



**TWING PROJECT**

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## 1. Introduction

Working from home increased in Estonia as in most other EU countries during the pandemic. The highest yearly increase occurred in 2020 and continued further in 2021 mostly on the account of those doing telework all or most of their working time (Kivistik et al., 2022). According to the Worklife Survey in Estonia, the share of people working remotely at least half of their working time was 30% in 2019 and increased to 64% by 2021 (Rünkla & Marksoo, 2022). Overall, the share of people working from home in Estonia is above the EU27 average (Eurofound, 2022c). The share of people working remotely was on the rise already before the pandemic in Estonia, although then, most of the people working away from employers' premises did so less than half of their working time (Kivistik et al., 2022).

According to the Labour Force Survey, telework is more common among women compared to men (Rünkla & Marksoo, 2022). Teleworkers are mostly people with higher education, working in white-collar jobs like top specialists or managers, slightly less among mid-level specialists (35%) and office workers (23%) (Kovaljov et al., 2023; Rünkla & Marksoo, 2022).

Several authors outline that ICT and financial services are the two sectors with the highest share of teleworkers after the start of the pandemic (Kovaljov et al., 2023; Matsuleviš & Soosaar, 2021; Rünkla & Marksoo, 2022). Companies in these sectors had better preparation and the environment to implement remote work quickly in the pandemic, including safety guidelines, rules and procedures for working away from the office (Rünkla & Marksoo, 2022). At the same time, only 15% work remotely in accommodation and catering as work in this sector mostly requires presence at the workplace (Matsuleviš & Soosaar, 2021).

In Estonia, telework is mostly regulated centrally in legislation. This is complemented by a national level telework agreement, by a sectoral agreement in public administration and by a few company level collective agreements. The company level examples highlight that employers mostly define principles of telework in work arrangement procedures and so do not want to include those principles in collective bargaining. In some cases, employers have included employee or trade union representatives in those processes. Hence, telework principles are not always included in collective agreements, but social dialogue may still be present on the topic in some instances. Confirming whether and how these practices have continued during Covid pandemic will require further analysis.

## 2. Working conditions and main debates

Studies cover various aspects of telework and working conditions in Estonia. Mostly, quantitative evidence is based on Labour Force Survey, European Working Conditions Survey by Eurofound, Covid-19 surveys by Eurofound or Estonian Worklife Survey (the survey was repeated in 2020 and 2021). There are some additional questionnaire-based studies, but these are not representative studies. These results are complemented by qualitative studies that discuss the coping mechanisms with remote work, particularly in the condition of mandatory telework and lockdowns at schools and workplaces at the same time. Studies mostly cover the national level in terms of working conditions. In case Estonia is included as one country in international comparative analyses (e.g. at EU level) it is often difficult to extract the results and conclusions that are specifically applicable in case of Estonia. There are no sector based studies to discuss working conditions specifically in the four sectors covered in this study. Conclusions in relation to the different aspects of working conditions discussed in this study are further elaborated in the following chapters.

### 2.1 Working time and work-life balance

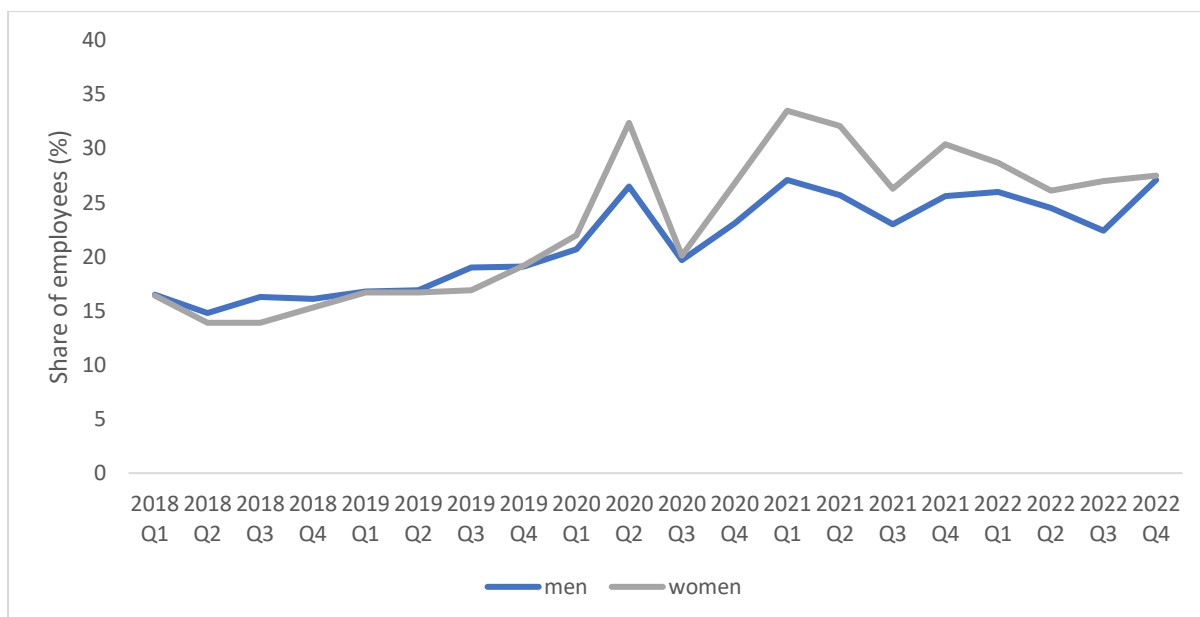
Studies on the **relationship between telework and work-life balance** suggests that a positive experience of telework is related to higher satisfaction of work-life balance (Erro-Garcés et al., 2022) while working from home in itself does not seem to be related to a difference in work-life conflict compared to working from an employers' office (Kõljalg, 2021). However, as the latter is based on a non-representative study of office workers, these conclusions need further research based on larger datasets. Overall, the available evidence seems to suggest that quality of telework and satisfaction with the telework experience seem to be key in supporting better work-life balance.

