



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 5 Outline of case studies

LOGO

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate Jobs and Skills
Unit Future of Work, Youth Employment
Contact: Krisztina Boros

E-mail: EMPL-B1-UNIT@ec.europa.eu *European Commission*
B-1049 Brussels

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Manuscript completed in December 2022

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Luxembourg: Publications Office of the European Union, 2024

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PDF ISBN 978-92-68-13723-9 doi: 10.2767/314680 KE-02-24-352-EN-N

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Case studies were drafted using desk research and interviews with relevant representatives (of both employers and employees) for each company or organisation.

Case study on SoftwareMill (Poland)

Background

| Category | Coverage |
|--|---|
| Company | SoftwareMill |
| Year founded | 2009 |
| No of contractors | 81 |
| Main characteristics of the workforce | 13 contractors, 16% of whom are women. All contractors have higher education degrees. The average age is over 30. Contractors take the following roles: <ul style="list-style-type: none"> • Management – eight people, including three founders • IT specialists – 64 people • Other staff – nine people |
| Turnover | PLN 24 million (2021) |
| Economic activity (NACE code rev. 2) | 62.01 – Computer programming activities |
| Products / services | Custom software development services, consulting, DevOps, machine learning services |

Source: Company website¹; interview with the CMO.

Characteristics of the policy / agreement

A remote-only company since its inception, SoftwareMill's mission is to “be the best remote workplace in the Polish IT sector” (interview with the CMO). The founders of Software Mill gained exposure to both telework and freelancing in their careers in their IT sector, where such practices have long been prevalent. As previous work-from-home contractors themselves, the founders of SoftwareMill noted that it was only natural for them to develop their company strategies and policies around telework.

All of the company's contractors are self-employed, which means labour law provisions do not apply. There are also no collective bargaining agreements or worker representation bodies that cover the SoftwareMill workforce. Therefore, telework is shaped as a purely internal and semi-informal policy, recorded in individual employment contracts and the company's internal Wiki pages. Some of the key policy provisions include:

- **Semi-flexible working time:** team members are available for about 4-6 hours during “standard” working hours (exact arrangements are made within project teams). The remaining working time can be set individually, although sometimes project meetings and other obligations towards clients might also influence working hours (e.g. evening meetings with US clients). In such cases, the team members adjust their working time to meet expectations.
- **Financing of home office:** all equipment (laptops, mouses, software, etc.) and workstations (desks, chairs) are fully funded by the company.
- **A comprehensive online environment:** the company deploys a range of tools and practices to facilitate social interactions (e.g. non-work-related Slack channels, daily morning meetings built around one random question; “Donut” meetings that involve informal chats with randomly selected colleagues); and improved workflows (e.g. Atlassian, Google Docs, Trello, training on giving feedback and soft skill development, and common learning initiatives such as Friday Market for exchanging good practices).

¹ <https://softwaremill.com/>

- **Face-to-face meetings:** to compensate for the lack of a shared office space, opportunities to meet colleagues are offered, including monthly gatherings in different cities in Poland for all company staff; twice-yearly project team meetings; twice-yearly weekend trips (including a work-related team building event as well as an informal event for employees and their families); offline training sessions; and on-site project kick-off meetings to build relationships with clients.
- **Trust-based management:** no monitoring or surveillance tools are in place, and workers are given a great deal of autonomy and responsibility.²

Effectiveness of the policy / agreement

Contractors reported a high level of job satisfaction, particularly with regard to their remote working arrangements. Flexibility in terms of where and when to work was highlighted as one of the key benefits: for example, one interviewee noted that this arrangement had allowed her to move back to her small hometown and start a family while not being limited to the local labour market and continuing with her professional career. Another team member moved to Spain to pursue his hobby (surfing). All interviewees emphasised their improved work-life balance, including the possibility of working more hours one day and attending to personal matters the next, or going on a “workation” or working holiday with their families. Autonomy, responsibility and a trust-based culture were also highlighted as factors contributing to work engagement and satisfaction.³ Being fully remote rather than hybrid also prevents any discrimination between teleworkers and stationary workers, and allows everyone to have equal access to the same communication and work organisation channels.⁴

Remote working arrangements also offer additional advantages to both contractors and management. Contractors praised the time and money saved on commuting; similarly, the company reported saving on office costs (although this is offset somewhat by spending on support for home office setups and in-person events). Furthermore, being fully remote allows SoftwareMill to hire talent from across the country.⁵

Several key challenges and/or limiting conditions were also identified, including:

- **Lack of a dedicated workspace or a poor environment at home:** while the company provides access to proper working equipment, employees still need a working space that is peaceful and allows them to focus on work.
- **The need to have good organisation skills and rigorous working standards:** because employees do not work from the same location, the potential for miscommunication or a misalignment of work habits may be higher. To address these challenges, SoftwareMill provides soft skills training and communicates best practices for remote work, and also provides ongoing feedback within the company.
- **Personal preferences:** remote work does not suit everyone, which limits the pool of talent that can be hired by SoftwareMill.⁶

The company’s key success factors were identified as follows:

- **Company practices in organising work and social life:** one interviewee noted that their experience with the company’s management of remote work was better than a previous experience of remote working with a different company; these

² Interviews with the CMO and contractors.

³ Interview with contractors.

⁴ Interview with the CMO.

⁵ Interview with the CMO.

⁶ Interviews with the CMO and contractors.

reflections show the importance of developing a company culture that aligns with the practice of telework.

- **Recruitment practices:** SoftwareMill usually hires experienced professionals who require less supervision and help with their daily work, which means they also may also have better time management skills and take responsibility for work projects.⁷

Key issues that remain, and outlook for the future

Both the company representative and the contractors were largely unaware of the policy context of telework, given that they were self-employed. In particular, they highlighted that in the IT sector, employers need to compete for talent – therefore, working conditions are generally good, and companies have to take care of contractors' well-being in order to retain workers. Therefore, while labour laws do not apply in their case, semi-formal regulation is still necessary (interviews with the CMO and contractors).

According to the CMO, remote work will remain a key policy at SoftwareMill. Recently, SoftwareMill workers voted against an internal policy suggestion of a four-day working week. However, interviewees still emphasised that work-life balance will likely be an important issue to consider in the future. They also expressed hope that remote working would be adopted more broadly and perhaps have broader impacts outside the workplace, such as the development in suburban and rural/small-town areas, or a reduction in pollution and the resources used in commuting.⁸

⁷ Based on interviews with the CMO and contractors, although the company is opening up for junior applicants because of skills shortages in the market.

⁸ Interview with contractors.

Case study on Rentrop & Straton Publishing and Business Consulting Group (Romania)

Background

| Category | Coverage |
|--|--|
| Company | Rentrop & Straton Grup de Editură și Consultanță în Afaceri SRL [Rentrop & Straton Publishing and Business Consulting Group] |
| Year founded | 1995 |
| No of employees | 110 |
| Main characteristics of the workforce | Women: 89; men: 21; employees with management positions: 20; employees with higher education: 88; employees with secondary education: 22 |
| Turnover | RON 17,947,352 |
| Economic activity (NACE code rev. 2) | J 58.1 |
| Products / services | Publishing of books, periodicals and other publishing activities |

Source: Company website⁹; publishing house.

Telework policies

Even before the pandemic, the staff of Rentrop & Straton had acquired the digital skills to work remotely using the company's digital platforms and servers, which enable them to log in remotely. However, working activities were still largely carried out from the company's headquarters.

Telework was first implemented during the pandemic in compliance with Romanian legislation that obliged companies to use telework wherever possible (Law no. 55/2020). Most jobs within the company are "teleworkable", and during the COVID-19 crisis many employees began working remotely (coming to the office only on a rotation of 1-2 days/week).

