



# **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 6 Country fiches

**LOGO**

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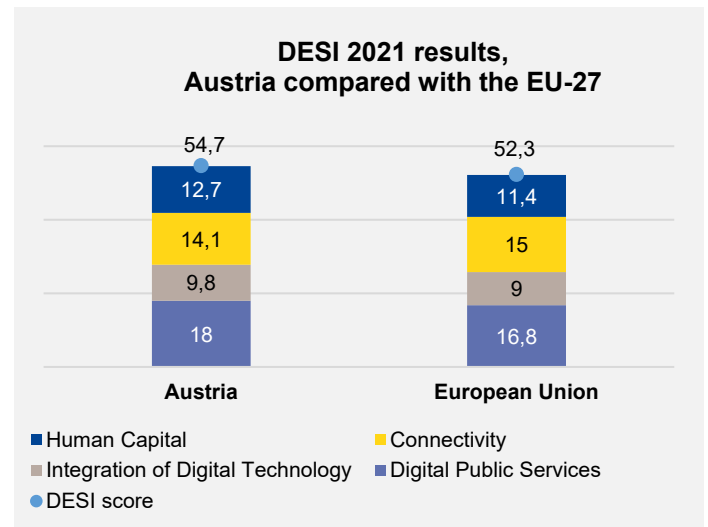
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## Context

Austria ranks 10th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Performance on human capital is good (ranks 11th). The percentage of enterprises providing ICT training (18% compared with 20% across the EU). The percentage of ICT specialists and female ICT specialists is equal to the EU average. In addition, 63% of Austria's population have basic skills and 33% have above-basic skills, these shares are above the EU average (54% and 26% respectively).
- A mixed picture in terms of connectivity (ranks 14th). The country is above the EU average in 5G coverage (77% compared with 56% across the EU), and 93% of households are now covered with speeds of at least 30Mb/s (which is above the EU average of 90%), but performs significantly below the EU average for the coverage and take-up of fixed very high capacity network (45%, compared with 70% in the EU), as well as fibre-to-the-premises (FTTP) coverage (27%, compared with 50% across the EU).
- Good performance on the integration of digital technologies (ranks 10th). 64% of SMEs have at least a basic level of digital intensity, and 45% and 35% of



enterprises use electronic information sharing and social media, respectively. All of these shares are above the EU average (55%, 38% and 29%, respectively). Nevertheless, the use of big data and the cloud is below the EU average (29% and 9%, compared with 34% and 8% for the EU, respectively).

- Good performance on digital public services (ranks 12th); 79% of internet users use e-government, which is above the EU average (65%). Austria scores well for pre-filled forms (71, compared with 64 across the EU) and open data (92%, compared with 81% across the EU), and is close to the average for digital public services for citizens and businesses.

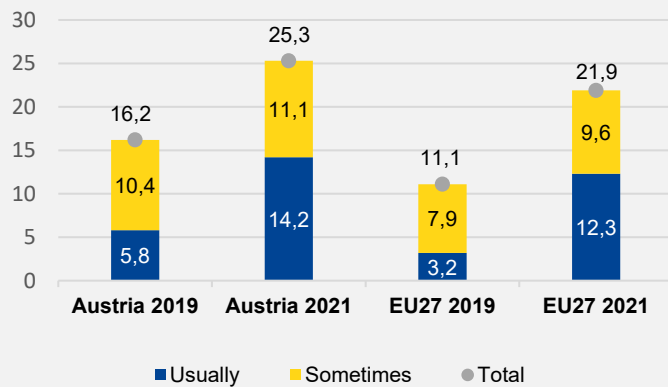
In 2021, 14.2% of employees in Austria worked from home 'usually' (for at least half of their working days), while 11.1% did so on an occasional basis. The share of employees working from home increased by 9.1 percentage points compared with 2019 – a slightly slower pace than at EU level over the same period (10.8pp). Overall, the prevalence of telework in Austria is higher than the EU average (25.3% vs 21.9%). This is partly explained by differences in the employment structure, with a higher share of employees in sectors and occupations that are suitable for telework. In 2021, the shares of employees in less teleworkable sectors

and occupations were 53.2% and 45.9%, respectively (compared with 50.4% and 45.9% on average in the EU-27)<sup>1</sup>.

Between 2019 and 2020, telework increased most in clerical occupations (16pp), as well as technicians and associated professionals (15pp), followed by professionals and managers (13pp and 11pp, respectively).

In 2020, the share of telework was highest among managers (56%) and professionals (54%), followed by technicians and clerical support workers. However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support occupations, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 represented more than two-thirds of all jobs suitable for telework.

**Working from home (%),  
Austria compared with the EU-27**



### Austria: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	81.4	0.0	56.0
Professionals	39.3	26.6	54.1
Technicians and associated professionals	45.7	12.5	31.6
Clerical support workers	6.2	84.4	27.9
Services and sales workers	5.3	0.6	6.5
Skilled agricultural, forestry and fishery workers	0.0	0.0	20.9
Craft and related trades workers	0.0	0.4	5.6
Plant and machine operators and assemblers	0.0	1.0	2.9
Elementary occupations	0.0	1.0	1.7
Total	22.0	16.0	24.6

<sup>1</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Austria: legislative and policy framework on telework

Austria has in place a statutory definition and specific regulation regarding telework, although collective bargaining also plays a prominent role. Only telework that is carried out on a regular or 'predominant' basis is covered. Telework is recognised as a voluntary and reversible arrangement to be agreed upon by employer and employee. The right to return to the previous situation is explicitly acknowledged in the legislation. Telework has been promoted as a means of improving work-life balance, while also protecting workers from potential risks such as extended work availability by setting limits to employers' monitoring of working time.

**Employment and working conditions:** legislation in Austria does not explicitly mention the principle of equal treatment of teleworkers and those workers who always work at their employer's premises, although this is enshrined in general legislation. Employers are responsible for the provision of the equipment necessary for carrying out telework or providing economic compensation to cover the expenses associated with

telework. Employees who agree to use their own laptops and equipment and are entitled to an appropriate reimbursement of their expenses, as long as they work from home for more than 26 days per year.

**Working time organisation:** general working time regulation applies to teleworkers, with specific provisions for the recording of teleworkers' working hours. Data protection legislation sets relevant provisions for the monitoring of teleworkers' working time, under which either the employer or workers' representatives can ask for a company agreement on the introduction of technological facilities enabling the gathering and processing of personal data.

**Occupational safety and health:** general rules on OSH apply to teleworkers. Employers are required to provide adequate ICT equipment, but the legislation does not entitle the employer or officers of the labour inspectorate to enter the private homes of workers without their consent.

## Austria: legislative and policy framework on the right to disconnect

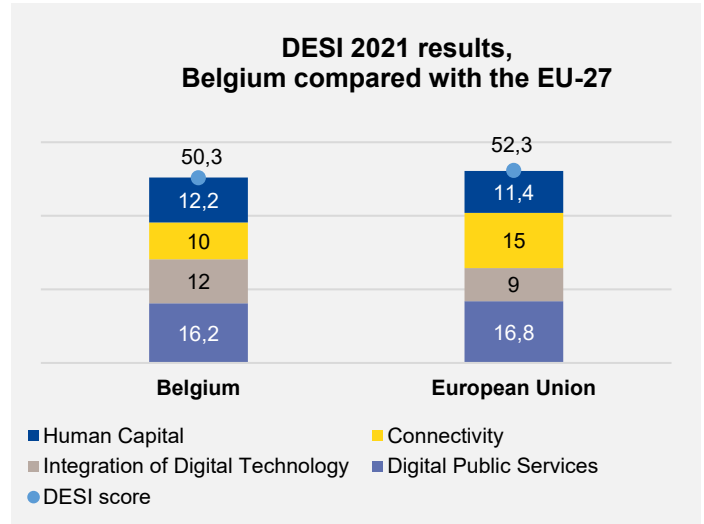
To date, there is no legal regulation on the right to disconnect in Austria, and its adoption is largely dependent on collective bargaining and individual company practices. According to representatives of national authorities, this is not a relevant issue on the government's agenda, nor there are major demands to enact this right via legislation. It is expected that social partners may be more likely to address the issue when they gather more evidence on the implications of the extent of telework. In the view of employers'

representatives, there is no need for further regulation, since existing working time legislation already provides a framework for employees to exercise the right to disconnect. According to these sources, it should be left in the hands of companies to decide on the details of its implementation. However, union representatives agree on the need to "anchor" the right to disconnect into legislation, as a means for promoting its adoption through collective bargaining parties at sectoral level.

## Context

Belgium ranks 16th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Performance on human capital is average (ranks 13th). The share of the population with at least basic digital skills and above-basic digital skills is on a par with the EU average (54% and 26%, respectively). In total, 5.6% of individuals are ICT specialists, which is above the EU average (4.5%), and the share of female ICT specialists is slightly above EU average (20%, compared with 19% across the EU). Overall, 33% of enterprises provide ICT training, compared with 20% across the EU.
- Very little progress on connectivity (Belgium ranks 27th). While Belgium has full coverage of Next-Generation Access (NGA) networks (which perform better than the EU average), it performs noticeably worse in terms of fibre-to-the-premises (FTTP) coverage (10% of households, compared with 50% across the EU) and 5G coverage (5% of populated areas, compared with 66% across the EU).
- Good performance on the integration of digital technology. 30% of SMEs sell online (compared with 15% across the EU), and 65% have at least a basic



level of digital intensity (compared with 55% across the EU). Overall, 45% of enterprises use social media and 23% use big data. These shares are above the corresponding EU averages (14% and 34% respectively). Nevertheless, only 56% of enterprises have medium/high intensity of green activity through ICT, compared with 66% across the EU.

- The picture for digital public services is mixed (Belgium ranks 16th). 74% of internet users use e-government services, and the score for pre-filled forms is 73, both being indices above the EU average (65% and a score of 64). Nevertheless, Belgium's score for open data is below the average (55%, compared with 81% for the EU).

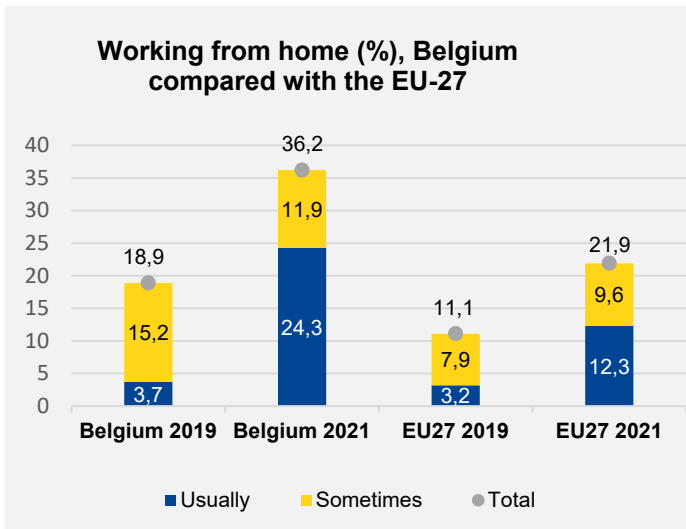


In 2021, 24.3% of employees in Belgium worked from home 'usually' (for at least half of their working days), while 11.9% did so on an occasional basis. The share of employees working from home has increased by 17 percentage points compared with 2019 – a much higher increase than that recorded at EU level over for the same period (10.8pp). Overall, the prevalence of telework in Belgium remains well above the EU average (36.2% vs 21.9%)<sup>2</sup>. These differences relate partly to an employment structure with a higher weight of sectors and

occupations in which telework is feasible. In 2021, the share of employees in low teleworkable sectors and occupations was 40.3% and 37.7%, respectively (compared with 50.4% and 45.9% average in the EU-27)<sup>3</sup>.

Between 2019 and 2020, telework increased most in managerial occupations (18pp), clerical and support workers (17pp), and technical and associated professionals (16pp), followed by professionals (12pp).

In 2020, the share of telework was highest among managers (62.2%) and professionals (56.9%), followed by technicians and associated professionals (33%) and clerical and support workers (28.9%). However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial and technical occupations. Overall, the share of employees working from home in 2020 remained 16 percentage points below the total share of jobs in which telework is feasible.



### Belgium: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	82.7	0.0	62.2
Professionals	44.7	26.0	56.9
Technicians and associated professionals	44.2	11.2	33.0
Clerical support workers	2.0	83.3	28.9
Services and sales workers	7.7	0.7	5.4
Skilled agricultural, forestry and fishery workers	0.0	0.0	1.8
Craft and related trades workers	0.0	0.9	3.9
Plant and machine operators and assemblers	0.0	1.0%	1.2
Elementary occupations	0.0	1.4%	1.0

<sup>2</sup> Based on data from the EU Labour Force Survey.

<sup>3</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

Total	26.3	18.4%	29.0
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## Belgium: legislative and policy framework on telework

In Belgium, a distinction is made between telework and homework. Homework is the oldest form of remote working in Belgian legislation, and was introduced mainly for manual workers. The statutory definition of homework is included in the Employment Contract Act, under which a contract for homework is defined as a contract under which the employee is committed to performing work under the employer's authority, in exchange for remuneration, at the employee's house or any other place chosen by the employee, and without the employer's supervision and direct control.

With regard to telework, a distinction is made in Belgium between 'structural' telework – that which is performed on a regular basis – and that performed on an 'occasional' basis. Structural telework is regulated by collective bargaining agreements, and represents the implementation of the European Framework Agreement on Telework. A statutory framework regulates occasional telework. Employees are entitled to telework occasionally in cases of *force majeure* or for personal reasons.

Legislation includes detailed provisions covering the content of agreements and contracts for telework arrangements, such as descriptions of the tasks to be performed remotely, systems used for the monitoring of performance and working time, health and safety risk assessments and enforcement mechanisms, collective

rights, as well as the right to return to a previous on-site working arrangement. These provisions, however, differ according to the regime (homework, structural or occasional telework).

**Employment and working conditions:** legislation explicitly recognises the principle of equal treatment of teleworkers and those workers who always work at their employer's premises. Employers are responsible for the provision and maintenance of the equipment necessary for carrying out telework. This involves providing compensation to employees to cover expenses linked to regular telework (such compensation is subject to individual agreement in the case of occasional telework).

**Working time organisation:** general working time regulations do not apply in the case of telework. Legislation provides that consent in writing is required from the employee prior to the implementation of any monitoring system through its inclusion in individual agreement or contract.

**Occupational safety and health:** Belgian legislation is among the few cases in which risk assessment is mandatory prior to being allowed to telework. To this end, employers are allowed to inspect a teleworker's home office. Legislation also provides that prevention strategies must involve specific training on mitigating physical and psychosocial risks.

## Belgium: legislative and policy framework on the right to disconnect

In Belgium, certain legal provisions on the right to disconnect were first included in the Act on economic growth and social cohesion in March 2018. However, these provisions did not include the obligation to ensure the right to disconnect, but rather the right to organise consultations on the topic within health and safety committees, which are mandatory in companies with more than 50 employees. This was therefore more of a recommendation than a binding right. According to the national authorities consulted, this regulation (which does not necessarily require agreement) was perceived to suit the needs of companies well. In the view of trade union representatives too, the 2018 legislation worked relatively well, as it allowed room for self-regulation through collective bargaining.

In September 2022, the federal government arrived at an agreement to implement changes on the right to disconnect, as of 1 January 2023 (the so-called 'Labour Deal'). As part of the Labour Deal, the Belgian government reformed the framework concerning the right

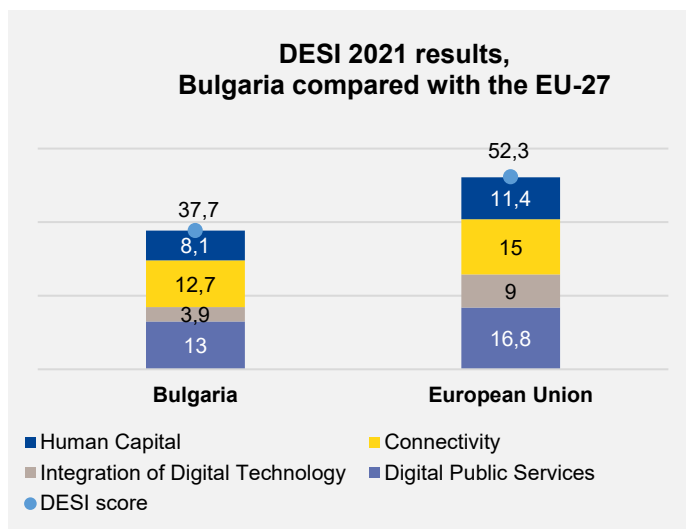
to disconnect. Under this new law, employers who employ more than 20 people would need to regulate the modalities of the right to disconnect through a collective bargaining agreement at company level. This obligation for the employer to conclude a collective agreement at company level does not apply when there is a collective bargaining agreement at sectoral or national level that is declared universally applicable on the subject. The framework of the right to disconnect comprises three pillars:

- An overview of the practical modalities for the application of the right to be unavailable outside normal working hours;
- Guidelines for using digital tools in such a way as to safeguard rest periods and holidays; and
- Education and awareness campaigns for employees on the appropriate use of digital tools, and the risks associated with an 'always-on' culture.

## Context

Bulgaria ranks 26th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

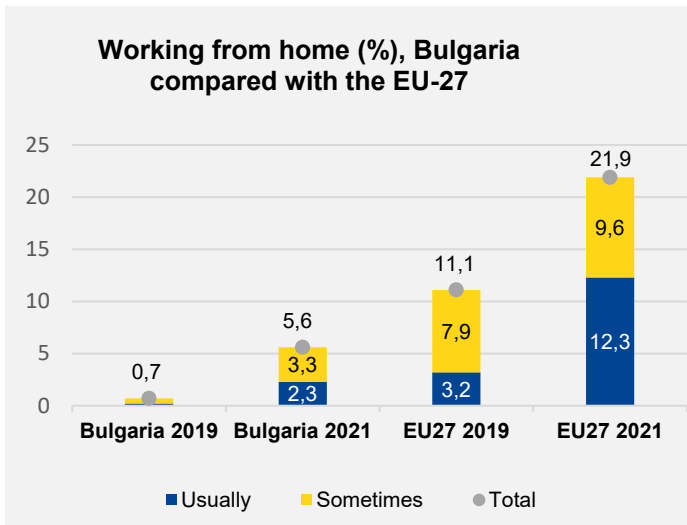
- Room for improvement on human capital (Bulgaria ranks 26th). Overall, 31% of population has at least basic digital skills, but only 8% have above-basic digital skills. Both of these are below the EU averages (54% and 26%, respectively). Even though the share of ICT specialists in the workforce is 3.5% –also below the EU average (4.5%) – the share of ICT specialists who are women is above the EU average (28% compared with 19% across the EU). Only 7% of enterprises provide ICT training, compared with an EU average of 20%.
- Room for improvement on connectivity (in which Bulgaria ranks 19th). Although fast broadband in Next Generation Access (NGA) covers 93% of households and fibre-to-the-premises (FTTP) covers 85% of households (both above the EU averages of 90% and 50%, respectively), the overall take-up of fixed broadband among households is 63% (compared with 78% across EU). Furthermore, only 40% of populated areas are covered by 5G (compared with an EU average of 66%) and only 22% of households have broadband of at least 100Mb/s fixed (compared with 41% across the EU).
- Room for improvement on digital technology (Bulgaria ranks 26th). Only 25% of SMEs have at least a basic



level of digital intensity, compared with 55% across the EU, and only 13% use social media (compared with 38% across the EU). The use of big data is also below the EU average (6%, compared with 14% for the EU). Nevertheless, 68% of enterprises have a medium/high intensity of green activity through ICT, compared with 66% across the EU.

- Digital public services could also be improved (Bulgaria ranks 25th for these). Only 34% of internet users use e-government services, compared with 65% across the EU. Bulgaria's scores for pre-filled forms and digital public services are below the EU average. The use of open data is also slightly lower than the EU average (78% compared with 81% across the EU).

In 2021, 2.3% of employees in Bulgaria worked from home 'usually' (for at least half of their working days) while 3.3% did so on an occasional basis. The share of employees working from home (5.6%) has increased by 5 percentage points compared with 2019, a much slower pace than the rest of the EU-27 countries (10.8pp).



Overall, the prevalence of telework in Bulgaria remains

well below the EU average (5.6% vs 21.9%)<sup>4</sup>. This relates partly to differences in the shares of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 64.1% and 60.7%, respectively (compared with EU-27 averages of 50.4% and 45.9%)<sup>5</sup>.

Between 2019 and 2020, telework increased most among professional occupations (7pp), followed by managers (4pp) and technicians (3pp).

In 2020, the share of telework was highest among professionals (9.1%), followed by managers, technical occupations and associated professionals (around 3% each). The available data do not allow estimates of the potential for telework in the country. Overall, the share of employees working from home in 2020 was 2.7%.

### Bulgaria: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	NA	NA	3.7
Professionals	NA	NA	9.1
Technicians and associated professionals	NA	NA	3.4
Clerical support workers	NA	NA	2.2
Services and sales workers	NA	NA	1.3
Skilled agricultural, forestry and fishery workers	NA	NA	0.0
Craft and related trades workers	NA	NA	0.6
Plant and machine operators and assemblers	NA	NA	0.3
Elementary occupations	NA	NA	0.6
Total	NA	NA	2.7

<sup>4</sup> Based on data from the EU Labour Force Survey.

<sup>5</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Bulgaria: legislative and policy framework on telework

Bulgaria has in place a statutory definition and specific legislation on telework, which also covers telework that is carried out on an occasional basis. Telework is recognised as a voluntary arrangement and all of its terms and conditions, and the rights and obligations of the parties must be detailed in the employment contract. The voluntariness of telework is legally enforced by establishing that an employee's refusal cannot be cause for sanctions or changes in their working conditions. Parties are also free to decide on the terms and conditions for a return to the previous situation.

**Employment and working conditions:** legislation in Bulgaria is based on the principle of guaranteeing the equal treatment of teleworkers and those workers who always work at their employer's premises. In addition, legislation states that teleworkers are entitled to any additional remuneration set out in legislation, internal company policies or collective agreement, with a view to avoiding potential losses and discrimination with regard to on-site workers. Employers are responsible for the provision and maintenance of technical equipment required to carry out telework, as well as consumables,

software and communication devices. Individual employment contracts may stipulate the use of employees' personal equipment and conditions for its compensation.

**Working time organisation:** legislation in Bulgaria establishes that teleworkers can organise their working time and rest periods in accordance with legal provisions and collective agreements. Specific provisions apply to the recording and control of teleworkers' working hours. Teleworkers are required to submit working time records to the employer on a monthly basis, and are responsible for the accuracy of these data.

**Occupational and health and safety:** general OSH legal provisions apply to teleworkers. Employers are responsible for the enforcement of health and safety standards at teleworkers' home offices. The employer, the employees' representatives and labour inspectorates are entitled to access, with prior notice, to a teleworker's workplace, in accordance with the limits agreed in the individual and / or collective employment contract. Specific legal provisions exist in relation to the prevention of psychosocial risks of teleworkers, such as isolation.

## Bulgaria: legislative and policy framework on the right to disconnect

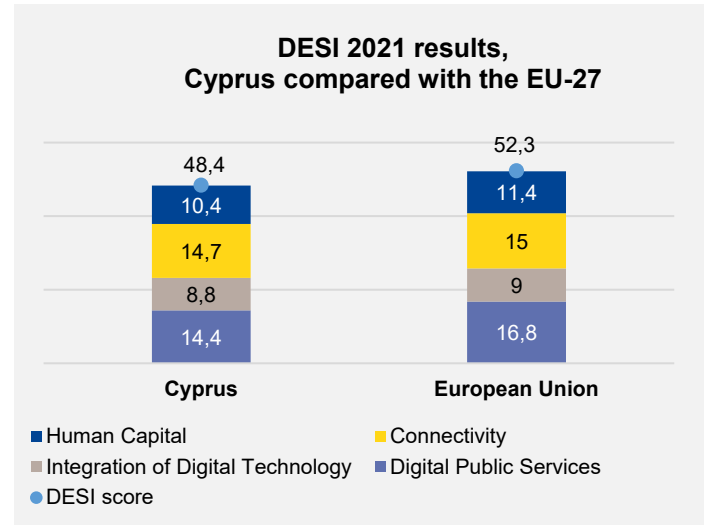
Legislation in Bulgaria does not explicitly guarantee the right to disconnect. However, general labour law and specific regulation on working time and availability

outside ordinary working hours provides certain guarantees regarding the protection of employees' rest periods.

## Context

Cyprus ranks 20th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Room to improve the digital skills of the population (Cyprus ranks 21st in this). 50% of the population have at least basic digital skills, and 21% of individuals have above-basic skills. Both of these shares are below the corresponding EU averages (54% and 26%, respectively). The share of ICT specialists is also below the EU-27 average (3.9%, compared with 4.5% across the EU), but the percentage of ICT specialists who are women is on a par with the EU average (19%).
- A mixed picture with regard to connectivity (Cyprus ranks 12th). 100% of households have broadband speeds of at least 30Mb/s (compared with 90% across the EU). Overall fixed broadband take-up is also above average (92%, compared to 78% for the EU), as is 5G coverage (75% of populated areas, compared with 66% across the EU). However, only 26% of households enjoy speeds of at least 100Mb/s, compared with an EU average of 41%.
- The picture is also mixed with regard to digital technology (Cyprus ranks 17th). 66% of SMEs have at least a basic level of digital intensity (compared with



55% across the EU), and the use of social media is above the EU average (42% compared with an EU average of 29%). Nevertheless, the use of big data is below the EU average (6%, compared with 14% across the EU).

