



**TWING PROJECT**

**Austria**

# **Fieldwork Report**

**FORBA**

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## 1. Introduction and methods

This research report presents the findings from fieldwork conducted as part of the TWING project in Austria. It is one of the deliverables for the fieldwork phase and provides an in-depth analysis of collective bargaining and social dialogue on telework in Austria. The analysis presented in this report is intended to provide an in-depth examination of the interactions between telework on the one hand and collective bargaining and social dialogue on the other hand in Austria against the background of the current regulatory framework in the private (Home Office Package 2021) and the public sectors. It focuses on four sectors (ICT consultancy, financial sector, chemical industry, and central public administration) which face different opportunities and constraints in relation to telework.

The evidence presented in the report is based on 24 semi-structured interviews conducted between November 2023 and April 2024, which included cross-sectoral and sectoral social partners. All organizations involved in sectoral negotiations in every sector were contacted, except for the financial sector, where due to the diverse structure of the banking sector only one employer organisation (EO) was contacted. All of the trade unions (TU) and most of the EO agreed to participate in the interviews. In the ICT consultancy and chemical sectors, the respective employer organisations were contacted, but they did not respond to the request for participating in an interview (ICT consultancy) or referred to representatives of the cross-industry level and refused to participate themselves (chemical industry). The interviews were conducted in accordance with the guidelines outlined in the Methodological report. Table 1 below shows the organizations that were contacted and the interviews conducted.

Sector	Organizations contacted	Level	Interviews	Acronyms
ICT consultancy	UBIT (EO) GPA (TU)	Sector	2	TU1, TU2
		Company	1 with 2 interviewees	TU3, TU4
Financial sector	ÖSV/FVS (EO) GPA (TU)	Sector	2	EO1, TU5
		Company	2	TU 6, TU7
Chemical sector	FCIO (EO) PRO-GE (TU) GPA (TU)	Sector	2	TU8, TU9
		Company	1	TU10
General State Administration	Several ministries GÖD (TU)		7	EO2, EO3, EO4, EO5, TU11, TU12, TU 13
Cross-national	CCOO UGT		7	EO6, EO7, EO8, TU14, TU15, TU16, TU17
Total			25	

*Table 1: Interviews conducted during the fieldwork phase in Austria.*

Following this introduction, the report is structured as follows:

- Section 2 provides a summary of the perspectives held by trade unions and employer organizations on the advantages, disadvantages, and key concerns associated with telework.
- Section 3 provides an overview of the regulation of teleworking in each sector analysed, along with a brief description of the industrial relations landscape.
- Section 4 analyses the bargaining strategies on telework, as well as the flexibility approaches that were observed in the implementation of telework arrangements as a result of the negotiations and agreements analysed.
- Section 5 provides some analytical conclusions which aims to clarify how national legislation, sector-specific logics, and the industrial relations landscape either facilitated or impeded negotiations on telework. The section also discussed how different bargaining approaches led to different flexibility outcomes.

## 2. Social partners' interpretation of telework

This section analyses trade unions' and employer organisations' interpretations of telework in the four sectors studied in a general context of increasing prevalence and changes in the regulatory framework. Our findings are based on all interviews conducted, including both sectoral and company-level interviews.

## 2.1 ICT Consultancy

The first collective agreement in the IT and consultancy sector specifically including telework was established in 2006. Also, since 2021 the “Employment Contract Law Amendment Act” (AVRAG)<sup>1</sup> as part of the Home Office Package 2021 regulates a legal definition and very basic issues on the employment contract for working from home. However, in recent years very little has changed on telework in the collective agreement, despite increased telework arrangements in the sector following the COVID-19 pandemic. Regardless the early regulation of telework through collective bargaining in the sector, telework is typically regulated with company level agreements (i.e. works agreements).

The term telework itself is controversial between the social partners. This is in so far important as worker representatives and employer representatives during the bargaining process use the respective terms differently. Worker representative TU2 argues that this mainly can be attributed to the employer side aiming to also include mobile work arrangements and field work in the debate of telework. Most typically however, telework and working from home are synonymously used in the sector. Generally, interviewees stress that the decision to work from home should never be mandatory and ordered by the employer but should rather be a decision made by the employees. Worker representative TU2 concretely argues that the decision should be the employees’ discretion to reduce commuting times or to improve overall work-life balance, but never should working from home be a source of cost reduction for the company.

In ICT Consultancy working from home is described as a very common work practice. The two works council members interviewed (TU3 & TU4) argue that most employees in their company do telework, at least occasionally.

*“We have the full spectrum. There are employees working from the office five days a week, but there are also employees working from home five days a week.” (TU3)*

Main benefits of telework for employees are reduced commuting times, more flexible working time arrangements and an improved work-life balance – also concerning child rearing and caring responsibilities.

1

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008872>

*"I am convinced that it is for many employees positive to work one or two days per week from home. On the other hand, I do believe that the social cohesion lacks with increasingly more days working from home." (TU1)*

However, working from home also comes with some drawbacks for employees, these include challenges in managing boundaries between work and non-work activities, lack of suitable work environment and equipment, lack of social interaction, and the potential for increased desk-sharing. With increased levels of telework, a suitable work environment and equipment when working from home is becoming a growing concern for employees. However overall, occupational health and workplace safety when working from home are typically not discussed in the sector. What is more, interviewee TU2 talks about high(er) levels of work intensity that started during the COVID-19 pandemic with many online meetings in quick succession and which leads to higher levels of exhaustion. TU1 raises the issue of who is eligible for working from home. Typically, working from home is available to workers with higher levels of autonomy, but not for all workers – such as workers in call centres or administrative workers – for whom working from home is much more difficult. This might lead to growing tension within the workforce:

*"Part of the workforce then complains about having to be at the office when others never have to show up. And this disunites the workforce when we have several separate groups of workers." (TU1)*

Main benefits for the employers are reduced costs of office space and equipment and reduced travel costs. Interviewee TU2 argues that from the employers' perspective telework contributes to less sick days and might be more productive in some cases. However, there might be disadvantages for the employer tied to increased levels of telework, such as the difficulty to host in-person meetings at the office when at least some employees are not on site. The interviewees TU1 and TU2 also mention the employers' fears of losing control over the teleworking workforce, which might lead to lower productivity. However, there is scepticism about debates on changes in productivity due to telework, as such changes are rarely measured accurately. The interviewees lament that impacts of telework on productivity are often based on "feel" rather than on reliable data.

There is some ambiguity in the social partners' positions on telework. They see benefits for workers as described above (potentially better work-life balance, less commuting, improved working time arrangements, less costs) but also are weary of the risks (boundary management, work intensification, self-exploitation, less social exchange, empty offices, issues of management and control, potential loss in productivity). Ultimately, working from

home is frequently demanded by (new) employees, requiring companies, employee and employer representations to provide suitable offers. Very few IT companies in Austria are not offering any form of working from home.

*"[Working from home] became the norm, especially in our industry and the Covid-19 pandemic significantly contributed to this." (TU4).*

## 2.2 Financial sector

In the banking sector, teleworking has become indispensable. On the one hand, it is demanded by employees for having more flexibility in work organisation and time management. On the other hand, it is part of the business model, as there is often a shortage of office-based jobs. This is because when designing new or adapting old office buildings, the employer regularly plans for at least some of the employees to work from home rather than in the office. This saves the employer money.

In terms of health and safety at work, the trade union holds that, fortunately, the Covid-19 pandemic has ensured that employees are not coming to work sick as they used to, but are staying at home. They often work from home when they are ill, which is problematic anyhow, but there is a different awareness that you should not go into the office when you are ill and put your colleagues at risk.