The telework policy, which was implemented in the spring of 2020 (and remains in force) consists of two components:

- **A general component**, adopted in April 2020, which adapts the provisions of Law no 81/2018 regarding telework to the specifics of the company, and which follows the norms generally applicable to telework. These are included in the company's Internal Regulations, and were implemented unilaterally by Rentrop & Straton.
- **An individual component**, adopted from May – June 2020, under which specific telework clauses were added to each employment contract, scheduling the days of remote work and in-office work for the individual employee. This clause also obliges employees to comply with health and safety regulations when working from home.

Employees explained that some of them already had the necessary means (including equipment and ergonomic furniture) to work from home. Workers who did not have these resources could request to work solely from the office; however, in general employees preferred to work from home.

While no collective labour contract exists at company or sectoral level, and there is no union at the company, the general perception is that the negotiations regarding remote working were generally fair.¹⁰ In these circumstances, the only form of negotiations was between employees and management. However, it was felt that the small size of the company

⁹ <https://www.listaфирme.ro/rentrop-straton-grup-de-editura-si-consultanta-in-afaceri-srl-7782311>

¹⁰ Interviews with employees.

allowed for individual relationships between management and each employee, which facilitated the negotiation of a telework policy.

Each head of department gathered proposals from employees, establishing, on rotation, when each of them should work from the office. The only employees who were obliged to continue working at Rentrop & Straton's premises every day were those who did not have "teleworkable" jobs; for example, due to the nature of its work, the bookbinding department could not carry out its activities at a distance.

The trigger for the implementation of this policy (and the legal obligation to adopt it) arose from the pandemic; at the beginning, there was no real interest on the part of management or employees in teleworking. However, it was soon found that employees performed their duties promptly and competently even when working remotely, and that management was increasingly satisfied with the results of work performed in such a manner. In 2020, the company recorded sales markedly higher than in 2019. Because of these positive results, Rentrop & Straton maintained a hybrid system of work for almost all employees, even after the national state of alert had ended and the obligation to telework was no longer in place.

Some employees continued to work from the office. In addition to employees in the bookbinding department, management asked call centre operators to return to the office (despite the fact they could have performed their work duties remotely). As the manager stated, "[working in the office] creates a certain energy, very useful in sales, which isolated employees lack."

The company has shifted from 0% of employees working remotely before the pandemic to current levels of 90% of employees working according to a hybrid system, performing work from home for an average of one to three days a week. No one is forced to work remotely, as the company's offices are still fully functional; instead, remote work is carried out exclusively on a voluntary basis. Employees feel this arrangement provides them with a higher level of autonomy to decide their working location and hours.

Costs and savings

Implementing the telework policy reduced utility costs for Rentrop & Straton, as fewer people worked in-office and the company did not cover the increases in utility costs incurred by employees working from home. The company has also saved on consumables, stationery, water filters and other products commonly required for office work. In addition, Rentrop & Straton saved on expenses associated with transporting employees from their homes to the office, although they continued to cover transportation costs on the days when employees came to the office.

Employees had to allocate space within their private homes for teleworking, and had to bear part of the expenses of teleworking themselves. However, the possibility of working from home was largely seen as an opportunity to balance their private and professional lives.

Rentrop & Straton did not save on costs related to maintaining its office space, which has remained the same despite employees no longer working at the company's premises for the entire working week. Management also offered each employee the equipment necessary for teleworking; 40 laptops were purchased in 2020, and another 20 in 2021. Priority was given to employees who had not already benefitted before the pandemic from the provision of such equipment by the company (currently, practically all remote working is carried out using the company's laptops).

Working time and the right to disconnect

The right to disconnect is not explicitly regulated neither in Romania, nor in the company. However, it is implicit in the practices implemented at company level that the working hours of employees should be respected. The employee representative confirmed the observance of set business hours. Outside business hours, employees are not required to respond to messages or emails, nor are they required to be permanently logged in or to check their work phones. Moreover, there has been no disciplinary sanctioning of an employee for failing to respond to messages received after the end of the working day.

While technically the company can monitor when employees log in and out, they do not use this data to evaluate employees, because a separate performance management system has already been implemented. This evaluation system involves an ongoing process of communication between each employee and their supervisor, aimed at supporting the accomplishment of the organisation's objectives of the. Thanks to this system, the employer is less interested in analysing working time and focuses more on the quality of results. These results are quantified through the company's edited and published works.

Due to the nature of Rentrop & Straton's work as a publishing house, each employee tends to have a high degree of flexibility; indeed, even before the pandemic, employees had individualised work schedules. According to Article 118 of Romania's Labour Code, employers can establish individualised work programmes with the consent of, or at the request of, the employee concerned. Such individualised work schedules provide a flexible way of organising working time, under which the working day is divided into two periods:

- a fixed period during which all staff are simultaneously at work (core time), and
- a variable, mobile period, in which each employee chooses their times for arrival and departure, respecting the core working time.

Under these arrangements at Rentrop & Straton, teleworkers were able to reduce the amount of time they spent commuting. However, employees tend to no longer observe lunch breaks or other rest time during the working day when working from home, which could have the effect of increasing burnout. Combining professional and family tasks has proved to be a challenge, especially for women employees.

Case study on Billigt Arbejdstøj (Denmark)

Background

| Category | Coverage |
|--|--|
| Company | Billig-arbejdstøj.dk |
| Year founded | 2009 |
| No of employees | 115 |
| Main characteristics of the workforce | 43 warehouse employees, including 10 employees who do not work full-time; 12 employees who work in the marketing and web departments; 14 employees working in purchasing; 12 employees in sales; 12 employees in customer service; 10 employees in economy and administration; (10 employees in the sibling company, Image Kompagniet) The average age across all employees is 34 years 75% of all employees are women 20% have an education that specifically relates to their job |
| Turnover | DKK 214 million (in 2021) |
| Economic activity (NACE code rev. 2) | Primary sector: 8110 Combined facilities support activities Secondary sector: 4719 Other retail sale in non-specialised stores |
| Products / services | Billig-arbejdstøj.dk is an online store that sells workwear |

Source: interview with the CEO.

Characteristics of the policy / agreement

Billig-arbejdstøj.dk is an SME with 115 employees that sells workwear online. All employees at the company who hold positions that allow them to work from home can do so for up to two days per week if they choose; this includes employees in the customer service, finance and administration, marketing and sales departments. This means that approximately 52% of employees (including employees who work part-time) can choose hybrid working modalities.

Billigt Arbejdstøj has guidelines in place which dictate that employees are not allowed to send emails or to contact other employees after 16:00 on weekdays. This is an internal policy that is strongly rooted in the company's culture, and has been in place since the company was founded in 2009. Employees are generally happy with the policy, as they find it has led to better work-life balance.

The philosophy behind the company guidelines on remote working is that employees should be able to choose to work only between 08:00 and 16:00, and then to take time off in order to be well rested and ready for the next day. If an employee works flexible hours and prefers to work in the evening, they are free to do so. However, they are not permitted to e-mail their colleagues after 16:00, in order to ensure that they don't make their colleagues feel that they should be working. Thus, if employees work in the evening, they must use delayed delivery for e-mails they send out. While there may be extraordinary situations in which it is important to get in touch with an employee in the evening, the understanding is that such instances are the exception and not the rule.

According to management, an employee who works twice as many hours is not twice as efficient. The guidelines exist in order to avoid employees getting stressed, and the management believes that it is crucial that employees be supported in order to thrive at work. According to one employee, the guidelines indicate a clear dividing line between work and private life, and help to foster good work-life balance. According to the company policy, the employees should usually not be working after 16:00 unless they have taken time off at another point and thus have some work to catch up on. If employees at Billig-arbejdstøj.dk find themselves working more than 37 hours per week, this means that the company needs to hire more employees, and not that its existing employees need to work more hours.

Some of the company's employees have come from jobs at other companies in which it was normal to work in the evening, and where it was normal for the workweek to exceed the contractual 37 hours. The management noted that sometimes, new employees needed to adapt to this change in company culture, and management would intervene if necessary to remind employees of the company policy on after-hours communications.

