



TWING PROJECT

Fieldwork

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1. Views and discourses on telework

Overall, there was a balanced view towards risks and benefits of remote work for both employers and employees. It was highlighted multiple times that remote work is of interest for both employers and employees or that it is a win-win situation as both parties have to gain from the arrangement. It was also highlighted in multiple interviews that generally, employees are interested in using telework arrangements and are in most cases the ones that make the application towards ability to use telework. So it was also seen in many cases as beneficial for the employees. It was highlighted that hybrid work has become self-evident in many sectors and companies.

In conclusion, remote work is a win-win situation, but it requires a thoughtful approach to fully realize its benefits. It is not a one-size-fits-all solution, and organizations need to consider their unique needs and the nature of the work involved.

Telework is an agreement and a bonus to employees.

The benefits and risks identified in interviews are summarised in table 1 below. The main benefit outlined for employees include flexible use of one's time, including ability to combine work with private life, hobbies, taking more breaks or „get out during the day“ and family obligations. This was highlighted by both employer and employee representatives. Flexible use of time and freedom to choose the start and end of working time is considered an important reflection of employee autonomy that is appealing to employees (or is considered to be appealing to employees by their employers). Flexibility in working time and place is considered as a reflection of family friendly employers. For employees, it is considered that telework enables to save time from commuting and hence gives more freedom to use their time sparingly or for personal purposes. This also gives the opportunity to introduce more autonomy in using one's working time.

It is interesting to observe that in several occasions, telework is seen as an opportunity to „avoid taking sick leave“. Until now, Estonian health care system does not enable taking partial sick leaves. When a person is taking sick leave, they are not allowed to get income from work. This also applies in case of care leave taken to take care of a sick child. Arguments have been made towards enabling partial sick leave in case a person is not able to go to the office but is able to work remotely, although this has not yet been introduced in legislation. According to

current information, partial work during sick leave will be allowed since April 2024, but only in case of long-term sick leave. Hence, telework practices seem to encourage working during sickness but it will not be possible to reduce working hours and encourages to continue working full time. The potential risks were not discussed in interviews (e.g. whether this might prolong healing period, discourage taking sick/care leave or increase stress level in case there is a need to combine work obligations with feeling unwell or taking care of a sick family member).

Another benefit is that telework allows employees to work when they are slightly unwell, but not completely sick and unable to work. In this way employees can continue to work and don't have to take sickness leave.

Another aspect that was highlighted by some employer and employee representatives, is gender equality. It was recognised that telework has potential in improving gender equality, although the views on the extent to which this has realised in practice seem to differ. It was pointed in one interview that telework does not seem to improve gender equality in unpaid work as women still seem to take most responsibility in care leaves. On the other hand it was highlighted that telework gives particularly women the ability to be involved at work while also bearing caregiving responsibilities. It was also considered that this attracts more women into sectors where flexible working conditions are more common (like IT) and women have more possibilities to combine work with family obligations.

A third aspect that was also considered beneficial for employees was the ability to be more mobile and find working opportunities that are not necessarily close to home. People can work from wider range of locations and in some cases even from abroad. This allows individuals to live outside of central hubs. From the employers' perspective this is seen as an opportunity to widen talent search – it is possible to engage employees from multiple locations, hire talents more broadly (outside the local area or even from abroad).

Some aspects were considered particularly beneficial for employers. This includes the ability to save costs. This primarily includes choosing smaller rental spaces and lower costs on office with the assumption that part of the staff are working remotely. On employees' side, some recognised this also as a risk – in case there are fewer office spaces, it is possible that there will not be room to return to office in case employee wishes so. Nevertheless, it was also mentioned that so far this has been a theoretical problem as it has not occurred in practice and employees have not felt that telework is something that is forced on them by employers. It was also highlighted by employers that telework as in important aspect to ensure employee

satisfaction. This is also related to the need to be an attractive employer or attract and retain qualified workforce. Hence, telework was considered a must in several occasions in case an employer want to be attractive for potential new employees, particularly young employees who seem to particularly value flexibility at the workplace. It was particularly brought out that in sectors with high level of telework presence (ICT), telework is seen as a mandatory package to be offered to employees to stay competitive. It was also brought out that meeting employees' demands is also necessary to support employees' engagement – "everyone is more aligned, working towards the same objectives".

The main risk identified by both employers and employees are related to working overtime and blurred boundaries between working and private time. Employees are concerned for burning out and risks telework puts on mental health of their employees. Several examples where discussed where employers took action to ensure that employees use their time off (e.g. motivating employees to use their annual leave, not to work on weekends etc.).