According to the trade union, work pressure has increased in recent years also in the financial industry. This is not necessarily directly related to working from home. However, the intensification of work causes the risk of working longer hours at home than set in the employment contract. The dissolution of working hours is more likely in the home office than in the office, because in the office there is a more immediate expectation from colleagues and superiors that the laptop is closed and the office left at the end of official working hours. There is no such social control at home, where work is often completed late in the evening.

The dissolution of work boundaries is also leading to more cases of sickness among the workforce due to increased psychological stress. Sick leave also tends to be longer in the banking sector, the trade union argues.

On the other hand, some employees in the banking sector are able to compensate for the dissolution of boundaries at work and the latent overload in the home office by taking advantage of the freedom that comes with working from home. For example, many colleagues go jogging at home between work sessions, cook at home, do yoga or relax in other ways.

However, this freedom also tends to extend the working day into the night, the trade unions fears.

With regard to ergonomics, many employees are not aware of the dangers of poor posture when teleworking at home, a trade union representative argues. Moreover, it is difficult to effectively manage and monitor the correct ergonomic design of the home workstation.

Overall, the trade union argues that employee satisfaction in the industry has increased as a result of increased teleworking. This is due to the time saved by not having to commute to work, the elimination of the obligation to properly dress at home and the better work-life balance. However, it is also important that those who want to continue to work (almost) exclusively in the bank's office can continue to do so. These employees are therefore generally satisfied, the trade union believes.

Both the union and the employers in the industry are of the opinion that employees should not spend more than 50% of their working hours in the home office. Employees are primarily seen as social beings who should not only work in isolation at home, but also among their peers. From the perspective of employers and the union, a certain level of feeling of belonging to the company and the team is important, which can only be maintained if colleagues meet physically on a regular basis.

A trade union representative considers the opportunity to work undisturbed and focused to be a major advantage of working from home:

*"Then came the home office and then I really sat at home exclusively for a few months and realised how much progress you can make if you can work in a focused and concentrated way and in peace and quiet and not sit in an open-plan office. (...) So if I really want to work in a focussed, concentrated way, I'd much rather do it in my home office because it's loud in the office, it's restless, there's always something happening, I get distracted much more easily." (TU7)*

The employer organisation is of the opinion that teleworking is always helpful and sensible from the employer's point of view when focussed conceptual work is required. However, when it comes to collectively created strategies and the development of innovative business ideas or processes, work should be done in the employer's office. An employer organisation representative observes that physical meetings at the employer's premises have recently become more common in the sector.

In terms of career opportunities, particularly for women, teleworking harbours major risks according to the employer representative interviewed. Women should not be incentivised to



work from home primarily in order to take on childcare duties on the side. The danger lies in mixing childcare and working from home:

*"Home office means office. The only thing that's different is the workplace. I think it's extremely detrimental to your career and promotion opportunities if you're just holed up at home. (...) I really see the danger of women becoming even more invisible by working from home. I always say to the mums at work: You don't have to be there five days a week, but be there for the important appointments, show your face, say: I'm here, I've got this under control." (E01)*

### 2.3 Chemical sector

Before the outbreak of the pandemic in 2020, teleworking or working from home was rare in the sector and often granted by the employer as a reward for the employee. Since the pandemic, virtually all employees in the industry with teleworkable jobs have the right to work from home. While there have been no changes with regard to telework at the regulatory level of the collective agreement for many years, a number of works agreements on teleworking have been concluded or renegotiated at company level. However, in contrast to the past, the 'reward factor' of working from home is hardly a factor anymore.

The white-collar trade union representative interviewed (TU8) is of the opinion that the employees in general should not work exclusively from home, but that teleworking should only take place in a hybrid form. This is – he/she holds – important for psycho-hygienic reasons, as employees also need social interaction with colleagues, at least in the long term. He/she states that working exclusively in isolation from home would be detrimental to the overall working atmosphere and communication within the company. The physical presence of employees at the workplace is also important for the work of the works council, he/she adds.

The blue-collar trade union representative interviewed (TU9) holds that teleworking is not really an issue for blue-collar workers in the chemical industry, but basically only for white-collar workers. However, there is one exception: measurement and control technicians are classified as blue-collar workers, and this group of employees can also work from home. Measurement and control technicians are responsible for controlling or programming electrical, physical and chemical processes or production processes. This is an activity that can also be carried out from home. Otherwise, teleworking is not an issue for blue-collar workers in the chemical industry.

The responsible blue-collar trade union is therefore neutral on the issue of teleworking. In principle, this union supports all improvements for employees who work from home, as long as these improvements are not at the expense of the blue-collar workers, as the interviewee puts it. This, however, has recently been the case in some respects, he/she alleges.

The interviewee welcomes the 2021 Homeworking Legislation Package in principle, even though it hardly affects the workers he/she represents. According to the trade unionist, the accident insurance and liability protection for homeworkers provided by the law is important. However, he/she emphasises that compensation for homeworkers is not a particular concern of the blue-collar trade union. In particular, this trade union does not want to give up a percentage point in wage negotiations so that employees (that the trade union does not represent) can get compensation or tax benefits for working from home that the blue-collar worker in the sector do not benefit from.

The stances of organised business cannot be considered here, since they refused to participate in the context of this study.

## 2.4 Central Public Administration

Teleworking (working from home) and mobile working is nothing new per se in the public sector; the only thing that is special since the pandemic is the extent of teleworking.

In principle, teleworking was already regulated before the pandemic in the Civil Service Act (§ 36a BDG) and the Contractual Employees Act (VBG). However, teleworking was practised very differently in the individual ministries. Very little teleworking took place in the Federal Chancellery (BKA) and a great deal in the Ministry of Finance, even before the pandemic. The practice was very inhomogeneous between the individual ministries of the Federal Civil Service, and individual ministries were often inadequately equipped with internet-enabled devices.

The individual ministries issued their own teleworking guidelines (as part of the administrative ordinance) even before the pandemic. These teleworking guidelines were then supplemented during the pandemic in order to adapt the measures to the requirements of the pandemic. Occasional teleworking was also made possible from 2019.

In the public sector, a basic distinction must be made between regular and occasional (ad hoc) teleworking. Regular teleworking is agreed individually in writing between the employer (HR department) and the individual employee, usually for one year. Occasional (ad hoc) teleworking is usually agreed at short notice for just one day or a few days between the

employee and their immediate superior (an email is sufficient). The HR department is only informed afterwards. This flexible approach to teleworking has only existed since the pandemic.

Most central state administration representatives are strongly in favour of the development towards substantially more teleworking in the public sector in general. This is the essence of modern personnel management in public administration, one employer representative argues (E02).

Another central state administration representative emphasises that it would be very important that no more than two days per week are spent in the home office, otherwise internal communication becomes difficult, he/she argues. In particular, spontaneous and informal conversations with more people, which are crucial for the social fabric and the flow of information, are lost if the home office is used excessively.

According to this interviewee, working from home is fundamental because it makes it easier to balance work and family life, and sometimes work can be done in a more concentrated manner when working from home. The time saved by not having to commute to work should also not be neglected. On the other hand, the respondent also sees serious disadvantages in working from home:

*"The advantage of being a mother working from home is also a disadvantage, and you can see that in the figures. Our HR manager has already had this surveyed. [...] the number of sick days and care leave days have fallen massively. It cannot be assumed that we and our children have become much healthier. People working from home believe that they have to do both, and I see that as a major danger of working from home. I notice it in myself too. I'm a mother and I sometimes think to myself that I can't take time off for care because the files will be lying around at home and others won't be able to continue working as a result. You then try to juggle both, and it's really difficult to work alongside a small child. On the one hand, you're sacrificing yourself, but on the other, it's not the same work as sitting alone in front of the computer. Even if you're ill yourself, you sometimes don't dare to take sick leave." (E03)*

This view is shared by a staff council member who is also member of the GÖD trade union. He/She corroborates the observation that working from home is associated with the fact that fewer sick days are taken on average. This means that many employees work from home when they are ill rather than taking sick leave. In individual cases, this could also be seen as a positive thing, as some employees who only have a slight cold can still go about their work

without putting their colleagues at risk of infection, he/she holds. However, this often leads to self-exploitation and would also be questionable for health reasons.