More specifically, it was found that in the three Baltic countries, telework experience is positively related to wellbeing based on the data from Living, Working, and COVID-19 e-survey conducted by Eurofound (Erro-Garcés et al., 2022). This positive relationship is mediated by worklife balance meaning that people who have positive experience of telework (i.e. they feel that they have the necessary equipment at home and they are satisfied with their telework experience), are satisfied with their work-life balance and this also leads to positive assessments on the wellbeing scale (Erro-Garcés et al., 2022). This positive relationship was not found among people who do not want to work from home after the pandemic is over (Erro-Garcés et al., 2022). Hence, people, who would rather not work from home, do not experience

the positive effect of a good telework organization on worklife balance. Interviews among employers confirmed that telework can support better and more flexible reconciliation of work and family life while it may also disrupt worklife balance with blurring boundaries between work and private time (Kivistik et al., 2022). This shows that from the employers' perspective, facilitating a positive experience of telework (including training in digital competences, facilitating the necessary equipment, addressing trust and quality of interpersonal relationships) could have a major positive impact on employees' wellbeing and worklife balance (Erro-Garcés et al., 2022).

As women take up family responsibilities more often than men, there are differences in the experience of work-family conflict by gender. A qualitative study based on the experience of nine families suggests that women took on most of the burden in case of combining work and family life and supporting children in the context of learning from home (Kopõtin, 2021). The experience of families suggests that men were given more uninterrupted working time when working from home or they rather kept on working from employers' premises (Kopõtin, 2021). This is supported by quarterly Labour Force Survey data that shows that women took up more distance work compared to men in the pandemic and this gender difference remains persistent even after the end of strict limitations for movement and social contacts (see Figure 1). In accordance with these trends, a study involving all EU countries suggests that women found it more difficult to concentrate on their jobs because of family in comparison to men (and in accordance with gender-role distribution), but women reported proportionally more life satisfaction than men (González Ramos & García-de-Diego, 2022). This suggests that women exhibit more adaptable and resilient attitudes, while men who made very few changes to their habits involving work-life balance felt life satisfaction as low as women (González Ramos & García-de-Diego, 2022). However, as the latter is found based on data of all EU countries, potential cross-country differences should further be analysed.

*Figure 1. Share of employees aged 15-74 working from distance by gender, quarterly 2018-2022*



Source: Statistics Estonia

Relationship between **telework and working time** has not been studied in Estonia based on representative data of the working age population. As telework can have both positive and negative impact on worklife balance, similar potential contradicting effects can be on working time. A study based on employer interviews suggests that telework supports individual working time preferences and working time autonomy while it may also lead to overworking and the related work stress (Kivistik et al., 2022). An online study of office workers (N=1422) suggests that they perceived their working time to be more flexible compared to the time before the pandemic as people have more freedom of how to use their time (Lill, 2021). Since most of the people in the survey increased their working hours from home, telework among office workers seems to be related to more working time flexibility. The study also found that more autonomy over working time and place is related to lower perceived work overload (Lill, 2021). Hence, this suggest that telework might be related to lower perceived overload via autonomy of working time and place. To confirm this hypothesis, a study based on a representative dataset would be necessary. Also, Labour Force Survey data (Statistis Estonia) shows a slight increase in the share of employees working overtime from 4.2% in 2020 to 6.2% in 2022 which suggests it should further be investigated whether and how this increase of overtime work is related to working from distance.

## 2.2 Control and surveillance

Employee control and surveillance is relatively little studied in Estonia, mostly as there is no specific data collected on the topic. The studies identified rely on qualitative research

methods, more specifically semi-structured interviews with Estonian workers or employers as well as analysis of regulations and case law on human rights and general data protection at national as well as EU level. Overall, telework is perceived challenging by employers due to the lack of mechanisms of control and surveillance (e.g. occupational health and safety at home office or use of working time) (Viilup Uuringud, 2021). It is also suggested based on qualitative evidence that people doing remote work have more control and autonomy over their own work arrangement compared to those working at employers' premises indicating that the level of control and surveillance by the employer is lower when working remotely (Rünkla & Marksoo, 2022).

With compulsory remote working there was a sudden increase of independency and self-reliance among the employees, as there was no constant physical surveillance by co-workers and the employer. In some cases, companies started using monitoring technologies to make sure that all the workers are doing their job from home during the working hours they were supposed to. Monitoring was also implemented at the workplace to protect the health and safety of workers who could have been threatened by the virus and were monitored for possible exposures (Suder, 2021, p. 14). With the use of Artificial Intelligence and monitoring technologies, the separation between personal information and work-related data is difficult to maintain and might end up affecting the relationship between the employer and the employee, as it may reduce trust between the two. Digital technologies used at work will also lead to new legal controversies in the field of privacy and data protection. Although focused more on legal analysis, Suder and Siibak (2022) highlight an important point: the use of various technologies may have been necessary in the context of the pandemic, but this has led to an inevitable increase in surveillance at the workplace. Although such technological tools have been accepted during times of crisis, they may be problematic in post-pandemic environment. Digital monitoring technologies enable covert monitoring and if employees are not notified about the specifics of the monitoring technologies they will lack the understanding on how they will be tracked (Suder, 2021, p. 95). The author argues that there is a clear need for EU regulations to protect the safety of workers and identifying the type of data that can be collected and with what technology. For instance, EU regulations should oblige employers to periodically inform and communicate monitoring activities to employees and consult employee representatives in case these are implemented (Suder, 2021).

