnect will gain prominence in the future. During interviews, employee representatives also highlighted the following possible drivers of the right to disconnect:

¹ The highest share of employees that teleworked daily or several times a week were from the Netherlands, Germany, Sweden, France and Denmark (employees survey), while the highest share of employers who stated that their employees teleworked daily or several times a week were from Germany, France, Finland, Denmark and Estonia.

² The highest share of employees that did not telework or teleworked less often than several times a month were from Romania, Poland, Bulgaria, Hungary and Czech Republic.

³ The highest share of employers who stated that their employees did not telework or teleworked less often than several times a month were from Greece, Bulgaria, Slovenia, Cyprus and Malta.

- The increase of telework, as well as risks stemming from entanglement of private and work life, such as burn-out;
- New business models, new forms of work (gig-work, crowd-work or other short project-work) and a changing labour market, as well as a rapid pace of technological developments;
- Current legislation that is vague, legislative priorities for the future that have already been set, and the EU's activity regarding the right to disconnect.

Expert interviews provided the insight that actively seeking work-life balance by setting boundaries and disconnecting from work-related responsibilities are becoming more normatively accepted practices to a certain extent. However, the overall trend is still pointing towards working longer hours and not having an adequate work-life balance.

Attendees of the first workshop held with experts also noted that although the right to disconnect may be an appealing concept, the implementation might be challenging if heavy workloads prevent workers from fully disconnecting. Therefore, a qualitative assessment of the workload is required, as a quantitative look at the regulation of working time is not sufficient to address this. This frames the issue of the right to disconnect as a problem of boundary management. What is more, participants highlighted that Eurofound research confirms that remote work is one of the main drivers for working longer hours and the 'always on' culture. Participants reflected on the extent to which technology might be used to address the issue, as opposed to be seen only as a culprit of work intensification, e.g. use of AI to assess work intensity and predict trends (enabling the prevention of overwork).

Challenges of telework

The most prominent challenge for employee and employer representatives and national authorities (as reflected in the interviews with national stakeholders) was occupational safety and health (OSH), including physical and mental health. Both interviews with national stakeholders (national authorities, employee and employer representatives) and expert interviews uncovered the problem of OSH's enforcement at home, as it is difficult for managers to make sure that the working space is suitable and check-ups are not easy to conduct in employees' private spaces.

Participants of the second workshop (i.e. representatives of national authorities) as well as interviews with national authorities also mentioned OSH concerns, and note that telework influences both physical and psychological aspects of health.

Interviews with national stakeholders additionally provided possible solutions:

- New legislative measures with special occupational safety rules for teleworkers (mentioned by national authorities);
- Guidelines on how to deal with the issues with remote working (i.e. ergonomic issues, psychosocial issues) (mentioned by employee representatives);
- Risk analysis (carried out to determine if the employee's environment is fit for safe work) (mentioned by national authorities, and employee representatives); and
- Educating managers on the rules to ensure occupational safety and health (mentioned by employer representatives).

The challenge of decent employment and working conditions, including working time and work-life balance, was identified as a key issue in all consultation activities. National stakeholders (employee and employer representatives, as well as national authorities) and experts that were interviewed, and

attendees of all workshops agreed that working time and work-life balance can become harder to maintain when teleworking.

Findings from the focus group conducted with cross-border teleworkers located in several EU Member States showed a broad range of benefits and challenges associated with telework. Participants noted that telework offered a number of advantages over working in the office – more time spent with family and more flexibility to travel, arrange work and leisure time were seen as net benefits of teleworking. However, participants also cited the challenges of navigating social security and taxation rules, particularly when carrying out their work in multiple Member States (i.e. “digital nomads”). For further discussion of these and related issues, see Annex 10A (Deep Dive: Cross Border Telework).

While survey respondents (both employees and employers) named the right to disconnect as an area for improvement, they also highlighted the need for more freedom and flexibility in managing their work hours. In general, survey respondents selected the most important issues and areas for improvement, including:

- Not contacting employees outside of designated work hours;
- More freedom for employees to take some hours off for attending private issues; and
- More freedom to set a working schedule.