The same respondent also cited the known compatibility issues, the elimination of commuting time and the possibility of focused and concentrated work in an undisturbed environment as advantages of working from home. Accordingly, the output is also good and this has long been recognised and undisputed by all ministries. Department heads consistently report good work performance from employees working from home, he/she argues.

The staff council member interviewed sees the lack of social contact and informal communication as a main disadvantage. For this reason, he/she does not support the wishes expressed by individual employees for a permanent home office without days of presence in the office (TU12).

Another GÖD trade union member emphasises the importance of offering a certain amount of teleworking for the public sector in order to avoid a serious recruitment problem. Teleworking is a central topic in jobinterviews, he/she holds, especially with youger applicants (TU11). This view is shared by a ministry's representative:

*"Yes, we also emphasise in job advertisements that teleworking is possible, and we notice in job interviews, especially with young applicants, that teleworking is desired and expected. We will definitely maintain this approach." (E04)*

## 2.5 Summary

In some respects, views on telework are largely consistent across all sectors examined. On the employees' side, trade unions identify benefits of telework in reduced or ceased commuting times, flexible working time arrangements, improved work-life balance, and the opportunity to work undisturbed and in a focused manner from home. Some concerns were expressed, however, in relation to a lack of social cohesion, social isolation, blurred boundaries between work and non-work activities, ergonomic risks due to poor posture in the home office, and different standards of eligibility for home office work within the same company.

On the other hand, all employer organisations interviewed (in finance and central public administration) agreed that telework is mostly being used mainly for talent attraction and satisfying the expectations of the workforce. Interestingly, most trade union representatives interviewed stressed that employers are usually saving costs by implementing telework. This view is corroborated by most employer organisations (in the finance and central public

administration sectors), by confirming that saving costs is one, even though not the most important driver of telework implementation.

Table 2 summarizes specific views gathered in each sector. The following paragraphs aim to synthesize each party's views in every sector as identified in this section.

In ICT consultancy, trade unions reported that employees strongly benefit from reduced commuting times, more flexible working time arrangements and enhanced work-life balance, but they generally see the risks of losing social cohesion, blurred boundaries between work and non-work activities, an increasing level of work intensity, lacking eligibility criteria for home office (which may lead to dissatisfaction among employees) and a lack of suitable work environment and equipment. Representatives of employer organisations could not be interviewed, but trade unions identified reduced costs of office space and less sick days taken by the workforce as the main benefits of employers in the sector. At the same time, trade unions perceive difficulties to host in-person meetings and a tendency to lose control over the workforce mainly working from home (which may lead to productivity losses) as the main drawbacks of telework to employers.

In the financial sector, the trade union side reported that employees generally benefit from enhanced work-life balance, more flexible working time arrangements, reduced commuting times, and the possibility to work in an undisturbed and focused manner from home, but concerns were raised about increasing work pressure, longer working hours at home, increased mental stress, the danger of poor posture, and blurred boundaries between work-related and non-work activities. On the other part, a representative of the employer organisation identifies cost savings (office space) and the opportunity also for managers to pursue focused (conceptual) work from home as the most important benefits.

In the chemical sector, the trade unions highlighted the difficulties to implement telework for blue-collar workers due to the low teleworkability of their jobs. Whereas the white-collar trade union in this sector expressed mostly positive perspectives on telework, in particular in terms of work-life balance, flexible working time arrangements and reduced commuting times, the blue-collar trade union is much more sceptical. The latter argues that blue-collar workers in the sector do not want to pay for benefits that do only apply to white-collar workers. Even though in formal terms all employees in the chemical industry have the same access to home office work, the actual use of home office work strongly depends on the teleworkability of jobs. The main drawbacks of working from home are seen in a possible lack of social cohesion and of social interaction with the works council as well as in the risk of the employees losing a feeling of connectedness towards the company. Again, as is the case of the ICT consultancy

sector, representatives of the employer organisations could not be interviewed. However, the trade unions identified talent attraction as the main benefit of employers in the sector. By contrast, trade unions are concerned about an alleged failure of decentralised leadership on the part of the employers, which in many cases has resulted in highly-skilled employees leaving their employer during the pandemic and since.

In the central public administration, trade unions and staff council members mainly point to the need to maintain and advantages of telework and home office arrangements. In particular, work-life balance benefits and the flexibility in working hours are mentioned, as well as the significant reduction in commuting time and the benefits of working undisturbed and focused from home (depending on circumstances in terms of housing and family background). However, possible drawbacks of working from home (excessively) are the lack of social cohesion and internal communication in the respective team unit, the often blurred boundaries between work-related and non-work activities and the increasing issue of the so-called presenteeism, that is working from home despite illness in order not to abandon the colleagues. An on average continuously declining duration of sick leave in most ministries indicates an increasing level of self-exploitation among employees working from home. On the employers' part, the main benefit of working at home identified is talent attraction for the purpose of recruiting and retaining highly skilled (young) employees. Trade union and staff council representatives also mention saving costs (energy, space etc.) as crucial motives of employers to offer home office arrangements.

<b>Sector</b>	<b>Employers' risks</b>	<b>Employees' risks</b>	<b>Employers' benefits</b>	<b>Employees' benefits</b>
<b>ICT</b>	Difficulties in hosting in-person meetings* Losing control over the workforce*	Lack of social cohesion Blurred boundaries between work and non-work activities Lack of suitable work environment/equipment Increased work intensity Different standards of eligibility for HO	Talent attraction* Cost savings (office space)* Less sick days among employees*	Reduced commuting times Improved work-life balance Flexible working time arrangements
<b>FIN</b>	No identified	High work pressure Increased psychological stress Longer working hours Danger of poor posture Blurred boundaries between work and non-work activities Less career opportunities among women**	Cost savings (office space)	Flexible working time arrangements Reduced commuting times No obligation to properly dress Improved work-life balance Focused and undisturbed (conceptual) work / productivity
<b>CHE</b>	Failure of decentralised leadership*	Lack of social cohesion Lack of communication with works council Different standards of eligibility for HO Lack of connectedness	Talent attraction*	Flexible working time arrangements Improved work-life balance
<b>CPA</b>	No identified	Lack of social cohesion Lack of communication Blurred boundaries between work and non-work activities Presenteeism / self-exploitation	Talent attraction Cost savings (energy, office space)*	Improved work-life balance Reduced commuting times Focused and undisturbed (conceptual) work / productivity

*Table 2: Singular views on telework of each partner in each sector*

*\*Information from trade unions, employer organizations disagree or have not provided information.*

*\*\*Information from employer organisations, trade unions disagree or have not provided information.*

### 3. Regulation of telework through collective bargaining

This section provides a comprehensive overview of the industrial relations landscape across the four sectors studied, with a focus on the key organizations involved in sectoral negotiations and the structure of collective bargaining (private sector) and collective employment regulation (public sector). Additionally, it offers a concise summary of the regulation of telework through collective bargaining agreements and ministerial ordinances. For a more in-depth analysis, the Desk Research Report for Austria offers additional information on this subject<sup>2</sup>.