Although current regulations (ECHR and its case law, GDPR) are extensive and deal with employee's privacy protection, their scope and content are limited in the case of workplace

monitoring (Suder, 2021). Both employers and employees must navigate complex topics regarding data protection and privacy as both the ECHR and the GDPR do not specifically address employee's rights in the employment context and therefore fail to give a set of uniform rules that regulate workplace monitoring. For instance, the GDPR is broadly worded, therefore allowing monitoring practices in the digital workplace that are in line with the GDPR but still could potentially invade privacy and data protection rights of employees (Suder, 2021). Also, there are monitoring practices used by employers in the digital workplace that do not fall under the scope of the GDPR but should be regulated to protect employee privacy rights (Suder, 2021). Hence, EU legislation needs to strengthen employees' ability to reject privacy-invasive monitoring technologies and give employers clarity under what conditions employee monitoring is allowed (Suder, 2021).

Even though Suder (2021) highlights that the implementation of monitoring technologies may lead to a decrease in autonomy and trust, Laas (2022) finds based on interviews in companies using remote work that by having more responsibility and self-reliance, employees felt more autonomous and were trusting towards others and the technology they were using. Interviews showed that workers had more opportunities to manage their time and be responsible for their own success during work time. However, the autonomy only had a positive effect if the employee is good at time management because otherwise the likelihood of overworking and burnout is very high due to increased pressure on the individual (Laas, 2022, p. 28). In addition, employers of bigger organisations feared that employees who were previously used to remote working and autonomy in their work management, would feel that during the compulsory remote work and change in legal norms, their independence would be reduced due to increased monitoring and lack of self-management (Laas, 2022, p. 43). In the recent decades there has been more focus on workers' mental health but during the pandemic the monitoring of employee's well-being was more difficult and therefore caused more concern for the employers (Laas, 2022, p. 13). Due to lack of employer control over well-being at home office, employees took more responsibility for their personal work organisation, particularly working time (e.g. better structuring work and personal time) (Laas, 2022).

As highlighted by Laas (2022), there have been structural changes to the office spaces after Covid-19 and the return to the normal working rhythm. Employers are putting more emphasis on cost reduction and more efficient room spacing. This is done for instance by *hot-desking* which means that employees no longer have assigned offices but rather that the employer provides working space that can be used in need (Laas, 2022, p. 35). Companies have already started adjusting to the new normality which shows that the likelihood of going back to the



old approaches of working is small (Laas, 2022, p. 35). This stresses the importance of remote work in the future and the need to address all aspects of it, including the possibility for employers to monitor employee well-being and job-related health (including mental health) while respecting boundaries and refraining from unnecessary tracking.

### 2.3 Occupational safety and health, including mental and physical health

Some research suggests that telework has impacted the occupational safety and physical and mental health of workers in Estonia.

Research on physical health and telework correlations is scarce. A questionnaire was answered in 2021 by 161 office workers (64,6% female) with a mean age of  $38,2 \pm 9.5$  years from ten organizations. Participants worked in the sectors of telecommunication, banking, and information technology and answered questions about their current work environment and the environment three months prior. Hence, this is also the only study that covers the specific sectors that are included in this study. However, the sample is not representative and so the results cannot be extended on the whole sector. Still, available evidence suggests that since the switch from office to working from home was sudden, a significant drop in both workplace comfort rating and workplace ergonomics rating was discovered during the lockdown. For example, the number of laptop users increased by 25,5% which suggest a more uncomfortable working space. Results indicate that there are significant negative correlations, since participants experiencing less comfort and ergonomics also had more musculoskeletal pain (MSP) with an onset during the COVID-19 lockdown in Estonia. However, results also showed no significant differences in the prevalence of MSP or between the mean number of body regions suffering from MSP before and during the lockdown, but authors declared this as a fault and bias in the design of the study. (Argus & Pääsuke, 2021)

Regarding mental health, there is more evidence, but results are inconclusive. Some research suggests a positive effect of working from home on the subjective well-being, work performance, as well as helping to reduce sleep problems and fatigue (Ainsaar et al., 2022). On the other hand, change in work environment has also slightly increased the proportion of those with psychological disorders like depression (Ainsaar et al., 2022). It may have been due to the lack of skills or environment adjustments necessary to work from home, as well as no possibility to ask for help from colleagues or other additional home-related tasks (mothers helping children with schoolwork (Ainsaar et al., 2022). Estonia stands out in comparison with other European countries with more depressed people among those who did not have an opportunity to work from home (Kovaljov et al., 2023). The proportion of those who were

depressed most of the time during the last two weeks did not differ significantly among those who worked from home (including those who worked from home before the pandemic started and those who started during the pandemic) and those who did not work from home (Kovaljov et al., 2023). The results allow us to assume that the mental health of employees is primarily influenced by the type of work performed and less by the place of work (Kovaljov et al., 2023).

Research via a questionnaire conducted among 462 workers (79,2% female with a mean age of  $38,3 \pm 10,7$  years) showed, that those who work from home feel lonelier than those who work in the office. In particular, employees who want to work in the office but have to work at home instead experience greater social isolation associated with teleworking while working at home (Veermäe, 2022). It is also perceived by HR specialists that working from home reduces communication between colleagues and may promote feelings of isolation (Kivistik et al., 2022). While working from home may raise feelings of isolation, another study also suggests that people who feel lonely at work might also prefer working from home. A study with a different sample (1422 respondents, 73,6% female with a mean age of 40,5 years) showed that employees who feel lonelier at work prefer teleworking in comparison to employees who feel less lonely (Sepp, 2021). Results indicated no statistically significant difference in feelings of loneliness between workers who preferred to work in an office and workers who preferred to work equally between home and office (Sepp, 2021). Possible reasons why a lonely employee prefers to work in a home office can be alienation from or rejection by colleagues (Sepp, 2021). This suggests that feelings of loneliness and isolation may be caused by working from home (particularly if one would rather prefer working in the office), but home office may also be the choice for those already experiencing loneliness at work.

Concluding in slightly different results, University of Tartu researchers conducted a study using a questionnaire in spring 2021 with 3352 respondents representing a broad number of sectors, organisations of different sizes, locations etc (Aidla et al., 2022). Results show that consequences of physical and social isolation are not only an issue for teleworkers but also non-teleworkers. Being away from colleagues while working out of office does not necessarily automatically mean a higher social isolation level (Aidla et al., 2022).