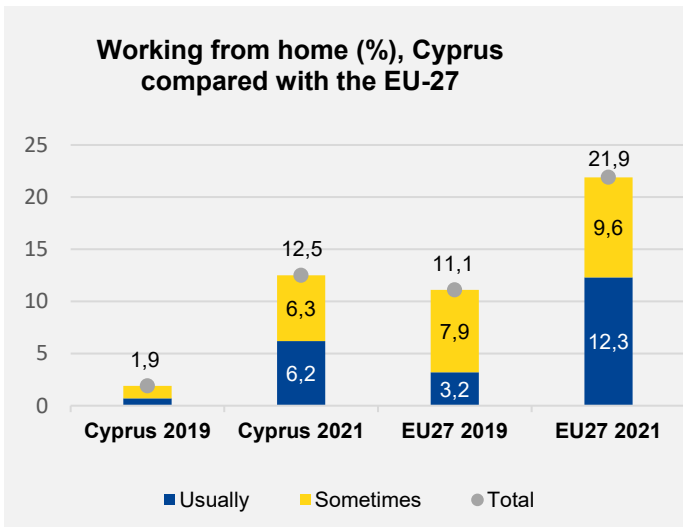
- Room for improvement in digital public services (Cyprus ranks 20th). 63% of internet users use e-government services (almost equal to the EU average of 65%), and the use of open data is good (91% compared with an EU average of 81%), but the scores for pre-filled forms and digital public services for citizens are below EU average (31 and 56, compared with EU averages of 64 and 75, respectively).

In 2021, 6.2% of employees in Cyprus worked from home 'usually' (for at least half of their working days), while 6.2% did so on an occasional basis. The share of employees working from home has increased by 10.6 percentage points compared with 2019 – a similar increase to that recorded at EU level (10.8pp) over the same period. Overall, the prevalence of telework in Cyprus remains below the EU average (12.5% vs 21.9%)<sup>6</sup>. This relates partly to differences in the shares

of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 48.7% and 48.6%, respectively (compared with EU average of 50.4% and 45.9%)<sup>7</sup>.

Between 2019 and 2020, telework increased most in professional occupations (15pp), followed by managers (9pp), and technicians and associated professionals (7pp).

In 2020, the share of telework was highest among professionals (20.5%) and managers (17.2%), followed by technicians and associated professionals. However, the extent of telework remains below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 represented less than one-fifth of all jobs suitable for telework.



### Cyprus: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	76.5	0.0	17.2
Professionals	41.6	27.7	20.5
Technicians and associated professionals	35.5	34.7	9.5
Clerical support workers	6.1	86.1	7.8
Services and sales workers	8.0	1.0	0.7
Skilled agricultural, forestry and fishery workers	0.0	0.0	2.1
Craft and related trades workers	0.0	0.4	0.3
Plant and machine operators and assemblers	0.0	0.9	0.2
Elementary occupations	0.0	1.5	0.4
Total	18.1	20.2	7.2

<sup>6</sup> Based on data from the EU Labour Force Survey.

<sup>7</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).



## Cyprus: legislative and policy framework on telework

Cyprus has no specific legislation on telework, and no collective regulation exists at any other level. This means that telework is mostly implemented through individual bargaining or company-level agreements.

A special technical committee, chaired by the Ministry of Labour, Welfare and Social Insurance, was established in 2021, with the participation of representatives from the main social partners. This committee prepared the framework for a draft law regulating various aspects of telework.

**Employment and working conditions:** issues relating to employment and working conditions of teleworkers are addressed by various laws relating to data protection,

occupational health and safety, working time and general labour law.

**Working time organisation:** according to the Organisation of Working Time Law of 2002-2007, employees' working time in any week may not exceed 48 hours. On average, working hours are 38-40 per week, and are governed by relevant collective agreements.

**Occupational safety and health:** according to the views of national stakeholders, the prevalence of psychosocial issues during lockdown and extended periods of restrictions were among the main motivations for undertaking the regulation of telework.

## Cyprus: legislative and policy framework on the right to disconnect

The process of social dialogue, based on the draft document prepared by the technical committee, is still ongoing. The right to disconnect is a point of intense debate among social partners.

The social partners that have been consulted attach great relevance to the regulation of the right to disconnect through new legislation. However, discussions have been limited to the technical committee, and some social partners claim they were not invited to participate in the consultation process.

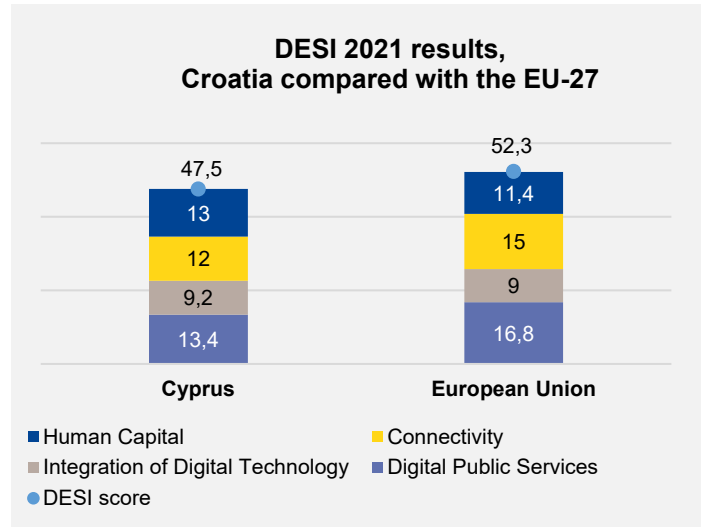
It is expected that a new law regulating teleworking, including the right to disconnect, will be submitted to parliament for approval soon.

As far as the public sector is concerned, the Ministry of Labour, Welfare and Social Insurance has commissioned a study on the implementation of flexible forms of work in the public sector, which also covers the issue of teleworking. The outcome of this study is expected to form the basis for discussions at a later stage.

## Context

Croatia ranks 21st of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

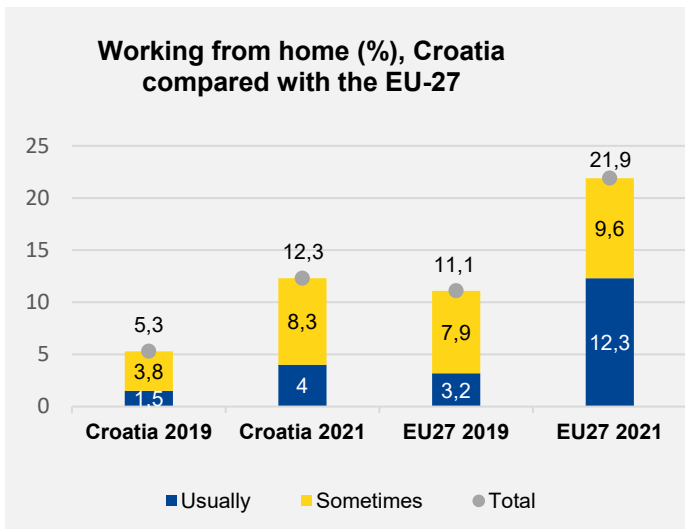
- Performance on human capital is good (Croatia ranks 9th). 63% of the population have basic digital skills, and 31% above-basic digital skills. These shares are above the EU average (54% and 26%, respectively). Furthermore, the share of ICT specialists who are women is 21%, and 23% of enterprises offer ICT training – both of these indices being above the EU averages (which are 19% and 20%, respectively). Nevertheless, only 3.6% of individuals are ICT specialists, while the EU average is 4.5%.
- There is room for improvement in connectivity (Croatia ranks 23rd). Fast broadband coverage is slightly below the EU average (88%, compared with 90% across the EU), but fixed very high capacity network (VHCN) coverage is below the EU average (52% vs. 70%) and only 16% of households have taken up fixed broadband of at least 100Mb/s , compared with 41% across the EU.
- Performance on the integration of digital technology is average (Croatia ranks 14th). 50% of SMEs have at least a basic level of digital intensity, which is below the EU average (55%). Only 24% of enterprises use



electronic information sharing and 24% use social media (compared with the EU averages of 38% and 29%, respectively). The share of enterprises that have medium/high intensity of green activity through ICT is 75%, which is above the EU average of 66%.

- There is room for improvement in digital public services (Croatia ranks 23rd). Only 55% of internet users use e-government services (65% in the EU), and Croatia's scores for pre-filled forms and digital public services for citizens and businesses are below the EU average. However, its score for open data is above the EU average (84%, compared with 81% across the EU).

In 2021, 4% of employees in Croatia worked from home 'usually' (for at least half of their working days), while 8.3% did so on an occasional basis. The share of employees working from home has increased by 7 percentage points compared with 2019, a more limited increase than that experienced at EU level over the same period (10.8pp). Overall, the prevalence of telework in Croatia remains well below the EU average (12.3% vs 21.9%)<sup>8</sup>.



This relates partly to differences in the share of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 59.8% and 52.1%, respectively (compared with averages of 50.4% and 45.9% across the EU-27)<sup>9</sup>.

Between 2019 and 2020, telework increased most in professional occupations (17pp) and managers (13pp), followed by technicians(5pp) and clerical support workers (6pp).

In 2020, the share of telework was highest in professional and managerial occupations (around 32% in both groups). However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 represented one-third of all jobs suitable for telework.

### Croatia: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	55.0	0.0	31.6
Professionals	42.0	26.3	31.7
Technicians and associated professionals	31.2	13.8	9.1
Clerical support workers	7.8	78.0	9.0
Services and sales workers	8.1	1.5	3.7
Skilled agricultural, forestry and fishery workers	0.0	0.0	0.0
Craft and related trades workers	0.0	0.6	0.7
Plant and machine operators and assemblers	0.0	3.2	0.6
Elementary occupations	0.0	1.3	0.2
Total	17.4	15.3	10.2

<sup>8</sup> Based on data from the EU Labour Force Survey.

<sup>9</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Croatia: legislative and policy framework on telework

Croatia has in place a statutory definition of telework, and specific legislation on telework is the main source of regulation, while collective bargaining plays a minimal role. This legislation has been updated through amendments to the Labour Act that were passed on 16 December 2022 and entered into force on 1 January 2023.

In addition to traditional telework, the new legislation has introduced the possibility of remote work, under which the employees can freely determine their place of work. The new legislation also provides that employees working outside the employer's premises are entitled to reimbursement of working costs if such work exceeds seven working days per calendar month.

Telework is promoted for the purposes of work-life balance. Since 1 January 2023, employees have been able to request to temporarily work outside the employer's premises in statutorily pre-defined cases (e.g. pregnancy, personal care for a family member, etc.). Employers must consider such requests and provide the employee with a substantiated response within 15 days.

At the same time, the legislation protects workers from the potentially adverse effects of permanent connectivity through the monitoring of teleworkers' working time to ensure that minimum rest periods are respected.

**Employment and working conditions:** legislation explicitly recognises the principle of equal treatment of teleworkers and those employees who always work at their employer's premises. Employers are responsible for providing and maintaining the equipment necessary to carry out telework, and for compensating employees for expenses linked to telework.

**Working time organisation:** general working time regulation applies to teleworkers. Legislation in Croatia provides that the employer is responsible for monitoring teleworkers' working hours.

**Occupational safety and health:** legislation establishes that a risk assessment is mandatory prior to being allowed to telework. Since January 2023, employers have been entitled to enter the employee's home or other premises for the purposes of supervising the employee's working conditions, provided this has been contractually agreed.

## Croatia: legislative and policy framework on the right to disconnect

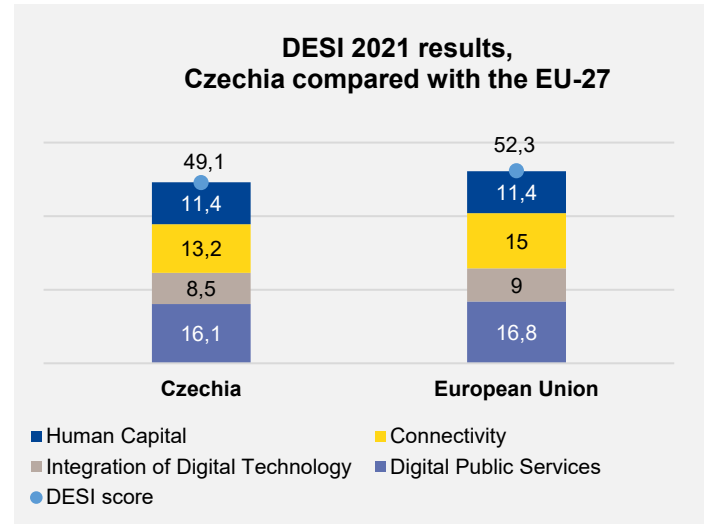
The right to disconnect has been introduced through the amendments to the Labour Act that were passed on the 16 December 2022, and entered into force on 1 January 2023. According to this new legislation, an employer may not contact an employee outside working hours, unless in connection with an urgent matter; because it is

required due to the nature of the work; or if such a possibility has been envisaged under a relevant collective agreement or individual employment agreement. However, no sanctions have been put in place to ensure compliance with the right to disconnect.

## Context

Czechia ranks 19th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on digital skills of the population (Czechia ranks 15th on the dimension of human capital). 60% of the population have at least basic digital skills (above the EU average of 54%), and 24% have above-basic digital skills (slightly below the EU average of 26%). However, the share of ICT specialists who are women is below the EU average (10% compared with 19% across the EU). 25% of enterprises provide ICT training (which is above the EU average of 20%).
- There is a mixed picture with regard to connectivity (Czechia ranks 17th). Currently, 52% of households have access to a very high capacity network, which is a significant increase, but is still below the EU average (70%). Coverage of fibre-to-the-premises remains below the EU average (36%, compared with 50% across the EU). Nevertheless, overall fixed broadband take-up is above the EU average (84%, compared with 78% across the EU) and fast broadband coverage is slightly above average (93%, compared with 90% across the EU). Also note that the take-up of fixed broadband of at least 100 Mb/s is below the EU average (27%, compared with 41% across the EU).
- There is room for improvement in the integration of digital technology (Czechia ranks 19th). 53% of SMEs have at least a basic level of digital intensity (which is slightly above the EU average of 55%), and 38% of enterprises use software to share information (which



is equal to the EU average). The use of social media and big data are below the EU average (24% and 9%, respectively, compared with 29% and 14% across the EU), even though the use of the cloud and the share of SMEs selling online are above the EU averages (40% and 23%, compared with 34 and 18%, respectively). Note that only 56% of enterprises have medium/high intensity of green activity through ICT (compared with 66% across the EU).

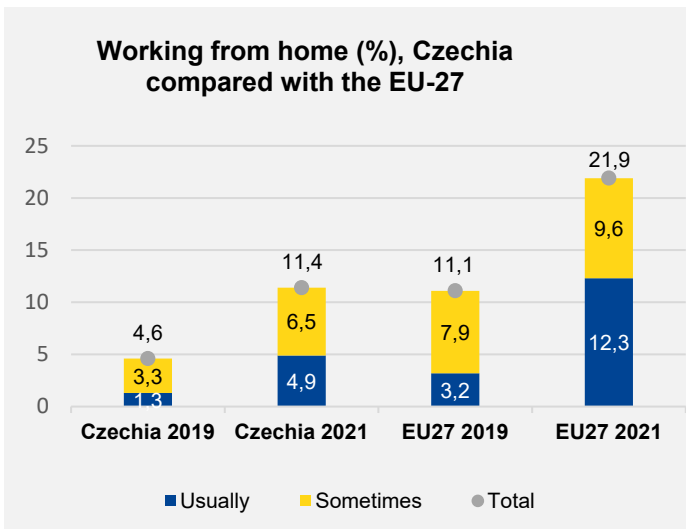
- There is a mixed picture on digital public services (in which Czechia ranks 17th). There has been a sharp increase in the users of e-government, which is now well above the EU average (76%, compared with 65% across the EU). The scores for digital public services for citizens and enterprises are almost on a par with the average (75 and 81, respectively, compared to 75 and 82 in EU). Nevertheless, the scores for pre-filled forms and open data are below the corresponding EU averages (41 and 74%, compared with 64 and 81%, respectively).

In 2021, 4.9% of employees in Czechia worked from home 'usually' (for at least half of their working days), while 6.5% did so on an occasional basis. The share of employees working from home has increased by 6.8 percentage points compared with 2019 – a lower increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Czechia remains below the EU average (11.4% vs 21.9%)<sup>10</sup>.

This relates partly to differences in the shares of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 61.2% and 49.6%, respectively (compared with averages for the EU-27 of 50.4% and 45.9%)<sup>11</sup>.

Between 2019 and 2020, telework increased most in professional occupations (9pp), followed by technicians and associated professionals (5pp), and managers and clerical support workers (3pp each).

In 2020, the share of telework was highest among professionals (22.2%) and managers (20.4%). However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 26.5 percentage points below estimates.



### Czechia: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	73.4%	0.0%	20.4%
Professionals	39.5%	30.3%	22.2%
Technicians and associated professionals	35.2%	16.2%	10.1%
Clerical support workers	2.8%	82.7%	8.4%
Services and sales workers	8.1%	1.3%	2.2%
Skilled agricultural, forestry and fishery workers	0.0%	0.0%	2.2%
Craft and related trades workers	0.0%	0.6%	0.7%
Plant and machine operators and assemblers	0.0%	1.0%	0.6%
Elementary occupations	0.0%	0.9%	0.2%
Total	17.9%	16.3%	7.8

<sup>10</sup> Based on data from the EU Labour Force Survey.

<sup>11</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Czechia: legislative and policy framework on telework

Czechia has in place both a statutory definition and specific legislation on telework. This legislation applies to any form of work performed outside employers' premises, even on an occasional basis. Telework arrangements must be created through an individual written agreement between parties, or covered in an employment contract. Collective bargaining also plays a role in the regulation of telework. Telework has been promoted for the purposes of work-life balance, by granting teleworkers autonomy to organise their own working time, while granting some protection through working time monitoring systems.

**Employment and working conditions:** legislation in Czechia explicitly recognises the same working conditions for teleworkers as for employees working at an employer's premises. However, teleworkers, who are able to organise their working time themselves, are excluded from paid compensation under certain circumstances, such as in the case of a work-related medical examination, national holidays, or absences from work for a private issue. Moreover, unless explicitly agreed, teleworkers are not entitled to salary compensation for overtime work or in the case of work during public holidays. Neither are there legal specifications regarding the provision of expenses or coverage of the costs associated with telework.

**Working time organisation:** legislation in Czechia establishes that teleworkers can organise their working time themselves. There is a legal obligation on employers to record employees' working hours in accordance with EU regulation, and it is up to the employer to decide on the method used to record working hours.

**Occupational safety and health:** under existing legislation, employers are not allowed to supervise the

enforcement of OSH standards in teleworkers' home offices.

An amendment to the Labour Code is currently being prepared and discussed (and is expected to become valid from 2023). This aims to regulate more precisely the rules and conditions of telework. The proposal includes the following measures, which may still be subject to change before the law is adopted:

- The employer will have an obligation to allow employees to work remotely if they have children of up to 8 years of age, family members in need of care.
- In very exceptional cases (e.g. by order of a public authority an employer may, in writing, order an employee to work remotely.
- An employer has an obligation, where an employee expresses an interest, to enable them to meet colleagues in the course of work at the workplace, or at another designated place.
- The law will impose an obligation for the employee and the employer to conclude a written agreement on remote work.
- This agreement must define:
  - the location of the remote work, or several such locations (for the purposes of ensuring and controlling work safety, it will not be possible to work outside of these listed locations);
  - the extent of the remote work and the method used to schedule working hours, i.e. whether the employee's working hours are scheduled by the employer, or by the employee. If the employer schedules the working hours, the same legal regulations apply as in the case of work performed at the employer's workplace. If the employee schedules her/his own working hours, a special regime applies (i.e.

certain provisions of the Labour Code do not apply, including provisions regarding working hours, personal obstacles at work and remuneration for overtime work or on holidays). However, it is necessary to observe the daily and weekly limits for breaks from work for food and rest.

- the method of communication between the employee and the employer; the method used to assign work and control of work (by telephone, e-mail, delivery of goods);
- the employer is obliged to pay the costs incurred by the employee in the performance

of work, with the law setting a flat rate for certain costs such as energy, water, waste, etc. The employee must prove other costs individually;

- the legislation sets out the method used to ensure safety and health protection at work by the employer, and defines rules for ongoing inspections of the workplace, including the employer's access to the employee's home (prior to the start of work and for *ad hoc* inspections).

## Czechia: legislative and policy framework on the right to disconnect

The right to disconnect is not explicitly mentioned in Czech legislation. The general Labour Code applies as the main policy framework, according to which an employee working outside the employer's premises is free to organise their working time. Although conditions for the exercise of the right to disconnect may be agreed in collective bargaining, the number of agreements on the topic is so far limited.

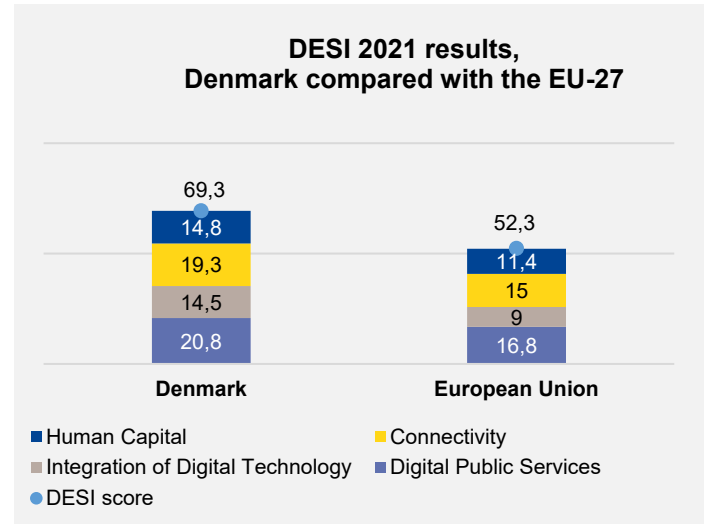
The right to disconnect is not explicitly addressed by the amendment to the Labour Code (see above). It is implicitly included in agreements concluded between an employee and an employer for the provision of remote work, in relation to the scope and scheduling of working hours.



## Context

Denmark ranks 2nd out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on human capital (Denmark ranks 5th). 69% of the population have at least basic digital skills, and 37% have above-basic digital skills. Both shares are above the European averages (which are 54% and 26%, respectively). In addition, 5.6% of individuals are ICT specialists, of which 23% are female workers, and 30% of enterprises provide ICT training. These values are also above the European average (4.5%, 19% and 20%, respectively).
- Best performance on connectivity (Denmark ranks 1st). 98% of households have broadband with speeds of at least 30 Mb/s (compared with 90% on average across the EU); however, for speeds of at least of 1 Gb/s, the share of households is below the EU average (7.25%, compared with 7.58%). Denmark is above the EU average in other indicators on connectivity.
- Very good performance on digital technology (ranks 2nd), with all scores above the EU average except for the share of enterprises having medium/high intensity of green activity through ICT, which is below average



(54%, compared with 66% across the EU). 79% of SMEs have at least a basic level of digital intensity (compared with 55% across the EU). The use of big data and AI are widespread among enterprises (27% and 24%, respectively, compared with EU averages of 14% and 8%).

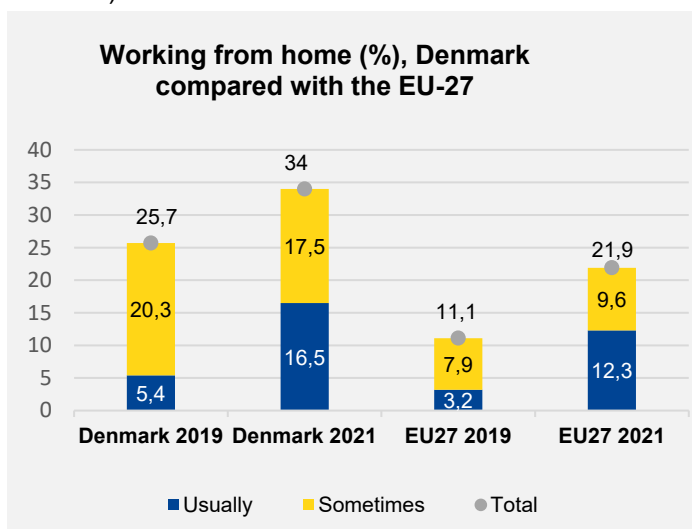
- Good performance in digital public services (Denmark ranks 8th), with all scores above the EU average. 93% of internet users use e-government services (compared with 65% across the EU), and digital public services earn a score of 89 (compared with 82 for the EU as a whole).

In 2021, 16.5% of employees in Denmark worked from home 'usually' (for at least half of their working days) while 17.5% did so on an occasional basis. The share of employees working from home increased by 8.3 percentage points compared with 2019, a slightly lower increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Denmark remains well above the EU average (34% vs 21.9%)<sup>12</sup>.

This is partly explained by differences in the employment structure, with a higher share of employees in sectors and occupations that are suitable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were both 43% (compared with EU averages of 50.4% and 45.9%, respectively)<sup>13</sup>.

Between 2019 and 2020, telework increased most in clerical and support occupations (17pp), followed by professionals (11pp), and technicians and associated professionals (10pp).