Effectiveness of the policy / agreement

Billig-arbejdstøj.dk's guidelines on remote working serve the main purpose of maintaining a company culture that buttresses a good working environment with a strong sense of work-life balance. A relatively low level of employee turnover indicates that these policies have helped with employee retention. In addition, the management argues that although employees may work fewer total hours due to this policy, this is not negatively reflected in the company's bottom line, which has an annual turnover of around DKK 200 million. The management believes the guidelines make employees more productive during the hours they work. This was further emphasised by one employee, who underlined that the policy helps him to work while he is at work, and recharge when he is not.

Key issues that remain, and outlook for the future

Looking to the future, both the management and employees hope to be able to comply with telework-related guidelines and in this way manage their workload and sustain a healthy working environment. Because working different hours and in different time zones has gradually become more normal, it is important to ensure that internal systems – including task management systems or email clients – function seamlessly. For instance, if an employee works in customer service at night (in order to provide a better service for customers), it is an advantage if this employee only receives e-mails and messages during these hours, and not from 08:00 to 16:00. Systems need to be more customized for flexible work hours and different groups of employees, so that the employee can completely disconnect when they are not at work – no matter when that is.

Case study on Borlänge Municipality, pilot project of 50% teleworking (Sweden)

Background

| Category | Coverage |
|--|--|
| Company | Borlänge Municipality |
| Year founded | 1891 |
| No of employees | Around 4,000 in the municipality; 105 participants in this project. |
| Main characteristics of the workforce | <p>61 women, 44 men. 25% worked in the office all the time (i.e. they could not work at home). Many have university degrees and high levels of education. Examples of professional titles:</p> <ul style="list-style-type: none"> • building permit officers, • administrators, • environmental inspectors, • food inspectors, • managers, • developers, • engineers, • measuring technicians, • secretary of the board, • architects, • project managers, • traffic officers, • biologists, • cultural secretaries, • association grants officers, • Civil Society Coordinators, and • strategists. <p>Not all participants in the pilot carry out tasks that are suitable for teleworking, but they are still included as participants in the pilot because the test period also affects their working environment.</p> |
| Turnover | N/A (tax revenue and expenditure) |
| Economic activity (NACE code rev. 2) | 84.11 – General public administration activities |
| Products / services | Local government |

Source: interview with Borlänge Municipality.

Characteristics of the policy / agreement

The municipality of Borlänge, Sweden, recently initiated a pilot project allowing all employees to continue working remotely after the pandemic for 50% of their working hours. This project will be evaluated after the six-month pilot phase – at which point, if successful, the policy will become permanent. According to the project's structure, the municipality office will hold 50% of the employees simultaneously, so that at any given time, half of all employees will be working from home. Under this arrangement, each employee will alternate between one week of office work and one week of telework; in this way, two employees can share each available desk in the office, with the idea that decreasing the use of office space will also save money in the long term. In December 2020, a survey conducted among 76 employees showed that during the pandemic, around one-third of employees stated that they worked equally efficiently from home compared with the office, and around half stated that they were actually more efficient while teleworking. The survey also revealed a potential risk that social cohesion would be negatively affected by working remotely, which is why full-time telework was not seen as ideal for the municipality.

Prior to the pandemic, Borlänge municipality suffered from the issue of insufficient office space. The idea of operating a hybrid office arrangement arose from this fundamental

challenge; instead of acquiring more office space, the municipal office planned to reduce the amount of space needed by reducing the number of employees in the office simultaneously. The pilot project applies to municipality office workers in two separate buildings, one of which is a rented co-working space. The cost-cutting involves the municipality renting a smaller space at this venue than it had previously.

As of May 2022, the project had officially finished and was under review, with a final report pending.

Effectiveness of the policy / agreement

This policy is an extension of a pandemic-related policy that was implemented as a result of the recommendation to work from home if possible. Because of the efficiency of remote work, the municipality launched the pilot project to see if it would be possible to use teleworking as a cost-cutting measure that would simultaneously increase the efficiency and enhance the well-being of employees.

One key success factor was the extent of digitalisation in the municipality. The feasibility study mentions a specific example of the construction and map office, which in 2019 adopted an e-service for handling all applications and documents digitally, as well as scanning and uploading many pre-existing documents. Without such previous efforts to digitise office projects, the move to the current hybrid solution would not have been possible.

This measure will not increase costs, but rather aims to cut the cost of office space. The inception study showed that the municipality stood to save SEK 23 million over 10 years due to lower office-related costs, which is a significant amount of money for a municipality of around 50,000 people; however, this aim has not yet been realised. While less office space is currently being used, no contracts have yet been terminated.

The feasibility study showed that there are environmental benefits to a successful project in terms of reductions in commuting time. Approximate savings in CO2 emissions due to a reduction in commuting to and from work add up to a total of 52–76 tonnes per year for all employees covered by the project.

Key issues that remain, and outlook for the future

In an article published on 14 June, 2021 while the project was still underway, the project leader summarised some key takeaways from the project. The first challenge was scheduling. The idea of instituting a one week remote, one week in-office regime was abandoned by one of the departments during the first week; instead, the plan was adapted so that co-workers who shared an office could set their own schedules. Another issue was a loss of social connection between co-working groups – in particular, they felt it was harder to work together as a unit when working remotely.

In light of these challenges, the municipality's policy from now on is to allow remote working for any worker who wishes to do so up to a maximum of 49%. Office spaces will be shared between workers, who come to the office some of the time. However, employees who wish to work from the office at least 80% of the time will have their own permanent desk at which to work.

Specifically, the precise figure of 49% of working time that may be performed remotely is due to particular aspect of Swedish tax law concerning where an employee's main workplace is. If a worker works for 50% or more of the time from their home, their main place of work would then become outside the employer's premises. This, in turn, would mean that trips to the workplace would then have to be compensated. However, the tax authority has stated that remote working should not be a tax issue, and that this rule has

been misinterpreted. If a person works for more than 50% from their home, but has an office available to them, the tax authorities would still consider the employer's premises to be their main workplace. However, as a matter of policy, the 49% rule is a precaution that has been taken by many employers in Sweden (Publikt 2022).

Case study on PSA Automobile SAS (France)

Background

| Category | Coverage |
|--|--|
| Company | PSA Automobile SAS |
| Year founded | 1954 (but the first company from which the car maker Peugeot is descended was established in 1810) |
| No of employees | Around 45,000 |
| Main characteristics of the workforce | around 49% of employees are office workers, while 17% are technicians and 25% managers and engineers. The remaining staff is employed in a support capacity. In total, 83% of the workforce is male. The workforce is entirely in France, except for a few expatriates and employees on mobility to follow a project in another country, or the temporary sending of employees from a country in which production is at a standstill to another country that needs to reinforce its workforce. |
| Turnover | EUR 55.5 billion in 2021 |
| Economic activity (NACE code rev. 2) | 29.1 Manufacture of transport equipment |
| Products / services | Cars |

Source: interview, PSA automobile website.

The PSA Automobile SAS group developed a teleworking policy in 2014 (3,500 employees worked from home by the end of 2019). This was followed in 2016 by "distance working" (up to 25 days/year), which applied to 10,000 employees by the end of 2019 who worked from another place. In total, almost 14,000 employees have made use of the opportunity for flexible working.

These company-level agreements have been negotiated on a voluntary basis; it was not mandatory, either by law or by collective sectoral agreement, to negotiate on this issue. All employees working in an "eligible position" (or a position for which telework is possible) are entitled to telework, if five other criteria are met:

- Sufficient autonomy;
- Mastery of the skills to be exercised (i.e. the employee must feel at ease and have sufficiently integrated the knowledge, tools and network of contacts she/he needs to carry out the actions entrusted to her/him);
- Mutual trust between the employee and the manager;
- A compatible manner of work organisation (i.e. the work organisation in place must meet the needs for efficiency and conviviality of a service in which some employees will work remotely and others will work on company premises); and
- An equipped telework space (i.e. the teleworker has a space at home dedicated to and appropriate for telework).