#### 3.1 Structure of collective bargaining and collective employment regulation

In Austria, the organization of collective employment regulation (including collective bargaining) differs between the public and private sectors.

Formal collective bargaining is restricted to the private sector. Austrian labour law significantly privileges multi-employer bargaining over individual company bargaining (the latter being permitted only in few exceptional cases). Almost all collective agreements are thus concluded at sector or industry level. The sectoral collective bargaining system is differentiated according to employee status (blue-collar workers and white-collar workers) and also, in the area of goods production, according to manufacturing industry (Industrie) and small-scale craft production (Gewerbe). This bargaining system reflects the internal differentiation within the two principal umbrella organizations of labour (ÖGB) and business (WKO) in Austria. All sectoral trade unions which conclude collective agreements are affiliated to ÖGB, and almost all of its sectoral counterparts on the employers' side are under the umbrella of WKO. In the private sector, Austria records a collective bargaining coverage rate of more than 98 percent – one of the highest in Europa. This high rate is – as far as employees are concerned – due to the so-called non-member effect of collective agreements; this means that a collective agreement is binding for all employees in a sector for which an agreement has been signed, regardless of whether they are members of a signatory party (trade union) to the relevant collective agreement or not. Secondly, and even more importantly, the high collective bargaining coverage results from the principle of obligatory membership of WKO and its sub-units; this means that almost all employers and employer groups within the membership domain of WKO and its sub-units are compulsory members of WKO and its sub-units that

<sup>2</sup> Please, find Desk research reports in [TWING project website](#).



conclude sectoral collective agreements on behalf of them. The permitted scope of formal works agreements (Betriebsvereinbarungen) concluded between the management and the works council at individual company level is restricted to the matters specified by law or by collective agreement (the regulation of some matters, including telework and home office work, may be delegated to the parties concerned at company level by collective agreement).

The public sector is excluded from formal bargaining in Austria. However, negotiations between public sector trade unions and government representatives do take place, with parliament eventually determining the terms of employment. The public administration's structure of industrial relations follows the traditional pattern of differentiation according to the major employers (central state government, regional Land governments and local state governments). Depending on the particular employer, the statutory service regulations (employment relationships) vary to some extent.

Below the structure of collective bargaining (including the relevant actors and collective agreements) in the three private sectors studied in the TWING project will be outlined:

**ICT Consultancy.** There are two sector-related multi-employer agreements concluded at national level covering the sector: The first one is concluded for the "Information and Consulting" business sector between the GPA on the employee side and five employer organisations under the umbrella of the WKO on the employer side, including the UBIT as sector-related employer organisation. This collective agreement covers, within the membership domain of UBIT, only the business and management consultancy and accounting companies. The second collective agreement is concluded for the IT industry between the GPA and the UBIT only; this agreement covers only those UBIT members which have a licence to exercise the trade of "services in automatic data processing and information technology".

**Financial sector.** This industry comprises five sub-sectors: commercial banks, savings banks, mortgage banks, cooperative banks of the "Raiffeisen" type and those of the "Schulze-Delitzsch" type, each with its own sectoral multi-employer collective agreement. This report focuses specifically on the banking sector. Altogether there are 10 employer organisations active in this sector, half of them form part of the WKO structure and half of them are voluntary organisations. All voluntary organisations and one WKO organisation sign the relevant collective agreements. On the employees' side, GPA is the only signatory party.

**Chemical sector.** Two different trade unions and three different employer organisations engage in sector-related multi-employer bargaining. There are four sector-related

collective agreements, organised along the lines of blue- vs. white-collar employees and large industrial enterprises vs. small “trade” companies. On the employers’ side, the three relevant associations are all sub-units of WKO with mandatory membership: the Federal Association of the Austrian Chemical Industry (FCIO), the Federal Association of chemical trades, monument , façade and industrial cleaning (BICG) and the Federal Association of motor vehicle technicians (BIKFT). On the employee side, there are two trade unions active in the sector, that is the white-collar GPA and the blue-collar PRO-GE.

### 3.2 Regulation on telework in each sector

The regulations governing telework differ between the private and public sectors. In the public sector, the possibility to arrange regular work “at home” exists since 1979. With the 2004 amendment to the public service regulations legal provisions were introduced for regular telework in the civil service. In 2019, occasion-based telework was introduced in addition to regular telework in public administration, such that there have been two options for telework in the public administration sector since then. Due to their different employment statuses, in the case of career public servants (Beamte), teleworking is – in formal terms – decreed with their consent, while for contract public employees (Vertragsbedienstete) it is bilaterally arranged. The concrete configuration of telework arrangements is – after negotiations with the staff representatives – issued by each individual ministry by ordinance (“guideline”).

In the private sector, telework provisions are – if at all – laid down in sectoral collective agreements on the basis of the applicable legal provisions (mainly the 2021 home office law package). In most cases, the clauses on home office were laid down prior to the onset of the Covid-19 pandemic. The clauses are of a very general nature, essentially defining telework, emphasising that it is voluntary and that specificities of the arrangement are to be made in writing, via company-level works agreement or individual agreements. Overall, these provisions do not go beyond what is stipulated in legislation. The most detailed and thus most important provisions on telework can be found in works agreements at individual company level. However, these provisions are not publicly available.

## 4. Bargaining approaches

This section presents the central findings from the fieldwork drawing on the interviews conducted. The first part outlines each sectoral negotiation process involving telework. It examines the topics discussed, each party's priorities, the main difficulties encountered in negotiations, and the outcomes of the agreement. Subsequently, the section examines how

the agreements were further implemented by analysing interviews from sectoral organizations at both the sectoral and company levels. This is done to understand the flexible approach to telework arrangements on a sectoral basis.

In the second part, a cross-sectoral analysis is carried out which aims to identify similarities and differences on bargaining and flexibility approaches in the sectors analysed.

## 4.1 Sectoral analysis

### 4.1.1 ICT consultancy

*"It is close to 20 years now that we have an agreement on telework in the collective agreement and that is very progressive." (TU1)*

The IT and consultancy sector had a collective agreement on telework since 2006, much earlier than other sectors. Since 2021 the "Employment Contract Law Amendment Act" (AVRAG)<sup>3</sup> regulates a legal definition and very basic issues on the employment contract for working from home. The main parties involved in the negotiation process in IT and consultancy are the GPA union, with support of the Chamber of Labour for the worker representatives, and the Economic Chamber and representatives of major companies for the employer representatives. However, despite the early regulation of telework through collective bargaining in the sector, telework is typically regulated with company level agreements, also because the Amendment Act regulates only certain aspects of telework, but leaves others up for negotiation. The negotiation process on issues of telework was in recent years no priority. The last changes to the collective agreement concerning issues of telework were made in 2020.

*"The negotiation has fallen asleep in recent years. If you approach the employer side, they tell you that the Employment Contract Law Amendment Act exists anyway, so why should this be discussed any further. But this means that there is no dialogue at all and I see this as very problematic." (TU1)*

This is also attributed to other topics being more pressing for collective bargaining in recent years. Especially since the war in Ukraine, TU1 argues, the main point of contention between employer representatives and employee representatives are pay raises connected with the

3

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008872>

high levels of inflation. As a result, telework was not part of collective bargaining in recent years.

*“The number one concern in this year’s bargaining round is pay, number two is optional leisure time [‘Freizeitoption’ in German], including discussion on work-life balance, and number three is the compensation system. So, it’s all about pay.” (TU2)*

The interviewees discuss several topics that are deemed as important for collective bargaining, however, but that are not part of the negotiation process. This includes, first, the extent of telework (how many days per week or month), second workplace health and safety when working from home and third, the covering of costs related to telework (such as equipment or Internet costs) that are regulated only very rudimentarily in the collective agreement, fourth the lack of social integration due to working from home, and finally, fifth, time recording as a monitoring tool.