In 2020, the share of telework was highest among managers (73.1%) and professionals (58.9%). However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates also show there is room to increase the shares of telework in professional and technical occupations. Overall, the share of employees working from home in 2020 remained 7 percentage points below estimates of the total share of employees in teleworkable occupations.



### Denmark: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	76.2	0.0	73.1
Professionals	44.5	24.5	58.9
Technicians and associated professionals	42.1	16.5	44.1
Clerical support workers	0.7	89.2	37.7
Services and sales workers	4.6	1.2	10.3
Skilled agricultural, forestry and fishery workers	0.0	0.0	9.2
Craft and related trades workers	0.0	0.7	4.5
Plant and machine operators and assemblers	0.0	0.2	2.8
Elementary occupations	0.0	2.5	3.2
Total	23.3	16.7	32.9

<sup>12</sup> Based on data from the EU Labour Force Survey.

<sup>13</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Denmark: legislative and policy framework on telework

In Denmark, there is no statutory definition or specific legislation addressing telework. Some aspects of teleworking arrangements are indirectly addressed through various laws on data protection and occupational health and safety. For instance, according to the Danish legal framework on data protection, digital monitoring of teleworkers' performance must be implemented with the knowledge of employees, and must correspond with an objective and reasonable purpose.

Telework is mainly regulated through sectoral and company level collective agreements, while national framework agreements provide general guidelines and recommendations. However, it should be noted that occasional telework, which accounts for the largest share of telework arrangements, is mostly implemented through individual and informal agreements, meaning

that telework is largely self-regulated and relies on a culture of mutual trust between managers and employees.

**Working time organisation:** general working time regulation applies to teleworkers, although with some flexibility. Specific provisions exist for recording the working time of teleworkers.

**Occupational safety and health:** in terms of OSH, teleworkers are covered by the same legal provisions as employees who work at employers' premises. However, a recent legal amendment, valid from May 2022, states that the Working Environment Act only applies to those employees who work from home for a minimum of two days a week. Inspections of teleworkers' home offices by employers and workers' representatives are subject to employees' consent.

## Denmark: legislative and policy framework on the right to disconnect

The right to disconnect is not recognised in legislation nor in collective agreements. According to country reports, the question has not raised many debates among union organisations, which hold different approaches to the issue

## Relevant information from the Danish case study

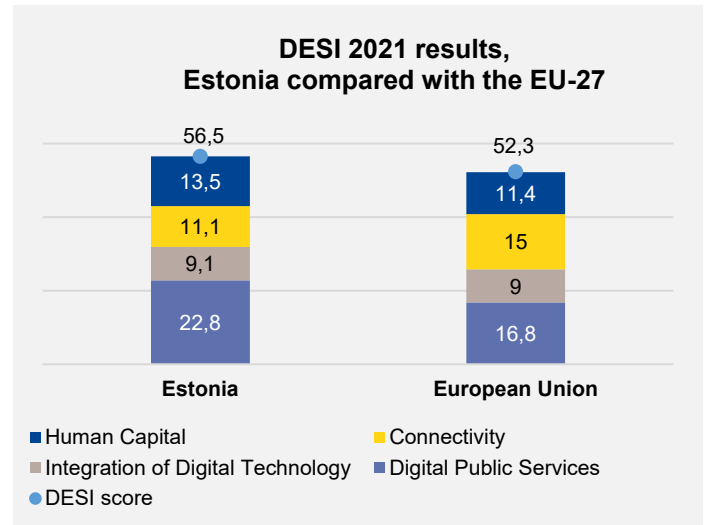
The Danish company taken as a case study is a medium-sized firm with more than 100 employees, dedicated to the selling of workwear online. An internal policy has been in place since 2009, under which employees are not allowed to send emails after 16:00, with a view to ensuring proper rest times. This policy also applies to those employees who working according to flexible arrangements. Employees who need to work longer or who prefer to work during evenings are not allowed to e-mail their colleagues after 16:00.

This company policy was adopted without formal negotiation or consultations with workers' representatives. Its main purpose is to improve the work environment, and it has not affected the company's performance. On the contrary: in the view of the company's owner, the policy has contributed to improved employee retention and productivity. However, it is also argued that there is a growing demand for patterns of flexible working time, which will make it more difficult to align times of availability among working teams.

## Context

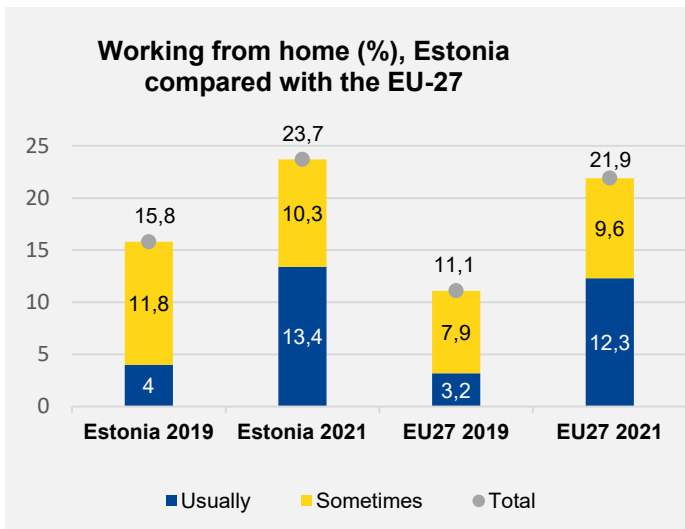
Estonia ranks 9th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on digital skills among the population (Estonia ranks 8th in the dimension of human capital). The shares of the population who have basic digital skills and above-basic skills are just above the EU average. The share of ICT professionals and the proportion of female employment in ICT are significantly above the EU average (6.2% and 23%, respectively, compared with 4.5% and 19% across the EU). However, these have not grown over the last year, even though the share of ICT graduates is well above the EU average (8.4%, compared with 3.9% across the EU as a whole).
- There is room for improvement on connectivity (in which Estonia ranks 26th), due to a lack of use of the 5G spectrum (0%, compared with an EU average of 56%). In addition, only 20% of households have broadband speeds of at least 100 Mb/s (compared with 51% across the EU), and only 0.04% enjoy speeds of at least 1 Gb/s (compared with 7.58% across the EU). However, fixed very high capacity network coverage is above the EU average (73%, compared with an EU average of 70%), while the take-up of mobile broadband and fast broadband coverage are on a par with the average.



- There is room for improvement in the integration of digital technology (Estonia ranks 15th), with 54% of SMEs having at least basic digital intensity (compared with 55% across the EU). The use of electronic information sharing by enterprises is below the EU average (23%, compared with 38% across the EU), as is the use of modern technologies such as AI and big data (3% and 10%, respectively, compared with EU averages of 8% and 15%).
- Best performance on digital public service (Estonia ranks 1st), with scores significantly above the EU average for all indicators. 89% of internet users use e-government services (compared with 65% across the EU), and the scores for digital public services (92) and enterprises (98) are close to the maximum.

In 2021, 13.4% of employees in Estonia worked from home 'usually' (for at least half of their working days), while 10.3% worked from home only on an occasional basis. The share of employees working from home increased by 8 percentage points compared with 2019, a slightly lower increase than that seen at EU level over the same period (10.8pp). Overall, the prevalence of telework in Estonia is higher than the EU average (23.7% vs 21.9%)<sup>14</sup>.



This relates partly to the country's employment structure. In 2021, the shares of employees in less teleworkable sectors and occupations were 55.6% and 45.6%, respectively (compared with the EU averages of 50.4% and 45.9%)<sup>15</sup>.

Between 2019 and 2020, telework increased most in professional occupations and among clerical and support workers (by 8pp for both groups), followed by technicians and managers (6pp).

In 2020, the share of telework was highest among professionals (45%) and managers (42.1%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 17 percentage points below estimates of the total share of employees in teleworkable occupations.

### Estonia: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	61.0	0.0	42.1
Professionals	39.3	33.1	44.9
Technicians and associated professionals	46.2	11.6	29.1
Clerical support workers	5.0	64.0	19.1
Services and sales workers	7.8	2.3	4.3
Skilled agricultural, forestry and fishery workers	0.0	0.0	8.6
Craft and related trades workers	0.0	0.5	2.7
Plant and machine operators and assemblers	0.0	2.1	0.3
Elementary occupations	0.0	3.2	0.5
Total	23.7	13.6	20

<sup>14</sup> Based on data from the EU Labour Force Survey.

<sup>15</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Estonia: legislative and policy framework on telework

Estonia has in place a statutory definition and specific legislation on telework. Telework is broadly defined as a work arrangement carried out outside the employer's premises, within the framework of an employment contract or individual written agreement. This definition also covers telework carried out on an occasional basis. Legislation leaves it to individual and collective agreements to determine the terms and conditions for a return to previous working arrangements.

**Employment and working conditions:** legislation in Estonia explicitly recognises the principle of equal treatment of teleworkers and those workers who always work at their employer's premises. No legal provisions exist regarding the provision of expenses and covering the costs of teleworking, which are subject to agreement by both parties. However, these aspects are mentioned

in connection to the employer's liability for the health and safety of teleworkers, meaning that the employer has an obligation to provide suitable work equipment to the request of the employee (desk/chair).

**Working time organisation:** general legislation applies to teleworkers, unless specific conditions for teleworkers are created via collective agreements or individual written agreements. There are no specific legal provisions regarding the recording and monitoring of teleworkers' working time.

**Occupational and health and safety:** an amendment to the Occupational Health and Safety Act in May 2018 introduced the possibility of making an agreement under which an employee carrying out telework can be penalised for failure to comply with OSH standards.

## Legislative and policy framework on the right to disconnect

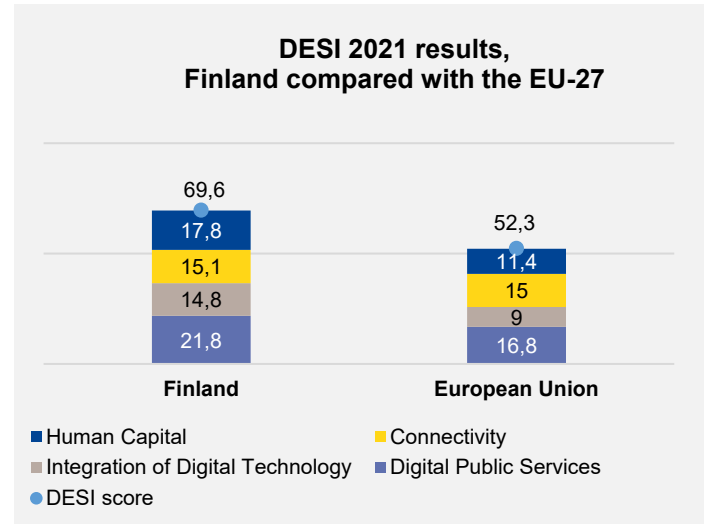
The right to disconnect is not explicitly recognised in Estonian legislation. National authorities note that the right to disconnect is already guaranteed by the existing legal framework, but the main challenge relates to its implementation by some employers. The OSH Act provides that employers are responsible for the

identifying physical and psychosocial risks in the work environment, and for adopting preventive strategies, but many companies fail to do so. In the view of some union representatives, enacting the right to disconnect in law would contribute to making employers take actions or entering into negotiations on the issue.

## Context

Finland ranks 1st out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Best performance with regard to the digital skills of the population (Finland ranks 1st). 79% of individuals have at least basic digital skills (compared with 54% on average across the EU), and ICT employment and the proportion of women employed in ICT are both above the EU average (7.4% and 24%, respectively, compared with 4.5% and 19%). 38% of enterprises provide ICT training (almost twice the EU average of 20%).
- The picture in terms of connectivity is mixed (Finland ranks 8th). The availability of fixed very high capacity network (VHCN) is just below the EU average (68%, compared with 70%), but is uneven across the country due to low coverage in rural areas. Fixed broadband take-up is low at all speeds (for instance, 61% of households use fixed broadband compared with an EU average of 78%). Nevertheless, mobile broadband take-up is above average (96%, compared with 87%), as is 5G coverage (72%, compared with 66%).
- Best performance in digital technology (Finland ranks 1st), with scores well above the EU average for most



indicators. 82% of SMEs have at least a basic level of digital intensity (compared with 55% across the EU), and use of social media by enterprises is fairly widespread (51% of enterprises, compared with 29% across the EU). Cloud solutions are used by 66% of enterprises, and AI by 16% (compared with 34% and 8%, respectively, across the EU).

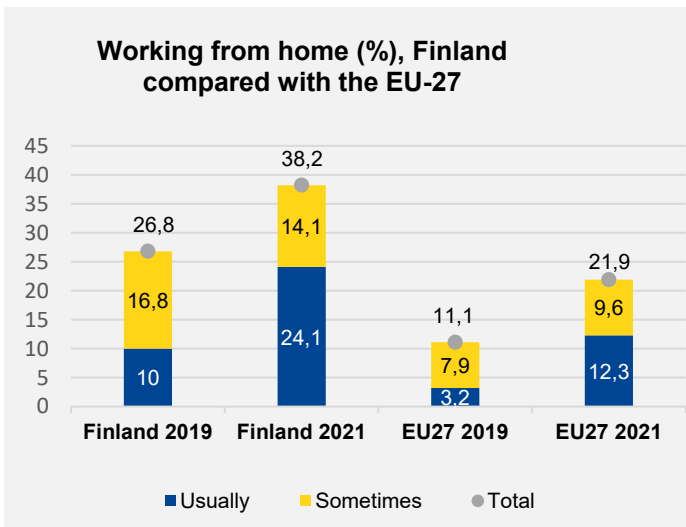
- Performance on digital public services is very good (Finland ranks 2nd), with scores significantly above the EU average for all indicators, especially in the share of e-government users (92% of internet users, compared with an EU average of 65%) and in the score for pre-filled forms (90, compared with 64).

In 2021, 24.1% of employees in Finland worked from home 'usually' (for at least half of their working days), while 14.1% did so on an occasional basis. The share of employees working from home increased by 11.4 percentage points compared with 2019, a similar increase to that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Finland remains well above the EU average (38.2% vs 21.9%)<sup>16</sup>.

This relates partly to differences in the shares of employees in sectors and occupations that are less amenable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 43.5% and 44.2%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>17</sup>.

Between 2019 and 2020, telework increased most in clerical and support occupations (18pp) and among professionals (13pp), followed by managers and technical occupations (11pp and 12pp, respectively).

In 2020, the share of telework was highest among managers (87.9%) and professionals (69.8%). These figures are close to the estimated potential for telework in these occupational groups. The largest gap has been identified among clerical and support workers and, to a lesser extent, in the occupational group of technical and associated professionals. Overall, the share of employees working from home in 2020 remained 2.6 percentage points below estimates of total share of employees in teleworkable occupations.



### Finland: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	81.9	0.0	87.9
Professionals	41.9	28.7	69.8
Technicians and associated professionals	38.7	12.4	40.0
Clerical support workers	9.6	79.9	38.6
Services and sales workers	4.5	1.5	7.0
Skilled agricultural, forestry and fishery workers	0.0	0.0	10.4
Craft and related trades workers	0.0	0.5	4.9
Plant and machine operators and assemblers	0.0	0.6	2.4
Elementary occupations	0.0	1.1	2.5
Total	23.2	15.1	35.7

<sup>16</sup> Based on data from the EU Labour Force Survey.

<sup>17</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).



## Finland: legislative and policy framework on telework

In Finland, there is no statutory definition or specific legislation addressing telework. Telework is indirectly regulated via general labour laws, as well as occupational health and safety, data protection and working time regulations. For instance, in 2019, a new Working Hours Act was passed which introduced a right for workers to decide when and where to work for at least half of their total working time. Similarly, the Act on Protection and Data Privacy in Working Life provides that a so-called 'cooperation procedure' between representatives of employers and workers must be organised in the event of digital performance monitoring systems being introduced.

**Employment and working conditions:** telework in Finland is mainly regulated through sectoral collective

agreements. Nevertheless, one relevant aspect of telework regulation in the country is that occasional telework is mostly implemented via individual and informal agreements.

**Working time organisation:** general working time regulation applies to teleworkers. In Finland, a legal requirement exists for workers with flexible working time arrangements to provide their employers with a record of their working hours and rest periods.

**Occupational safety and health:** in terms of OSH, teleworkers are covered by the same legal provisions as those employees who work at their employers' premises. Legal provisions require the employer to provide specific advice on breaks and rest times.

## Finland: legislative and policy framework on the right to disconnect

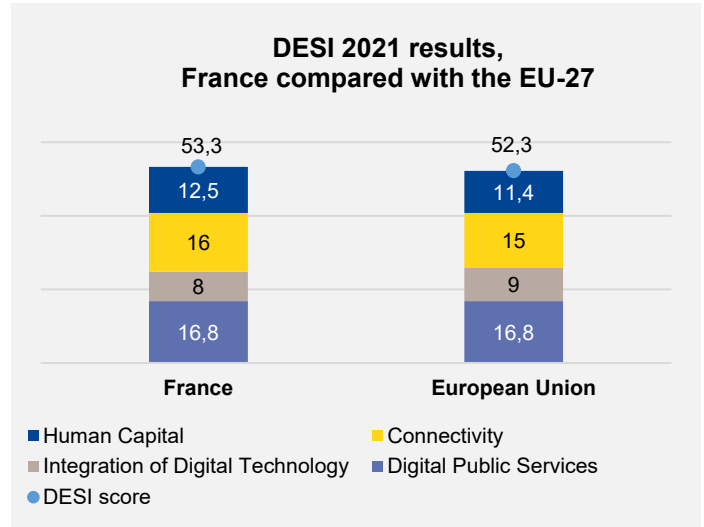
The right to disconnect in Finland is not recognised by legislation, nor through collective agreements. According to reports from national stakeholders, the question has not raised many debates among trade union organisations. National authorities argue that current legislation on working time, and specifically that on

mandatory rest periods, already allows employees not to be contacted outside their regular working hours. They argue that problems in the implementation and enforcement of such provisions are mostly due to prevailing work cultures, but not to the absence of regulation.

## Context

France ranks 12th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- A mixed picture with regard to the digital skills of the population (France ranks 12th in the dimension of human capital). 62% of the population have basic digital skills, and 31% have above-basic skills. These shares are below the EU averages (54% and 26%, respectively). Nevertheless, only 15% of enterprises (compared with 20% across the EU) offered specialised ICT training to their employees.
- The picture in terms of connectivity is also mixed (France ranks 5th). Almost all indicators have been increasing, even though some have not yet arrived at the EU average, such as the share of households with broadband speeds of at least 30 Mb/s (74%, compared with an EU average of 90%). However, the take-up of 1 Gb/s connections is well above the EU average (26.75%, compared with an EU average of 7.58%), as is 5G coverage (74%, compared with 66% across the EU).
- There is room for improvement on digital technology (France ranks 20th). Only 47% of SMEs have at least a basic level of digital intensity, and only 12% of enterprises sell online (compared with EU averages



of 55% and 16%, respectively). Big data is widespread among enterprises (22%, compared with 14% across the EU), but cloud solutions and AI are not widely used by enterprises (25% and 7%, respectively, compared with EU averages of 34% and 8%).

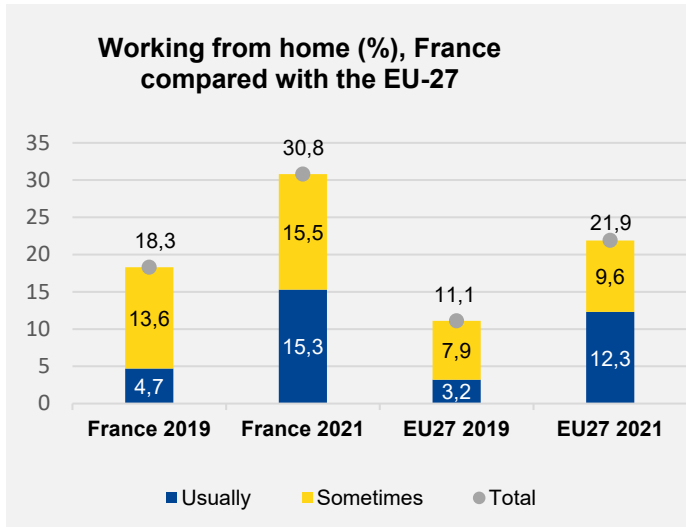
- The picture on digital public services is mixed (France ranks 15th), with high shares of users for e-government (87% of internet users, compared with 65% across the EU) and open data (98%, compared with 81% across the EU). Nevertheless, scores for digital public services for citizens and business are below the EU average (69 and 80, respectively, compared with 75 and 82 across the EU).

In 2021, 15.3% of employees in France worked from home 'usually' (for at least half of their working days), while 15.5% did so on an occasional basis. The share of employees working from home increased by 12.5 percentage points compared with 2019 – a higher pace than the EU overall during the same period (10.8pp). Overall, the prevalence of telework in France is higher than the EU average (30.8% vs 21.9%)<sup>18</sup>. This relates partly to differences in the shares of employees in sectors

and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 41.8% and 42%, respectively (compared with EU averages of 50.4% and 45.9%)<sup>19</sup>.

Between 2019 and 2020, telework increased most among clerical and support workers (15pp), followed by professionals (11pp), and technicians and associated professionals (10pp).

In 2020, the share of telework was highest among professionals (60.7%) and managers (53.3%). However, the extent of telework remained below its estimated potential in all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 14.5 percentage points below estimates of total share of employees in teleworkable occupations.



### France: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	73.6	0.0	53.3
Professionals	47.9	25.8	60.7
Technicians and associated professionals	41.1	8.6	23.2
Clerical support workers	3.6	86.9	21.4
Services and sales workers	7.2	1.7	14.3
Skilled agricultural, forestry and fishery workers	0.0	0.0	4.0
Craft and related trades workers	0.0	0.8	2.8
Plant and machine operators and assemblers	0.0	0.6	1.4
Elementary occupations	0.0	1.6	3.0
Total	26.0	14.5	26.1

<sup>18</sup> Based on data from the EU Labour Force Survey.

<sup>19</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## France: legislative and policy framework on telework

France has in place both a statutory definition and specific legislation on telework, which explicitly apply to all forms of telework arrangements, regardless of their frequency or regularity. Telework is recognised as a right that may be requested by some employees for the purposes of work-life balance. Telework arrangements are included in employment contracts or in individual written agreements, but their contents and details are left to the applicable collective agreements.

**Employment and working conditions:** legislation explicitly recognises the principle of equal treatment of teleworkers and those employees who work at their employer's premises. Employers are responsible for providing and maintaining the equipment necessary to carry out telework, as well as for compensating employees for expenses linked to telework. Definition of the forms and objects of compensation is left to institutions for social dialogue.

**Working time organisation:** legislation in France confers autonomy on teleworkers to organise their

breaks and rest periods during working time. There are no legal provisions on the recording and monitoring of teleworkers' working time, measures for which must be established via collective agreement or by a charter drawn up by the employer. The 2020 National Interprofessional Agreement called for the managerial practices to be adapted, and for time slots to be agreed, during which teleworkers are available for work purposes.

**Occupational safety and health:** legislation does not give the company, employee representatives or enforcement agencies the right to inspect teleworkers' home offices. The 2005 National Interprofessional Agreement provides that access to teleworkers' workplace is subject to prior notification and the agreement of the person concerned. Specific legal provisions exist in relation to the prevention of physical and psychosocial risks of teleworkers.

## France: legislative and policy framework on the right to disconnect

The right to disconnect in France was first enacted in 2016, within the framework of a law addressing the modernisation of social dialogue and the securing of professional careers. This law lacks a precise definition of the right to disconnect, and simply requires negotiations between employer and employee representatives to set limits between work and personal lives. This legal obligation applies to all employees in the private sector, except for senior executive managers, although its actual scope may be limited by the fact that its implementation relies on collective bargaining.

Employers with more than 50 employees are obliged to negotiate with workers' representatives, but not to reach an agreement. In the absence of agreement, and particularly among companies with more than 11 employees, the employer draws up a 'charter' after consulting with a social and economic committee, which sets the precise terms and conditions for exercising the right to disconnect. No sanctions are provided in cases where these obligations are not met. The law also provides for the implementation of training measures on the reasonable use of digital tools in the workplace.

## Relevant information from the French case study

The French company covered as a case study is one of the largest companies in the French automotive industry, with experience in the management of teleworking arrangements since 2014. Social partners concluded an agreement in January 2020, under which telework was extended from 5 to 15 days per month. By June 2022, 86% of eligible employees were working from home, out of whom more than 70% opted to do so at the highest frequency allowed by the collective agreement (between 13 and 15 days per month). Representatives of both management and employees agree on the benefits of telework in terms of work-life balance as well as savings on commuting, and estimate that the uptake of telework in the company might increase in the future. However, social partners disagreed on certain points. Employees' representative noted the adoption of telework would be eased by greater financial support and by a change in

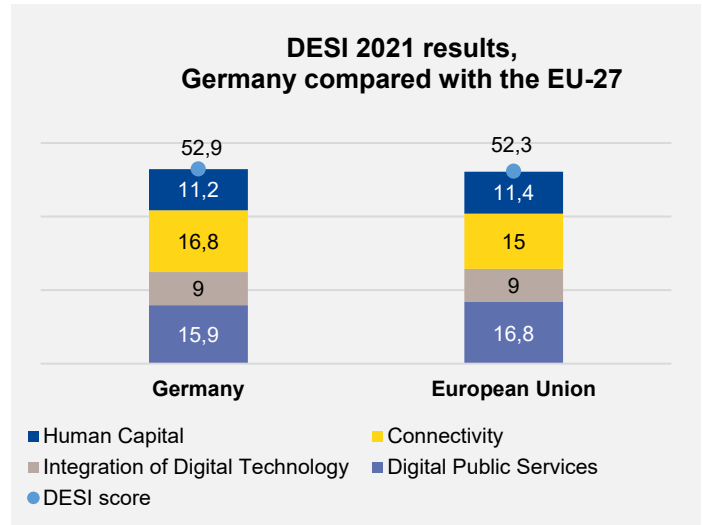
national legislation to allow employees to work from abroad. For their part, representatives of management stated that they would welcome a legal amendment making it clear that companies would not be responsible for the costs incurred by teleworkers moving to other regions far away from the workplace.