For employees, limited access to workplace benefits was also discussed. It was referred that employers tend not to conclude training agreements for people doing telework which might limit their access to training. Also, it was referred that sometimes employees doing telework are concerned whether and how they can access other benefits (e.g. health benefits) that are offered at a workplace. Employees are also concerned that telework might lead to lack of support or guidance by the employer which makes it difficult to achieve good results and raises the stress level. Also, trade unions outlined that in case of telework, employers might make more decisions without consulting employees first and employers might lose track of what their employees actually need.

A risk of additional costs were outlined for both employers and employees. For employers, there might be a need to reimburse costs for setting up home offices or ensuring the necessary equipment (e.g. laptop computers for employees). On employees' side, one trade union was concerned that employees will bear additional costs as they are using their home utilities (heating, electricity) and these costs will not be reimbursed for employees.

Another risk that is partly in common for employers and employees includes the inability to ensure equal treatment of employees. It was pointed out that particularly in sectors or companies where it is not possible to ensure telework for all employees, a sense of inequality might emerge at the workplace. While some interviewees considered that increasing working time autonomy also at the workplace might compensate for this inequality, other interviewees

suggested that some employers will not allow telework in case it is not possible for all employees to avoid dissatisfaction among employees.

Employers are mainly concerned with losing touch with their employees. Several interviews showcased that employers make extra efforts to ensure that some contact remains with teleworkers either through mandatory office days or organising special events at offices to attract employees back to workplace. Also, the design of workplaces has changed as more effort is put on common workspaces and cooperation possibilities which has become the main function for offices.

many enterprises believe that the main workplace should be the office, for socialisation, access to information and other aspects, although it does not have to be eight hours and five days a week.

Employers are struggling to get employees back to offices to (re)create team spirit. On one hand, less workplaces are needed in the offices due to telework, on the other hand employers try to make workplaces as cosy as possible, create comfortable team spaces and meeting spaces to have staff back in the office.

Employers are also often concerned with ensuring occupational health and safety at home offices. While legislation in Estonia has changed putting more responsibility on the employee for their home offices, employers still highlight concerns with ensuring safe workspaces at home office. Employers have no control over how employees work at home and this might be a health risk in the long term. Some interviews also highlighted employers' concern for reduced productivity while working outside the office. In particular, this means that employers have no control over whether employees work with same intensity at home offices or whether working time is used for work. Also, it was mentioned that working in different locations reduces innovation and ability to generate new solutions in cooperation which means that generating new ideas might be more difficult. Employers will have to reorient their procedures on assigning work tasks – with telework this becomes more result oriented and less about controlling the processes. Hence, efficient implementation of telework also means changes in the work processes for employers.

Finally, some interviews also highlighted particular risks with security. This was considered especially an issue for large companies or for companies who process sensitive data that

needs special protection. In this case, special agreements on the use of information while doing telework might be necessary.

Table 1. Summary of benefits and risks of telework identified for employers and employees in interviews in Estonia

Benefits		Risks	
Employer	Employee	Employer	Employee
Cost saving	Combination of work and private life	Additional costs (reimbursement of domestic office expenses)	Access to employee benefits (training etc)
Employee satisfaction	Employee satisfaction	Psychosocial risks for employees, burnout of employees	Additional cost (using home utilities without compensation)
Attract qualified workforce	Flexible and efficient use of time (cutting on commuting time)	Losing touch with employees, losing team spirits	Blurred boundaries between work and private life, working overtime
Ability to choose talents from a broader geographical area	Gender equality	Ensuring occupational health and safety at home offices	Lack of support or guidance
	Mobility (ability to choose place of residence despite workplace area, live abroad)	Productivity loss	Lack of employee voice in employer decisions
		Security issues	Lack of equal treatment of employees

2. Regulation of telework through collective bargaining

Overall, collective agreements that would include provisions on telework are extremely rare in Estonian case. There are only a handful of examples identified during this study. In most cases, the provisions tend to be rather general and more detailed agreements are made either individually or regulated in general work procedures. Several trade unions highlighted that the downside of such an arrangement is that unlike collective agreement, employers can change work procedures unilaterally without really consulting or negotiating with employee representatives.

In Estonia, Labour Inspectorate has recommended that telework agreements are concluded in writing. Hence, interviews conducted in this study often also referred to the telework agreements that are recommended by legislator in Estonia. Still, the views on the extent to which these are concluded at workplaces seemed to differ across interviews. First, there is no administrative data on concluding telework agreements and so the legislator has no overview on whether or to what extent such agreement are actually concluded in practice or what is their content. Labour Inspectorate has shared an exemplary agreement on their Working Life portal (<https://www.tooelu.ee/en>) which should serve as an example to employers. Also, some national level organisations consult employers on concluding those agreements or facilitate exchange of employer practices on telework agreements.