In conclusion, limited available research evidence suggests that improving the comfort and ergonomics of the workplace might help to support physical health of teleworkers. Therefore, the employees who continue to work from home need better working conditions and more support. Regarding mental health, results are inconclusive and suggest that teleworkers might

not feel lonelier, more socially isolated or more depressed compared to non-teleworkers. Employers should aim for a customized approach for employees' working conditions, since one-size-fits-all is not viable. Supportive and healthy relationships in different office settings should be the focus.

Some studies have also analysed occupational health and safety organisation in companies during the pandemic. A survey of employers (N=251) showed that two thirds had provide a computer for employees for working at home and another two thirds provided smaller work equipment (headphones, stationery etc) (Viilup Uuringud, 2021). About third of employers had provided other large work equipment (e.g. computer screen, desk or chair) or enabled mental health counselling financed by the employer (Viilup Uuringud, 2021). While employers have stressed the lack of clarity in taking responsibility for occupational health and safety at remote workspaces (Kivistik et al., 2022), a total of 21% of employers had undertaken risk assessment at the remote work spaces of employees (Viilup Uuringud, 2021). The approach to risk assessment varies among employers, including conducting web-based questionnaires, observation through online meetings of photos of the workspace etc. Some companies were still planning their risk assessment and only a small share said that this is entirely the responsibility of the employee (Viilup Uuringud, 2021). Based on the Estonian Worklife Survey (2021), a total of 70% of companies that enabled remote work had given instructions on workplace health and safety for people working at home (Rünkla & Marksoo, 2022). 68% of those companies had also monitored its implementation. Small companies (5-9 employees) contribute more to workplace health and safety for remote workers compared to larger companies (91% in small companies compared to 62-68% among larger enterprises) (Rünkla & Marksoo, 2022).

## 2.4 Equal treatment and non-discrimination

The following chapter is focused on how remote work during the Covid-19 pandemic affected equal treatment by gender in Estonia. Quantitative studies based on available statistical data cover all EU countries which makes it difficult to extract specific conclusions on Estonia. Two qualitative studies have also been conducted to investigate the effects of Covid-19 on gender equality and equal treatment of people with disabilities, although neither focus specifically on remote work, but include this as one aspect of employment in the pandemic.

Both international studies highlight important cross-country differences in the labour market effects of Covid-19. In Estonia unemployment increased between 2019 and 2020 and the labour market effects were more to the disadvantage of men. The increase in unemployment

for men was 4.3 percentage points, which was the highest in Europe (EIGE, 2021, p. 13) as was the decrease in men's employment rate (Eurofound, 2022a, p. 26). Both studies highlight that women work more often in sectors and occupations where it is possible to implement telework (e.g. administrative tasks, office workers etc) (EIGE, 2021; Eurofound, 2022a). This may have prevented large employment impact for women. EIGE also highlights that there is a risk for reinforcing gender roles, making telework a highly feminised alternative to office-based work (EIGE 2021). As telework is indeed more common among women compared to men in Estonia, this aspect should be investigated further as EU level data also suggests that people doing telework suffer more from work-family conflicts (Eurofound, 2022).

A study based on the whole EU population, including Estonia, concludes that lockdown did not entail a significant transformation of gender relations or transformation of traditional gender-role distribution at home (González Ramos & García-de-Diego, 2022). A qualitative study based on interviews with parents, front-line workers and older people in Estonia even suggests that the traditional gender roles not only remained unchanged but were amplified increasing the stress level for mother working at home (Ainsaar et al., 2022). Men spending more time at home involves almost no impact on a more equal gender regime with equal gender-role distribution. If women have taken the risk of tackling work-life balance as they advance in joining the labour market, men do not have the risk of taking more responsibility for care and household work when circumstances place them at home (González Ramos & García-de-Diego, 2022). While home and work roles were differentiated in terms of time and place before Covid-19, these coincided with working at home during lockdowns at schools and workplaces (Ainsaar et al., 2022). A qualitative study on the impacts of Covid-19 on gender equality in Estonia confirm the work-family conflict for women while it also highlights that adjustment to the combination of home-based work and family responsibilities has been easier on those who had previous experience of telework and flexible work arrangements (Haugas & Sepper, 2021). A study on people with disabilities points out that issues with remote work are similar, including combination of work and private life or lack of suitable equipment for remote work, particularly if there is a need for specialised equipment due to the disability (Sepper et al., 2021). It is also highlighted that while remote work should give more opportunities for employment of people with disabilities, this positive effect has not realised as remote work has not become more common for people with reduced work ability compared to other employees – people with reduced work ability work are doing less telework compared to all employees on average (Rünkla & Marksoo, 2022). Hence, more efforts are necessary to make remote work supportive for employment of people with disabilities.

## 3. Regulation

### 3.1 Regulatory framework and recent reforms at national level

An analysis by Eurofound (2022b) has characterized Estonia as having a state-centred governance model, whereby teleworking is primarily regulated through statutory legislation. The statutory legislation acts, Employment Contracts Act and Occupational Health and Safety Act apply to workers with an employment contract. An employee can work remotely on the mutual agreement of the employer and employee. Therefore, teleworking is considered a work arrangement rather than a labour contract. Up until 2022, there were virtually no health or safety regulations that would take into account the nature of remote work, and it was not clear how the existing regulations apply to remote work. The lack of regulation and information made adhering to regulations extremely complicated for employers (Villemson, 2022). A study of employers in Estonia showed that employers consider remote work regulations to be too vague while the responsibility for designing a suitable work environment and for employee workplace health does not take into account the lack of possibility for employers to control the work environment at home offices (Viilup Uuringud, 2021). The recent amendments in remote work regulations are detailed below.