Some positions are not eligible for telework due to the nature of the role; for example, those employees who work on the production line, building cars.

There is no evidence that teleworkers face any disadvantages in terms of promotion or training. The agreed-upon rule in the company-level agreement is that there is no discrimination between those who work on-site and teleworkers.

One of the reasons that the pandemic did not lead to restructuring at the company was because management and the unions had already implemented a policy of forward-looking job management to cope with decline in the car market. This instrument is presented by the management as a social policy 'co-constructed' with social partners and formalised in a collective agreement. There is also a Joint Strategic Committee via which the management shares elements of the company's strategy with the heads of the representative trade union organisations at group level. However, according to the trade unionist consulted, the degree to which employee representatives are involved in the agreement process varies depending on the context.

The objective of the policy has first been to adapt the workforce in response to the market downturn, and then in turn to adapt to a crisis in electronic components that has led to a reduction in production volumes.

In terms of management, the monitoring of employees is aimed more at production workers who must adhere to precise schedules, while other employees benefit from greater flexibility within a framework of management by objectives. This was confirmed by the employee representative.

Characteristics of the policy / agreement

The telework and disconnection policy respects the texts that apply to the PSA Automobile group in France, namely the Labour Code, the sectoral collective agreement for the metal industry, the group collective agreements that apply to all of PSA Automobile in France, and the company agreements concluded locally.

Prior to the pandemic, a group agreement in 2013 first allowed teleworking from home from January 2014 onwards.¹¹ This was extended in 2016 with the addition of a chapter on "remote working", which allowed employees to work up to 30 days a year from anywhere in France (or even abroad, with certain restrictions). In total, by the end of 2019, almost 14,000 employees had experience with teleworking. After the switch to 100% teleworking (during the pandemic) for positions that allowed it, management and unions began discussions to rethink the organisation of work in the future – namely, to ensure that when employees returned to on-site working, they had time for interaction, creativity and project management. In this context, a new agreement on "motivation and well-being at work," signed in January 2020,¹² introduced a rule offering between 5 and 15 days of telework per month. The exact number of days is to be decided by the employee and agreed by her/his manager. This agreement was amended in April 2021¹³ to increase flexibility and possibilities for telework.

¹¹ "Le télétravail s'implante chez PSA" [Telework is Taking Hold at PSA], Le Figaro, 22 July 2014, Available at: <https://www.lefigaro.fr/flash-eco/2014/07/22/97002-20140722FILWWW00137-le-teletravail-s-implante-chez-psa.php>

¹² "Accord relatif à la motivation et au bien-être au travail au sein du Groupe" PSA, Janvier 2020" [Agreement Related to the Motivation and the Wellbeing at Work Within the PSA Group], January 2020. Available at: <https://www.legifrance.gouv.fr/acco/id/ACCOTEXT000041830258?isSuggest=true>

¹³ "Avenant à l'annexe 2 de l'accord relatif à la motivation et au bien-être au travail" [Amendment to Annex 2 of the Agreement Related to the Motivation and Well-Being at Work], September 2021. Available at: <https://www.legifrance.gouv.fr/acco/id/ACCOTEXT000043404783?isSuggest=true>

Effectiveness of the policy / agreement

In June 2022, out of the 13,500 positions that allowed telework, 11,600 employees were teleworking, representing an uptake rate of 86%. A survey was also planned to be carried out by the end of 2022 to understand what prevents the remaining 14% of employees from taking up teleworking. It is clear from these figures that telework is clearly seen as a benefit in terms of flexibility, organisation and work-life balance. More than 70% of employees who telework have opted for the highest frequency: between 13 and 15 days of telework per month (out of an average of 21 working days), which is the maximum allowed by the collective agreement.

A particular aspect of work culture that has been the focus of management is the **reasonable use of e-mail**: specifically, the agreement provides that e-mail is not “appropriate in all circumstances,” and that e-mails received “outside of normal working hours do not require an immediate response”. While it is possible to deviate from this rule in the event of emergencies, the agreement otherwise asks managers not to organise meeting outside the period 08:00-18:00.

The pandemic showed everyone that telework was possible. The employee representative consulted noted that at the beginning of 2014, it was mainly assistants who could work on Wednesdays from home (a day when the children, depending on the area, either do not have school in the afternoon or at all) to take care of the children while working from home. Later, other categories of workers became interested in such arrangements, including engineers and managers, followed by middle management. Senior managers were one of the last “hold out” groups of workers that did not take advantage of telework; however, this ended in 2020, as COVID-19 initiated a period of compulsory telework for all workers.

The management saw this as an advantage in terms of organisation and “took advantage of the opportunity” to develop new working methods. Among the motivations for establishing policies surrounding telework, the management provides several mutually reinforcing justifications:

- to prioritise the fulfilment of employees by improving their well-being at work by granting a better balance between private and professional life, in particular by limiting daily travel in the Paris region;
- to rethink the way of working by giving more value to the time spent on site; and
- to make this policy one of the elements of PSA’s plan to reduce its carbon footprint in France.

With regard to the last point, PSA has decided to close several sites in the Paris region to create an ultra-modern centre at its Poissy site (Val d’Oise) that meets the highest environmental standards. The employee representative confirmed that the benefits are clearly related to better work-life balance and less fatigue, due to reduced commuting time.

While it is still too early to measure the impact of these changes, but management planned a launch of the survey by the end of 2022. What is already evident is that the telework policy is an attractive feature for hiring, according to reports by the people in charge of recruitment. According to management, “for an equivalent position, between two different car manufacturers, the one offering an attractive telework policy has a clear comparative advantage.”

The subject of the right to disconnect is dealt with in the collective agreements, with an entire annex devoted to it. Company management explains that it sought flexible rules to

meet the expectations of a generation of employees who do not want to see their working time or their way of working regulated. Employees have expressed the need to be able to stop work at 17:00 to look after their children, and then be able to resume work for two hours in the evening after 20:30 if they wish. Recommendations have been put in place at group level, indicating practices to be proscribed such as no meetings after 17:00, reducing virtual meetings to 45 minutes instead of one hour, respecting a 15-minute break between two virtual meetings, etc.

For management, telework and disconnection from digital devices requires a strong investment in training and communication. However, this freedom of organisation, according to the employee representative, creates a divide between employees who can telework and those whose jobs do not allow it. This is because employees may face the same pressures at work, except that some employees have one or two more hours of commuting each day, and may even take on added risk when travelling to work (such as during the pandemic); this can serve to foster feelings of jealousy or unfairness between employees who telework and those working on-site. From a trade union perspective, the only option that can be suggested is for those whose jobs do not allow telework to enrol in a training programme that would enable them to move into a job that allows teleworking.

Key issues remain, and outlook for the future

In the near future, management estimates that the rate of teleworking will exceed 86%, and that the beneficial effects of teleworking will be confirmed by the results of the employee survey due to be completed by the end of 2022 [results forthcoming].

The employee representative suggested that the rate of teleworking could be higher if the possibility of working abroad were allowed, such as through a change in national legislation. The management also expressed a desire to see a change in the legislation that would make it clear that the company does not have to pay the travel costs of an employee who decides to take advantage of the flexibility of teleworking to leave the Paris area and live in another region, away from the workplace. From the company's perspective, it should instead be established that the financial consequences of such a life choice remain the responsibility of the employee. On the other hand, the employee representative expressed the need for greater financial support for teleworkers and more certainty about insurance coverage, including occupational accident insurance, when working from home or in coworking spaces.