According to interviewee TU2, the negotiation process for collective agreements is usually difficult. He claims that employers either want to view telework as a perk that they can offer or, if the employees would get a right to do telework, have the right to require employees to do telework.

*“The employers don’t want to facilitate telework; they rather want to order employees to do telework. [...] In the past 14 years, since I am part of the negotiating team, we tried to renegotiate it [a right on telework] every year, and every year we get a ‘no’, an absolute no. We would have to trade in something significant like a pay raise.” (TU2)*

Company level agreements might be a crucial tool to regulate telework and associated issues. This, however, might heavily depend on the works councils negotiating the company level agreements; and in practice most company level agreements are (only) concerned with data privacy issues and less with other topics of telework.

### **Implementation of telework at company level**

Besides the collective agreement and the “Employment Contract Law Amendment Act” – which both only vaguely regulate telework – company-level works agreements are the main tool to regulate telework in the IT and Consultancy sector. The interviewees TU3 and TU4 shed some light on one exemplary company practise regulating telework. The telework arrangements in the company are based on a company agreement first established in 2006. This agreement has since not been updated formally. However, the arrangements in practise evolved over time with significant changes during the pandemic. It was common to only work from home for a day every week or even impossible for certain departments (call centre).

In this organisation all work equipment is designed to be used mobile: *“employees might either work with their laptop at the customer or at their grandmother’s home”* (TU3). This form of mobile work, which is regulated in a works agreement, is captured under “Home Office”, details places where work *should not* be carried out. Beyond that, certain criteria need to be met for mobile working, such as being able to show up at the office within one hour. Regarding these criteria, there might be separate agreements between employees and their superiors. Typical patterns of telework practises in the company show that Fridays and Mondays are the two days that are most often spent outside the office. The proximity of Fridays and Mondays to the weekend might be an additional benefit for employees when planning to work from home or other places. Furthermore, this pooling of days working from home also reduces the need to transfer work equipment from or to the office. Lastly, there seems to be something like a community effect: the more people work from home on a certain weekday, the less people want to work at the office.

Initiating telework is organised as follows in this company: employees announce to their superiors their plans for telework at least 24 hours prior. If the superior does not object to the telework announcement, it is automatically granted. Objections to granting the telework need to be based on operational reasons. The agreement detailing this was signed when telework was first introduced in 2006 and has not been changed since *“...because there was no need for action, as we did not determine specific days for working from home or in the office”* (TU4) and thus the negotiating parties had some leeway for interpretation. The Covid-19 pandemic did change perspectives on telework insofar as working from home became available to more business units, such as call centre employees. The interviewee also highlights the new interpretation of the works agreement following the pandemic: *“Back in the day we had this unofficial agreement of one day working from home per week and this was changed. Now it actually is more compliant with the works agreement”* (TU4).

Two issues of telework that the works council currently is dealing with are first employees that show a very high sense of obligation towards the company and occasionally have very long working hours deep into the night:

*“We rather have the issue [at the company] that employees work until 2 in the morning, partly due to feeling of guilt, partly because of work pressure – and this truly is self-exploitation. But both, the management and us are keen that resting times are respected. Because we [at the company] are so liberal and flexible, employees feel gratitude towards the company.”* (TU3)

Secondly, sick leaves regarding frequency and length are declining due to working from home, as employees who might not feel healthy enough to commute to the office might feel healthy enough to work from home. At the same time it seems that psychological conditions, such as burn-out, become more frequent.

#### 4.1.2 Financial sector

In the banking sector, negotiations are conducted jointly for the different types of banks in Austria, which are organised in different employers' associations. This means, for example, that when salary increases are negotiated, the increase by the negotiated percentage applies to all categories and occupational groups of bank employees in all types of banks. Formally, there are five different collective agreements for the different types of banks. However, these collective agreements differ only in certain marginal qualitative areas.

One of these marginal areas is telework. Not all of the five different collective agreements for banks contain provisions on telework. The most detailed provisions on teleworking can be found in the collective agreement for savings banks. However, these provisions on teleworking are very old and have remained unchanged for decades. According to a trade union representative (TU5), they probably date back to the late 1980s or at least to the 1990s, when there was no comprehensive legal basis for teleworking. However, the provisions in the collective agreement on telework had already become necessary at that time in order to make telework possible at all for certain groups of employees, which were very few in number. Without the provisions in the collective agreement, it would have been almost impossible to conclude works agreements or even individual employment contracts on telework and thus to make telework possible at all. At that time, however, telework was the absolute exception and was based on very specific circumstances.

According to a trade union representative (TU5), the strong demand for teleworking and for a more comprehensive regulation of teleworking only emerged when desk sharing was introduced on a large scale in the sector. In the banking sector in particular, employers favoured desk sharing for cost reasons. However, there was also a demand from employees for teleworking, and the attractiveness of being an employer in the banking sector increased with the growing possibility of working from home.

As a result, in the 2010s in particular, a number of banks entered into comprehensive works agreements that put the option of working from home on a factual and objective basis. Works agreements have become important in establishing clear rules about who can or may telework

and under what circumstances. Previously, the allocation and granting of telework was subject to the arbitrariness of the boss.

According to TU5, both employers and employees were and are in agreement that a legally binding basis is needed in order to establish objective criteria for the use of telework. Due to the different technical bases and conditions in the banks, the social partners in the banking sector were and are of the common opinion that the concrete organisation of the provisions on telework in the companies should be based on company agreements, but less so on collective agreements at industry level.

However, the representative of the employer organisation questions the necessity of regulating telework even at individual company level (E01). In principle, the interviewee is of the opinion that teleworking should not be treated as a special issue to be separately addressed and regulated at aggregate level, but should be considered in all areas and HR strategies. Only in exceptional cases, the interviewee believes that very generous teleworking arrangements can be agreed, for example to attract or retain particularly sought-after and qualified employees in the industry.

According to the interviewee (E01), he/she does not believe that a collective agreement should stipulate how teleworking should take place in an industry. In the interviewee's opinion, regulations on teleworking have no place in a collective agreement. The advantages and disadvantages of teleworking must be tested in practice, and the principle of one size fits all does not apply to a company, let alone an entire industry. Rather, it is necessary to test at middle management level for specific teams how much teleworking is favourable for whom and how teleworking should be organised. It may make sense to set a guideline for the general extent of teleworking in relation to total working hours for a company, such as 50%. However, the concrete implementation of teleworking or hybrid working should take place at team level, because the teams in a company in the financial sector have such different working methods that general regulations for all areas or employees in a company do not make sense. The decision on the specific organisation of teleworking must lie with middle management; this is part of the management task, he/she holds.

*"I don't believe that a collective agreement or other regulatory mechanism should take this control away from managers because the situation in the teams is so different." (E01)*

The process of negotiating telework at collective agreement level (industry level) took place decades ago. Current negotiations on telework in the sector only take place at company level. As a rule, works agreements on telework are concluded.

## Implementation of telework at company level

The provisions on telework in the banks' collective agreements are very general and refer to the possibility of concluding works agreements on telework at company level. This option has been widely used in the banking sector. Typically, these works agreements contain provisions on issues such as: personal, temporal and material scope; working time and workplace; desk sharing; definition of mobile work and home office; digital work equipment; reimbursement of expenses; work inside and outside the company workplace (such as working hours and workplace as well as insurance cover and liability); data protection; Covid-19-related specificities.