The right to disconnect is dealt with in the company's collective agreement. Management has sought a flexible approach to its implementation, allowing employees some room for the self-organisation of working time, while also issuing recommendations (such as the banning of meetings after 17:00). In the view of employee representatives, this freedom of organisation may contribute to create a sense of grievance between those workers who are eligible for telework, and those who are not.

## Context

Germany ranks 13th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Performance on human capital is mixed (Germany ranks 16th). 49% of the population have at least basic digital skills, and 19% have above-basic digital skills, both of these shares being below the EU averages (54% and 26%, respectively). Nevertheless, the share of ICT specialists in Germany is above the EU average (4.9%, compared with 4.5% across the EU), and 24% of enterprises offer ICT training (compared with 20% across the EU). Female employment in ICT is on a par with the EU average.
- Good performance on connectivity (France ranks 4th). There has been a significant increase in fixed very high capacity network (VHCN) coverage is available to 75% of households (above the EU average of 70%). 96% of households have broadband speeds of at least 30 Mb/s (compared with 90% across the EU), and 5G coverage is also above the EU average (87%, compared with 66%).
- There is room for improvement in digital technology (in which Germany ranks 16th). Although close to the average, especially for its share of SMEs with at least a basic level of digital intensity (59% compared with 55% across the EU), and in the uptake of modern



technologies (social media, big data, AI and cloud solutions), German businesses are below average for their share of e-invoices (18%, compared to 36% across the EU) and for the share of enterprises who have a medium/high intensity of green activity through ICT (57%, compared to 66% across the EU).

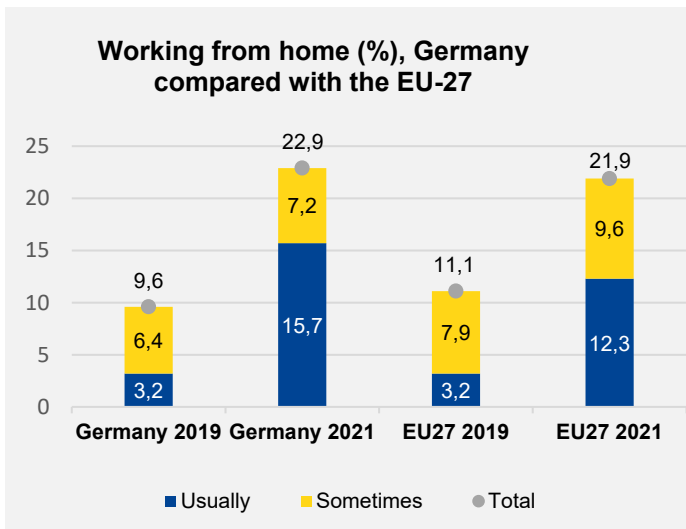
- Germany underperforms on digital public services (ranking 18th). Only its score for open data is above the EU average (89%, compared with 81% across the EU), whereas only 55% of internet users make use of e-government services (compared with 65% across the EU), and its score for pre-filled forms is well below average (52, compared with 64 across the EU).

In 2021, 15.7% of employees in Germany worked from home 'usually' (for at least half of their working days), while 7.2% worked from home only on an occasional basis. The share of employees working from home increased by 13.3 percentage points compared with 2019, a higher increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Germany is slightly higher than the EU average (22.9% vs. 21.9%)<sup>20</sup>. This can be partly explained by the country's employment structure, which

has similar shares to the EU average of employees in sectors and occupations that are suitable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 49.7% and 40.5%, respectively (compared with 50.4% and 45.9% across the EU-27)<sup>21</sup>.

Between 2019 and 2020, telework increased most in professional occupations (15pp), followed by technicians and associated professionals (12pp), and clerical and support workers (11pp).

In 2020, the share of telework was highest among professionals (44.5%) and managers (37.1%). However, the extent of telework remained below its estimated potential in all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 23.3 percentage points below estimates of the total shares of employees in teleworkable occupations.



### Germany: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	85.4	0.0	37.1
Professionals	47.6	25.3	44.5
Technicians and associated professionals	35.1	11.2	20.2
Clerical support workers	6.7	77.6	18.9
Services and sales workers	7.4	0.6	3.1
Skilled agricultural, forestry and fishery workers	0.0	0.0	6.6
Craft and related trades workers	0.0	1.0	3.5
Plant and machine operators and assemblers	0.0	0.9	1.4
Elementary occupations	0.0	1.9	1.3
Total	23.1	18.8	18.6

<sup>20</sup> Based on data from the EU Labour Force Survey.

<sup>21</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Germany: legislative and policy framework on telework

Germany has in place both a statutory definition and specific regulation on telework. Only home-based telework that is carried out on regular basis is covered. Although sectoral collective agreements dealing with telework exist in only a few sectors, this gap is arguably compensated through far-reaching rights of participation in work councils, which extend to several aspects that are relevant to telework.

Telework has been promoted as a way to balance the domains of work and private life, and is recognised as a right that employees may request to attend to family responsibilities.

**Employment and working conditions:** legislation in Germany does not mention the principle of equal treatment of teleworkers and those workers who always work at their employer's premises. Employers are nevertheless responsible for providing, installing and maintaining the equipment necessary to carry out telework, and for providing economic compensation for expenses linked to telework. Legislation sets clear restrictions on the introduction of digital monitoring or surveillance, which require the written consent of the employee.

Legislation also provides that employers must regularly involve work councils before they introduce telework in a company. Moreover, work councils have co-determination rights in those cases where telework involves employment transfers to another place of work, and with regard to the introduction of digital surveillance and monitoring systems. An agreement with workers' representatives is also required when telework is implemented as a company measure that affects multiple employees in the company.

**Working time organisation:** general working time regulation applies to teleworkers. German legislation has not yet implemented the CJEU's requirements for companies to record the working time of all employees. The law only obliges employers to record the working time of employees who exceed the normal working day, although recent case law has, in some cases, also been concerned with the CJEU decision.

**Occupational safety and health:** legislation set an obligation on employers to carry out risk assessments as a pre-condition for workers being allowed to telework (access to the employee's home needs to be agreed with the employee). Works councils also play a crucial role regarding OSH strategies within the company.

## Germany: legislative and policy framework on the right to disconnect

Regulation of the right to disconnect has mostly been addressed through sectoral and company-level collective bargaining. In the view of the national authorities consulted, existing legislation on working time already provides a framework for employees to switch off from work, even in the absence of an agreement on the issue. Employers' representatives argue that the right to

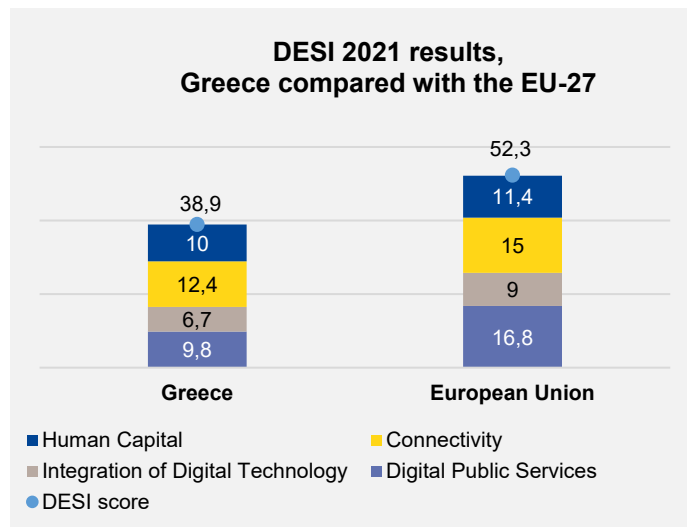
disconnect is not being demanded by employees, as very few agreements have addressed this issue. However, some unions representatives would welcome a federal law reinforcing the position of the work council in collective bargaining and social dialogue at various levels.



## Context

Greece ranks 25th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Greece ranks 22nd in the dimension of human capital). 52% of the population have basic digital skills, and 22% have above-basic skills. These shares are below the EU averages (which are 54% and 26%, respectively). Despite progress, ICT employment stands at 2.8% (below the EU average of 4.5%). In addition, only 14% of enterprises offered specialised ICT training to their employees (compared with 20% across the EU).
- There is a mixed picture on connectivity (Greece ranks 22nd). There has been a sharp increase in fixed very high capacity network (VHCN) coverage and in the roll-out of fibre-to-the-premises (both of which stand at 20% in 2021), although both remain significantly below the EU averages (which are 70% and 50%, respectively). The take-up of 1 Gb/fs connections is very low (fewer than 1% of households), but 5G coverage is on a par with the EU average and the overall fixed broadband take-up is above the EU average (82%, compared with 78%).
- There is room for improvement in digital technology (Greece ranks 22nd), with only 39% of enterprises having at least a basic level of digital intensity (compared with 55% across the EU). Although 20% of



SMEs sell online (above the EU average of 18%), only 7% sell online across borders (compared with 9% across the EU), and the use of cloud solutions and AI are not widespread (17% and 5% of enterprises, respectively, compared with EU averages of 34% and 8%).

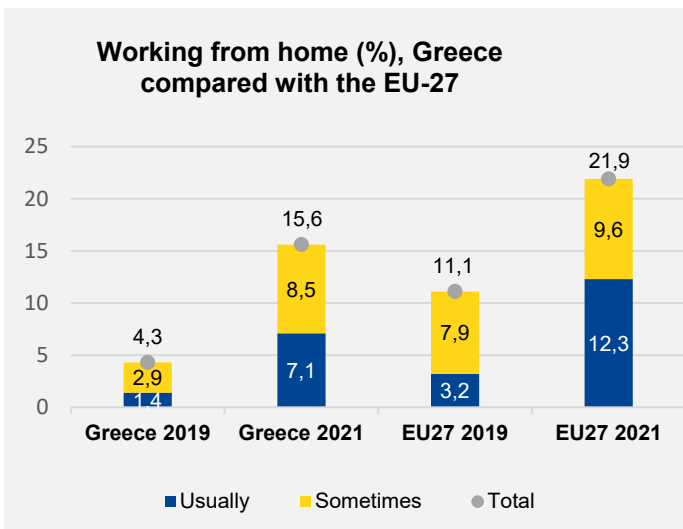
- There is room for improvement in digital public services (Greece ranks 26th). Although the share of e-government users has increased this year and is above the EU average (69%, compared with 65% across the EU), the scores for pre-filled forms (45) and for digital public services for citizens and businesses (52 and 58) are below the corresponding EU averages (64, 75 and 82, respectively). However, Greece scores just above the EU average for open data (82%, compared with 81% across the EU).

In 2021, 7.1% of employees in Greece worked from home 'usually' (for at least half of their working days), while 8.5% did so on an occasional basis. The share of employees working from home increased by 11.3 percentage points compared with 2019 – a slightly higher increase than that recorded across the EU-27 over the same period (10.8pp). Overall, the prevalence of telework in Greece remains below the EU average (15.6% vs. 21.9%)<sup>22</sup>. This relates partly to differences in

the shares of employees in sectors and occupations less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 49.7% and 48.4%, respectively (compared with averages of 50.4% and 45.9% across the EU-27)<sup>23</sup>.

Between 2019 and 2020, telework increased most in professional occupations (17pp) and managers (13pp), followed by clerical support workers (9pp).

In 2020, the share of telework was highest among professionals (30.4%) and managers (25.9%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 23 percentage points below estimates of the total share of employees in teleworkable occupations.



### Greece: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	66.9	0.0	25.9
Professionals	45.5	24.2	30.4
Technicians and associated professionals	27.8	20.8	9.8
Clerical support workers	5.6	88.0	10.8
Services and sales workers	7.4	0.9	2.5
Skilled agricultural, forestry and fishery workers	0.0	0.0	0.5
Craft and related trades workers	0.0	0.9	1.7
Plant and machine operators and assemblers	0.0	0.5	1.2
Elementary occupations	0.0	2.3	1.8
Total	23.7	13.6	10.7

<sup>22</sup> Based on data from the EU Labour Force Survey.

<sup>23</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Greece: legislative and policy framework on telework

Greece is among those EU countries with a statutory definition and specific legislation on telework. Telework performed on an occasional basis is also covered. Recent legislation passed in 2021 lays down the requirement for employers to notify employees in writing of the terms of the telework agreement.

**Employment and working conditions:** legislation in Greece explicitly recognises the principle of equal treatment of teleworkers and those employees who work at their employer's premises, with specific mention of training and promotion opportunities. Employers are responsible for providing and maintaining the necessary equipment, and for providing compensation for expenses linked to telework. Teleworkers, as well as their colleagues and supervisors, benefit from specific provisions on ICT training.

**Working time organisation:** legal reform in 2021 established the employer's obligation to implement a digital system aimed at recording employees' working hours, with a view to minimising undeclared work. A card system, in a pilot phase when this fiche was written, enables employees' hours to be recorded in real time, and to be cross-checked with data reported by employers.

**Occupational and health and safety:** the law establishes that a risk assessment must be carried out before an employee is allowed to telework. Employers and employees' representatives and labour enforcement agencies are allowed access to the location of the telework, as detailed in the applicable provisions. In the case of home-based telework, access is subject to employees' consent. Specific legal provisions also relate to the prevention of physical and psychosocial risks.

## Greece: legislative and policy framework on the right to disconnect

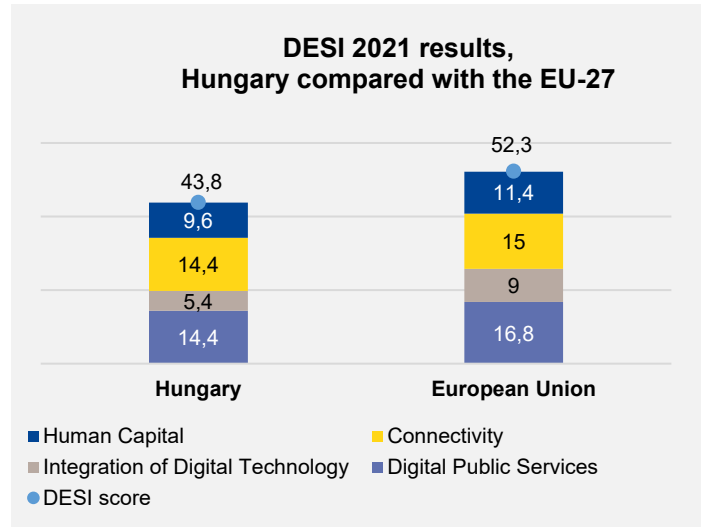
The right to disconnect in Greece was recognised by legislation as part of a comprehensive labour market reform in 2021. It is defined as the workers' right to refrain from carrying out any work-related activities and to not communicate by any means outside their work schedule or during leave. The right only relates to employees engaged in telework arrangements. The law provides for

the creation of a specific division at the labour inspectorate, aimed at the enforcement of the right to disconnect for teleworkers. In addition, it provides for the establishment of a digital system to monitor working hours in real time, contributing to the enforcement of this right.

## Context

Hungary ranks 22nd out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

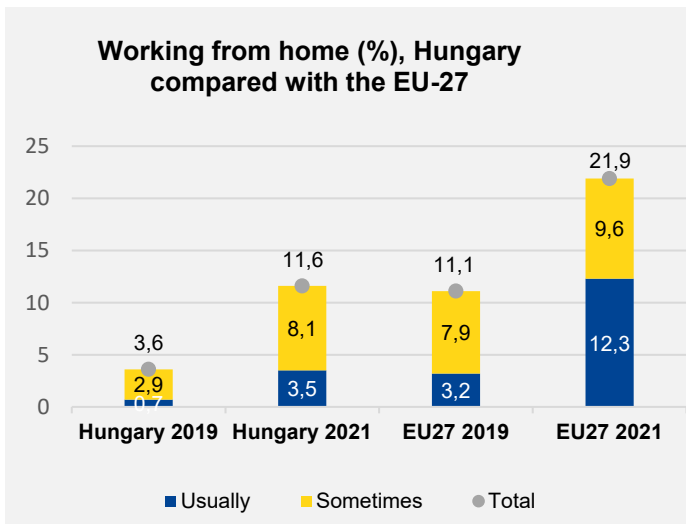
- There is room for improvement in the digital skills of the population (Hungary ranks 23rd in the dimension of human capital). Only 49% of the population have basic digital skills, and 22% have above-basic skills, both of which are below the EU averages (54% and 26%, respectively). In addition, the share of ICT specialists, despite increasing slightly, remains below the EU average (3.9%, compared with 4.5%). Women’s employment ICT is also below average (14%, compared with 19% across the EU).
- Good performance on connectivity (Hungary ranks 13th). Fixed very high capacity network coverage has increased sharply to include 79% of households (compared with the EU average of 70%), while the share of households with broadband speeds of at least 30 Mb/s, has increased to 97% (compared with 90% across the EU). 21.82% of households enjoy speeds of at least 1Gb/s (compared with 7.58% across the EU), but mobile broadband take-up and 5G coverage are below the EU averages.
- There is room for improvement in digital technology (Hungary ranks 25th), despite an increase in many indicators. Only 34% of SMEs have at least a basic level of digital intensity (compared with 55% across



the EU), and the use of social media and modern technologies (such as cloud solutions, IA and big data) is below average. However, 65% of enterprises reported that their ICT use significantly triggered environmentally-friendly measures – close to the EU average of 66%.

- The picture on digital public services is mixed (Hungary ranks 10th). Even though 82% of internet users make use of e-government services (above the EU average of 65%), all scores are below the average, especially for digital public services for citizens and enterprises (60 and 74, respectively, compared with 75 and 82 across the EU) and open data (58%, compared with 81%).

In 2021, 3.5% of employees in Hungary worked from home 'usually' (for at least half of their working days), while 8.1% did so on an occasional basis. The share of employees working from home has increased by 8 percentage points compared with 2019, a lower increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Hungary remains below the EU average (11.6% vs. 21.9%)<sup>24</sup>. This relates partly to the country's employment structure,



which contains a higher share of workers in sectors and

occupations that are less suitable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 58.5% and 53%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>25</sup>.

Between 2019 and 2020, telework increased most among professionals (19pp) and managers (11pp), followed by clerical and support workers, and technicians (7pp and 8pp, respectively).

In 2020, the share of telework was highest among professionals (32%) and managers (19.3%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional, and technical occupations. Overall, the share of employees working from home in 2020 remained 22 percentage points below estimates of the total share of employees in teleworkable occupations.

### Hungary: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	64.5	0.0	19.3
Professionals	40.7	28.5	32.0
Technicians and associated professionals	36.0	18.3	11.4
Clerical support workers	5.1	79.4	11.2
Services and sales workers	9.6	1.0	2.8
Skilled agricultural, forestry and fishery workers	0.0	0.0	0.5
Craft and related trades workers	0.0	0.5	0.9
Plant and machine operators and assemblers	0.0	1.2	0.5
Elementary occupations	0.0	1.7	0.3
Total	17.2	14.4	9.7

<sup>24</sup> Based on data from the EU Labour Force Survey.

<sup>25</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Hungary: legislative and policy framework on telework

Hungary has in place a statutory definition and specific legislation on telework (Act I of 2012 on the Labour Code, LC, Section 196). Legal provisions also apply to telework performed on an occasional basis. Legislation establishes that the terms and conditions of a telework regime must be included in the relevant employment contract (LC, Section 196, paragraph 2). Legal provisions lay down detailed provisions on the content of such agreements, such as the monitoring of employee's performance, and the employer's duty to provide the employee with access to its premises and to enable communication with other employees. The LC stipulates that if the employer exercises the right of supervision at the place of teleworking, the inspection must not impose unreasonable hardship on the employee or on any other person also using the property designated as the place of teleworking. Employers must provide the same information to persons employed in teleworking as they provide to other employees. (LC, Section 196 paragraphs 3-5). Collective bargaining plays only a minimal role in the regulation of telework.

**Employment and working conditions:** the Labour Code does not specifically stipulate equal treatment rules

for teleworkers; general rules on equal treatment can be found in Act CXXV of 2003 on equal treatment and the promotion of equal opportunities. According to the LC, teleworkers have the same rights as other employees with regard to remuneration, responsibility, dismissal, etc. The responsibility for providing and maintaining teleworkers' equipment is subject to agreement between the employer and the employee.

**Working time organisation:** legislation establishes that teleworkers are subject to the same working time rules as other employees. Flexible working time agreements are to be agreed between the employer and the employee. If the parties agree on flexible working time, there is no compulsory obligation to monitor and record the working time of teleworkers.

**Occupational and health and safety:** Act XCIII of 1993 on Labour Safety, LS, Chapter VII/A, Section 68/A-86/C contains specific occupational health and safety regulations regarding telework. According to the LS, Section 86/A risk assessment is mandatory only in the case of work performed from home, with no ICT support.

## Hungary: legislative and policy framework on the right to disconnect

The right to disconnect is not explicitly mentioned in Hungary's legislative and policy framework. According to the national authorities consulted, existing regulation on working time and OSH risk prevention provides a framework to deal with these issues. According to LC Section 110, Paragraph 1, an employee may be required to be on standby and remain available beyond regular scheduled daily working hours. The duration of standby duty may not exceed 168 hours a month, which is taken

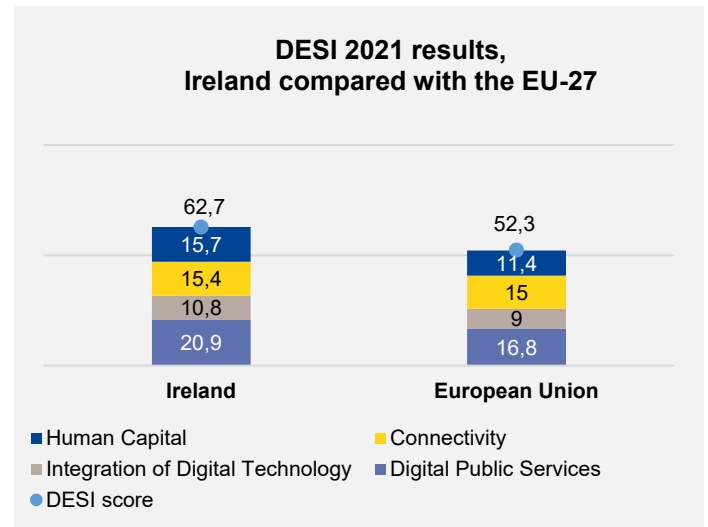
as the average in cases where the 'banking' of working time is used (LC Section 112, Paragraph 1).

The right to disconnect is also not a topic that is high on the collective bargaining agenda of social partners, although it is expected to receive greater attention in the near future, not just with regard to teleworkers, but also those employed in flexible work arrangements.

## Context

Ireland ranks 5th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on the digital skills of the population (Ireland ranks 3rd in the dimension of human capital). 70% of the population have basic digital skills, and 40% have above-basic skills, both of which are above the EU average. The share of ICT specialists has increased to 6.3% (compared with an EU average of 4.5%), but female employment in ICT is just above the average (20%, compared with 19%).
- Good performance on connectivity (Ireland ranks 6th). Fixed very high capacity network (VHCN) coverage has increased to 89% (compared with 70% across the EU). Meanwhile, despite an increase, the take-up of broadband services of at least 1 Gb/s remains low (4.27%, compared with 7.58% across the EU). Mobile broadband take-up covers 98% of individuals (compared with 87% across the EU) due to measures put in place to tackle COVID-19, and 5G coverage has increased sharply to 72% (compared with 66% across the EU).
- Good performance on digital technology (Ireland ranks 7th), although it underperforms on electronic information sharing (24% of enterprises, compared



with 38% across the EU). Nevertheless, 64% of SMEs have at least a basic level of digital intensity (compared with the EU average of 55%), and the share of enterprises using big data (23%) and cloud solutions (47%) are higher than the corresponding EU averages of 14% and 34%.

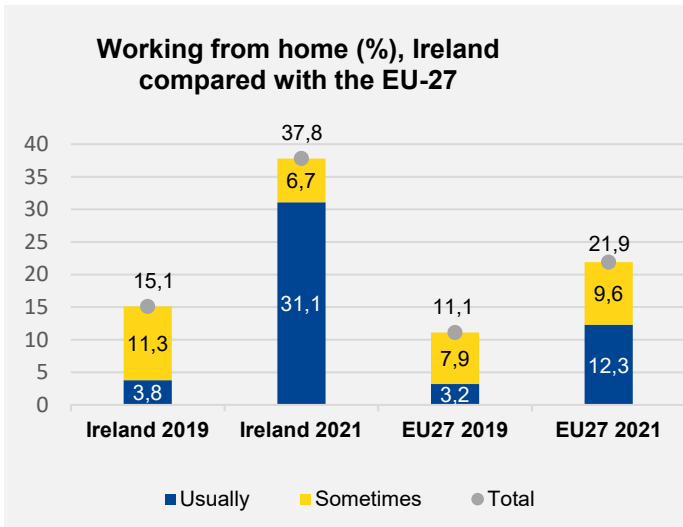
- Good performance on digital public services (Ireland ranks 10th), with scores well above the EU average, such as in the share of internet users who make use of e-government services (92%, compared with 65% across the EU). However, the score for pre-filled forms is below average (59, compared with 64 across the EU).