Case study on Allied Irish Banks (Ireland)

Background

| Category | Coverage |
|--|---|
| Company | Allied Irish Banks, PLC |
| Year founded | 1966 |
| No of employees | 8,916 |
| Main characteristics of the workforce | Shrinking workforce over the past 15 years, financial crash of 2008 saw the workforce reduced from 24,000 to 11,000. Around 55% women, 45% men Around 15% are under 30 years old; 65% are 30-50; 20% are over 50 |
| Turnover | EUR 2.38 billion |
| Economic activity (NACE code rev. 2) | Other monetary intermediation. |
| Products / services | Allied Irish Banks provides banking services, including loans, mortgages, credit cards, current accounts, financial planning, insurance, investments, pensions, and savings and deposits products, as well as internet and mobile banking services. Allied Irish Banks serves customers in Ireland. |

Source: interviews, SEC report, Bloomberg.

Characteristics of the policy / agreement

During the pandemic, Allied Irish Banks launched a 'Future of Work' steering group comprising senior management, which assessed staff issues via staff surveys, focus groups and union knowledge. The group focused on the impact of the pandemic on people and their well-being, and on the policy adjustments needed, including the organisation's current "property footprint". This steering group, together with the Financial Services Union (FSU), agreed Ireland's first right to disconnect policy in July 2020 – a significant development, given that only a code of practice exists in Ireland to govern workers' right to disconnect. The policy was specifically drafted in response to staff overwork and burnout resulting from the pandemic, during which more than 90% of staff were forced to work from home, which left some remaining staff "constantly switched on all the time."

The policy on the right to disconnect set guidelines, such as when people should arrange online meetings to avoid interfering with workers' home lives, and for meetings to only include those who need to be involved. It established a workers' right to make themselves unavailable during breaks, when they had finished work for the day, and when they had a day off. These measures include setting and respecting "out of office" notifications and normalising the practice of delaying a reply to a late-night email until the following day's work had begun. Both the disconnection policy and the home working policy continue to be adapted, with the most recent iteration finalised in May 2022. This sets out a hybrid working policy with a target of workers coming to the office two or three days a week, depending on their profile. This policy is enacted locally; while a recommendation for two or three days of teleworking a week is estimated for each worker, this is not strictly applied, and workers can negotiate their number of office or home days on a week-by-week basis. Workers in physical branches are currently not afforded the opportunity to telework, although flexible policies such as "role swaps" are being considered.

At the start of the pandemic in 2020, the bank hired an independent home safety check for all workers working from home, and followed through on recommendations to ensure that employees could work from home ergonomically. Interviewees suggested that no surveillance tools were used to monitor employees, which was also the reasoning behind using an independent risk assessor, to minimise the presence of the organisation in workers' homes.

Effectiveness of the policy / agreement

Many staff now use email signatures containing the phrase “I am currently working flexible hours, so while it suits me to send this email now, I do not expect a response or action outside of your own working hours.” Interviewees expressed that such small actions can help to foster a working culture that respects employee efforts to disconnect, and can signal the implementation of the policy on a company-wide level on a regular basis (through e-mail).

AIB sees the key benefits of the policy as enhancing work-life balance and contributing to sustainable communities by reducing the amount of time spent commuting. Productivity has also remained stable. Staff retention during the pandemic was very high, and is now back to pre-pandemic levels. AIB was not affected by the ‘Great Resignation’, perhaps partly due to its focus on well-being.

AIB has also continued to adapt the policy to its own context. For example, the organisation has “configured 50 regional hubs across the whole country in their local communities,” as it was recognised that many people moved back to rural areas during the pandemic, where broadband is often unreliable.

By 2021, with more staff working from home three days a week, AIB closed three of its six HQ offices in Dublin, saving a significant costs and allowing its office space to be used more efficiently. From anecdotal evidence, this appears to have been welcomed by most employees: competitor banks in Ireland have seen a high turnover in labour, partly because they have attempted to require employees to come back to the office in order to utilise office space.

Key issues that remain, and outlook for the future

AIB’s policy is not strictly enforced. Instead, it is based on trust that it will be followed. This leaves the policy open to potential abuse: for example, someone’s manager – implicitly or otherwise – might suggest that they expect a prompt response outside of working hours and the policy itself would offer little protection. From its perspective, however, the Financial Services Union (FSU) anticipates that the leadership being shown by AIB “will translate into good compliance,” and non-compliance will be dealt with as it arises.

No group has been given special protected treatment under the policy. For instance, the policy does not recognise that the household burden when working at home most often falls upon women.

The main challenge since the peak of COVID-19 has been transitioning from fully in-person or fully virtual to hybrid working, which has presented its own challenges: “Before the pandemic, everything was straightforward: everyone in the office. Then, in the pandemic, it was straightforward, as everyone was at home.” A more complex set of guidelines is now needed to achieve a balance between flexibility and the limits to remote working. Greater flexibility is certainly possible, for instance, as all employees currently live and work in the country they work in. In the future, the management expects to focus more on work outcomes rather than time spent working, which would support a more flexible and individual approach to workplace attendance.

AIB is also majority owned by the Irish government. It is unclear whether other banks or Irish PLCs will follow AIB’s example without legislation in this area. Given AIB’s continued investment in working from home, the approach to employee well-being that underlies the policy may indicate that, without legislation, work from home policies and the right to disconnect may remain limited unless an organisation’s culture fits the approach.

Case study on Michelin Italiana (Italy)

Background

| Category | Coverage |
|--|---|
| Company | Michelin Italiana SpA |
| Year founded | 1906 |
| No of employees | 3,720 |
| Main characteristics of the workforce | 99.7 % have open-ended contracts 77% blue collar; 15% white collar 7% office workers; 2% managers Women: 16% Men: 84% |
| Turnover | EUR 1.85 billion |
| Economic activity (NACE code rev. 2) | 22.22.1.22.11 |
| Products / services | Passenger car tyres, earth-mover tyres and semi-finished products, i.e. tyre components sent to other companies in the group |

Source: Michelin Italiana.

An agreement (“Accordo”) regulating so-called “agile work” was signed on the 20 January 2022 by Michelin Italiana, Confindustria (an employers’ organisation), the trade unions CGIL, CISL, UIL and workers’ representatives. Agile work is defined by the Accordo as “**smart working** within Michelin Italiana – in all its establishments within the Italian territory”.

The Accordo follows the guidelines provided by the protocol on agile work agreed between social partners and the government on 7 December 2021. This agreement aims to guarantee workers the best work-life balance while also providing opportunities for social interaction between employees. Indeed, socialising is recognised by the agreement as equally important for workers and for the company in order to achieve performance goals, progress and professional development. In addition, by reducing employees’ use of cars for commuting purposes, the agreement contributes to improving the environment and social sustainability.

Smart working allows workers to work **from any place they wish**, as long as this is an adequate and secure place situated in Italy. Due to a lack of clarity regarding social security protection rules in the case of teleworking from another Member State, the parties opted to limit the agreement’s territorial scope to the national level.

Before initiating its smart working agreement, Michelin Italiana conducted a survey among its workers to discover the strength of interest in such practices. Union representatives also consulted workers to find out their opinions about smart working. Both efforts received a positive response, leading the company to begin negotiating a smart working agreement.

The company’s smart working policy also takes into account the quality of working conditions and employees’ health and safety when they are working away from company offices. Before beginning the practice of smart working, the employee must undergo compulsory training to understand the characteristics of the adequate and secure working environment they are expected to have. At the worker’s request, the company will provide a keyboard, headset and raised PC stand; teleworkers may also receive meal vouchers. Lastly, the parties have sought to promote access to smart working for persons with disabilities.

After signing an *ad hoc* voluntary individual contract between worker and employer (i.e. an individual contract, the contents of which refer to the company agreement), employees are covered by social security insurance for incidents at the worker’s home and outside of it. At

the same time, however, the employer is not responsible for health and safety arrangements under smart working. The trade union representative highlighted the difficulties that can arise in practice with such a policy, such as the recognition of an accident at work by INAIL (National Institute for Accident at Work). Indeed, the union reports that INAIL has a general tendency to interpret accidents at work restrictively – a situation that makes the union think it will be difficult to demonstrate that an accident occurred at home or in another place other than the employer's premises.