However, although these issues were named in all countries as an area for improvement, the importance of them varies greatly across different countries. The aforementioned issues were a key concern among respondents to the employee survey in Bulgaria, Greece, Hungary, Latvia, and Ireland. This sentiment was echoed by respondents to the employer survey in Malta, Cyprus, Croatia, Greece, and Sweden, who also identified these issues as being of paramount importance. However, a different trend was observed among respondents to the employee survey in Poland, Slovenia, Romania, Estonia, and Czechia, as well as among respondents to the employer survey in Ireland, Lithuania, Finland, and France, who highlighted need for more freedom and not contacting employees outside designated work hours less often than employers and employees from other European countries.

In addition, sectoral differences emerged. According to the employee survey, the need for more freedom and not contacting employees outside designated work hours were found to be more important for employees in commercial and hospitality, as well as transport and education sectors. However, employer survey revealed a discrepancy in the importance placed on these issues among employees and employers in the transport sector. Specifically, the transport sector ranked last among employers who rated these issues as important (while it was important for employees). Employer survey also showed that employers from the construction sector and public administration see the most added value in more freedom to take some hours off and set working schedule as well as not contact employees outside of their working hours. These findings suggest that there is a significant degree of variability in the perception of key issues related to telework among different groups of employees and employers across Europe.

The issue of cross-border telework was noted as a key challenge by employer representatives, national authorities and expert interviewees, as well as participants of the third workshop. However, only four employee representatives identified this as a problem in national interviews. In particular, employers and national authorities mention the following issues:

- Lack of coordination between social security systems of different Member States to which teleworking employees might be subject, with consequences for family benefits;

- Lack of unification of international rules regarding teleworking employees, relating to labour law, taxation, and social security; and
- Greater bureaucratic administrative hurdles in designing working time arrangements that comply with differing regulations.

On the other hand, the issue of cross-border teleworking did not appear to be a matter of considerable importance to survey respondents. Both employees and employers that responded to the survey reported that only a minority had worked in a different country or had an employee that was working in a different country. No significant differences between countries were noted. In addition, according to the responses to the employee survey, the highest share of respondents reported having cross-border teleworked during January-June 2022 were from the industry sector, while the lowest share – from the health sector. The majority of the respondents reported not having experienced any administrative difficulties concerning cross-border telework, and those that did mostly faced difficulties related to social security and taxation.

The challenge of control, surveillance and monitoring performance systems, including protection of teleworkers' data, was mentioned in all types of consultation activities. Employee representatives during the interviews with national stakeholders, expert interviewees and attendees of the second workshop (representatives of national authorities) mentioned the threat of algorithmic management as it brings issues of privacy, control, and surveillance to the forefront. Employee representatives in the interviews with national stakeholders additionally mentioned these types of issues related to control and surveillance:

- Employees do not know what data is harvested and used by the employer;
- No special regulations specifically covering employees' personal data protection;
- New surveillance tools are emerging; and
- Old guidelines are not yet updated.

Moreover, employer representatives during the interviews with national stakeholders, as well as participants of the first and third workshops (comprised mostly of experts), mentioned difficulties in ensuring data safety of workers working from home or in public spaces.

In their respective surveys, both employers and employees indicated that greater clarity on data protection and digital surveillance could be an area for further improvement.

The challenge of maintaining gender equality was mentioned in both expert interviews and interviews with national stakeholders (employee and employer representatives as well as national authorities), the first workshop and the fifth workshop on the future of telework. Most of the respondents and workshop attendees recognized that it could be more difficult for women than men to achieve work-life balance, as women do most of the unpaid care work. In particular, experts noted that:

- Unpaid work is an important factor when considering telework and the right to disconnect. Debates about the 'right to rest' should take into account that unpaid work (e.g. care obligations) is not rest, and cannot ignore the still entrenched gender norms and expectations that associate women with caregiving obligations and unpaid domestic labour. In order to address this challenge, any new policies on the right to disconnect and/or telework must be linked with a package of policies that aim to protect women's rights in the labour market (e.g. parental leave policy, working time policy), and must work to change the gender stereotypes associated with work (i.e. encouraging workers that are men to be more involved in domestic labour or as caregivers).