### 4.1.3 Chemical sector

Section 19a of the collective agreement for salaried employees in the chemical industry contains a clause on teleworking. This section is very general and has existed for decades (at least since the 1990s). It has not changed over the years. It stipulates that telework can only take place on a voluntary basis and that telework takes place when work is carried out at external workplaces using new communication technologies. It also stipulates that there must be a written agreement between the employer and the employee on the nature and method of telework, especially if there is no company-level works agreement on telework in place. In this case, agreements must be made on the workplace, working hours, work equipment, any expense allowances, liability rules, contact with the company and termination of telework. The collective agreement contains an annex with a model service sheet on telework arrangements, which is to be used as a basis for these individual agreements on telework. This service sheet contains provisions on the definition of normal working time and its division into working time at the workplace and working time away from the workplace, overtime and its compensation, working time records, work equipment provided by the employer, possible compensation for expenses incurred by the employee at the telework location, liability issues, maintaining contact with the company during telework and termination of telework. It is important to note that, in accordance with the collective agreement, this service note can be omitted if a corresponding works agreement regulates these areas.

A trade union representative (TU8) considers the text on telework in the collective agreement to be very good, in particular the very detailed and specific model service sheet is considered to be very useful - especially if the social partners in the company have not concluded a works agreement on telework. In most other collective agreements in the manufacturing sector there are no clauses on telework, which can make the implementation of telework difficult.



Especially during the Covid-19 pandemic, the service sheet attached to the collective agreement proved to be very useful as it provided a good and usable basis for many telework agreements in the chemical industry.

In other sectors, according to the interviewee (TU8), implementing telework during the pandemic was sometimes difficult because there were no templates for individual telework agreements and no experience of what a telework agreement might look like. This was particularly difficult in companies without a works council. "If there is already a template for telework attached to the collective agreement, as is the case in the chemical industry, it is much easier for employers and employees to agree on telework", the interviewee (TU8) holds.

As the teleworking service sheet must be signed by the employee at the beginning of the employment relationship, the possibility of teleworking exists from the outset. This means that - even if there is no works council - the employment contract can be used for an individual agreement on teleworking.

There is currently no debate between the sectoral social partners about changing the provisions on telework in the collective agreement for the chemical industry. The classic dominant bargaining issues in the industry have in recent times been wages and working hours.

According to the trade union representative interviewed (TU8), the background to the introduction of the clause on telework in the industry collective agreement a few decades ago was that a legally binding agreement was to be created for the very few employees at that time who teleworked for various reasons, which could serve as legal security for an individual agreement on telework between the two parties to the labour market. In particular, the model roster contained in the collective agreement already provided a good basis for individual agreements on telework.

The interviewee (TU8) mentions three important issues that, from a trade union perspective, need to be (and in some cases are) regulated in relation to teleworking and working from home:

Firstly, with regard to the monetary area of expense allowances (including business trips and short-term commuting), there is a legal regulation according to which employees are entitled to 3€ per day for the use of their own residential premises in the context of home office, with a maximum of 100 home office days per year (i.e. a limit of 300€ per year). In addition, the law provides for the possibility to deduct the purchase of (ergonomic) work equipment for home office work, if at least 28 working days per year are worked in the home office. In this respect,

the interviewee believes that the collective agreement should contain more favourable provisions for employees. Some company-level works agreements in companies in the chemical industry, especially in Upper Austria, stipulate that the employer contributes to the costs of electricity and infrastructure use for employees working from home with monthly amounts of between 15 and 40€. Some works agreements also provide for employer support for the purchase of ergonomic equipment. In the chemical industry, for example, a second monitor is often required for the validation of analysis values and documentation, but there is also often compensation for the purchase of new chairs, desks, etc. This form of financial support is regulated in works agreements, but according to the interviewee it should also be defined at a higher level, i.e. in the sector-level collective agreement.

Secondly, the issue of liability and insurance cover is regulated by law. A solution based on a collective agreement is not sufficient here, the trade union representative holds (TU8). However, the collective agreement could regulate liability issues when work-related damage is caused by a child, spouse, pet, etc. in the home office. There is currently nothing alike in the collective agreement on this, but there are some useful works agreements in the industry providing regulations on this issue.

Thirdly, the case of "call off work", where work in the home office has to be interrupted and the journey from home to the plant has to be made because the employee is urgently needed on site at short notice, raises the issue of additional compensation for the journey from home to the plant, as well as the issue of liability and insurance cover during the journey. According to the interviewee (TU8), more specific rules should be included in the collective agreement in this respect.

Apart from that, the white-collar union would like to see certain regulations included in the collective agreement on the issue of recording of working hours in the home office (in order to grant flexibility of the employees and minimise control by the employer). This issue, together with the issue of expense allowances, is most contentious; in this respect the white-collar union has witnessed the biggest differences with the employers in the sector.

The blue-collar trade union (representing blue-collar workers in the chemical sector) is quite neutral on the issue of teleworking. This is because it represents only very few workers with teleworkable jobs. In principle, this union supports all improvements for employees who work from home, "as long as these improvements are not at the expense of the employees" (TU9) represented by the blue-collar union.

The interviewee (TU9) of the blue-collar union welcomes the 2021 Homeworking Legislation Package in principle, even though it hardly affects the workers he/she represents. According

to the interviewee, the accident insurance and liability protection for homeworkers provided by the law is important. However, he/she makes it clear that compensation for homeworkers is not a particular concern of his/her trade union. In particular, the trade union does not want to give up a percentage point in wage negotiations so that employees (that his/her trade union do not represent) can get compensation or tax benefits for working from home that the employees he/she is representing do not benefit from.

Issues that are important to the blue-collar union in the chemical industry's collective agreement for blue-collar workers include other things than teleworking: for example, the rigid working hours in the industry, the relatively small bandwidths in the flexible distribution of work within a period of time, the issue of the temporal delimitation of work, but also the question of what skilled work is worth compared to work performed by white-collar workers (e.g. technical draughtsman/draughtswoman). Overall, it can be heard that the blue-collar union feels somewhat disadvantaged in comparison to white-collar workers. For example, the interviewee states that, unlike white-collar workers, there are no biennial jumps in wages among blue-collar workers. In contrast to other sectors, there has not yet been any harmonisation of blue-collar and white-collar collective agreements in the chemical industry. However, the white-collar workers' union is not demanding this harmonisation, as it does not want its members to lose the gains and advantages they have achieved. According to the representative of the blue-collar union, the white-collar workers' union "is not opposed to harmonisation of the collective agreements as long as white-collar workers do not lose anything" (TU9).

The blue-collar trade union representative (TU9) points to the problem that when the white-collar union demands compensation for employees for working from home, this creates a lack of understanding among the blue-collar workers – in particular against the background of the experience during the pandemic when white-collar workers were able to work from home safely, but blue-collar workers were not. Many blue-collar workers are therefore asking themselves why, given these benefits, white-collar workers should receive additional compensation, which may be paid at the expense of blue-collar workers. Moreover, blue-collar workers already bear the costs and the extra effort of commuting to work every day. According to the interviewee (TU9), this imbalance contributes to a lack of understanding. Ultimately, solidarity between the employee groups is being put to the test. Increased home office has led to a fault line between the employee groups and the trade unions representing them.

As the two unions jointly negotiate the collective agreements for blue-collar and white-collar workers in the industry, this conflict between the unions has a certain explosive potential.

Therefore, it is all the more important to coordinate the respective interests and positions of the unions involved vis-à-vis the employers' side in the run-up to the negotiations.

### **Implementation of telework at company level**

The white-collar union official interviewed (TU8) estimates that at least 90% of chemical companies have concluded a separate works agreement on telework with the works council. The telework service sheet attached to the collective agreement is particularly important where there is no works council and no works agreement on telework. However, the service sheet is also often used as a template for works agreements on telework.