Collective bargaining plays a limited role in the regulation of teleworking in Estonia due to the high degree of decentralization and low collective bargaining coverage (Eurofound, 2018; Sanz de Miguel, 2020). In 2017, the Estonian Employers' Confederation and Estonian Trade Union Confederation signed a remote work agreement, which included recommended principles of teleworking. The agreement provides only non-binding guidelines and has not been implemented extensively through sectoral or company level collective bargaining. Some examples are discussed in chapter 3.3.2 below.

### 3.2 Statutory legislation

Telework is regulated by Employment Contracts Act<sup>1</sup> and Occupational Health and Safety Act<sup>2</sup> in Estonia. The legislation applies to all employees with an employment contract.

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<sup>1</sup> Employment Contracts Act, Riigi Teataja. Available in English at:

<https://www.riigiteataja.ee/en/eli/520032023012/consolide>

<sup>2</sup> Occupational Health and Safety Act, Riigi Teataja. Available in English at:

<https://www.riigiteataja.ee/en/eli/511112022002/consolide>

### 3.2.1 Definition of telework

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There is no clearly unified definition of teleworking in statutory legislation. In Employment Contracts Act §6 (4), telework is rather generally explained as a situation when „work, which is usually done in the employer’s premises, is done outside the place of performance of the work, including at the employee’s place of residence”. Another defining feature in the legislation is mutual agreement of the parties. For example, Labour Inspectorate defines telework as an arrangement where the employee fulfils their duties outside of the employer’s place of work by mutual agreement between the parties<sup>3</sup>. In the legislation, teleworking is not defined by minimum frequency, and there is no reference to ICT use. Therefore, there is a high degree of ambiguity as there is no mention of whether telework should be regular or occasional to be considered legally telework (Eurofound, 2022b).

### 3.2.2 Telework regime

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According to the legislation, in order to work remotely, employer and employee have to reach a mutual agreement. Neither party has the right to request or demand remote work. If the employee works remotely, this should be included in the employment contract. It is recommended, but not compulsory, for the mutual agreement to work remotely and the conditions for telework to be in written form (Labour Inspectorate, 2022; Villemson, 2022).

### 3.2.3 Working conditions

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#### 3.2.3.1 Working time and work-life balance

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Analysis of legislation to govern the recording, monitoring and controlling of working time for remote workers by Eurofound suggests that Estonia is among the 12 countries that have legislation that applies to all workers, without making specific reference to teleworkers or remote workers (Llave & Weber, 2020). In the study, Estonia was classified as a country with general regulatory approach involving countries that only have general legislation regulating the use of telework or remote working and its impact on work–life balance, without making a direct link between the two (Llave & Weber, 2020). Therefore, there are no specific regulations for the organisation of working time in teleworking, except for one specific type of work arrangement, on-call telework. There are exceptions in working time regulations for full-time

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<sup>3</sup> See explanations of Labour Inspectorate on what is telework, available in English: <https://tooeu.ee/en/34/what-teleworking-when-teleworking-possible>

employees, whose duties are to ensure the continuous functioning of information and communication technology services, infrastructure, and information security (Employment Contracts Act § 48 (21)). According to the legislation, daily and weekly rest time requirements do not apply in the condition that the employee can perform duties that require responding during on-call time without having to go to their place of work. The amendment was introduced in the context of international security situation related to the invasion of Ukraine, as the demand for critical information services in fields such as public administration and energy provision has increased. According to the Employers Confederation's proposal, flexible contracts that allow workers to be on-call longer, but not have to be physically present in the workplace, help ensure public access to critical ICT services (ETKL, 2022b). The change to on-call working time legislation was discussed in tripartite meeting, including Employers' Confederation, Trade Union Confederation and Ministry of Social Affairs, in the wider context of debates regarding updating employment contracts to be more flexible (EAKL, 2022).

The Estonian remote work agreement (*Kaugtöö kokkulepe*) of 2017 recommended to grant employees the freedom to choose their own working time, as long as working hours remain within the legal framework (see also chapter 3.3.2.1 below). However, the agreement is non-binding. In 2022, the concept of „employee with independent decision-making capacity” was added to Employment Contracts Act. According to this legislation, employer and employee can sign a written contract that allows an employee to organise their own working time if the nature of their work allows for significant independence. Independent decision-making can apply to workers whose wage in one month is at least the Estonian average gross monthly wage and whose nature of their work allows for freedom in working time, such as translator, accountants, scientists, some higher-level managers etc. While there is no explicit reference to remote work in the legislation, there is considerable overlap of freedom in working time and working place, and the legislation was introduced in the context of increasing popularity of the practice of remote working and need for more flexibility in regulations (ETKL, 2022a; Ministry of Social Affairs, 2022). The introduction of the amendment was a result of a tripartite meeting including Estonian Employers Confederation, Estonian Trade Union Confederation and the Minister of Health and Labour (EAKL, 2022). Employee can only have independent decision-making capacity when they are entirely free to choose their schedule, which means that this does not apply for remote workers who due to the nature of their work have to be reachable during certain hours of the day (for example the remote worker is required to attend meetings and reply to emails between 9-17).

There is no reference in the legislation for the right-to-disconnect.



### 3.2.3.2 Occupational health and safety

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Teleworking is regulated by the Occupational Health and Safety Act, which places the responsibility on the employer to assess the risks associated with the nature of the work and fulfill occupational health and safety requirements in all work-related situations. In the case of remote work, the employer is responsible „insofar as possible considering the particular nature of teleworking” (Occupational Health and Safety Act § 12 (1) ). Amendments specific to teleworking were added in 2022 (Labour Inspectorate, 2022).

The employer is obligated to conduct a risk analysis of the place of work, reflecting the potential risks associated with the nature of the work, as well as taking into account the peculiarities of remote work. The employer must then take measures to prevent or reduce employee health risks identified in the risk assessment. The risk assessment can be done through conversation and doesn't require a physical visit to the place of work, but it must be recorded in writing. The employee is required to collaborate on the risk assessment and also notify the employer of any changes in the place of work.