Working time is 40 hours a week, consisting of 8 hours a day from Monday to Friday. There are specific **time slots** within which this work can be carried out (for example, from 08:00 to 19:00, depending on the specific establishment and on the type of job).

The agreement also lays down a “**disconnection time slot**”: the worker cannot work more than 8 hours a day, and the disconnection time slot includes the 11 hours of daily rest required by the WTD. Being asked to perform work outside designated working times is not allowed, and violation of the right to disconnect should be communicated by employees to management. **Overtime cannot be carried out under smart working**. In order to comply with disconnection, the worker must inform his or her team leader of the working time planned for the following week; the team leader will thus be able to know when it is possible to contact the worker and when it is not.

With regard to the recording of working time, the employee communicates to the employer his or her weekly working time in advance. Within this established working timeframe, the employee is considered to be working and can be contacted by the company for reasons of working. However, this system relies on mutual trust.

The employee organises their own work in agreement with both their manager and team, with specific attention being paid to the workload of each employee. **Employees must be present at work no less than 40%** of the working days within a month, after a deduction of holidays and days of leave. In this way, the parties aim to favour the participation of workers in achieving set goals. White-collar staff manage working time themselves, on the basis of trust. This aspect has been adopted until 31 March 2023, when the parties are due to assess the implementation of the agreement.

The parties have also agreed to adopt a **vocational training plan** for all workers (including management) to improve professional and digital skills. In particular, the plan focuses on 1) health and safety at work; 2) the use of digital tools and the organisation of the work under smart working; and 3) the management of the team. Attending specific training sessions on health and safety and the organisation of smart work is considered compulsory in order to access smart working.

The company does not save money on rent, as the agreement requires each worker who engages in smart working to also work in-office for at least 40% of their working days. However, the employer is convinced that introducing this way of working will raise the quality of individuals' work and their ability to bring about innovations.

While representatives note that it is still too early to assess the efficiency of this modality of work, an overall assessment should be provided by the parties in March 2023.

Characteristics of the policy / agreement

The agreement is explicitly based on two main goals: guaranteeing work-life balance for employees and guaranteeing that employees have the opportunity for in-office work and socialisation, which are seen as necessary for professional development and to ensure both employee performance and that goals are being met. The company regards the agreement as a very good example of collaboration with the union, as it allows them to invest in their

employees and in their satisfaction at work. The union is proposing the same kind of agreement to other companies because it believes in its efficacy.

Effectiveness of the policy / agreement

At the time of writing, both the company and the union report that the agreement is effective and that it meets their mutual interests. No organisational problems have so far developed. Mutual trust and collaboration within each team appear to work in a positive way.

Key issues that remain, and outlook for the future

Since both parties are aware that this is an innovative and new agreement, they are still observing its development. However, both the parties believe that this working arrangement is a step towards the future of work, characterised by both better work-life balance and the greater collaboration and participation of employees in determining their own working conditions. Although technology is developing at a rapid pace, the company is convinced that investing in people is a winning strategy, and that employees will play an increasing role in the company's success.

Case study on LIST (Luxembourg)

Background

| Category | Coverage |
|--|--|
| Company | Luxembourg Institute of Science and Technology – LIST |
| Year founded | 2015 ¹⁴ |
| No of employees | 662 |
| Main characteristics of the workforce | 457 researchers, 56 technicians, and 149 employees in support and administrative functions. 65% of the workforce are men (35% women), and 76% are researchers or innovation experts. Workers of 54 nationalities employed by LIST. |
| Turnover | EUR 28 million |
| Economic activity (NACE code rev. 2) | Research |
| Products / services | Public research, public policy evaluation |

Source: IR Share, 2022.

The Luxembourg Institute of Science and Technology (LIST) is a public research centre that resulted from the 2015 merger of two previous institutes: the Centre de recherche public Henri-Tudor (Henri-Tudor Centre for Public Research) and the Gabriel-Lippmann Centre for Public Research. Prior to the COVID-19 pandemic, the organisation had no telework policy, and no employees obtained an individual arrangement to work from home.

The COVID-19 crisis had no significant impact on LIST's working activities or on its workforce. Although a slight decrease in recruitment was noted for 2020 and 2021, the management reported that there was an average of 90 new hires each year (out of a total workforce of less than 700 people). LIST did not employ a "short-time" working scheme, and did not carry out any restructuring; rather, it continued to submit research projects in response to calls for tenders throughout the pandemic period.

As telework has become more normalised, this has allowed LIST to hire researchers without requiring them to physically travel to Luxembourg. Over 95% of employees work in Luxembourg, with a few employees working from abroad as expatriates. Some employees live in Luxembourg, while others live in neighbouring countries (Germany, Belgium and France); such workers are thus considered cross-border workers who commute daily from their homes to their workplace in Luxembourg.

In terms of worker representation, LIST has set up a staff delegation (*délégation du personnel*), all of whose elected members are members of the SEW (*Syndikat Erziehung a. Wissenschaft*), which is affiliated to the OGBL, the main trade union confederation in Luxembourg. Under Luxembourg law, the staff delegation not only has a right to information and consultation, but also a right of co-determination on a number of issues, including working conditions

¹⁴ LIST was created by the merger in 2015 of the [Centre de recherche public Henri-Tudor](#) and the [Centre de recherche public Gabriel-Lippmann](#)

Characteristics of the policy / agreement

To cope with the COVID-19 crisis, the management of LIST took unilateral measures to set up a 100% teleworking arrangement to ensure business continuity. An internal telework policy, in force from 1 January 2022, was adopted in 2021 in co-determination with the staff delegation.

The legal framework that applies to LIST is a pyramid of texts: the Luxembourgish Labour code, a sectoral agreement concluded on 29 October 2021¹⁵ for three years, and a company-level agreement¹⁶ signed the same day, also for three years. Both sectoral and company-level agreements contain provisions regarding telework. In addition, the internal telework policy was developed in line with the framework of the National Collective Agreement on Telework of 20 October 2020,¹⁷ which was signed by the top-level social partners (UEL for the employers, and the trade union confederation OGBL and LCGB).

In particular, Article 23 of the sectoral collective agreement states that research centres consider telework to be a "tool for making working arrangements more flexible" and "undertake (...) to study the arrangements for implementing telework within the centres." The sectoral agreement thus explicitly refers "the practical arrangements for the use of telework" to each centre.

Furthermore, Article 24 of the sectoral collective agreement, which deals with "respect for personal and family life," introduces a right to disconnect (without naming it as such) in the sense that each research centre "undertakes to ensure respect for rest periods and leave, as well as for the employee's personal and family life." Consequently, "the absence of response to calls or e-mails outside working hours – with the exception of possible on-call periods – may in no case entail disciplinary consequences for the employee."

Moreover, Article 5.4 announced the implementation of an internal telework policy at LIST from 1 January 2022. Generally, the policy states that it is possible to telework from "an employee's legal or family home" in a flexible manner, or to carry out part of the telework in another location. The agreement states the principle of non-discrimination between teleworkers and other (in-office) employees, as well as the right of a worker to refuse a telework proposal made by the employer without being sanctioned for a breach of the employment contract.

The internal telework policy states that the teleworking employee "must be reachable during the planned teleworking hours by the various means of communication made available to the employee by LIST". The agreement also specifies the conditions under which telework is applied; namely:

- **It is accessible to all employees**, except those whose presence on the employer's premises is indispensable. According to management, these exceptions represent no more than 5% of employees, such as those working in security and general services (building maintenance, etc.).
- **Telework is carried out on the basis of a joint agreement** between the employee and her/his line manager, with information being passed on to the HR department.
- **Telework is incompatible with other type of absences**, such as an absence justified by a sickness certificate, a dispensation from work, maternity leave or

¹⁵ Framework agreement for employees of public research centres of 29 October 2021 – 2021-2023 [Convention cadre pour les salariés des centres de recherche publics du 29 octobre 2021 – 2021-2023]

¹⁶ Collective agreement for LIST employees of 29 October 2021

[Accord collectif de travail pour les salariés du LIST du 29 octobre 2021 – 2021-2023]

¹⁷ Convention du 20 octobre 2020 relative au régime juridique du télétravail [Convention of 20 October Relating to the Legal Regime of Telework]

parental leave. In other words, the text highlights that telework is work, and therefore cannot be combined with any form of leave.