#### **4.1.4 General Public Administration**

Collective agreements generally play no role in the public sector because the working conditions (including salary) are formally determined unilaterally by law or statutory regulation. In reality, however, the working conditions are negotiated between the employer and the Public Service Union (GÖD). This also applies to the corresponding clauses in the Civil Service Act (BDG) on teleworking and the ordinances on teleworking during and after the pandemic.

In principle, teleworking was already regulated before the pandemic in the Civil Service Act (§ 36a BDG) and the Contractual Employees Act (VBG). However, teleworking was practised very differently in the individual ministries. Very little teleworking took place in the Federal Chancellery (BKA) and a great deal in the Ministry of Finance, even before the pandemic. The practice was very inhomogeneous between the individual ministries of the Federal Civil Service, and individual ministries were often inadequately equipped with internet-enabled devices.

According to an HR manager of a federal ministry (EO2), the individual ministries issued their own teleworking guidelines (as part of the administrative ordinances) even before the pandemic. These teleworking guidelines were then supplemented during the pandemic in order to adapt the measures to the requirements of the pandemic. In addition to pre-existing regular teleworking, occasional teleworking was also made possible from 2019.

The Staff Representation Act stipulates that the staff representation (of a ministry) must be involved before a directive or other legally effective measure affecting the working conditions of public employees is issued. Ultimately, the staff representatives must approve such a measure (directive/ordinance) before it can take effect. As a line manager of another federal ministry states:

*"Without the commitment of the staff representatives, the directive on teleworking would not look the way it does. Especially with regard to the relationship between regular and ad hoc teleworking. [...] The combinability of the two forms of teleworking was a topic of negotiation and a concern of the trade union, but it was actually fine for us too (E03)."*

As indicated above, in the public sector, a basic distinction must be made between regular and occasional (ad hoc) teleworking. Regular teleworking is agreed individually in writing between the employer (HR department) and the individual employee, usually for one year. Occasional (ad hoc) teleworking is usually agreed at short notice for just one day or a few days between the employee and their immediate superior (an email is usually sufficient). The HR department is only informed afterwards. This flexible approach to teleworking has only existed since the pandemic. According to the HR manager (E02), the trade union was constantly involved in the amendments to the regulatory framework and has eventually backed all these decisions.

The ministries prioritised the smooth implementation of teleworking in their respective administrations, with the outbreak of the pandemic primarily for health policy reasons. In the post-Covid era, it was and is important for the ministries to maintain the achievements made during the pandemic in terms of modern personnel management and flexible working models.

According to the HR manager interviewed (E02), an agreement was quickly reached with the staff representatives and the trade union on the issue of the ministerial teleworking guidelines of spring 2020 in all ministries. There was a unanimous view on both sides that there was no alternative to teleworking, also in the interests of the employees. The GÖD trade union had been very co-operative in this respect, the interviewee holds, above all because the protection of employees was in the trade union's own interests. As a result, an agreement was quickly reached with the union that the general administrative service should work from home wherever possible. Ecological arguments also played a role (avoidance of unnecessary travel and commuting). Overall, there were no points of contention with the GÖD trade union regarding teleworking and measures to protect employees, the respondent emphasises (E02).

In terms of topics subject to discussion, compensation for the use of private work equipment (internet, telephone, laptop) by employees was negotiated with the trade union in all ministries. Eventually, an agreement was reached in all of them. The reimbursement of expenses for teleworking still exists today, but is generally very low and only covers the use of one's own (private) Wi-Fi. There are no allowances for work-related furniture at home or for heating costs while teleworking at home. This was and is only authorised in special cases (e.g. disability). The tax deductibility of home office days is the same as in the private sector. The respondent (E02) emphasises that there is full agreement with the trade union in this respect.

According to a GÖD trade union representative interviewed (TU11), a central issue in connection with teleworking is the question of whether employees working from home are sufficiently integrated into the respective ministry's operational processes. There has been and still is a debate about how many home office working days are optimal and should be granted by the employer. This is also an important issue for the staff representatives who represent the employees; the prerequisite for this is that the staff representatives can be in regular contact with the employees, which is hardly possible with excessive home office. In most ministries, a maximum of two to three home office days per week are provided, depending on the area of activity and the internal organisational culture. If there is a strong focus on team building and employee involvement, often only one home office day per week is granted. Virtually nowhere is 100% teleworking permitted, "as this form of working no longer has much to do with the classic employment relationship, which is also defined socially and in terms of work culture", the trade union representative (TU11) holds.

The voluntary nature of working from home is also repeatedly put to the test from the perspective of the interviewee (TU11). The law emphasises the principle that teleworking agreements are voluntary on both sides. However, the reality is that many companies, and more recently also public authorities, want to introduce desk-sharing models in which some employees always must work from home in order to save physical workstations and thus space and costs. However, this systematic planning of permanent home office for cost-saving reasons conflicts with the principle of the voluntary nature of teleworking agreements. The trade union must be very vigilant here, the trade union representative (TU11) emphasises.

From the trade union's point of view, however, a certain amount of teleworking must be offered in the public sector in any case. This is precisely because otherwise a serious recruitment problem would arise in the public sector. Teleworking is a central topic in job interviews, especially with younger applicants, the trade union official (TU11) notes.

In the opinion of the same interviewee, employee protection for teleworkers, particularly with regard to mental stress and ergonomics, should be looked at more closely in the future. Although there is training for both management staff and employees in the area of work organisation in the home office, this is usually voluntary and implementation is the responsibility of the individual employee. Moreover, it is to be expected that psychological problems and, above all, back problems will increase in the home office. In this regard, more attention should be paid to ensuring that workplace evaluations, which are mandatory for employers, also take sufficient account of the problems associated with teleworking. In this regard, the law should be toughened.

The GÖD trade union representative (TU11) explains that the directives/ordinances issued by the ministries on teleworking originally only stipulated that the equipment required for working from home had to be made available to employees by the employer. There was originally no flat-rate compensation (as in the private sector). However, a lump-sum payment was then made possible in the same way as in the private sector. However, the financial aspects of teleworking were less of an issue in the public sector than in the private sector. This was presumably because the public sector had already regulated before what equipment had to be provided by the employer.

## 4.2 Cross-sectoral analysis

Evidence from fieldwork indicates that telework has not been a significant concern in any sector during recent sectoral bargaining or negotiations. Rather, traditional topics have dominated the recent bargaining rounds, revolving around pay issues (related to the high levels of inflation in the wake of the war in Ukraine) and issues related to working time. However, excluding issues related to telework from formal bargaining does not mean that telework has not proved a contentious and relevant topic for the sectoral social partners at all. Rather, it points to the fact that the employers in the sectors under investigation have for a long time not been willing to adopt the topic of telework/home office work in formal collective bargaining. In the public sector, the federal ministries have adapted their teleworking guidelines (based on administrative ordinances) to the requirements of the pandemic and their experiences with teleworking during the the recent years.

Interestingly, in all the three private sectors considered in the framework of this study clauses and passages dealing with telework were included in the relevant sector-related collective agreements decades ago. In the ICT consultancy sector, such provisions included in the relevant sectoral collective agreement stem from 2006; in the financial and chemical sectors, such provisions date back to at least the 1990s. They all have in common that they remained unchanged or were amended only marginally over the years, despite the fact that both the prevalence of telework and home office work arrangements have multiplied and the legal framework dealing with telework/home office work has changed. The reason for introducing such provisions in the respective collective agreements at that time was that – given that there was no comprehensive legal basis for teleworking then – it was necessary to have some basic regulations in order to enable telework (based on individual employment contracts) at all – even though only very few employees used this form of work at that time. In the public sector, the laws and the teleworking guidelines of the individual ministries were amended

already before the onset of the pandemic, but also in the light of the legal changes in the private sector (Home Office Package of 2021) and the pandemic-induced challenges.