Interviews highlighted that in case telework agreements are concluded, these are mostly individual agreements, often even part of individual employment contracts. This means that agreements are often personalized, depending on the individual requirements of employees. Some interviewees pointed out that based on their experience, telework agreements are only concluded with people either working from abroad as this often this requires more specific solutions in terms of access to information or with those doing telework full time. This means that hybrid work can remain unregulated with telework agreements or the agreements are informal or verbal, not specified in written agreements.

The issue of unequal treatment was also highlighted in some interviews. In case of individual telework agreements, the telework conditions that are negotiated with the employer can be different for employees. However, none of the interviews raised concerns or actual complaints about unequal treatment as this has not been raised to the agenda of the interviewed organizations.

Table 2. Summary of regulation of telework by sectors, Estonia

Sector	Regulation of telework
ICT	No sectoral regulation. One company collective agreement identified, but provisions in collective agreements are general. More specific arrangements are made in individual telework agreements.
Financial services	No sectoral regulation, almost no trade union membership in the sector. One company level collective agreement, but no regulation on telework. Occupational health and safety regulated, but conditions are more broad and apply to all employees, not just teleworkers.

	Trade union highlighted that in one company, individual telework agreements are concluded with individuals working from abroad.
Chemical industries	No sectoral level agreement. In several subsectors (e.g. construction materials or print and packaging Industry) telework has never been officially discussed in social dialogue and there is rather unofficial exchange of practices between employers. One company level collective agreement identified that includes provisions on telework.
Public administration (central government)	Overall sectoral agreement on telework that applies to all central government employees. No company level collective agreements (one example identified but this is not on a central government level but an example of a subordinate institution in the public sector).

3. Bargaining approaches and outcomes

3.1 Sectoral analysis

In **ICT sector**, the only collective agreement that covers telework includes only a provision on the design of workplace in case of telework. The employee must arrange the workplace according to the employer's recommendations and guidance. This provision was requested by the employer to ensure that remote workplaces follow instructions issued by employers. During negotiations, trade union was concerned whether the guidelines will be too stringent on employees. An agreement was made that the guidelines are general while employees are free to choose where to buy their home office equipment or in what price range. More specific agreements on work organisation in case of telework are made individually. According to the sectoral employer organisation, agreements include the time frame when an employee needs to be accessible, in some cases mandatory office days, use of devices and compensation by employers, work organisation rules (e.g. use of daily rest time), measures to improve mental health, data protection and security requirements.

The social partners in the sector do not specifically promote telework, it is quite widespread in the sector. When telework directive came into effect, trade union proposed a revision of telework principles in the collective agreement. As this was before Covid, there was not yet readiness to discuss the topics or revise more detailed telework principles from the side of the employer. At the time, the employer was not ready to frame telework principles in a general

context and stressed the need to conclude individual agreements depending on the nature of individual's work. Trade union had not reopened those negotiations since then and employers has developed a practice of individual telework agreements.

The practice has developed since then. Principles of design of remote workplaces was added in a recent negotiation of the collective agreement. Although there are no more collective agreement provisions, telework has raised concerns that have been negotiated with the trade union, but eventually regulated in work organisation principles rather than collective agreements. Namely, company has turned particular attention on mental health of employees. Employees have the option to register for appointments or consultations with a psychologist at the employer's expense. To ensure implementation of daily rest periods, adherence to this is monitored in the company.

Overall, trade union referred that there have been no problems or disputes on the regulation of telework. Employers are generally willing to discuss or at least consult with employee representatives on any work organisation issues. There have been no contentious issues that would be difficult to negotiate with the employer. Negotiations have been smooth and employers in the sector prioritise employee welfare and are ready to offer favourable working conditions that is requested by the employees. Employees seem to be at a relatively strong position in the sector as negotiations on remote work often take into consideration employee needs and discussion topics mostly revolve around providing favourable working conditions to employees, even if the results are not fixed in collective agreements.

In the **financial services sector**, telework is not negotiated in collective agreements. Telework agreements are concluded individually by the employer and mostly people wishing to work abroad. Hence, hybrid work is not specifically regulated. Still, some overall principles of telework were highlighted, e.g. there are certain office days foreseen for employees or agreed principles of work related communication and the right not to be available outside working hours. Even though telework arrangements are not concluded, trade union highlighted that employers in the sector offer relatively favourable working conditions to their employees and are always ready to discuss work related issues when necessary. As in the ICT sector, negotiations with the employers are described as 'smooth'.

In **chemical industries** one company level collective agreement was identified to cover provisions on telework. According to the trade union, this is only a very general provision while in the advent of Covid pandemic, a separate telework procedure was agreed upon between the trade union and the employer.