- Research shows that although historically men had greater autonomy in setting their schedules and telework, they used it less for caregiving reasons, while women used it more, although their schedules were more restricted. Participants also discussed that strict work time regulation may indirectly discriminate against women, who tend to assume/take over more caregiving obligations (e.g. might more often be obliged to leave work early to pick up children from school/kindergarten).

Finally, the first workshop with experts discussed a number of options for orienting policy solutions options to address the various challenges related to telework and the right to disconnect. These include:

- Awareness-raising for both managers/employers and employees on how to manage telework and the right to disconnect;
- Moving from daily working time consideration to weekly, monthly or yearly as the basis for working time consideration, enabling workers to distribute work 'attendance' over the course of a longer period of time;
- Providing enterprises with collective agreements in place with the discretion to regulate flexible working arrangements, based on the argument that the presence of such agreements warrants a higher level of trust, and therefore that employer-employee discussions on the relevant issues will lead to reasonable solutions;
- Effective sanctions for poor implementation of the legal framework;
- Taking care when regulating different sectors, as they often have very different specifics, and both overregulation and under-regulation may be harmful depending on context;
- In order to reconcile the trade-off between privacy and control, a third party could be engaged in supervising OSH outside of the work premises.

EU labour acquis: Should it be changed?

Four consultation activities provided insight into discussions on the EU labour acquis and whether it should be changed: interviews with national stakeholders, expert interviews, and discussions during first and fifth workshops.

With regard to the interviews with national stakeholders, only the employee representatives agreed that acquis should be supplemented. They suggested that additional regulation is needed in these areas:

- Right to disconnect (respondents, however, did not provide many further details);
- Cross-border work (mainly more clarity around social security coordination)
- Minimum OSH standards at the EU level (for example, employers should be obligated to carry out risk assessments of health risks to employees, including teleworkers, and that issues related to stress should be recognized by regulation;
- Minimum data privacy standards at the EU level (for example, in the area of technologies that allow monitoring of employees without their consent)

Employer representatives that were interviewed almost unanimously agreed that there is no need to supplement or change the existing legal framework, related to teleworking and the right to disconnect, at the EU level. Most of them mentioned that the current framework would be sufficient if it would be

fully implemented. They also mentioned being concerned about the lack of flexibility that new legislation would possibly bring about.

Most expert interviewees, however, agreed that the existing EU labour acquis needs to be updated. The majority of the interviewees suggested that a new directive that would go beyond the scope of the provisions of the Work-Life Balance Directive would be useful. They stated that this is needed due to the increase in telework, new technologies and the overall change in the labour market after the pandemic. However, they agreed that telework and the right to disconnect would be difficult to regulate, as there is a need for flexibility in implementation and different cases require different approaches. One expert interviewee suggested that telework and the right to disconnect would be better regulated through collective or company agreements.

While some expert participants of the first workshop claimed that it was not necessary to consider introducing the right to disconnect as a separate legal instrument because this issue was already addressed by other legal instruments (e.g. addressing working conditions, quality of work, working time, etc.), others claimed that the right to disconnect is important at least as a concept for raising awareness of the issues surrounding the right to disconnect. Some experts shared various arguments as justification for policy intervention (going beyond the use of the right to disconnect as a concept for raising awareness), with reasons being that:

- Flexible schedules lead to increased overtime hours and unpaid overtime, and that these patterns occur across occupations and countries in the EU and beyond;
- Multitasking and mental spill-overs are more prevalent when working flexibly;
- Although flexibility was intended to alleviate the strain of reconciling work and family life, flexible work might actually have a higher negative impact on work-family conflict;
- Labour laws are built around fixed schedules and office work, stemming from an outdated view of the world of work – because remote work blurs time boundaries, tracking work hours has become more difficult, and it is therefore more sensible to protect rest rather than regulate work hours;
- The increasing prevalence of the ‘always on’ culture creates a downward spiral of consequences at the individual and organisational level; and because
- Stress and burnout create high costs for society more broadly.

The attendees of the fifth workshop mentioned a potential reason for not introducing a policy/legal instrument, in particular that it would be challenging to adopt legislation on telework that would be applicable across different sectors.

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