In 2021, 31.1% of employees in Ireland worked from home 'usually' (for at least half of their working days), while 6.7% did so on an occasional basis. The share of employees working from home increased by 22.7 percentage points compared with 2019 – double the pace of growth recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Ireland remains higher than the EU average (37.8% vs. 21.9%)<sup>26</sup>. This relates partly to differences in the shares

of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 43.6% and 41.2%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>27</sup>.

Between 2019 and 2020, telework increased most among clerical and support workers (25pp), followed by technicians and associated professionals (22pp) and professionals (21pp).

In 2020, the share of telework was highest among professionals (54.7%) and managers (46.4%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional, and technical occupations. Overall, the share of employees working from home in 2020 remained 9.5 percentage points below estimates of the total share of employees in teleworkable occupations.



### Ireland: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	67.2	0.0	46.4
Professionals	44.0	20.0	54.7
Technicians and associated professionals	35.9	21.2	37.8
Clerical support workers	8.7	82.3	36.2
Services and sales workers	6.1	1.4	6.9
Skilled agricultural, forestry and fishery workers	0.0	0.0	11.9
Craft and related trades workers	0.0	0.5	8.8
Plant and machine operators and assemblers	0.0	0.2	2.6
Elementary occupations	0.0	3.8	2.1
Total	22.6	16.0	29.1

<sup>26</sup> Based on data from the EU Labour Force Survey.

<sup>27</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).



## Ireland: legislative and policy framework on telework

In Ireland, there is no statutory definition or specific legislation addressing telework. The Irish government issued a draft bill in 2022 that aimed to create a new legal framework recognising workers' right to request telework and to negotiate remote working conditions. Any employee who has worked for more than six months will be able to submit a request, to which employers have up to 12 weeks to respond. Moreover, the bill sets out 13 potential grounds for a request to be refused, including possible negative impacts on performance or concerns over internet connectivity at the suggested home working location.

**Employment and working conditions:** legislation in Ireland generally does not make a distinction between

teleworkers and employees who work at their employers' premises.

**Working time organisation:** there are no specific provisions for teleworkers in relation to working time patterns or systems to record and monitor working time among this group of workers.

**Occupational and health and safety:** no specific legislation covers this aspect; the HSA 'Guidance on Working from Home for Employers and Employees' provides non-legally binding guidelines to be followed by employers. Employers are advised to provide training on the prevention of physical issues (workstation set-up) and to improve communication with their teleworkers to prevent psychosocial risks.

## Ireland: legislative and policy framework on the right to disconnect

The right to disconnect is not addressed in Irish legislation, but a Code of Practice for Employers and Employees on the Right to Disconnect has existed since 2021. Under Irish legislation, the Code of Practice is admissible in evidence and any of its provisions must be considered in determining the relevant questions.

The Code of Practice on the right to disconnect establishes that employers should draw up a policy in consultation with staff. This obligation applies with respect to all types of employees, not just teleworkers.

## Relevant information from the Irish case study

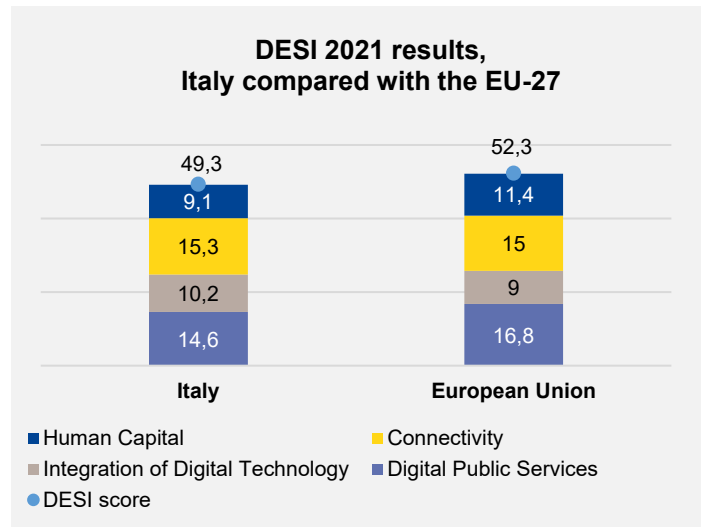
The Irish company covered as a case study is a large bank with more than 8,000 employees. In July 2020, the company came to an agreement with union representatives on one of the first company policies in Ireland on the right to disconnect. The policy sets out guidelines on aspects such as when people should arrange online meetings, and to only include those who need to be involved. It establishes the right of a worker to

make themselves unavailable during breaks and outside regular working hours. This includes setting and respecting 'out of office' notifications and normalising the practice of postponing replies to emails until the next working day. Overall, this policy is not strictly enforced, but is rather based on trust that it will be respected by line managers.

## Context

Italy ranks 18th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Italy ranks 25th in the dimension of human capital). Only 46% of the population have basic digital skills, and 23% have above-basic skills. These shares are below the EU averages (54% and 26%, respectively). Furthermore, the shares of ICT graduates and specialists are well below the average (1.4% and 3.8%, respectively, compared with 3.9% and 4.5% across Europe), while 16% of ICT specialists are women (below the EU average of 19%).
- Good performance on connectivity (Italy ranks 23rd). There has been improvement in almost all indicators. 5G coverage has risen very sharply, up to 99.7% of populated areas (compared with 66% across the EU), while 97% of households have broadband speeds of at least 30 Mb/s (compared with 90% across the EU). Nevertheless, fixed very high capacity network (VHCN) covers only 44% of households (compared with 70% across the EU).
- The picture in terms of digital technology is mixed (Italy ranks 8th). 60% of SMEs have at least a basic level of digital intensity (compared with 55% across



the EU), and 95% of enterprises use e-invoices (compared with 32% across the EU). Cloud solutions are employed by 52% of enterprises (compared with an EU average of 34%). Nevertheless, the use of big data (9%) and AI (6%) are below EU averages (14% and 8%, respectively).

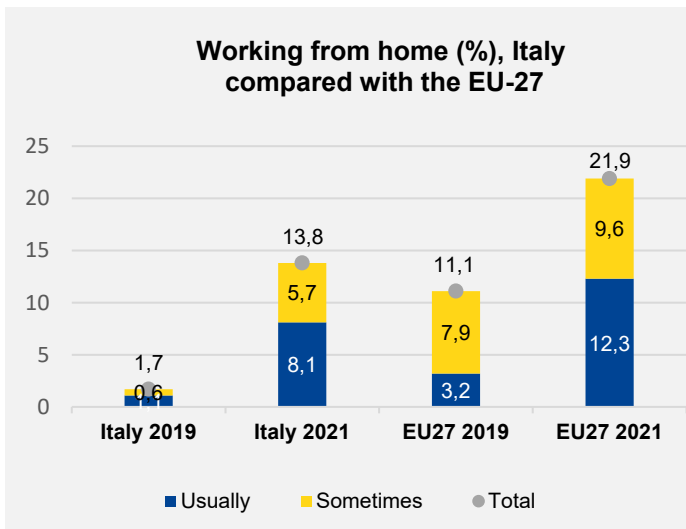
- There is room for improvement in digital public services (Italy ranks 19th), with scores below the EU average, such the share of internet users who make use of e-government services (40%, compared with 65% across the EU). However, the score for open data is above average (92% compared with 81% across the EU).

In 2021, 8.1% of employees in Italy worked from home 'usually' (for at least half of their working days), while 5.7% did so on an occasional basis. The share of employees working from home increased by 12 percentage points compared with 2019, a higher pace than that reported at EU level over the same period (10.8pp). Overall, the prevalence of telework in Italy is higher than the EU average (13.8% vs. 21.9%)<sup>28</sup>. This relates partly to differences in the shares of employees in

sectors and occupations less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 54.2% and 51.4%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>29</sup>.

Between 2019 and 2020, telework increased most among professionals (31pp) and managers (23pp), followed by clerical and support workers, and technicians (17pp in each occupational group).

In 2020, the share of telework was highest among professionals (35.8%) and managers (29%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 24.5 percentage points below estimates of the total share of employees in teleworkable occupations.



### Italy: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	65.1	0.0	29.0
Professionals	48.8	24.1	35.8
Technicians and associated professionals	31.8	23.5	19.1
Clerical support workers	5.1	84.0	17.7
Services and sales workers	5.8	1.2	1.5
Skilled agricultural, forestry and fishery workers	0.0	0.0	0.5
Craft and related trades workers	0.0	0.6	0.6
Plant and machine operators and assemblers	0.0	2.3	0.6
Elementary occupations	0.0	4.2	0.7
Total	17.4	19.2	12.1

<sup>28</sup> Based on data from the EU Labour Force Survey.

<sup>29</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Italy: legislative and policy framework on telework

Italy has in place a statutory definition and specific legislation on telework. A distinction is made between two different categories on the grounds of flexibility over working time and location, to which different legal frameworks apply. Smart or 'agile' work is defined as a more flexible arrangement compared with traditional home-based telework.

Telework arrangements are created through individual agreements, and are included in an employment contract or in an individual written agreement. This must include terms and conditions for a return to the previous working arrangement. Although telework is not explicitly recognised as a right for the purposes of work-life balance, regulation on 'agile work' provides preferential access to workers with care responsibilities.

**Employment and working conditions:** legislation explicitly recognises the principle of equal treatment between teleworkers and those workers who always work at their employer's premises. Employers are responsible for the provision and maintenance of the

necessary equipment in the case of traditional home-based telework. Legislation also recognises the right of teleworkers to ICT training, but this provision does not apply to occasional 'agile' teleworkers.

**Working time organisation:** legislation in Italy establishes that only 'smart' workers can organise their own working time, but these workers must comply with the maximum hours established by legislation or in collective agreements. No specific legal provisions exist for the monitoring and recording of the working time for teleworkers.

**Occupational and health and safety:** in Italy, the general rules on OSH are also applicable to teleworkers. However, it is not mandatory to undertake a risk assessment for a worker to be allowed to telework. Access to the teleworkers' workplace by workers' representatives and competent authorities is subject to prior notification and the consent of the worker. Legal provisions exist in relation to the prevention of physical and psychosocial risks.

## Italy: legislative and policy framework on the right to disconnect

In Italy, the right to disconnect was enacted in 2017 within the framework of flexible 'smart' or 'agile' work, and only applies to this category of remote workers. The right to disconnect is not defined precisely by this regulation, and its implementation is left to individual agreement between smart workers and employers, who must determine rest times and the technical and organisational measures necessary to ensure disconnection. Legislation does not

provide for sanctions in the absence of such an agreement.

Moreover, Decree Law No. 30 of 13 March 2021 has recognised the right to disconnect from digital devices for 'smart' or 'agile' workers, in respect of agreements already signed. This regulation applies, without prejudice, to the civil service, according to rules established by national collective agreements.

## Relevant information from the Italian case study

The company covered by the Italian case study is a large company in the car component industry employing nearly 4,000 people, mostly on a permanent basis. In January 2022, social partners concluded an agreement on agile work, which allows workers to work from any place of their choice within national borders, for up to a maximum of two-thirds of their total working time in a month. It is argued that uncertainties regarding the social security rules that cover cross-border telework have led the parties to limit the scope to the national level.

With regard to the right to disconnect, the agreement established a 'disconnection time slot' during which workers cannot be contacted for work purposes. Smart workers organise their working time in agreement with managers, and together they decide when the worker is available for work, paying attention to workload. This

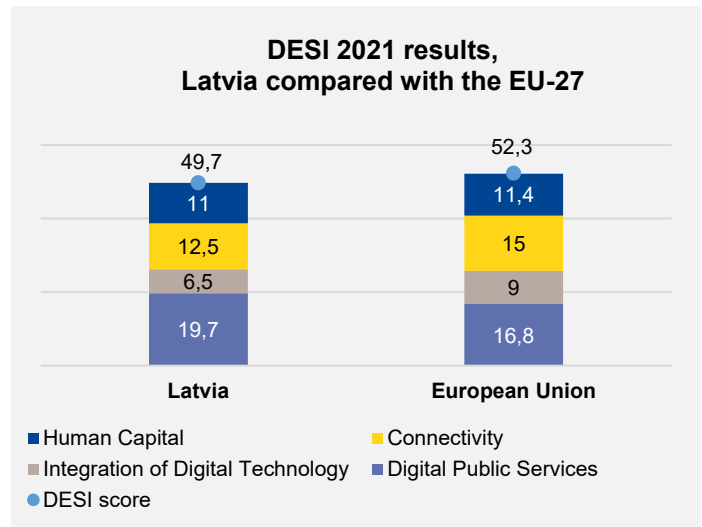
agreement also lays down provisions for specific training plans, as well as the provision of equipment at employees' request. Attending OSH training is compulsory for a worker to gain access to smart work. An initial assessment of the implementation of the company's agreement will be conducted in March 2023, but the parties already agree on its contribution to improving work-life balance and the quality of work.

The agreement, which aims to achieve conditions for better work-life balance for the workers, is based on the principle of 'socialisation –'according to which, smart working can account for a maximum of 60% of each worker's monthly working hours. Meeting at the company's premises is considered strategic for innovation, and relevant to providing workers with occasions to meet each other.

## Context

Latvia ranks 17th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

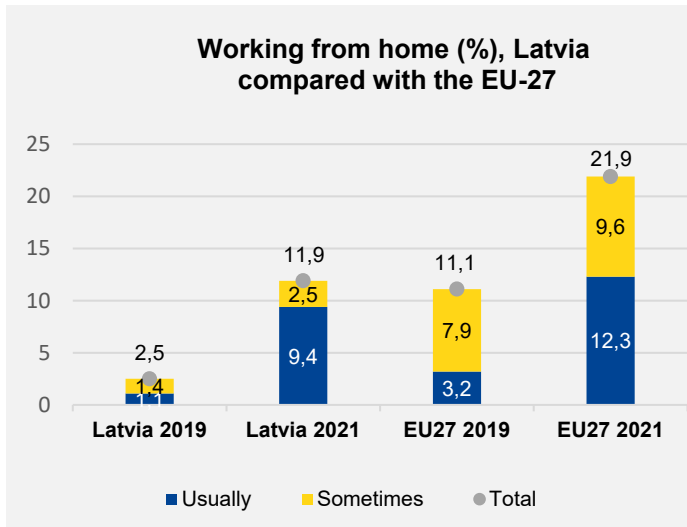
- There is room for improvement in the digital skills of the population (Latvia ranks 18th in the dimension of human capital). 51% of the population have basic digital skills, and 24% have above-basic skills. These shares are just below the EU average. The share of ICT specialists (3.8%) has been increasing, but remains below the EU average of 4.5%. Nonetheless, the proportion of women in ICT is above average (23%, compared with 19% across the EU), and the share of ICT graduates is above average (4.6%, compared with the EU average of 3.9%).
- The picture in terms of connectivity is mixed (Latvia ranks 20th). Fixed very high capacity network (VHCN) coverage exceeds the EU average (91%, compared with 70% across the EU), and the roll-out of fibre-to-the-premises (FTTP), despite almost no increase this year, has reached 89% of households (compared with 50% across the EU). However, 5G coverage is below average.
- There is room for improvement in digital technology (Latvia ranks 23rd), with all scores below the EU average despite an increase in the use of electronic information sharing and social media by enterprises.



Only 38% of SMEs have at least a basic level of digital intensity (compared with 55% across the EU). Moreover, the use of modern technologies such as cloud solutions, AI and big data is below the EU average. However, ICT sustainability is only slightly lower than the EU average.

- Good performance on digital public services (Latvia ranks 11th), with almost all scores above the EU average. 84% of internet users use e-government services (compared with 65% across the EU) and Latvia's scores for pre-filled forms and digital public services are also above average. Nonetheless, its score for open data is slightly below the average (77%, compared with 81% across the EU).

In 2021, 9.4% of employees in Latvia worked from home 'usually' (for at least half of their working days), while 2.5% did so on an occasional basis. The share of employees working from home has increased by 9.4 percentage points compared with 2019 – a slower increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Latvia remains below the EU average (11.9% vs. 21.9%)<sup>30</sup>. This relates partly to differences in the shares



of employees in sectors and occupations less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 56.5% and 49.7%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>31</sup>.

Between 2019 and 2020, the share of telework in Latvia increased by 1 percentage point in technical and associated professionals, while it decreased among clerical and support workers (-4pp) and among professionals (-2pp).

In 2020, the shares of telework were highest among professionals and managers (5% and 5.6%, respectively). The extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers and managerial occupations, although estimates show there is also room to increase the shares of telework in professional and technical occupations. Overall, the share of employees working from home in 2020 remained 35 percentage points below estimates of the total share of employees in teleworkable occupations.

### Latvia: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	85.7	0.0	5.0
Professionals	47.4	25.1	5.6
Technicians and associated professionals	41.8	18.2	4.0
Clerical support workers	12.5	68.8	0.3
Services and sales workers	7.1	1.0	1.2
Skilled agricultural, forestry and fishery workers	0.0	0.0	8.9
Craft and related trades workers	0.0	0.9	0.0
Plant and machine operators and assemblers	0.0	0.7	1.1
Elementary occupations	0.0	2.0	1.0
Total	25.7	11.4	2.6

<sup>30</sup> Based on data from the EU Labour Force Survey.

<sup>31</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Latvia: legislative and policy framework on telework

Latvia has in place a statutory definition and specific legislation on telework. Legislation is the main source of regulation, which is applied through individual agreements. Only telework that is carried out on regular basis is covered. Collective bargaining plays a marginal role in the regulation of telework.

Legislation establishes that telework arrangements are based on an individual agreement between the employer and the employee, and needs to be formalised in writing. The agreement must deal with various aspects of work organisation and the temporal scope of the telework arrangement.

**Employment and working conditions:** legislation in Latvia does not specifically recognise the principle of

equal treatment between teleworkers and those workers who work at their employer's premises, but this is likely to be guaranteed by general labour law.

**Working time organisation:** general working time regulation applies to teleworkers. No legal provisions exist regarding the monitoring of teleworkers' working time, and general principles apply with regard to privacy rights and data protection.

**Occupational and health and safety:** general regulation on OSH also applies to teleworkers, and no legal provisions exist in relation to the prevention of specific OSH risks faced by teleworkers.

## Latvia: legislative and policy framework on the right to disconnect

The right to disconnect is not explicitly recognised in Latvia's legislative and policy framework. No major debates have been raised on this issue according to reports from national stakeholders. A representative of the labour authority indicated that current regulation on working time already provides for the employers'

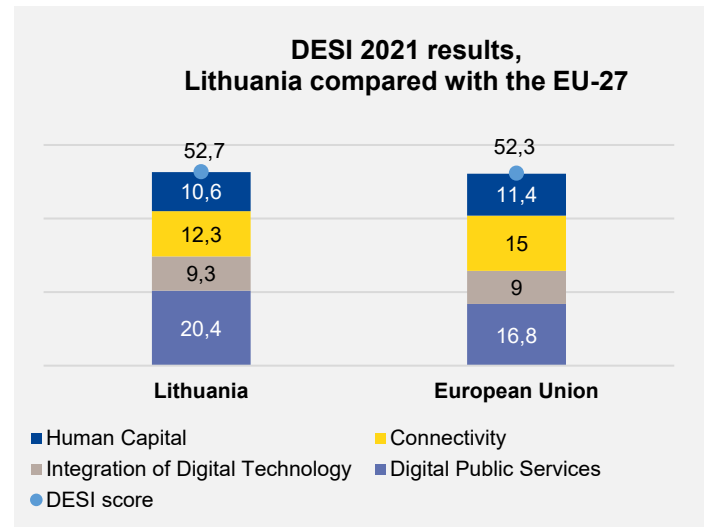
responsibility to respect employees' rest times outside contractual working hours. While some flexibility may be granted in the case of *force majeure* or increased workload, this can be better addressed through internal company policies or individual agreements.



## Context

Lithuania ranks 14th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Lithuania ranks 20th in the dimension of human capital). 49% of the population have basic digital skills, and 23% have above-basic skills. These shares are slightly below the EU average (which are 54% and 26%, respectively). In addition, only 14% of enterprises (compared with 20% across the EU) offered specialised ICT training to their employees).
- The picture with regard to connectivity is mixed (Lithuania ranks 23rd). The roll-out of fibre-to-the-premises (FTTP) has been steadily increasing, and has reached a coverage of 78% of households – significantly above the EU average of 50%. However, the take-up of 1 Gb/s connections is very low (fewer than 1% of households), and the use of the 5G spectrum (still in the testing phase) is among the lowest in the EU (5%, compared with the EU average of 56%).
- Performance in terms of digital technology is average (Lithuania ranks 13th). The share of SMEs with at least basic digital intensity is around the EU average, while the integration of advanced technologies such as AI, big data and the cloud is below average.
- Good performance in digital public services (Lithuania ranks 10th), with scores significantly above the EU average on digital public services for businesses and pre-filled forms.

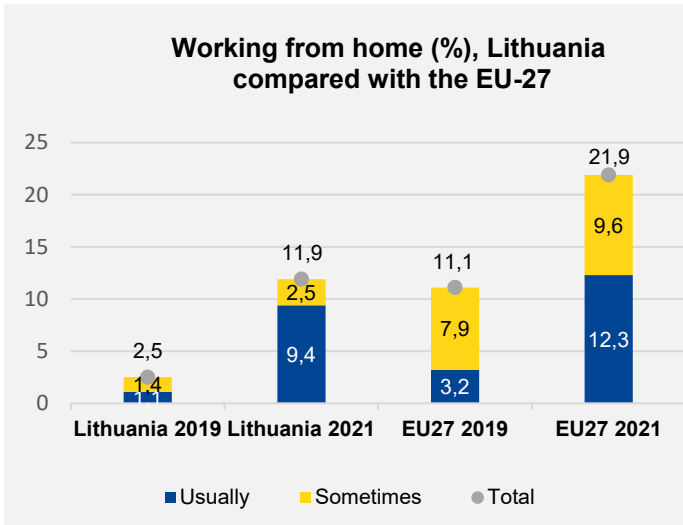


In 2021, 7.2% of employees in Lithuania worked from home 'usually' (for at least half of their working days), while 4.8% did so on an occasional basis. The share of employees working from home has increased by 10 percentage points (pp) compared with 2019 – a similar increase to that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Lithuania remains below the EU average (12% vs.

21.9%)<sup>32</sup>. This relates partly to differences in the share of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 56.3% and 48%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>33</sup>.

Between 2019 and 2020, telework increased most in clerical occupations (10pp), followed by professionals (8pp) and managers (7pp).

In 2020, the share of telework was highest among managers and clerical workers (around 13%), followed by professionals and technicians. However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 represented one-fifth of all jobs suitable for telework.



### Lithuania: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	78.1	0.0	13.2
Professionals	51.5	23.8	12.4
Technicians and associated professionals	49.6	12.7	7.0
Clerical support workers	10.2	71.3	13.1
Services and sales workers	8.3	2.0	1.9
Skilled agricultural, forestry and fishery workers	0.0	0.0	6.4
Craft and related trades workers	0.0	0.7	0.7
Plant and machine operators and assemblers	0.0	1.5	1.3
Elementary occupations	0.0	4.4	0.8
Total	26.6	11.6	6.3

<sup>32</sup> Based on data from the EU Labour Force Survey.

<sup>33</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Lithuania: legislative and policy framework on telework

Lithuania has in place a statutory definition and specific legislation on the use of telework. Only telework that is carried out on a regular or 'predominant' basis is covered. Telework is recognised as a right that some employees are entitled to, with a view to attending to family responsibilities. Thus, telework has been promoted as a way to support conciliation between work and family or personal life, without dealing with any of the associated negative consequences. This right applies to pregnant workers, new parents, parents of young children and single parents.

Access to telework in Lithuania is based on a voluntary principle. Thus, it must be based on an agreement between employee and employer, normally following a request from the employee. Very few private companies have regulated telework through company agreements, so it largely depends on companies' communication policies and practices.

**Employment and working conditions:** legislation in Lithuania includes a principle guaranteeing the equal treatment of teleworkers and those workers who always

work at their employer's premises. In addition, there are provisions establishing that the employer should be responsible for providing and maintaining the necessary equipment and providing economic compensation to the employee to cover expenses linked to telework (communication tools, etc.). Furthermore, the employer must train the employee in how to safely use the work equipment provided by the employer.

**Working time organisation:** legislation in Lithuania establishes that teleworkers can organise their working time themselves. Specific provisions apply for the recording and control of the working hours of teleworkers.

**Occupational and health and safety:** specific legal provisions exist in relation to the prevention of psychosocial risks to teleworkers, such as requirements for companies to support communication and cooperation with employees and employee representatives. The risk assessment required by law is challenging, since it is highly demanding for companies and is not always properly carried out.