LIST is responsible for providing the computer equipment necessary for the employee to carry out her or his telework assignments; it is also responsible for the maintenance of such devices. It should be noted that during the pandemic, LIST also provided other equipment to those who needed it (including an office chair, lamp, and table), although this practice is not included in the formal agreement. The company policy establishes that the employee can only telework if they can prove they have the necessary equipment and working conditions to be compatible with the telework policy. LIST also states that telework is covered by the work accident insurance scheme.

The agreement contains a **particularity linked to the geographical situation of Luxembourg** and the fact that a large part of LIST's staff is composed of frontier workers. For this reason, the management informs employees of the tax implications of teleworking – specifically, the maximum number of days per year (according to the tax treaty between Luxembourg and their country of residence) during which they can work outside Luxembourg territory. If this quota of days is exceeded, the tax regime will change, with the employee no longer being taxed in Luxembourg, but in his or her country of residence.¹⁸

The telework agreement also states that cross-border employees must take into account work done outside Luxembourg (including teleworking, travel, conferences, training or other business trips) in order to comply with social security provisions. Moreover, in no cases are employees permitted to work outside of Luxembourg in excess of 25% of their annual working time. If this is the case, employees become subject to the social security system of their country of residence.

The agreement contains no provision on the right to disconnect, which is a subject that management intends to work on over the coming months. However, employees are already offered flexible working hours, working 8 hours a day between the hours of 06:30 and 22:00. Within this time period, they are only required to work a minimum of 1.5 hours between 08:00 and 12:00, and 1.5 hours between 13:30 and 17:00. In addition, employees must take an obligatory 30-minute break at some point between 11:00 and 15:00. This “flexitime” policy applies to all employees, including those working from home.

All employees use a timekeeping tool, either in the form of a badge on the site or online. Data from this tool are used to keep track of working time as well as the country from which cross-border employees are working, which ensures that they do not work more than 25% of their working time outside Luxembourg. Neither the management nor the employee representative considered the timekeeping tool to be a tool for monitoring employee activity.

The internal telework policy has been adapted over time to the various stages of the pandemic. From March 2020 to June 2021, almost the entire staff worked remotely. Progressively, management began to ask employees to come back 50% of the time (for five working days within the span of two weeks); this lasted until 30 June 2022. Since 1 July 2022, the policy is fully set by the organisation's collective agreement and depends on an employee's country of residence: those who reside in Luxembourg (378 employees) have the right to 100 days of telework per year, while cross-border employees (384 employees) are entitled to only 48 days per year. This difference in treatment is directly linked to European social security rules, which do not allow frontier workers to work more than 25% outside Luxembourg territory. Thus, frontier workers who worked more than 25% of their working time during the year at home would be subject to French social security.

¹⁸ The number of maximum working days that can be worked outside Luxembourg depend on the tax convention. This figure currently stands at 34 days for Belgian residents, 29 for French residents, and 19 for German residents. Negotiations are ongoing to increase this threshold.

Effectiveness of the policy / agreement

After the challenge of managing a switch to telework for all employees in the space of a weekend (which, by internal accounts, was accomplished successfully), LIST faces the ongoing administrative challenge of managing the needs of employees who reside in different countries. Specifically, this has led to a difference in treatment between employees residing in Luxembourg, who since 1 July have benefited from 100 days of telework, and cross-border workers, who enjoy only 48 days (moreover, these 48 days also include all of their trips abroad on missions for LIST).

This difference in treatment gives rise to various questions requiring a response from the management and staff delegation. LIST's management pointed out that it would be necessary for them to intervene and start a dialogue with the political authorities in order to lift the restrictions linked to social security and tax rules, to enable all employees to eventually be able to telework for 100 days (as most employees have indicated would be their preference).

The restriction of telework to a certain number of days also poses a challenge in terms of the recruitment and retention of researchers. The possibility of teleworking is a recurrent demand by applicants, as it allows them to live in less expensive areas in terms of housing and avoid long journeys and traffic jams to reach their place of work. Therefore, in a global intelligence and research market, LIST risks losing its attractiveness as an employer if people refuse to come to the LIST offices 75% of the time (when they could be working for organisations in the US on the basis of 100% teleworking). Lastly, the 25% rule may also have a negative impact on spouses and families, particularly those who also work in Luxembourg and do not wish to lose access to family benefits or social security if the relevant tax or social insurance affiliation shifts to another country as a result of telework. This might lead employees to question their working relationship if they do not manage to gain access to more teleworking hours, which might in turn lead employees to resignation from LIST.

Overall, though, the use of telework has been a success: LIST has not seen a drop in activity, and has submitted many projects for tenders without losing income. Employees benefit from a very positive impact on their personal life, with a large reduction in time spent on travel and in traffic jams (many employees spend otherwise between 2 and 3 hours in their car every day). The crisis in Ukraine has also added to the impact on purchasing power of a reduction in fuel costs.

Only the period of 100% teleworking posed difficulties for certain categories of employees, particularly young employees, who may have felt isolated. However, the return to 50% teleworking, has made it possible to address this problem.

In terms of cost, LIST has not made any savings through telework. It has continued to rent for parks that are no longer fully used. In addition, LIST has not reduced the size of its office premises, nor has it made savings on heating or rent.

Key issues that remain, and outlook for the future

Although it is still too early to assess the practice of telework since 1 July 2022, both LIST's management and the employee representative believe that all employees will use teleworking arrangements (except for the 5% that must work on-site). Employees residing in Luxembourg will probably use the full 100 days, a policy that the management hopes to extend to cross-border employees as soon as it is able to.

The issue of the right to disconnect, which pre-dated the health crisis, has yet to be addressed by management, which intends to carry out internal efforts to address this issue

in the near future. The management, as well as the staff delegation, hope for a change in the tax convention between Luxembourg and its three neighbours (Belgium, France and Germany), as well as in EU social security legislation more broadly, to allow more days of telework to cross-border workers, and to avoid feelings of unequal treatment and a decrease in the attractiveness of LIST as an employer.

Case study on Catalonia Open University

Background

| Category | Coverage |
|--|---|
| Company | Universitat Oberta de Catalunya |
| Year founded | 1995 |
| No of employees | 1,686 employees (covering management and service staff, as well as teaching and research staff) |
| Main characteristics of the workforce | 60% are women; 18% have temporary contractual arrangements (as of May 2022). |
| Turnover | NA |
| Economic activity (NACE code rev. 2) | P85.4 – Higher education |
| Products / services | Education and research |

Source: Catalonia Open University.

Characteristics of the policy / agreement

Catalonia Open University is one of the main online public universities in Spain. The university is recognised as a public service provider, but is managed as a private institution. The university's main governing body is a foundation made up of representatives of regional government and civil society (savings banks, Chamber of Commerce, etc.). The university's activities have been positively affected by the pandemic, with an increase in the number of student registrations and the recruitment of new staff.

In this respect, the university has seized the opportunity provided by the experience of enforced telework to implement a major organisational restructuring process. This process revolves around the promotion of telework as the main mode of working for most or all of employees ("a remote-first strategy"), and the subsequent rearrangement of office space, with the implementation of a hot desk system under which workers no longer have an assigned office desk.

The university initiated a telework policy in 2012 following a trial period. Shortly thereafter, this was adopted through a collective agreement. The agreement includes a definition of "e-work" or "distance work" as a form of work organisation that involves the performance of job tasks in a space other than the usual workplace and/or at a different time than initially scheduled. The university considers telework to be central to the dynamics of its work as an online university, and the collective agreement involves the flexible organisation of work and the "self-scheduling" of working time.