Before allowing telework, the employer must provide instructions on creating a safe work environment that takes into account the unique nature of teleworking, and these instructions must be provided regularly. The employee is responsible for arranging a place of work that meets the employer's instructions, placing more responsibility on the employee for occupational health and safety compared to regular work. Telework is suitable only for professions with low health hazards where employees can minimize risks themselves, and it should not be conducted if the type of work requires specific conditions and safety regulations that are difficult for the employer to ensure, such as noise isolation or forced ventilation (Labour Inspectorate, 2022).

The employer is obligated to ensure suitable equipment for the performance of work tasks, including a desk and chair if the employee demands it. It can also be agreed that the employee buys the equipment required and the employer covers the costs. If the teleworker uses their own equipment, the two parties may also agree on compensation for costs, and the employer is not responsible for covering the costs. In general, the remuneration of equipment according to the legislation is up to mutual agreement of the parties.

As per the Occupational Health and Safety Act, the employer is responsible for arranging and paying for employee's regular health check-ups if employees spend more than half of their working time working with a monitor. This also applies to teleworkers and employees have to attend regular health check-ups.



The employer is also obligated to investigate work accidents or occupational diseases. An occupational disease can also occur for a remote worker if their health has been affected by hazards in the work environment, which means the employer has the obligation to find out the causes and circumstances of the occupational disease (Labour Inspectorate, 2022).

Work and rest time regulations apply to teleworkers as for regular workers (with the exception of on-call ICT teleworker, as described above).

#### 3.2.3.3 Control and surveillance

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As discussed in chapter 2.2 above, general regulations on data protection are implemented in case of remote work, without making specific reference to teleworkers or remote workers (Llave & Weber, 2020). The overall principle as set out in Employment Contracts Act is to respect employee privacy and monitor fulfilment of job tasks in a way that does not breach the basic rights of employees.

General data protection principles and legislation apply to teleworking. There are no specific legal provisions on recording, measuring or monitoring working time in telework. There is no reference to use of digital monitoring systems in legislation. In many countries (especially in Eastern EU member states), the topic of employee monitoring is not high on the policy agenda of the government or social partners (Suder, 2021). These member states (e.g. Estonia) have no specific rules concerning data collection in employment and therefore apply the rules enacted in the GDPR (Suder, 2021).

#### 3.2.3.4 Equal treatment

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As with control and surveillance, general principles on equal treatment apply without making specific reference to telework or remote workers. The general principles of telework essentially follow the 2002 Framework Agreement on Telework and tend to cover only the basic modalities of telework (such as its voluntary nature, the equal treatment of teleworkers compared to other employees, and provisions for determining terms and conditions for teleworkers) (Llave & Weber, 2020).

### 3.3 Collective regulation in the four sectors covered

The four sectors that are analysed in the current chapter include: chemical industries, ICT consultancy and related activities, financial services and public administration. Overall industrial relations landscape in Estonia is described followed by a more in-depth description of the four sectors and some examples of collective agreements in the sector.

### 3.3.1 Overall industrial relations landscape

Based on a classification of industrial relations systems by Eurofound (2018), Estonia is considered among the group of “market-oriented governance” countries with Poland and the UK. The countries in this group score the lowest in industrial democracy which is the result of relatively weak social partnership with low levels of collective bargaining (Eurofound, 2018). At institutional level, the countries share very uncoordinated and decentralised collective bargaining systems and the state plays a minor role in collective bargaining (Eurofound, 2018, p. 40). Social dialogue performance at company level is more varied though as with Estonia and the UK performing above the EU average (Eurofound, 2018). Hence, industrial relations system in Estonia is highly decentralized, while company level collective bargaining is relatively limited. Still, the degree of collective bargaining coverage and social partner role varies considerably across sectors.

The sectors included in this study are different in terms of their size – the largest sectors is public administration with more than 38,000 employees in 2021, followed by ICT consultancy with almost 18,000 employees (see Table 1). Financial services is the most feminized sector as two thirds of employees are women while women are significantly underrepresented in ICT (32%). Employees in the ICT sector are also very young (more than half are younger than 35) while the share of employees aged 55+ is highest in chemical industries (25%) and public administration (23%).

Table 1. Overview of employment in the four sectors covered in this study, 2021

Sectors	No of people employed	Women (%)	Age groups		
			15-34 (%)	35-54 (%)	55+ (%)
<b>chemical industries (NACE 20)</b>	2511	45%	24%	51%	25%
computer programming, ICT consultancy and related activities (NACE 62)	17691	32%	55%	41%	4%
financial service activities (NACE 64)	8423	66%	41%	49%	9%
public administration and defence; compulsory social security (NACE 84)	38491	57%	25%	52%	23%

Source: Statistics Estonia, Population Census 2021

Industrial relations landscape in the sectors is also varying extensively. The below estimations on industrial relations characteristics are based on the work of Eurofound Network of Correspondents. It is important to keep in mind that the sector definition do not always overlap with the ones covered in the current report and the sectoral studies are conducted in different time periods (not always after Covid-19). Still these estimations give a fairly good overview of

the general industrial relations landscape. In all four sectors, at least one trade union and employer organization is operating, although collective bargaining remains very limited (or even non-existent in financial services) and mostly at company level (one exception is public administration with a multi-employer agreement).

There is one trade union and one employer organisation operating in the **ICT sector** in Estonia (Lamers et al., 2019). A total of 6,953 companies are operating in the sector in 2021 (Statistics Estonia<sup>4</sup>). However, considering the size of the sector overall, share of trade union membership remains low (less than 1% based on information gathered among Network of Eurofound Correspondents). Still, collective bargaining coverage was estimated at 12%, which is among the countries of low collective bargaining coverage. Only single employer agreements are concluded in the sector. (Lamers et al., 2019)

While there are trade union and employer organisations operating in the financial services, particularly **banking sector**, it was estimated in 2019 that there are no collective agreements in the sector (Adam & Kerckhofs, 2019).