## Lithuania: legislative and policy framework on the right to disconnect

The right to disconnect is not explicitly mentioned in Lithuania's legislative and policy framework. However, debates about the right to disconnect are taking place, as some trade unions have proposed to regulate it via legislation. Trade unions pointed to a lack of clarity in Lithuania's existing working time legislation with regard to the status of work performed by workers using digital tools outside their contracted working hours. According

to some trade union representatives, this leads to such work being largely unpaid. However, these claims were not supported by the government and employers, who consider existing legislation to be sufficient and argue that the right to disconnect can be more effectively ensured at company level or through collective bargaining. Hence, at the moment there are no concrete legislative initiatives to regulate the right to disconnect.

## Relevant information from the Lithuanian case study

The Lithuanian case study focuses on the implementation of a policy at the Republican Vilnius University Hospital, under which a group of ophthalmologists were required to be on-call from 09:00 to 11:00 at weekends and on national holidays. The adoption of this policy was mostly driven by cost-saving considerations, while also contributing to the improvement of the work-life balance of the workers concerned. However, these on-call workers, who would otherwise have been required to stay at the hospital facilities, had their wages significantly reduced, since under the new arrangement they are only paid for actual hours worked in the event that they are called into the

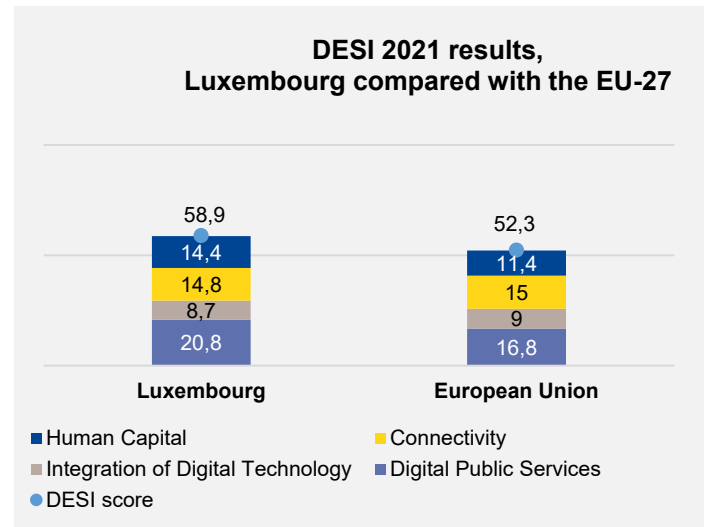
hospital. In addition, affected workers living outside the city were dissatisfied with the need to make unplanned and expensive commutes to the hospital. Despite initial uncertainties, the policy was gradually accepted by staff.

This case demonstrates 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 it (being physically present at the hospital) was arguably even more detrimental to achieving a healthy work-life balance.

## Context

Luxembourg ranks 8th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on the digital skills of the population Luxembourg (ranks 6th in the dimension of human capital). All indicators are above the EU average. 64% of the population have basic digital skills, and 32% have above-basic skills (compared with 54% and 26%, respectively, across the EU). Even though the share of businesses providing ICT training has dropped, it is still above the EU average (21% compared with 20% across the EU). The share of ICT specialists is also well above the average (6.7%, compared with 4.5% across the EU).
- The picture on connectivity is mixed (Luxembourg ranks 11th). Almost all households are covered by fast broadband networks (99% compared to 90%) and by fixed very high capacity network (96% coverage, compared with 70% across the EU). Nevertheless, even though the take-up of mobile broadband is above average (96%, compared with 87% across the EU), 5G coverage and the share of households with broadband speeds of at least 1 Gb/s are both below the EU average (13% and 4%, respectively, compared with 66% and 7.58%).
- The picture for digital technology is mixed (Luxembourg ranks 18th). 34% of enterprises use two



or more social media (compared with 29% across the EU) and analyse big data (19%, compared with an EU average of 14%). In addition, 80% use ICT for environmental sustainability (compared with 66% across the EU). By contrast, the share of SMEs engaging in e-commerce by is half the EU average (9% in Luxembourg), while the share selling online cross-border is also below the EU average (7%, compared with 9% across the EU).

- Good performance on digital public services (Luxembourg ranks 10th), with scores significantly above the EU average on digital public services for businesses and pre-filled forms.

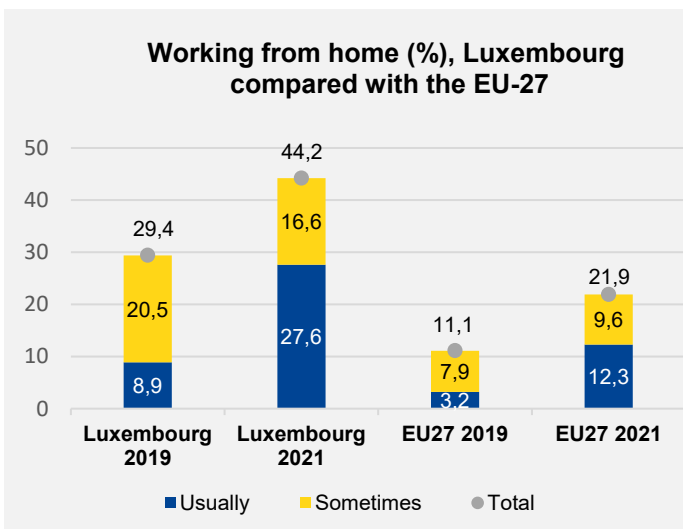
In 2021, 27.6% of employees in Luxembourg worked from home 'usually' (for at least half of their working days), while 16.6% did so on an occasional basis. The share of employees working from home has increased by 14.8 percentage points compared with 2019, a higher increase than that recorded at the EU level over the same period (10.8pp). Overall, the prevalence of telework in Luxembourg remains well above the EU average (44.2% vs. 21.9%)<sup>34</sup>.

This relates partly to the structure of employment in the

country, with lower shares of workers in sectors and occupations that are less suitable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 25.2% and 26.0%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>35</sup>.

Between 2019 and 2020, telework increased most among professionals (26pp), followed by technicians and associated professionals (22pp), and clerical and support workers (15pp).

In 2020, the share of telework was highest among professionals (71%) and managers (73.7%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional, and technical occupations. Overall, the share of employees working from home in 2020 remained 13.2 percentage points below estimates of the total share of employees in teleworkable occupations.



### Luxembourg: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	83.3	0.0	73.7
Professionals	41.8	43.4	71.0
Technicians and associated professionals	56.3	17.9	40.5
Clerical support workers	3.1	85.7	25.5
Services and sales workers	8.9	0.2	16.4
Skilled agricultural, forestry and fishery workers	0.0	0.0	21.9
Craft and related trades workers	0.0	0.3	12.7
Plant and machine operators and assemblers	0.0	0.1	11.9
Elementary occupations	0.0	2.2	18.9
Total	31.3	27.7	45.8

<sup>34</sup> Based on data from the EU Labour Force Survey.

<sup>35</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Luxembourg: legislative and policy framework on telework

Luxembourg has in place a statutory definition and specific regulation on telework, which also applies to occasional telework. The legislation establishes that telework arrangements are to be included in a worker's employment contract or in an individual written agreement. Detailed provisions exist on the content of telework agreements as regards work schedule, availability time, equipment, and modalities for a return to previous working arrangements.

Specific legal provisions address the situation of telework carried out in a third country. Legal provisions determine that a limited proportion of a teleworker's working time may be carried out in a neighbour country with which bilateral agreements on double taxation and social security exist (currently France, Belgium and Germany).

**Employment and working conditions:** legislation in Luxembourg recognises the principle of equal treatment of teleworkers and those workers who always work at their employer's premises. Additional provisions apply to

avoid unfair treatment of teleworkers, such as compensation for in-kind and cash benefits lost as a result of regular telework. Employers are responsible for providing and maintaining the equipment necessary to carry out telework and for providing compensation to the employee for costs incurred, in the form of a flat monthly sum to be agreed in writing between the employer and the employee.

**Working time organisation:** general legislation on the organisation of working time also applies to teleworkers. No specific legal provisions are in place regarding the monitoring and recording of teleworkers' working time, which is constrained by the general principles of proportionality and balance between employers' control and privacy rights.

**Occupational health and safety:** general rules on OSH are applicable to teleworkers. Specific provisions exist in relation to the prevention of psychosocial risks to teleworkers.

## Luxembourg: legislative and policy framework on the right to disconnect

In Luxembourg, the right to disconnect is not explicitly mentioned in legislation, but various provisions of the Labour Code relating to working time and OSH already provide safeguards in this regard. On September 2021, a bill to introduce the right to disconnect was submitted to the Chamber of Deputies. The bill largely reflects the opinion of the Economic and Social Council, and aims to modify the Labour Code to introduce a new legal provision on the right to disconnect under section 8. This would oblige employers to define a specific scheme that ensures respect for the right to disconnect when employees use digital tools for professional purposes.

The proposed reform on the right to disconnect states that its implementation is to be accomplished through collective bargaining. In the absence of such an agreement, it should be defined at company level, in accordance with the remit of the workers' representatives. The disconnection regime should address the technical arrangements for implementing the right to disconnect, as well as other awareness-raising measures. The proposal also provides for administrative fines in cases of infringement.

## Relevant information from the Luxembourg case study

The company from Luxembourg covered as a case study is a public research centre employing nearly 700 people, mostly highly qualified staff. In 2021, the company adopted an internal telework policy with the agreement of workers' representatives. In line with the applicable legislation and sectoral collective agreement, the agreement reflects the principles of voluntariness and non-discrimination, and establishes that the company is responsible for the provision of the equipment required by teleworkers. Since July 2022, the frequency with which workers are allowed to telework has been

restricted depending on their country of residence, due to differences with the social security and taxation regimes of neighbouring countries.

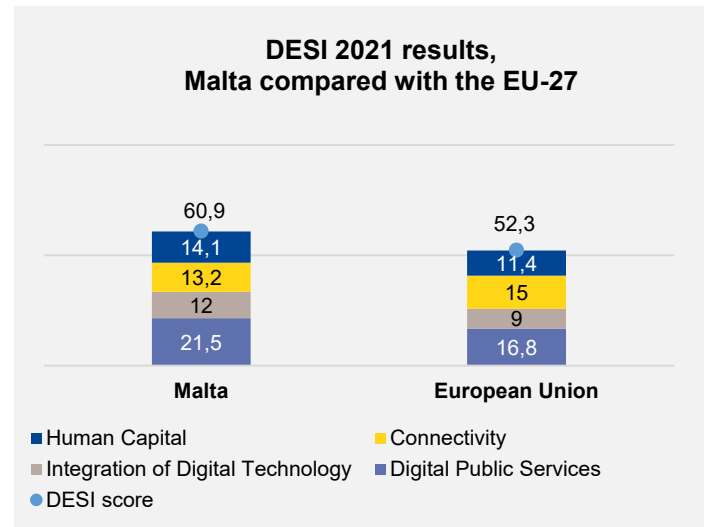
The agreement did not provide for the right to disconnect, the implementation of which by the company is still under discussion. Social partners do not consider the time-tracking system used by the company to be a tool for monitoring workers' activity. Indeed, employees can organise their working time in a flexible way between 06:30 and 22:00.



## Context

Malta ranks 6th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on the digital skills of the population (Malta ranks 7th in the dimension of human capital), with all indicators above the EU average. 61% of the population have basic digital skills, while 35% have above-basic skills. Women make up 26% of those employed in ICT (compared an EU average of 19%), and in the proportion of ICT graduates has increased to 6.5% (compared with an EU average of 3.9%). However, this remains lower than the 9.6% reported in Malta in 2014.
- The picture in terms of connectivity is mixed (Malta ranks 16th). All households have access to very high capacity network (VHCN), compared with an EU average of 70% – but the share of households with broadband speeds of at least 1Gb/s is below average. 5G coverage, which has sharply increased, remains below the EU average (25%, compared with 56% across the EU), although mobile broadband now covers 87% of individuals, on a par with the EU average.
- Performance on digital technology is good (Malta ranks 5th), with almost all scores being above the EU average. 73% of SMEs have at least a basic level of digital intensity (compared with the EU average of



55%). In addition, the use of modern technologies, as well as social media, is well above the EU average. For instance, 30% of enterprises use big data (compared with 14% across the EU). However, the share of enterprises using e-invoices is below the EU average (22%, compared with 32% across the EU).

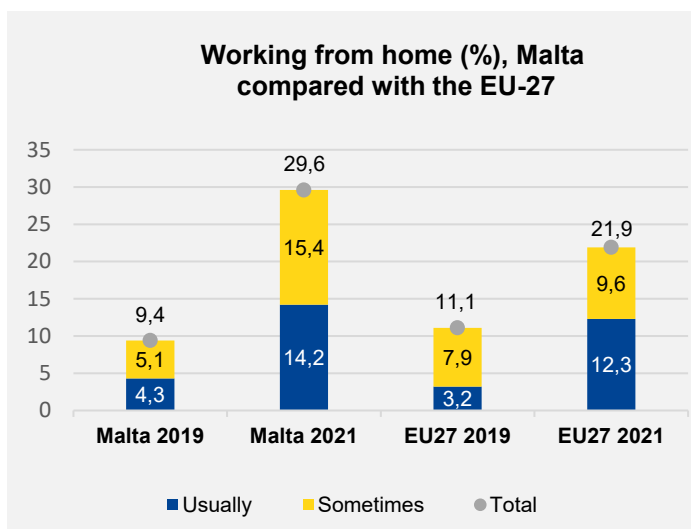
- The picture on digital public services is mixed (Malta ranks 10th), with almost all indicators being above EU average. The share of internet users making use of e-government users has increased, and at 72%, is now above the EU average of 65%. Meanwhile, digital public services score almost 100 points. Nevertheless, the score for facilitating open data is below the average (51%, compared with 81% across the EU).

In 2021, 14.9% of employees in Malta worked from home 'usually' (for at least half of their working days) while 15.4% did so on an occasional basis. The share of employees working from home has increased by 20 percentage points since 2019 – a much higher increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Malta remains above the EU average (29.6% vs. 21.9%)<sup>36</sup>. These differences relate partly to an employment

structure with a higher weight of sectors and occupations that are suitable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 39.6% and 38.6%, respectively (compared with 50.4% and 45.9% across the EU-27)<sup>37</sup>.

Between 2019 and 2020, telework increased most among professionals (26pp), followed by technicians and associate professionals (22pp), and clerical and support workers (15pp).

In 2020, the share of telework was highest among professionals (71%) and managers (73.7%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework among managerial, professional, and technical occupations too. Overall, the share of employees working from home in 2020 remained 13.2 percentage points below estimates of the total share of employees in teleworkable occupations.



### Malta: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	NA	NA	48.1
Professionals	NA	NA	47.7
Technicians and associated professionals	NA	NA	26.2
Clerical support workers	NA	NA	30.5
Services and sales workers	NA	NA	11.7
Skilled agricultural, forestry and fishery workers	NA	NA	0.0
Craft and related trades workers	NA	NA	2.2
Plant and machine operators and assemblers	NA	NA	0.1
Elementary occupations	NA	NA	0.4
Total	NA	NA	25.7

<sup>36</sup> Based on data from the EU Labour Force Survey.

<sup>37</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Malta: legislative and policy framework on telework

Telework in Malta is regulated through Subsidiary Legislation 452.104 of 2008 (Telework National Standard Order). Malta has in place both a statutory definition and specific legislation on telework.

Telework is defined as “a form of organising and, or performing work, using information technology, in the context of an employment contract or relationship, where work, which could also be performed at the employer’s premises, is carried out away from those premises on a regular basis” on a voluntary basis. Legislation reinforces this principle of voluntariness by establishing that a refusal on the part of the employee cannot be considered sufficient cause for dismissal or the modification of employment conditions. Telework arrangements can be included in an employment contract or in an individual written agreement. Detailed provisions exist regarding the content of telework agreements in relation to the employee’s work schedule, performance and working time monitoring, equipment, and the modalities for a return to the previous working arrangement.

**Employment and working conditions:** legislation in Malta recognises the principle of equal treatment of teleworkers and those employees who work at the

employer’s premises. Specific non-discrimination clauses for teleworkers in relation to training and promotion opportunities are explicitly mentioned in the legislation. Employers are responsible for providing, installing and maintaining the equipment necessary for the performance of telework, and must provide technical support and cover communication costs arising directly from telework.

**Working time organisation:** general legislation on the organisation of working time also applies to teleworkers unless collective agreements or individual written agreements set up specific conditions for teleworkers. Legislation provides that the use of any system for the monitoring of working time of teleworkers must comply with health and safety standards, and consent in writing from the employees concerned is required prior to its implementation.

**Occupational health and safety:** general rules on OSH are applicable to teleworkers. The legislation makes no reference to health and safety, except in relation to monitoring equipment, which must comply with health and safety regulation.

## Malta: legislative and policy framework on the right to disconnect

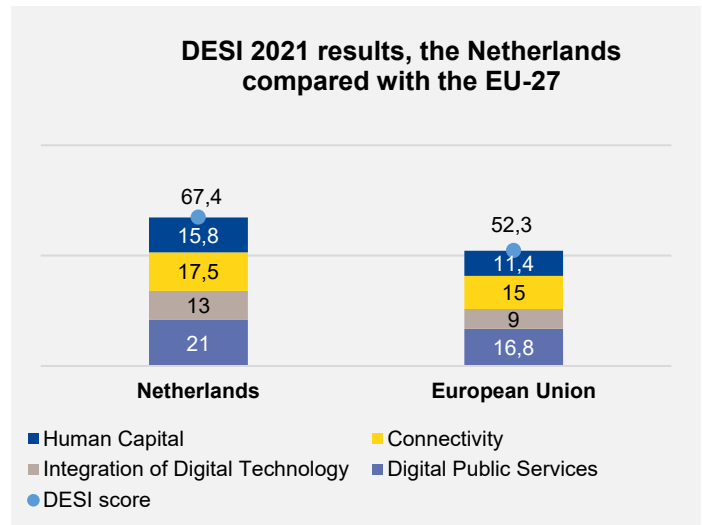
The right to disconnect is not yet recognised in Maltese legislation, although there has been some discussion on the subject by trade unions. Consultations on such matters typically take place through the Malta Council for Economic and Social Development (MCESD), a tripartite

institution for social dialogue, and the Employment Relations Board (ERB). However, in the absence of sectoral bargaining in the country, collective bargaining on the right to disconnect is limited to a small number of bigger multinational companies.

## Context

The Netherlands ranks 3rd out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on the digital skills of the population (the Netherlands ranks 2nd in the dimension of human capital). 79% of the population have basic digital skills, and 52% have above-basic skills. These shares are above the EU averages (which are 54% and 26%, respectively). Even though the share of ICT specialists is above the EU average (6.7% compared with 4.5%), the percentage of IT graduates (3.4%) is below the EU average (3.9%), despite having increased over the last three years. Women's employment in ICT is 1 percentage point below the EU average of 18%.
- Good performance on connectivity (the Netherlands ranks 2nd). There has been an increase in almost all indicators. The overall take-up of fixed broadband is 97% (compared with an EU average of 78%), and the roll-out of fibre-to-the-premises (FTTP) has increased sharply, reaching 52% of households – just above the EU average. However, take-up of 1 Gb/s connections is very low (less than 0.01% of households), and the broadband price index is slightly above the average (68, compared to 73 across the EU), although 5G covers 97% of individuals (compared with the EU average of 66%).
- Performance on digital technology is average (ranks 4th), with almost all scores above the EU average.



75% of SMEs have at least basic digital intensity (compared with 55% across the EU), and the integration of advanced technologies such as AI, big data and the cloud well above average, as is the use of two or more social media and electronic information sharing. However, the Netherlands performs below the EU average for the use of e-invoices (25%, compared with 32% across the EU).

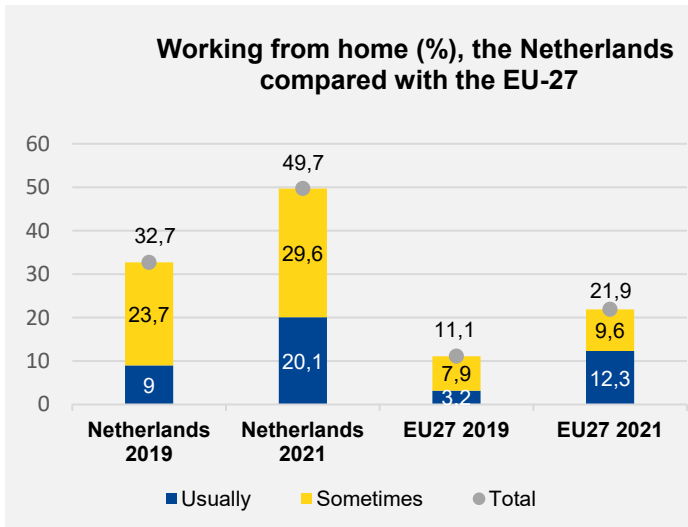
- Good performance on digital public services (the Netherlands ranks 4th), with a significantly higher than average share of e-government users (92% of internet users, compared with 65% on average across the EU) and significantly higher scores for pre-filled forms (94, compared with an EU average of 64) and open data (92%, compared with 81%).

In 2021, 20.1% of employees in the Netherlands worked from home 'usually' (for at least half of their working days), while 29.6% did so on an occasional basis. The share of employees working from home has increased by 17 percentage points compared with 2019, a higher increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in the Netherlands remains well above the EU average (49.7% vs 21.9%)<sup>38</sup>. These differences relate partly to an

employment structure with a higher weight of sectors and occupations suitable for telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 41.1% and 37.2%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>39</sup>.

Between 2019 and 2020, the share of telework increased most in clerical and support occupations (7pp), followed by managers (3pp), and technical occupations (2pp).

In 2020, the share of telework was highest among managers and professionals (69.4% and 65.7%, respectively). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 10.6 percentage points below estimates of the total share of employees in teleworkable occupations.



### Netherlands: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	80.3	0.0	69.4
Professionals	46.7	29.4	65.7
Technicians and associated professionals	50.2	12.0	40.2
Clerical support workers	1.6	80.8	35.9
Services and sales workers	5.9	2.3	13.2
Skilled agricultural, forestry and fishery workers	0.0	0.0	9.0
Craft and related trades workers	0.0	0.7	7.5
Plant and machine operators and assemblers	0.0	0.6	2.1
Elementary occupations	0.0	2.8	2.6
Total	27.8	18.8	36.0

<sup>38</sup> Based on data from the EU Labour Force Survey.

<sup>39</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Netherlands: legislative and policy framework on telework

The Netherlands has in place a statutory definition and specific regulation on telework. Only telework that is carried out on regular or predominant basis is covered. Telework is defined as a voluntary arrangement. A recent legal amendment in 2022 included the obligation for employers to consider employees' requests to telework as long as their jobs allow it. Under this legal amendment (*Wet werken waar je wil*), requests to telework can only be denied on the basis of a "substantial business interest". The right to return to the previous working situation is also explicitly acknowledged in the legislation. Legislation on telework is framed very broadly, and does not set out details on how a telework regime is to be formalised. Sectoral collective bargaining also plays a relevant role in the telework policy framework.

**Employment and working conditions:** the legislation explicitly mentions the principle of equal treatment of

teleworkers and those workers who always work at their employer's premises. The provision of expenses and coverage of the costs incurred by teleworkers is not addressed in the legislation.

**Working time organisation:** teleworkers can organise their own working time within the limits of general regulation on working time. No specific legal provisions apply to the recording or monitoring of working time for teleworkers, or the systems used to do this.

**Occupational safety and health:** general rules on OSH also apply to teleworkers. Under Dutch legislation, a risk assessment is mandatory prior to a worker being allowed to telework. Specific legal provisions are in place regarding the prevention of physical and psychosocial risks to teleworkers, based on the outcome of such risk evaluations.

## Netherlands: legislative and policy framework on the right to disconnect

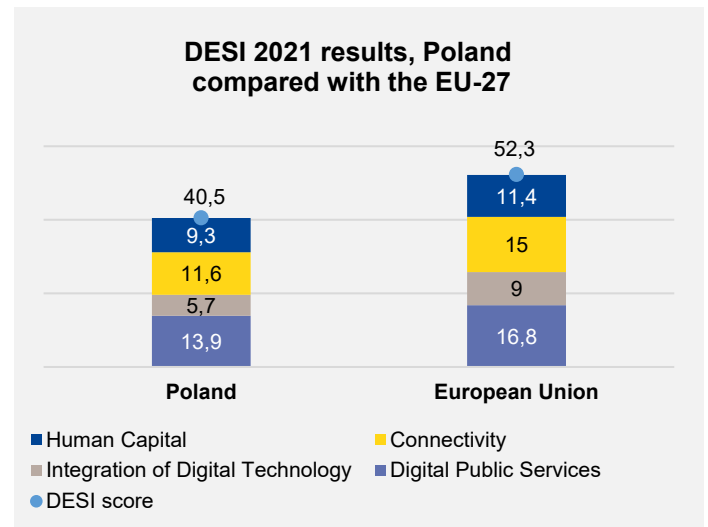
In the Netherlands, a proposal was submitted in July 2020 by the opposition party PvdA (the Labour party) to amend the law on working conditions (*Arbeidsomstandighedenwet*), by establishing that employers, employees and employee representatives must engage in discussions with a view to reaching an agreement on the right to disconnect that is tailored to the company's needs.

According to representatives of national stakeholders, an increasing number of collective agreements include specific clauses on the right to disconnect and how to deal with work-related requests outside regular working hours.