In October 2021, the university reached an agreement with union representatives for the implementation of a new telework policy, adapted to new legislation. The main issue at stake related to compensation for the costs of telework. The agreement provided a one-time payment of around EUR 150 for all employees working from home, and a monthly EUR 40 pay supplement for all the employees working from home for more than 30% of their working time (in accordance with new legal requirements). The scope of the agreement covers nearly all staff in the company. In February 2022, the distribution of the prevalence of telework at the university was as follows:

- 32% of staff work from home for 100% of their working time
- 38% of employees work from home for between 80% and 99% of their working time
- 12-13% of employees work from home for 60-80% of their working time

In addition, the university has a policy of offering financial stipends of around EUR 300 a year to its employees, aimed at partially covering the acquisition or updating of technological tools. The university has also allowed workers to keep office equipment belonging to the university (such as office chairs) since the first months of the pandemic.

Effectiveness of the policy / agreement

Access to telework is considered upon request from an employee, and is subject to agreement with area or team managers. Such an agreement establishes the regularity or intensity of the telework arrangement, according to the employee's job requirements. The conclusion of an individual telework agreement is subject to the completion of a training programme covering various aspects of work organisation and data security.

One condition placed on these teleworking arrangements relates to compliance with OSH recommendations. The assessment of the suitability of a worker's home office is conducted via a questionnaire provided by the OSH department and filled out by the employee. All subsequent changes to areas covered by the questionnaire must be reported. The outcome of the individual telework agreement depends on a favourable report from the OSH department.

The university has developed various protocols and guidance on different aspects of work organisation to support the implementation of a broader organisational change. One crucial aspect addressed through these protocols relates to the internal management and coordination of working teams in adapting to the "new way of working." In this regard, the university guidelines stress the need to differentiate between the tasks and processes that can be done asynchronously, and those that require synchronous collaboration from team members. This distinction allows for the improved self-management of working time (as enacted in the collective agreement), while also enabling the better management of communication flows and availability times. These may be accomplished, for instance, by setting in advance a time period during which employees are expected to be available for contact by other team members and/or a manager, or by reducing the time spent in redundant meetings that can be replaced by other forms of asynchronous coordination (e.g. working online on a shared document).

University guidelines also provide guidance in relation to "presence criteria" and with regard to the practice of disconnection. The university's protocol for the enforcement of the right to disconnect was approved in December 2021. It provides general guidelines and recommendations for the self-regulation of working teams, under which each of the working teams must agree their own rules regarding availability and communications. Practices include the establishment of times when employees are available and when meetings may be scheduled between 09:00 and 17:00, the removal of meetings on Fridays, and the definition of the appropriate communication channels to be used by working teams, with the aim of reducing the stress often associated with the use of multiple overlapping digital channels (e.g. e-mail, Teams messages, WhatsApp, etc).

Crucially, another aspect of the organisation's policy on the right to disconnect is the setting of an alert system via which employees can raise complaints about infringements of their right to disconnect. Neither the company representative nor the workers' representative provided details on the results of this enforcement mechanism. Both interviewees stressed the role of employees' self-responsibility for the enforcement of the right to disconnect. The workers' representative also referred to potential risks emerging from managerial subjectivity or ambiguity in the establishment of presence times for which there was no appropriate reason other than the improvement of "team cohesion".

Key issues that remain, and outlook for the future

In the view of the workers' representative, one key issue which still needs to be addressed is the lack of a system for recording working time. The employee representative showed concern for work overload among management and service staff. The university is still searching for an appropriate tool to implement such a system. The union representative argued that such a tool is necessary not only for the recognition of overtime and its compensation, but also to identify workload imbalances between different departments and working teams.

In the view of the company representative, one of the main risks of high telework intensity is lack of non-verbal cues in virtual meetings or email communication, which can often lead to misunderstandings. The interviewee also noticed that although there is sometimes not enough office space available for face-to-face meetings, the university's hot-desking system allows for more "transversal" interactions in the office, as it creates new opportunities to meet employees from other areas and departments. The interviewee also recognised that the situation of cross-border teleworkers is an issue for the company in terms of social security and taxation, but she was not aware of details, since these questions are dealt with by other departments.

Although this case may not be representative of the realities of many other large companies due to its strong commitment to teleworking, it is relevant as an example of organisational learning processes.

Case study on Republican Vilnius University Hospital, Lazdynai hospital (Lithuania)

Background

| Category | Coverage |
|--|--|
| Company | Republican Vilnius University Hospital |
| Year founded | 1991 |
| No of employees | 1809 |
| Main characteristics of the workforce | 334 men; 1,475 women Age: 11% are up to 30 years of age; 20% are aged 30-39; 20% are aged 40-49; 29% are aged 50-59; 18% are aged 60-69; and 2% are aged 70 or older Education level: data not available |
| Turnover | - |
| Economic activity (NACE code rev. 2) | Q 86.1 – Hospital activities |
| Products / services | Healthcare services |

Source: Rekvizitai.lt, email communication with Lazdynai Hospital.

Characteristics of the policy / agreement

From September 2021 onwards, Republican Vilnius University Hospital began to implement a new policy whereby 12 ophthalmologists were on call from 09:00 to 11:00 on Saturdays, Sundays and national holidays, on a rotating basis. During these hours, the on-call ophthalmologist was usually at home, but could be reached by phone and asked to either consult the emergency department (or another hospital unit) or come to the hospital to address the treatment needs of serious patients. In practice, however, on-call ophthalmologists can receive a call from the hospital outside of designated on-call hours in cases of medical emergency.

The rationale for a new on-call policy was provided by a combination of factors – COVID-19, economic factors, a lack of personnel, and job restructuring. Prior to the adoption of this policy, ophthalmologists needed to be physically present in the hospital and to attend emergency patients; this was the case on weekends and national holidays as well. This was very expensive for the hospital, and had negative implications for ophthalmologists' work-rest regime. The on-call policy means that emergency patients are attended to by specialist emergency doctors; meanwhile, ophthalmologists can focus on conducting surgeries and do not have to be physically present in the hospital at weekends and on national holidays unless there is a medical emergency.

This policy was initiated by the hospital's eye diseases unit (within which ophthalmologists work), and was approved by the new hospital administration. The inspiration for the policy partly came from foreign practice examples. While a trade union operates at the hospital, this did not play an important role in negotiating the policy.

Effectiveness of the policy / agreement

The policy was successful in reducing the public costs associated with hospital emergency services. In addition, ophthalmologists were able spend more time on their main tasks, such as consulting patients and conducting surgeries. The main benefit for ophthalmologists was that they were not required to be in the hospital during weekends and holidays, bringing about a better work-life balance. The key factor enabling this new policy was an increase in the number of specialist emergency doctors. Also, since there were as many as 12

ophthalmologists, it was quite easy to divide on-call duties without putting too much strain on any of them.

Nevertheless, the launch of this new policy meant that ophthalmologists' earnings were significantly reduced. On-call ophthalmologists receive almost no pay for their on-call hours (unless they are called in to the hospital – in which case, they are paid for the actual hours worked). Another downside is felt in particular by those on-call ophthalmologists who live outside of the city of Vilnius, as they sometimes need to make an unplanned and expensive journey to the hospital. For these reasons, as well as due to a general resistance to novelty, there was some dissatisfaction and scepticism on the part of ophthalmologists when this policy was introduced. A lot of uncertainty was associated with the policy, and some doctors were prepared to stick to their old habits of coming into the emergency unit instead of being on call. However, the new policy was gradually accepted by staff.

Key issues that remain, and outlook for the future

The policy was perceived to be effective, and the hospital intends to continue with it in the future. However, the case study also shows the difficulties involved in implementing the right to disconnect in the healthcare sector. While the on-call policy appears to restrict ophthalmologists' right to disconnect from work, the alternative to this (being physically present in the hospital) was arguably even more detrimental to achieving a good work-life balance.

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