**Chemical industries** sector is described by company level collective bargaining while collective bargaining coverage remains low (16%) (Eurofound, 2014). A total of 1 trade union and three employer organisations are identified in the sector. According to Statistics Estonia, there are a total of 133 companies operating in the sector.

In **public administration**, trade union and employer organisations are present, although collective bargaining coverage also remains low (estimated at less than 25%) (Pavlovaite et al., 2022). Unlike other sectors, public administration is described by multi-employer bargaining at sectoral level (Pavlovaite et al., 2022).

Table 2. Overview of industrial relations characteristics in four sectors

Sectors (year of sectoral representativeness study)	No of trade union organisations	No of employer organisations	Collective bargaining coverage
chemical industries (2014)	1	3	low
ICT consultancy and related activities (2019)	1	1	low
financial service activities/ banking (2019)	2	1	No collective bargaining

<sup>4</sup> Source of data: Statistics Estonia, table EM0072. Available at: [https://andmed.stat.ee/et/stat/majandus\\_ettevetete-majandusnaitajad\\_ettevetete-tulud-kulud-kasum\\_aastastatistika/EM0072](https://andmed.stat.ee/et/stat/majandus_ettevetete-majandusnaitajad_ettevetete-tulud-kulud-kasum_aastastatistika/EM0072) [viewed 18 April 2023]

public administration: local and regional government sector and social services (2022)	3	1	low
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Estimations of collective bargaining coverage: low: collective bargaining coverage less than 25%; average: collective bargaining coverage 25-50%; high: collective bargaining coverage more than 50%

Source: Lamers et al. 2019; Adam & Kerckhofs, 2019; Eurofound 2014; Pavlovaite et al. 2022.

### 3.3.2 Social dialogue and telework

The topic of telework is covered on multiple levels of social dialogue. In some cases, telework agreements are concluded directly between social partners and in some cases, telework principles are laid out by the employer in work organization arrangements and trade unions or employee representatives can be included in defining those principles, but this is not always the case.

#### 3.3.2.1 National level

In 2017, Estonian Employers’ Confederation and Estonian Trade Union Confederation concluded a remote work agreement which included recommended principles of teleworking<sup>5</sup>. The agreement provides non-binding guidelines and has not been implemented extensively through sectoral or company level collective bargaining. The main principles of these guidelines are elaborated below.

**Definition of telework:** definition is similar to that defined in national legislation – working outside employers’ premises, it is voluntary for the employee and based on a mutual agreement.

**Telework regime:** the agreement does not specify the right to request telework for specific groups of workers, but it does state that all people doing similar work have to be given equal right to use telework arrangements. According to the agreement, telework arrangements should be agreed in written form, including all the aspects that are important for the parties in relation to telework, including data protection, privacy, use of work-related equipment, work environment, work arrangements, training, occupational safety etc.

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<sup>5</sup> Remote work agreement is available in Estonian at: <https://toelu.ee/sites/default/files/2021-04/Eesti%20Ameti%C3%BChingute%20Keskliidu%20ja%20T%C3%B6%C3%B6andjate%20Keskliidu%20kaugt%C3%B6%C3%B6%20kokkulepe.pdf> [viewed 18 April 2023]

**Working conditions dimensions:** the agreement states that *working time* agreements will proceed from national level regulations (Employment Contracts Act). Depending on the nature of work, people on remote work may be given the autonomy to choose their working time. In this case, employers should be given the right to give orders to employees on working time monitoring.

In terms of *occupational health and safety*, several principles are laid out in the agreement. It should be kept in mind that the agreement was concluded in 2017 when more specific changes in Estonian legislation were not yet introduced (see also chapter 3.2 above). The agreement sets out that employers must announce occupational health and safety rules to remote workers, including for instance the use of computer screens. According to the agreement, the person doing remote work will be responsible for following these rules and employers or employee representatives should have the right to control following these rules upon prior agreement. Also, employers must be given the opportunity to send people to additional health checks in case most of the work is done remotely.

In relation to *control and surveillance*, employers must ensure the right to privacy for employees and the latter must be informed of any surveillance systems used and implementation of any surveillance must be proportional to its aims.

Provision of equipment is the responsibility of the employer according to the agreement while employees must follow the rules of using the equipment. Parties can agree on filling job tasks with the personal equipment of the employee in which case coverage of the costs of personal equipment (e.g. use of personal phone) needs to be agreed between the parties. Doing remote work must not entail additional costs for the employee.

### 3.3.2.2 Sectoral level

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A sectoral level agreement on telework is concluded in **public administration** between the State and Local Government Trade Union Association and Ministry of Finance in 2018<sup>6</sup>. This provides basic recommendations which Ministry of Finance proceeds from in the development of public service. Ministry of Finance in Estonia is responsible for the development of public administration and public service policy and coordinates its

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<sup>6</sup> Remote work agreement in public sector is available in Estonian at: <https://www.rotal.ee/wp-content/uploads/2019/02/Kaugt%C3%B6%C3%B6-soodustamise-kokkulepe.doc> [viewed 18 April 2023]

implementation. The agreement largely repeats the principles set out in the national level agreement, although some points are added. It is suggested by Estonian sectoral trade union representative that remote work arrangements in the public sector will largely be impacted by the EU social partner agreement on digitalization for central government from October 2022. The agreement provides further principles on the right to telework, to disconnect, to training, health and safety, protection of personal data and a more strategic approach to artificial intelligence<sup>7</sup>. Whether and how these principles will be implemented in national level agreements will remain to be seen in the future.

**Definition of telework:** definition repeats that mentioned in the legislation and the national level agreement. It also adds working in employer provided remote work centres which are set up across Estonia for public sector employees. In 2023, there remote work centres are opened in eight Estonian cities which have employer provided equipment for remote work and are open for anyone working in the public sector<sup>8</sup>. Similarly to the principles set out in the national level agreement, remote work is voluntary neither employee or employer can demand remote work implementation.