## Context

Poland ranks 24th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Poland ranks 24th in the dimension of human capital), with all indicators being below average. Only 43% of the population have basic digital skills, while 21% have above-basic skills. These shares are below the EU averages (which are 54% and 26%, respectively). In addition, the share of ICT specialists in the workforce is below the average (3.5%, compared with 4.5% across the EU) – even though the share of ICT graduates in Poland is just below the EU average (3.7%, compared with 3.9%).
- There is room for improvement on connectivity (Poland ranks 25th), despite increases in all indicators. The roll-out of fibre-to-the-premises covers 52% of households – just above the EU average of 50% – and fixed very high capacity network (VHCN) coverage is now on a par with the EU average of 70%. However, only 78% of households have access to broadband speeds of at least 30Mb/s (compared with 90% across the EU), and the take-up of 1 Gb/s connections is barely more than a quarter of the average (2.09%, compared with 7.58% across the EU). Mobile broadband and 5G coverage are both below the EU average).



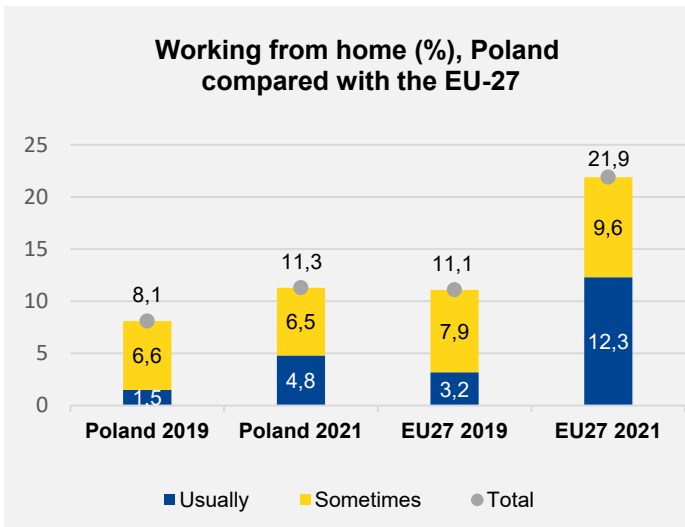
- There is room for improvement on digital technology (Poland ranks 24th), with all values being below the EU average. Only 40% of SMEs have at least a basic level of digital intensity (compared with the EU average of 55%), and the use of modern and advanced technologies is below the EU average.
- The picture on digital public services is mixed (Poland ranks 22nd), with only 45% of internet users using e-government services (compared with the EU average of 55%), and underperformance in digital public services. However, the scores for pre-filled forms and open data are above average (74 and 95%, respectively, compared with 64 and 81% across the EU).

In 2021, 4.8% of employees in Poland worked from home 'usually' (for at least half of their working days), while 6.5% did so occasionally. The share of employees working from home increased by 3.2 percentage points compared with 2019 –much slower rate than at EU level over the same period (10.8pp). Overall, the prevalence

of telework in Poland remains below the EU average (11.3% vs. 21.9%)<sup>40</sup>. This relates partly to differences in the share of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 59% and 47.1%, respectively (compared with corresponding EU averages of 50.4% and 45.9%)<sup>41</sup>.

Between 2019 and 2020, the share of telework increased most among professional occupations (14pp), followed by technicians and associated professionals (7pp), and managers (6pp).

In 2020, the shares of telework were highest among professionals (37.1%) and managers (24.4%). The available data do not allow estimates to be made as to the potential for telework in the country. Overall, the share of employees working from home in 2020 was 13.4%.



### Poland: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	NA	NA	24.4
Professionals	NA	NA	37.1
Technicians and associated professionals	NA	NA	14.5
Clerical support workers	NA	NA	8.7
Services and sales workers	NA	NA	3.0
Skilled agricultural, forestry and fishery workers	NA	NA	3.3
Craft and related trades workers	NA	NA	0.9
Plant and machine operators and assemblers	NA	NA	0.6
Elementary occupations	NA	NA	0.4
Total	NA	NA	13.4

<sup>40</sup> Based on data from the EU Labour Force Survey.

<sup>41</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).



## Poland: legislative and policy framework on telework

Poland has in place both a statutory definition and specific legislation on telework. Only telework performed regularly away from an employer's premises using ICT is covered. Telework is recognised as a voluntary work arrangement that can only be established by the agreement of both parties. Legislation recognises the right of both the employer and the employee to return to previous working arrangements. Nevertheless, access to telework has been eased for workers with care responsibilities, such as pregnant workers and the parents of disabled children.

**Employment and working conditions:** the principle of equal treatment and non-discrimination between teleworkers and those who work at their employer's premises is explicitly recognised in legislation (art. 67 of the Labour Code). Employers are also responsible for the provision and maintenance of the equipment required for telework, and for covering the costs incurred by

teleworkers, unless the parties agree to the use of the employee's own equipment.

**Working time organisation:** general legislation on the organisation of working time also applies to teleworkers. No specific legal provisions exist regarding the monitoring and recording of teleworkers' working time, which is constrained by employees' privacy rights.

**Occupational safety and health:** general OSH rules also apply to teleworkers. Under the Labour Code, employers are subject to the same obligations towards teleworkers as towards those who work on-site. Employers' representatives are allowed to carry out inspections of the health and safety conditions at teleworkers' home offices, either upon the employee's request or with prior consent in writing. Employers also have the right to monitor teleworkers' performance while preserving their privacy rights.

## Poland: legislative and policy framework on the right to disconnect

The right to disconnect is not explicitly recognised in Poland's legislative and policy framework. Debates on the issue are taking place in the Social Dialogue Council, a tripartite social dialogue institution. However, the national authorities consulted stated that there are

currently no plans to establish the right to disconnect in legislation. They argued that the existing legal framework on working time and overtime already provides employees with a guarantee of protection over their rest times.

## Relevant information from the Polish case study

The Polish company covered as a case study is a medium-sized firm in the ICT sector employing nearly 100 highly qualified workers, all of whom are self-employed professionals working remotely. Work organisation practices are shaped by informal arrangements and trust-based relationships with managers. Workers in project teams can organise their working time flexibly, and they are only required to be available for around 4-6 hours during standard working time. The company covers all the expenses of workers' equipment (desk, laptop, chair, etc.). It provides various tools and practices to enable social interactions among

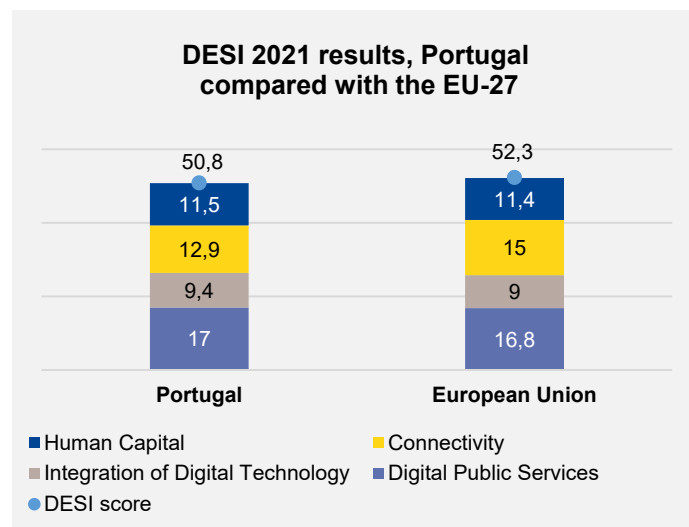
workers, to compensate for the lack of a shared workplace.

Based on the reports of both management and workers, the main advantages of this policy are cost savings and better conditions for workers. The company is mostly formed of experienced IT professionals who are used to working autonomously. However, it was also noted that fully remote working might not fit the preferences of all workers' preferences, and that some may have difficulties in creating an appropriate workspace at home.

## Context

Portugal ranks 15th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Portugal ranks 14th in the dimension of human capital). 55% of the population have basic digital skills, and 29% have above-basic skills. These shares are just above the EU averages (which are 54% and 26%, respectively), as is the share of ICT specialists (4.7%, compared with 4.5% across the EU). Nevertheless, the share of ICT graduates in Portugal is only 2.6% (compared with 3.9% across the EU).
- The picture in terms of connectivity is mixed (Portugal ranks 18th). 91% of households have broadband speeds of at least 30 Mb/s (compared with 90% across the EU), and the roll-out of fibre-to-the-premises (FTTP) has achieved a coverage of 88% of households – significantly above the EU average of 50%. However, the take-up of 1 Gb/s connections is very low (fewer than 1% of households), while 5G coverage is non-existent (compared with 66% across the EU).
- The picture in terms of digital technology is also mixed (Portugal ranks 12th), with the share of SMEs that have at least basic digital intensity being around the EU average (52%, compared with 55%). The share of



SMEs' turnover from e-commerce has declined, but remains just above the EU average (13%, compared with 12% across the EU). Use of AI by enterprises is twice the EU average (17%, compared with 8%), but the use of big data and cloud solutions is below the average.

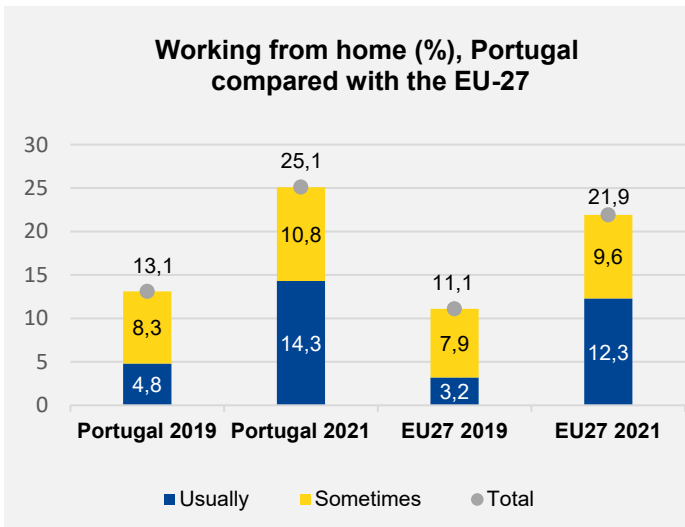
- There is also a mixed picture in digital public services (where Portugal ranks 14th). Only 59% of internet users use e-government services (compared with 65% across the EU), and the use of open data stands at 66%, below the EU average of 81%. Nevertheless, the scores for pre-filled forms and for digital public services for citizens are above the corresponding EU averages (76 and 79, respectively, compared with 64 and 75 across the EU).

In 2021, 14.3% of employees in Portugal worked from home 'usually' (for at least half of their working days), while 10.8% did so on an occasional basis. The share of employees working from home increased by 12 percentage points compared with 2019, a higher increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Portugal remains higher than the EU average (25.3% vs 21.9%)<sup>42</sup>. This relates partly to differences in the shares

of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 50.3% and 46.2%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>43</sup>.

Between 2019 and 2020, the share of telework increased most among professional occupations (16pp) and technicians and associated professionals (14pp), followed by clerical and support workers (12pp).

In 2020, the shares of telework were highest among professionals (56.6%) and managers (48.8%). However, the extent of telework remained below its estimated potential in all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 15 percentage points below estimates of the total share of employees in teleworkable occupations.



### Portugal: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	64.1	0.0	48.8
Professionals	39.1	29.3	56.6
Technicians and associated professionals	43.9	12.1	28.3
Clerical support workers	2.9	85.8	17.4
Services and sales workers	7.4	3.6	3.7
Skilled agricultural, forestry and fishery workers	0.0	0.0	3.5
Craft and related trades workers	0.0	0.7	1.9
Plant and machine operators and assemblers	0.0	6.6	0.9
Elementary occupations	0.0	2.3	1.7
Total	19.4	17.2	21.5

<sup>42</sup> Based on data from the EU Labour Force Survey.

<sup>43</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Portugal: legislative and policy framework on telework

Portugal has in place both a statutory definition and specific legislation on telework. The legal framework was amended in 2021 with a view to covering telework carried out on an occasional basis ('hybrid work'). Telework is defined as a special type of employment contract, with parties being able to agree to change the terms of a standard employment contract into a teleworking contract for a maximum period of three years.

The right to request telework is enshrined in legislation, and the employers must provide justifications in the event that they reject an employee's request, particularly in the case of workers with caring needs. Access to telework has been promoted for the purposes of work-life balance, and employers cannot reject requests from employees who have children of up to eight years old.

**Employment and working conditions:** legislation explicitly recognises the principles of equal treatment and non-discrimination between teleworkers and those who work at their employer's premises. In addition, legislation provides that a transition to a telework regime should not result in the loss of a meal/food allowance, where such an allowance exists in the company. The employer is

responsible for the provision and maintenance of the necessary equipment for teleworking. The parties may agree on the terms of the ownership of equipment and its costs, but employers must compensate teleworkers for all additional expenses that result from the acquisition or use of a computer or other equipment and systems necessary for telework.

**Working time organisation:** general working time regulation applies to teleworkers, and there are no working time provisions specific to the context of telework.

**Occupational safety and health:** in terms of OSH, teleworkers are covered by the same legal provisions as employees who working at their employer's premises. Risk assessment is mandatory prior to telework. A teleworker's home office can be accessed by the employers' representatives between 09:00 and 19:00, with the presence of the worker or other person designated by him/her. Specific legal provisions exist in relation to the prevention of the physical and psychosocial risks involved in telework.

## Portugal: legislative and policy framework on the right to disconnect

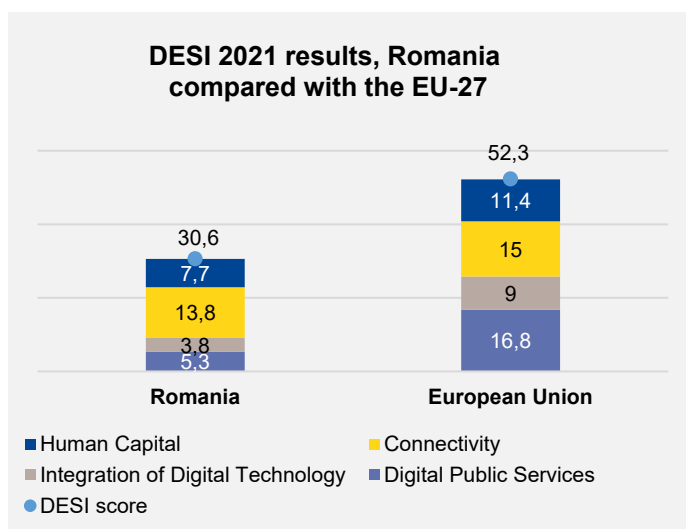
In Portugal, the right to disconnect was indirectly recognised by legislation as part of the 2021 reform on telework. Although the right to disconnect is not explicitly mentioned, the aforementioned law establishes that employers must refrain from contacting an employee during rest periods. This is a general obligation that applies to all employees who use ICT for work purposes, and to economically dependent self-employed workers.

Portuguese legislation does not establish concrete procedures for the implementation of the right to disconnect, but employers found to have breached this obligation can be fined. Moreover, any adverse treatment of an employee exercising this right can be deemed to be discriminatory.

## Context

Romania ranks 27th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Romania ranks 27th in the dimension of human capital). Only 28% of the population have basic digital skills, and 9% have above-basic skills. These shares are below the EU averages (which are 54% and 26%, respectively). Although the share of female ICT specialists is above the EU average (26%, compared with 19.1%), the share of ICT specialists is just over half the EU average (2.6%, compared to 4.5%). However, the share of ICT graduates has increased steadily to reach 6.7% (compared with 3.9% across the EU).
- There is room for improvement with regard to connectivity (Romania ranks 15th). The overall take-up of fixed broadband is 66% (compared with 78% across the EU), even though 93% of these households enjoy speeds of at least 30 Mb/s (compared with 90% on average across the EU). Mobile broadband take-up is below the EU average (82%, compared with 87%), as is 5G coverage (25% of populated areas are covered, compared with 66% across the EU).
- There is room for improvement in digital technology (Romania ranks 27th), with scores far below the EU



average, except for ICT for environmental sustainability (68%, compared with 66% for the EU as a whole). Only 22% of SMEs have at least a basic level of digital intensity (compared with 55% across the EU), and AI is used by only 1% of enterprises (compared with 8% across the EU).

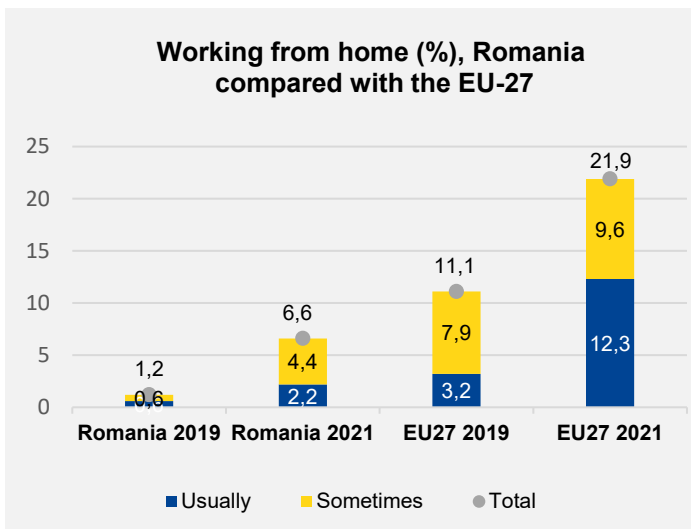
- There is also room for improvement in digital public services (Romania ranks 10th), with all scores far below the EU average. Only 17% of internet users make use of e-government services (compared with 65% across the EU), and the score for pre-filled forms is very low (19, compared with an EU average of 64). Only the score for open data is not as low as the others (76%, compared with 81% across the EU).

In 2021, 2.2% of employees in Romania worked from home ‘usually’ (for at least half of their working days), while 4.4% did so on an occasional basis. The share of employees working from home increased by 5.4 percentage points compared with 2019 – a slower pace than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Romania remains well below the EU average (6.6% vs. 21.9%)<sup>44</sup>. This relates partly to differences in the share of

employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 68.7% and 64.4%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>45</sup>.

Between 2019 and 2020, the share of telework increased most among professional occupations (10pp) and managers (8pp).

In 2020, the shares of telework were highest among professionals (11.4%) and managers (9%). The extent of telework remained below its estimated potential in all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 20 percentage points below estimates of the total share of employees in teleworkable occupations.



### Romania: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	64.3	0.0	9.0
Professionals	38.7	29.6	11.4
Technicians and associated professionals	31.1	24.3	4.2
Clerical support workers	7.6	75.2	4.8
Services and sales workers	9.6	1.3	1.8
Skilled agricultural, forestry and fishery workers	0.0	0.0	1.3
Craft and related trades workers	0.0	0.2	0.4
Plant and machine operators and assemblers	0.0	2.4	0.2
Elementary occupations	0.0	2.5	0.2
Total	12.2	11.1	3.5

<sup>44</sup> Based on data from the EU Labour Force Survey.

<sup>45</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Romania: legislative and policy framework on telework

Romania has in place a statutory definition and specific legislation on telework. Only telework that is carried out on a regular basis is covered. Telework is defined as a voluntary arrangement, the terms and conditions of which are set by individual agreement and included in an employment contract. An employee's refusal to telework is not deemed sufficient cause to terminate employment or modify their conditions of employment. Telework has been promoted as a means to support the reconciliation of work and family or personal life, granting flexibility for the self-organisation of working time while also setting limits to employers' powers.

**Employment and working conditions:** legislation in Romania builds on the principle of guaranteeing the equal treatment of teleworkers and those workers who always work at their employer's premises. The responsibility for providing and maintaining the

equipment and communication is subject to agreement between the employer and the employee.

**Working time organisation:** legislation in Romania establishes that teleworkers can organise their own working time, in agreement with their employers. In the event that teleworkers agree to working overtime, consent must be in writing before such work takes place. Employers are also required to keep records of working hours, with the method used be laid down in the employment contract or collective agreement.

**Occupational safety and health:** general OSH conditions apply to teleworkers. Legislation grants the labour inspectorate and employee's representatives access to inspect a teleworkers' home office to check compliance with OSH standards. Specific legal provisions exist regarding the prevention of the psychosocial risks to which teleworkers are exposed.

## Romania: legislative and policy framework on the right to disconnect

The right to disconnect is not expressly provided within Romania's legislative and policy framework. Legal provisions on working time and overtime are fully applicable in the case of telework, and provide a sufficient legal framework for the effective exercise of the

right to disconnect. Some collective agreements have also dealt with the issue through the inclusion of specific clauses. However, trade unions have called for complementary legislation on the right to disconnect, since the problem of undeclared overtime is widespread.



## Relevant information from the Romanian case study

The Romanian company covered by a case study is a publishing company with more than 100 employees. Although the company possessed the required technical infrastructure and capabilities, it was not until the COVID-19 outbreak that telework was implemented in observance of the emergency legislation in April 2020. In the absence of collective bargaining institutions at sectoral and company level, a specific telework clause was included in individual employment contracts. This clause included an obligation on employees to comply with OSH rules when working from home, while the company provided employees with laptops. Currently,

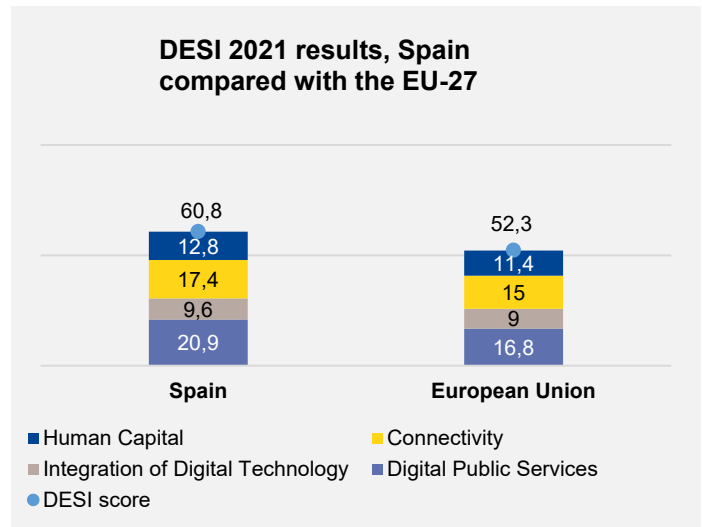
nine out of ten employees have opted for hybrid work arrangements, and work from home for an average of 1-3 days per week.

The right to disconnect is implicitly regulated within company's internal communication practices, and no issues were reported in this regard. Working time records are not used in workers' performance assessments. Instead, a results-oriented system is in use, and workers have flexibility to organise their working time while respecting a common time slot during everybody is working.

## Context

Spain ranks 11th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Average performance on the digital skills of the population (Spain ranks 10th in the dimension of human capital). 64% of the population have basic digital skills, and 38% have above-basic skills – both above the EU averages (which are 54% and 26%, respectively). The share of ICT specialists has increased slightly to 4.1%, remains below the EU average of 4.5%. Women’s employment in ICT, and the share of enterprises providing ICT training are on a par with the EU average (19% and 20%, respectively).
- Good performance on connectivity (Spain ranks 3rd), scoring well above the average on almost all indicators. Fixed very high capacity network (VHCN) coverage has increased to 94% (compared with 70% across the EU). Nevertheless, the share of households with at least 1 Gb/s is below average (0.02%, compared with an EU average of 7.58%). 5G coverage has increased sharply, but is still below average (59%, compared with 66% across the EU).
- The picture in terms of digital technology is mixed (Spain ranks 9th). 60% of SMEs have at least a basic level of digital intensity (above the EU average of



55%), and enterprises perform above-average in electronic information sharing (49%, compared with the EU average of 38%) and in the use of ICT for environmental sustainability (76%, compared with 66% across the EU). Nevertheless, the use of modern technologies such as big data and the cloud are below average (9% and 27%, respectively, compared with 14% and 34% across the EU).

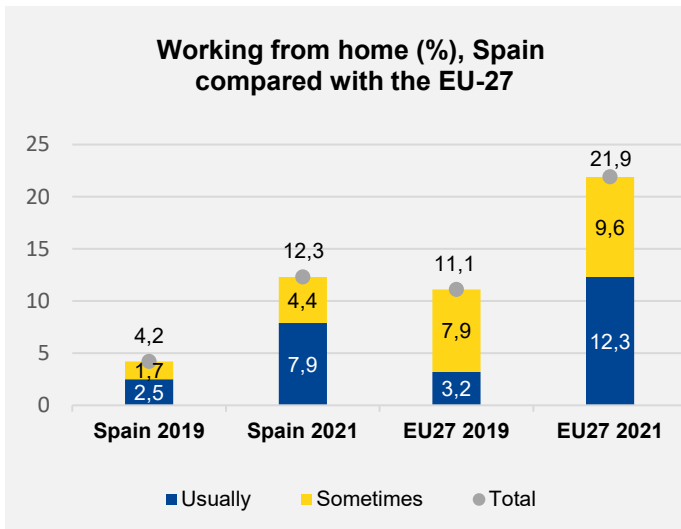
- Good performance on digital public services, performing above average on all indicators. 73% of internet users make use of e-government services (vs. 65% across the EU), and all the scores are well above the EU average.

In 2021, 7.9% of employees in Spain worked from home 'usually' (for at least half of their working days), while 4.4% did so on an occasional basis. The share of employees working from home increased by 8.1 percentage points compared with 2019, a lower increase than at EU level over the same period (10.8pp). Overall, the prevalence of telework in Spain remains well below the EU average (12.3% vs. 21.9%)<sup>46</sup>. This relates partly to differences in the shares of employees in sectors and

occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 49.6% and 53.1%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>47</sup>.

Between 2019 and 2020, telework increased most in professional and technical occupations (by 17pp in each group), followed by clerical and support workers (15pp) and managers (14pp).