According to trade union representative, remote work provisions have not raised any discussions throughout the negotiation process and the telework procedure was also adopted unanimously. The Covid pandemic created a high degree of mutual understanding between the parties regarding the necessity of remote work. The top priority for the trade union was to ensure that all office workers receive the opportunity to work from home during the pandemic and are provided with the necessary amenities. Still, trade union was concerned that employees in the sector are not usually very vocal about their issues and so these are not openly discussed with the employer or the issues do not become visible. Overall, negotiations have been smooth with the employer and employer has been opened to discussing telework procedures.

Public administration is the only sector with a sector level agreement on telework. There are no company level agreements in central government level. While the sector level agreement was concluded already in 2018, the need to revise the agreement has not been raised by the trade union. Still, trade union did agree that the right to be unavailable probably needs further regulation in the future (e.g on what conditions employers can request something outside of working hours). The sectoral agreement only outlines some general principles while each public sector institution's working principles are different and these detailed issues should in principle be discussed separately by each employer. The interviewee recognises that this principle has not worked in practice as company level collective agreements on telework are extremely rare.

Negotiations on the sectoral agreement were very long. The agreement was based on the European-level telework agreement of public sector social partners. Disputes on national level revolved around the wording of the agreement. The trade union adhered to the European-level framework agreement, but the employer's representative felt that not everything could be adopted verbatim. They wanted to soften the wording and use more approximate language. However, these negotiations took place before Covid, and the topic of working from home was not emphasized at the time. Hence, there was not yet a good overall context for those negotiations. The trade union highlighted they did not have the end result they wanted but they were willing to make compromises to make the sector level agreement happen in the first place. The trade union had to put a lot of effort into proving the need for the agreement because, at that time, there was no perceived necessity for such an agreement in the public sector. Additionally, with changes in ministries, some politicians did not value the issue, leading to delays in finalizing the agreement.

3.2 Cross-sectoral analysis

Overall, interviewees tend to agree that implementing telework is both in the interests of employers and employees. In most cases, request to be able to do telework seems to be initiated by the employees and not imposed by employers. Nevertheless, negotiations show that specific principles of telework have not been brought to the table in collective negotiations and collective agreements tend to be rather generic. More specific agreements are either concluded individually or regulated in work organisation principles. Therefore it is not easy to assess whether telework principles in practice are rather towards employer oriented or worker oriented flexibility. Collective agreements themselves do not enable identifying the nature of telework on this scale and more research on company level practices is necessary to understand the actual practices of telework operating on a daily basis.

Based on the nature of bargaining approaches described in interviews, it seems that in ICT and chemical industries sectors, negotiations on telework arrangements have been smooth and there have been no serious conflicts to be resolved. Both parties agree on the necessity to discuss the topics on telework. In the public sector on the other hand, more difficult negotiations were highlighted as the trade union had to put a lot of effort into proving the necessity of the topic. This led to long negotiation process and dependency on the negotiation partner (not all public sector ministers recognised the importance of these negotiations). Hence, there was more opposition and conflicting view how exactly telework principles should be phrased in such an agreement.

4. Understanding collective bargaining approaches and outcomes

An important aspect impacting collective negotiations in Estonian case is the low level of collective bargaining overall. Collective agreements are not common and where they exist, specific provisions on telework are not often concluded. ICT and financial industry sectors are described by a very low rate of trade union membership meaning that employers are more used to individual negotiations with employees. In chemical industry, trade union membership is higher as the sector is dominated by a few very large employers where social partnership has longer traditions. It was also highlighted that people doing telework tend to work individually and so are out of reach for collective bodies like trade unions. This might also be one of the reasons telework arrangements do not make it to the negotiation table.

In several interviews the role of Covid pandemic was also highlighted. The fact that telework became a norm during the pandemic meant that this also gave an important context for the negotiations and in several cases raised the mutual understanding of the necessity of regulating telework. In public sector, the sectoral agreement was discussed before the outbreak of the pandemic and the negotiations were long and the trade union had to justify the necessity of the topic.

It was also highlighted that the shortage of labour supports negotiation of telework conditions for employees. Namely employers need to attract qualified workforce and hence need to offer some benefits. Flexibility in working time and place is one option to attract employees. Particularly in the technology and IT sectors it is difficult to find employers that do not enable remote work for their employees.

In terms of the outcome – telework still remains largely negotiated on an individual basis rather than collectively. As work arrangements are often dependant on the type of work or team work organisation practices, employers have not been able to frame telework principles on a collective level. Still, some employers have also concluded overall work organisation principles that should regulate telework arrangements for all employees. The downside of this type of regulation is that employers do not need to consult employee representatives in making changes in such principles. Still, this is a start in taking telework arrangements to a more general and collectively negotiated level in workplaces.