**Telework regime:** as in the national level agreement, it is stated that all people doing similar work have to be given equal right to use telework arrangements. General conditions for remote work are regulated in organization work arrangement principles and in a remote work agreement between the employer and public servant, including conditions of using work-related equipment, work environment, work arrangements, occupational safety etc.

**Working conditions dimensions:** the agreement states that remote work is implemented to support better reconciliation of work and family life, support living in rural areas and promote employment for people with reduced work ability. *Flexible working time* can be agreed in case of remote work if the nature of work allows this. Employers have the right to set up arrangements for monitoring the use of working time.

The principles for occupational health and safety and are the same as defined in the national level agreement (see 3.3.2.1 above). However, points on control and surveillance are not included in the public sector agreement. Only the right to monitor working time is mentioned.

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<sup>7</sup> The EU social partner agreement is available in English at: <https://www.epsu.org/article/eu-social-partners-adopt-new-agreement-digitalisation-central-government> [Accessed 19 April 2023]

<sup>8</sup> Remote work office spaces are described in Estonian at: <https://www.rkas.ee/et/kaugtookohad> [Accessed 18 April 2023]

General principles for equal treatment of employees working remotely are set out, including the right to participate in social dialogue and communicate with employee or trade union representative and equal access to training.

There are no other sectoral level agreements on remote work in Estonia as at April 2023.

### 3.3.2.3 Company level

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According to the Estonian collective agreements register, we were able to identify only one company level agreement that includes principles on remote work that has been in effect since the beginning of 2020 in the sectors covered in this study. This is a collective agreement in the chemical industry sector<sup>9</sup>. There are several limitations for using the register as it does not include all collective agreements concluded in Estonia (registration of collective agreements is voluntary) and it is not updated regularly, it still provides some overview of company level agreements.

The chemical industry collective agreement however, does not specify remote work principles in detail, but only sets out the possibility to use remote work in the company. It also states that the principles of using remote work will be regulated by the employer in a corresponding procedure.

This practice was also confirmed by a public sector trade union representative. In public sector as well, remote work principles are most often set out in work organization procedures in the company. For this reason, public sector employers have not wanted to include remote work principles in collective agreements. There is one public sector company level example where the remote work principles were discussed with trade union members before implementation and regulated in work arrangement procedures rather than collective agreement.

A study on virtual work in Estonia from 2019 seems to confirm this practice in financial and ICT sectors. According to the case study of one bank in Estonia (SEB), the organization facilitates social dialogue by inviting into and engaging employees in working groups which address work organization challenges (Masso et al., 2019). In case of ICT sector, it was

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<sup>9</sup> Collective agreement in chemical industry sector is available in Estonian at: [http://www.keemiaa.eu/images/documents/Kollektiivleping\\_2023-2024\\_EST.pdf](http://www.keemiaa.eu/images/documents/Kollektiivleping_2023-2024_EST.pdf) [Viewed 18 April 2023]

confirmed that the trade unions had not been able to include virtual work principles in collective agreements as it was deemed unnecessary by the employers (Masso et al., 2019).

Hence, even if remote work arrangements are not included in company level agreements, there may still be discussion and social dialogue on these topics and the results are set out in work arrangement procedures at company level. However, the extent of employee involvement in setting up remote work procedures seem to be different and deserves further analysis.

## 4. Conclusions

Overall, telework has been on the rise in Estonia already before Covid-19 and the implementation of mandatory remote work in many sectors. The share of people doing telework regularly is higher in Estonia compared to the EU average. Different aspects of working conditions are studied in relation to remote work. For instance, it is found that a positive experience of telework supports satisfaction with work-life balance. Relations between telework and working time arrangements suggest that people doing remote work have more freedom to choose their working time while at the same time there is greater risk for working overtime.

Control and surveillance aspects of telework are relatively little studied while it seems to be the case that remote workers perceive more freedom over their work arrangements compared to those working at employers' premises.

Studies on telework and its impact on occupational health and safety tend to be inconclusive as different studies often outline contradicting results in terms of physical as well as mental health. This leads to the conclusion that both positive and negative health impacts are evident for teleworkers. Finally, studies on equal treatment and non-discrimination in case of telework most often relate to gender equality as women are more prone to use telework and experienced firsthand the stress of combining work and family life in the pandemic. However, it was found that women have been relatively resilient in this crisis while there is a threat that remote work become feminized and only amplifies the role of women as caretakers. There is no sectoral evidence in the four sectors covered in the current study as most research does not differentiate by economic sectors or the results are not representative of the whole sector.

Estonia is a country with a state-centred governance model, whereby teleworking is primarily regulated through statutory legislation. Hence, overall principles are set out in Employment



Contracts Act and Occupational Health and Safety Act. The regulations tend to be rather general and follow the 2002 framework agreement on telework. Collective bargaining plays a limited role in the regulation of teleworking in Estonia due to the high degree of decentralization and low collective bargaining coverage (Eurofound, 2018; Sanz de Miguel, 2020). General principles were agreed in a national level remote work agreement between the Estonian Employers' Confederation and Estonian Trade Union Confederation in 2017. The agreement provides non-binding guidelines and has not been implemented extensively through sectoral or company level collective bargaining. Similar agreement was concluded again in the public sector in 2018. Company level agreements do not provide more details in the regulations. However, it is suggested that social dialogue still exists at company level, only the results on telework arrangements are not concluded in collective agreements but are rather set out in work arrangement procedures.

This also leads to the main hypotheses that could be explored further in the current TWING project – while there is no collective bargaining on remote work when we only consider concluding collective agreements, there is still social dialogue on remote work, only the results are formalised in a different way than a collective agreement. Whether and how these practices are implemented at company level, including what are the mechanisms for the involvement of trade union and/or employee representatives in companies could be studied further in the current research project.

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