In 2020, the shares of telework were highest among professionals (32.7%) and managers (27.1%), followed by technicians (22.6%), and clerical and support workers (16.6%). However, the extent of telework remained below its estimated potential for these occupations. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 remained 20 percentage points below estimates of the total share of employees in teleworkable jobs.



### Spain: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	69.8	0.0	27.1
Professionals	45.5	19.9	32.7
Technicians and associated professionals	44.6	14.9	22.6
Clerical support workers	4.5	85.8	16.6
Services and sales workers	7.1	0.6	1.3
Skilled agricultural, forestry and fishery workers	0.0	0.0	0.0
Craft and related trades workers	0.0	0.7	1.3
Plant and machine operators and assemblers	0.0	1.3	0.1
Elementary occupations	0.0	0.9	0.7
Total	19.4	13.2	12.3

<sup>46</sup> Based on data from the EU Labour Force Survey.

<sup>47</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Spain: legislative and policy framework on telework

Spain has put in place a statutory definition and specific legislation on the use of telework. Legislation only applies to telework that is performed on regular basis – that is, when the employee works at least 30% of their total working hours remotely over a three-month period. Collective bargaining has gained relevance in the regulation of telework arrangement since the passing of new legislation in 2020.

Legislation establishes that the terms and conditions of telework are laid down through individual agreements, which must be included in an employment contract or through a written agreement. Comprehensive legal provisions exist with regard to the minimum content of telework agreements.

**Employment and working conditions:** legislation in Spain explicitly recognises the principle of equal treatment of teleworkers and workers who always work at their employer's premises. Specific non-discrimination clauses apply in relation to training and promotion, requiring employers to provide information to teleworkers

about opportunities for promotion. Employers are responsible for the provision and maintenance of the equipment necessary to carry out telework, as well as providing economic compensation to the employee for expenses linked to telework. Legislation establishes that the manner in which teleworkers are compensated for using their own equipment should be determined through collective bargaining.

**Working time organisation:** legislation in Spain establishes that teleworkers can organise their working time in a flexible manner, provided that the minimum rest periods and availability times set down in law or by collective agreements are respected. General provisions for the recording and control of working time also apply to teleworkers.

**Occupational safety and health:** legislation establishes that a risk assessment is pre-condition for being a worker being allowed to telework. Specific provisions also exist in relation to the prevention of physical and psychosocial risks to teleworkers.

## Spain: legislative and policy framework on the right to disconnect

In Spain, the right to disconnect was first enacted by national legislation in 2018, which result from the transposition of the EU General Data Protection Regulation. Spain's 2020 regulation on telework has strengthened existing provisions regarding risk prevention. The right to disconnect is defined in terms of its purpose – that is, guaranteeing respect for the rest periods, leave and holidays of all workers, as well as personal and family privacy.

The implementation of the right to disconnect is subject to collective bargaining or agreement between employers and workers' representatives at company level. Employers are required to set an internal policy on exercising the right to disconnect, and to carry out training to promote the reasonable use of technological devices. Legislation provides for various sanctions for non-compliance with legal requirements. The right to disconnect has been addressed in various sectoral and company-level agreements.

## Relevant information from the Spanish case study

The Spanish company covered as case study is one of the main online universities in Spain, employing more than 1,600 workers (including management and service staff, along with those in research and teaching occupations). The company took advantage of its experience of enforced teleworking during the pandemic to implement a major organisational restructuring process that promotes telework as the main way of working for most employees ('remote first'). Office workspace has been adapted accordingly, through a hot-desking system whereby employees are no longer assigned an office desk.

Currently, 70% of staff work from home for more than 80% of their total working time. Telework has been regulated via a company collective agreement since

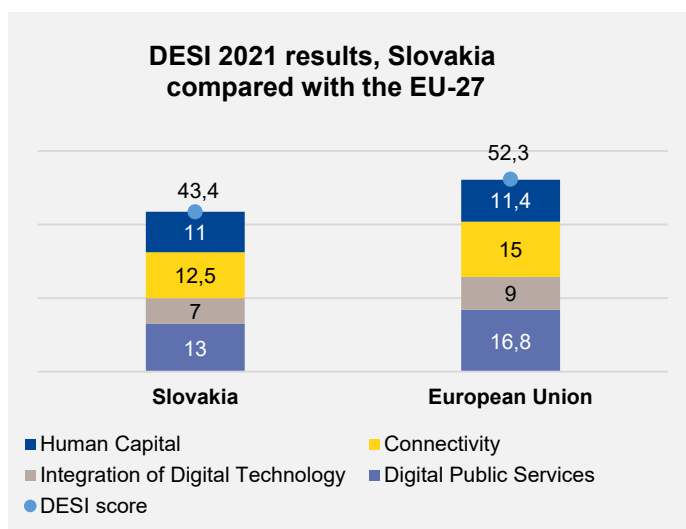
2012. In October 2021, the company reached an agreement with trade unions on the compensation of the costs of telework, in line with new legislation.

The company has developed guidelines and protocols regarding various aspects of work organisation under telework. The company's protocol for the enforcement of the right to disconnect was approved in December 2021, and provides general guidelines and recommendations for the self-regulation of working teams. One relevant aspect of the company's disconnection policy is the existence of an alert system that allows employees to raise complaints about infringements of their right to disconnect; however, neither the company representative nor the workers' representative provided details about the results of this enforcement mechanism.

## Context

Slovakia ranks 23rd out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Slovakia ranks 19th in the dimension of human capital). 55% of the population have at least basic digital skills (just above the EU average of 54%), but only 21% have above-basic skills (compared with an EU average of 26%). Although the share of ICT specialists is only slightly below the average (4.3%, compared with 4.5% across the EU), just 15% of ICT specialists are women (compared with an EU average of 19%).
- The picture in terms of connectivity is mixed (Slovakia ranks 21st). The roll-out of fibre-to-the-premises (FTTP) has increased sharply, reaching a coverage of 62% of households (significantly above the EU average of 50%). However, the take-up of 1 Gb/s connections is very low (just 0.96% households).
- There is room for improvement on the integration of digital technology (Slovakia ranks 21st), with scores below the EU average in almost all indicators, except for the share of enterprises that having medium/high



intensity of green activity through ICT (76%, compared with an EU average of 66%). Only 43% of SMEs have at least a basic level of digital intensity (compared with 55% across the EU), and the use of advanced technologies is below-average.

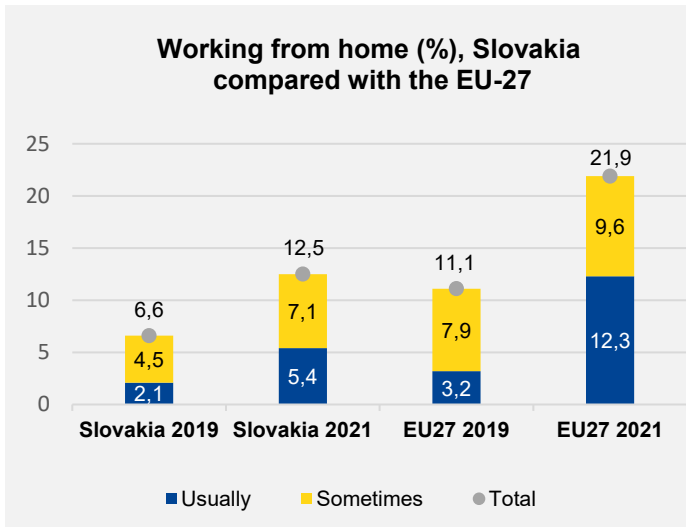
- There is also room for improvement in digital public services (Slovakia ranks 24th). Even though the share of internet users making use of e-government services is only just below the EU average (62%, compared with 65%), all other scores are significantly below the EU average.

In 2021, 5.4% of employees in Slovakia worked from home 'usually' (for at least half of their working days), while 7.1% did so on an occasional basis. The share of employees working from home increased by 6 percentage points compared with 2019 – a lower increase than that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Slovakia remains below the EU average (12.5% vs.

21.9%)<sup>48</sup>. This relates partly to differences in the share of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 60.1% and 50.6%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>49</sup>.

Between 2019 and 2020, the share of telework increased most among professionals (8pp) and managers (7pp), followed by clerical support workers (5pp).

In 2020, the share of telework was highest among managers (23.7%) and professionals (28.7%). However, the extent of telework remained below its estimated potential for all occupational groups. The largest gap has been identified among clerical and support workers, although estimates show there is also room to increase the shares of telework in managerial, professional and technical occupations. Overall, the share of employees working from home in 2020 was 21 percentage points below estimates of the total share of employees in teleworkable occupations.



### Slovakia: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	60.6	0.0	23.4
Professionals	44.1	29.0	28.7
Technicians and associated professionals	26.1	16.1	11.6
Clerical support workers	5.4	75.3	10.1
Services and sales workers	8.3	1.7	5.0
Skilled agricultural, forestry and fishery workers	0.0	0.0	0.0
Craft and related trades workers	0.0	0.3	1.3
Plant and machine operators and assemblers	0.0	1.0	0.4
Elementary occupations	0.0	2.3	0.2
Total	15.9	14.7	9.3

<sup>48</sup> Based on data from the EU Labour Force Survey.

<sup>49</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Slovakia: legislative and policy framework on telework

Slovakia has in place a statutory definition of telework, implemented as part of Labour Code. Only telework that is carried out on regular basis is covered. This condition of regularity was introduced in a legal amendment in 2021 to distinguish remote work from occasional homework, the regulation of which is not addressed in detail by legislation. Teleworking arrangements must be formalised through individual agreements or employment contracts.

**Employment and working conditions:** legislation explicitly recognises the principle of equal treatment and non-discrimination between teleworkers and those who work at their employer's premises. Employers are responsible for the provision and maintenance of the equipment necessary to carry out telework, but the parties can also agree on the use of employee's own equipment. In such a case, employers are required to compensate the employee for the use of their personal equipment and increased costs associated with telework

(electricity, high-speed internet connection). The employer is also responsible for data protection measures.

**Working time organisation:** regular teleworkers have some autonomy over the organisation of their work schedules, following an agreement with their employer. However, if both parties agree that the teleworker can schedule their working time by themselves, then the teleworker is no longer entitled to overtime compensation and other benefits attached to regular workers (night work or work during holidays), unless otherwise agreed.

Consent in writing is required prior to the introduction of any monitoring system, which must be included in an individual agreement or contract.

**Occupational safety and health:** in terms of OSH, teleworkers are covered by the same legal provisions as employees who work at their employer's premises. Specific provisions apply in relation to the prevention of psychosocial risks to teleworkers.

## Slovakia: legislative and policy framework on the right to disconnect

The right to disconnect was introduced into Slovak legislation in 2021 through an amendment to the Labour Code, which recognises the right of teleworkers to abstain from using work equipment (e.g. being logged in) during rest periods and holidays. The new legislation does not establish specific procedures for implementing the right to disconnect, but states that the exercise of the

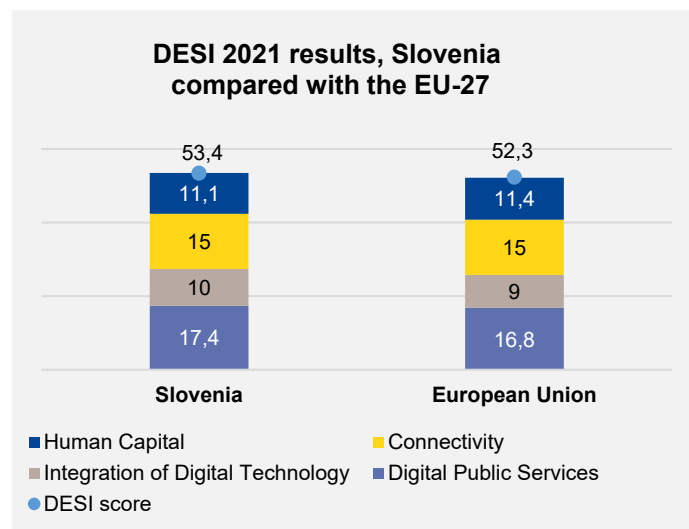
right may not be considered a breach of professional duties. According to representatives from the national labour inspectorate, enforcement is challenging due to the very fact that regular teleworkers are allowed to organise their own working schedules. As of mid-2022, no major complaints have been filed with regard to this issue.



## Context

Slovenia ranks 11th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- There is room for improvement in the digital skills of the population (Slovenia ranks 17th in the dimension of human capital). Only 50% of the population have basic digital skills, and 20% have above-basic skills, (compared with EU averages 54% and 26%, respectively). The share of ICT specialists has increased slightly to 4.8% (just above the EU average of 4.5%), but the employment of women in ICT remains below average (17%, compared with 19% across the EU).
- Performance on connectivity is average (Slovenia ranks 10th). 5G coverage has increased sharply from 0% to 38%, but is still below the EU average of 66%. 77% of households subscribe to fixed broadband – slightly below the EU average of 78%; however, this share has decreased slightly. The share of households with broadband speeds of at least 1Gb/s is extremely low (0.02%, compared with 7.58% across the EU).
- The picture with regard to digital technology is mixed (Slovenia ranks 9th). 60% of SMEs have at least a basic level of digital intensity (above the EU average of 55%), and enterprises are above average for

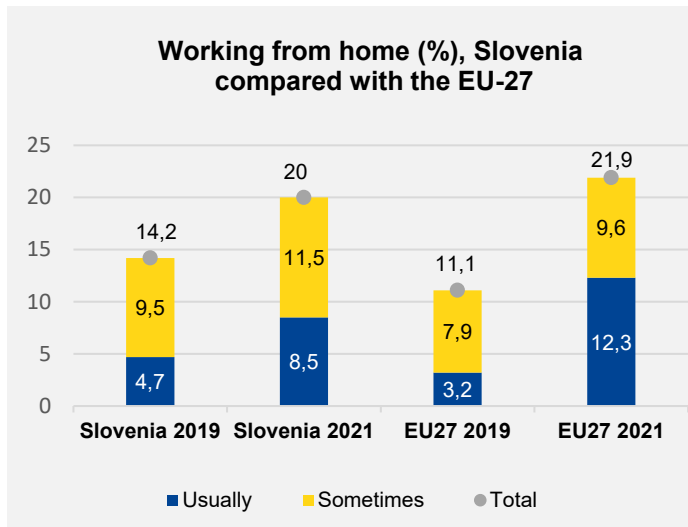


electronic information sharing (49%, compared with an EU average of 38%) and in the use of ICT for environmental sustainability (76%, compared to 66% across the EU). Nevertheless, the use of modern technologies such as big data and the cloud is below the EU average (9% and 27%, compared with EU averages of 14% and 34%).

- The picture on digital public services is also mixed (Slovenia ranks 13th). Almost all indicators above the EU average: 77% of internet users use e-government services (compared with 65% across the EU), and performance on open data is well above the EU average (91%, compared with 82%). Only the rank for digital public services for citizens is below the EU average (69, compared to 75).

In 2021, 8.5% of employees in Slovenia worked from home 'usually' (for at least half of their working days), while 11.5% did so on an occasional basis. The share of employees working from home increased by 5.8 percentage points compared with 2019 – a lower increase than that recorded at EU level over the same

period (10.8pp). Overall, the prevalence of telework in Slovenia remains slightly below the EU average (20% vs. 21.9%)<sup>50</sup>. This relates partly to differences in the share of employees in sectors and occupations less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 52.6% and 42.8%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>51</sup>.



Between 2019 and 2020, the share of telework increased most among professionals and among technical and associated professional occupations (3pp in each group).

In 2020, the share of telework was highest among managers (43.2%) and professionals (38.4%). The available data do not allow estimations to be made as to the potential for telework in the country. The overall share of employees working from home in Slovenia in 2020 was 16.8%.

### Slovenia: employees in teleworkable jobs and employees working from home, by occupation (2020)

	Employees in jobs that are teleworkable with difficulty / loss of quality (%)	Employees in highly teleworkable jobs (%)	Employees working from home usually or sometimes (%)
Managers	NA	NA	43.2
Professionals	NA	NA	38.4
Technicians and associated professionals	NA	NA	17.5
Clerical support workers	NA	NA	8.6
Services and sales workers	NA	NA	4.1
Skilled agricultural, forestry and fishery workers	NA	NA	11.7
Craft and related trades workers	NA	NA	1.9
Plant and machine operators and assemblers	NA	NA	0.6
Elementary occupations	NA	NA	0.3
Total	NA	NA	16.8

<sup>50</sup> Based on data from the EU Labour Force Survey.

<sup>51</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Slovenia: legislative and policy framework on telework

Slovenia has in place a statutory definition and specific legislation on the use of telework, which also apply to telework carried out on an occasional basis. Sectoral collective bargaining also plays a role in the regulation of teleworking arrangements.

**Employment and working conditions:** legislation explicitly recognises the principle of equal treatment and non-discrimination between teleworkers and those who work at their employer's premises. Responsibility for the provision and maintenance of the equipment necessary to carry out telework is subject to agreement between parties. The employee has the right to compensation for the use of their personal equipment, and the form of this compensation is to be established in the employment contract.

**Working time organisation:** legislation establishes that the teleworker and their employer may arrange working time, night work, breaks, as well as daily and weekly rest

periods in the employment contract in a manner of their choosing, irrespective of other legal provisions (art. 157 of the Employment Relationship Act ZDR-1). An employment contract must be signed with the home worker. If working time cannot be allocated in advance, or if the worker is able to determine her/his own working hours independently, health and safety at work must be ensured.

No specific legal provisions are in place regarding the monitoring and recording of teleworkers' working time, which is limited by employees' rights to privacy.

**Occupational safety and health:** general rules on OSH are also applicable to teleworkers. The employer must provide information about the intended organisation of telework to the labour inspectorate, which may prohibit such telework if risks are foreseen to employees working from home.

## Slovenia: legislative and policy framework on the right to disconnect

The right to disconnect in Slovenia is not recognised in legislation, nor in collective agreements. According to reports from the country, some agreements have begun to appear that deal with the registration and monitoring of teleworkers' working time, but these are not a cause of problems. Debates about telework and the right to

disconnect are taking place within the Economic and Social Committee, a tripartite Social Dialogue institution.

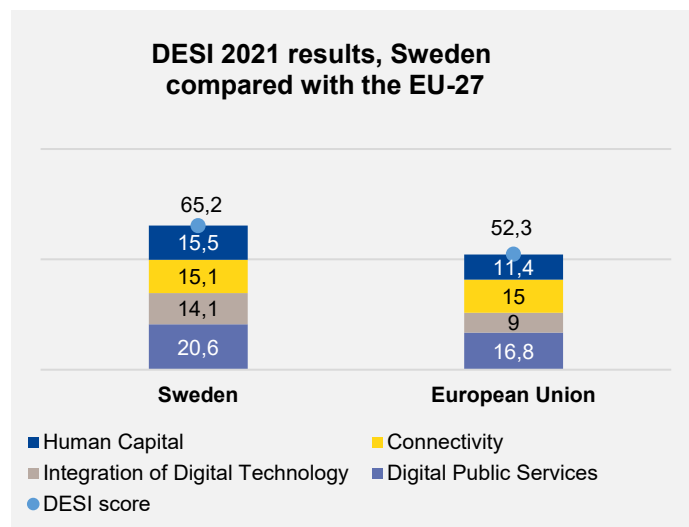
Some sectoral collective agreements already include the right to disconnect, such as in the graphic sector and other recent agreements (newspaper information, publishing and book marketing activities).

## Context

Sweden ranks 4th out of the 27 EU Member States in the 2022 edition of the Digital Economy and Society Index (DESI). The key findings from DESI are as follows:

- Good performance on the digital skills of the population (Sweden ranks 4th in the dimension of human capital), with all measures being above the EU average. 67% of the population have at least basic digital skills, while 36% have above-basic skills – above the EU averages of 54% and 26%, respectively. Furthermore, the proportion of IT specialists is one of the highest in the EU (8%, compared with an EU average of 4.5%).
- The picture on connectivity is mixed (Sweden ranks 9th). 5G covers only 18% of populated areas (compared with 66% across the EU), and 1 Gb/s take-up stands at 4.44% (compared with 7.58% on average across the EU). Nevertheless, the roll-out of fibre-to-the-premises (FTTP) has reached 82% – which well above the EU average of 50% – and 83% of households are covered by Very High Capacity Network (VHCN), compared with an EU average of 70%.
- Good performance on digital technology (Sweden ranks 3rd), with all scores above the EU average. Sweden has the highest proportion for SMEs with at least basic digital intensity (86% compared with the

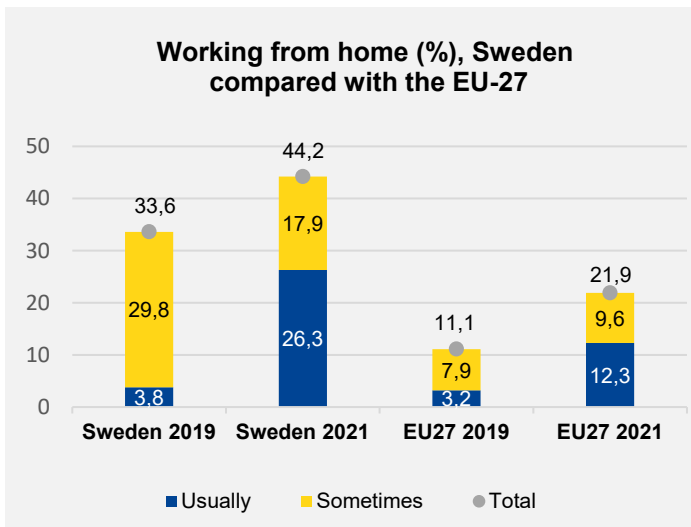
**DESI 2021 results, Sweden compared with the EU-27**



EU average of 55%), and of enterprises using cloud solutions (69% compared with an EU average of 34%). It is also one of the leaders for businesses selling online, with 33% of enterprises (compared with 18% across the EU).

- Good performance in digital public services (Sweden ranks 9th), with all scores above the EU average. It has the highest proportion of e-government users (93% of internet users, compared with the EU average of 65%). The score for pre-filled forms are 85 (compared with 75), but the score for open data is only just above the average (84%, compared with an EU average of 81%).

In 2021, 26.3% of employees in Sweden worked from home 'usually' (for at least half of their working days), while 17.9% did so on an occasional basis. The share of



employees working from home increased by 10.6 percentage points compared with 2019, a similar increase to that recorded at EU level over the same period (10.8pp). Overall, the prevalence of telework in Sweden remains well above the EU average (44.2% vs. 21.9%)<sup>52</sup>. This relates partly to differences in the share of employees in sectors and occupations that are less amenable to telework. In 2021, the shares of employees in less teleworkable sectors and occupations were 35.7% and 36%, respectively (compared with 50.4% and 45.9% on average across the EU-27)<sup>53</sup>.

Unlike other countries, 2020 EU Labour Force Survey does not provide reliable estimates of the prevalence of telework in Sweden.

## Sweden: legislative and policy framework on telework

In Sweden, there is no statutory definition or specific legislation relating to telework. Various aspects of teleworking arrangements are dealt with by different laws on data protection, health and safety or general labour law. Telework is mainly regulated through sectoral and company-level agreements. Nevertheless, it should be noted that occasional telework (which is the most prevalent form of telework in Sweden and other northern European countries) is mostly implemented through individual and informal agreements, meaning that telework is largely self-regulated and relies on a culture of mutual trust between managers and employees.

**Working time organisation:** general working time regulation also applies to teleworkers, and there are no specific provisions to address the working time patterns of teleworkers. Legislation establishes that the implementation of digital monitoring and surveillance

systems is subject to negotiation with workers' representatives.

**Occupational safety and health:** in terms of OSH, teleworkers are covered by the same legal provisions as employees who work at their employer's premises. Inspections of teleworkers' home offices by employers and workers' representatives are subject to employee consent. Non-legally binding guidelines and provisions are issued by OSH agencies with regard to the prevention of psychosocial risks.

<sup>52</sup> Based on data from the EU Labour Force Survey.

<sup>53</sup> Less teleworkable sectors comprise NACE sections A to I (agriculture, industrial sectors, construction, and retail and transport

services). Less teleworkable occupations cover ISCO groups 5 to 9 (personal services workers, agriculture and fishery workers, craft and industrial workers, and elementary occupations).

## Sweden: legislative and policy framework on the right to disconnect

The right to disconnect is not recognised in legislation, nor through collective agreements. According to reports from the country, few debates have been raised about

this question among trade union organisations, which have differing approaches to the issue.

### Relevant information from the Swedish case study

The Swedish organisation covered as a case study is a local government institution employing more than 4,000 workers. The institution conducted a pilot project whereby, after the pandemic, 100 employees would be allowed to continue teleworking for 50% of their total working time. The arrangement provided that each participant alternate between one week of office work, and one week of telework. In this way, two employees would share each available desk in the office. The initiative aimed to reduce the organisation's office space requirements while also improving the well-being of employees, since most of the employees assessment their experience of working from home during the pandemic positively. One key success factor was the

extent to which work processes had already been digitalised, without which the move to hybrid work would have not been possible.

The pilot ended in May 2022, and is currently under review. Some issues were raised concerning scheduling and coordination, as well as social cohesion within working teams. The policy currently in place now allows all workers to request telework up to a maximum of 49% of their working time. It is argued that by imposing this limit, the organisation is seeking to avoid the legal obligation to compensate teleworkers' travel into the office when they work for more than 50% than their working time outside employer's premises.

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