The fact that issues of telework have not dealt with in formal collective bargaining processes in recent years are generally deemed as very problematic by organised labour. Topics related to telework have been internally discussed within trade unions or informally debated with the employer organisations in all the three private sectors under consideration. In the ICT consultancy sector, this affects the extent of telework, workplace health and safety when working from home, the covering of costs related to telework (equipment, internet, heating etc.), the lack of social integration due to working from home, and time recording between the poles of flexibility and monitoring by the employer. Moreover, the trade union in charge of the sector aims at introducing a right on telework for each employee – a demand that the employer side has strictly refused. Whereas the trade union in the banking sector has largely accepted the unwillingness of the employer organisations to re-negotiate the sectoral collective agreements with a view to adapt the provisions on telework, the white-collar trade union in the chemical industry aims at establishing some extensions of the provisions on telework in the sectoral collective agreement. First, the statutory expense allowances granting each employee working from home a compensation of 3€ per day for the use of his/her own residential premises up to a limit of 300 € per year as well as the possibility of tax-deducting the purchase of (ergonomic) work equipment for home office work should be complemented by additional provisions in the sectoral collective agreement. Some works agreements at company level could be used as a model in this respect, insofar as the employer provides some financial support to compensate for additional costs of electricity and infrastructure use for employees working from home, or for the purchase of ergonomic equipment. Second, the collective agreement should regulate liability issues when work-related damage is caused by a child, spouse or pet etc. in the home office. Third, in the case of “call off work” some provisions on additional compensation for the journey from home to the office should be included in the collective agreement. In the public sector, the trade union has brought the issue of the systematic planning of permanent home office for cost-saving reasons on the agenda, since this strategy pursued by the ministries conflicts with the principle of the voluntary nature of teleworking agreements. Moreover, the union urges to have a closer look at employee protection for teleworkers, in particular with regard to mental stress and ergonomics at the workplace at home. Statutory workplace evaluations and assessments should pay more attention to problems associated with teleworking from home.



Overall, the social partners in all sectors investigated acknowledge that most of the employees are eager to work from home also post-pandemic. From the employers' point of view, this means that remaining an attractive employer especially for highly skilled workers translates into the need to offer flexible and readily accessible telework and home office arrangements. On the other hand, the trade unions have tended to tone down their demands in terms of telework regulations in order to facilitate such arrangements for the employees. This is in line with the alleged priority of many employees to benefit from easy access to telework arrangements; in turn, they often accept concessions in terms of health and safety regulations or monitoring practices at the workplace at home.

Whereas in the area of sectoral collective bargaining negotiations on telework-related issues in the three private sectors have come to a standstill, the implementation of telework at company level via works agreements in many companies works quite well. Company-level works agreements are the main tool to regulate telework in all the three private sectors under investigation. Typically, such works agreements define the nature of telework, detail the places where telework should or should not be carried out (ITC consultancy sector) and establish rules who can or may telework and under what circumstances, including provisions on working time and workplace, desk sharing, digital work equipment, reimbursement of expenses, liability rules, data protection and so on (financial sector, chemical sector). Since the onset of the pandemic, negotiations on telework-related issues have become increasingly significant at individual company level across all industries. Many companies have concluded specific works agreements detailing telework regulations in these sectors.

In the federal ministries of the public sector, the employers (ministries) and the trade union and staff representatives have agreed upon internal guidelines to regulate telework and working from home. These guidelines resemble, in terms of content, the works agreements in the private sector and include very similar provisions (personal and temporal scope, working time and workplace, definition of home office, compensation for the use of private work equipment by employees working from home, recording of working time, data protection etc.).

## **5. Conclusions: understanding collective bargaining approaches and outcomes**

This section aims to determine the factors that contribute to the differences and similarities in bargaining / collective employment regulation and flexibility approaches among the sectors

studied. To this end, it examines the industrial relations' landscape, sectoral logics and national legislation.

Strikingly, in Austria the government recommendations to work from home whenever possible during the pandemic (in particular during the hard lockdown periods) has not induced the social partners at sectoral level to engage in industry-wide negotiations about the possible implementation of home office regulations. This is mainly because the employers have proved reluctant to stipulate provisions on teleworking and home office going beyond what has already been set in national legislation and collective agreements (often many years ago). The employer side deems the company level or even sub-company level (middle management) as an appropriate instance to set home office provisions that are tailor-made for the respective business unit. As a consequence, numerous works agreements dealing with home office issues at company level have been concluded, whereas the pre-existing provisions on home office laid down in collective agreements (often stemming from a time when home office was used only exceptionally) essentially remained unchanged. Likewise, in the public sector only inhouse ordinances (guidelines) within the ministries have been adapted to the requirements of the pandemic and of modern HR management practices in the post-pandemic era; the legislative framework regulating home office work has remained unchanged since the onset of the pandemic.

The trade unions, in particular in the ICT consultancy and chemical sectors, lament the reluctance of the employer side to enter into negotiations on home office issues at industry level. In the ICT consultancy sector, the relevant trade union identifies a range of telework-related topics that should, from their perspective, be part of the sectoral negotiation process. This includes topics such as the extent of telework/home office work, health and safety issues when working from home, the cover of costs related to telework, the lack of social integration due to working from home and time recording as potential monitoring tool. Moreover, the trade union wants to establish a right on telework for every employee in the sector, which has been strictly refused by the employers. Progress in relation to the provisions on teleworking/home office work laid down in the applicable collective agreement would only be possible in exchange for concessions in core aspects of collective bargaining – that is pay and working time. However, with regard to these core issues the trade union is not willing to give in.

In the financial industry, the relevant trade union has largely accepted the unwillingness of the employer organisations to negotiate on home office-related issues at sectoral level. In this industry, a strong demand for teleworking on part of the employees meets with a strong interest on the employers' side of systematic cost savings by introducing desk sharing on a

large scale in the sector. Employers in the banking sector have pursued a strategy of combining the goal of maximising profits and that of maintaining an attractive employer of on average highly skilled staff. From the employers' perspective, it is decisive to keep the workforce satisfied with their working conditions by granting them relatively generous telework or hybrid work arrangements. This strategy seems to be catching on among the employees of the industry, who largely show satisfied with the home office arrangements practiced by the banks (mostly based on detailed works agreements on teleworking). By portraying home office work and teleworking as core component of good working conditions in the sector, the employers attempt to veil their cost saving strategy in terms of office workstations – costs that consequently are transferred to the employees doing home office work.

In the chemical industry, the white-collar trade union calls for the regulation of some home-office related issues at industry level through sectoral collective bargaining. These issues concern the monetary area of additional expense allowances compensating for using the own infrastructure when working from home that should go beyond the provisions as laid down by law. Moreover, the trade union demands more generous liability rules and a compensation for “call off work”, implying the interruption of home office work at short notice because the employee is urgently required to show up in the office. There are some works agreements concluded for companies in the sector that include provisions on these issues; however, the trade union wants to have such provisions set in the applicable collective agreement – which the employer side refuses.

Whereas in this respect the chemical industry does not differ from the other private sectors under consideration, it features two specificities. First, the industry collective agreement for white-collar workers includes, in the annex, a model service sheet for teleworking which contains detailed provisions on telework-related issues, such as the division of working time into that at the workplace and that from home, overtime and its compensation, work equipment provided by the employer, liability issues etc. The existence of this model service sheet makes the conclusion of individual telework arrangements (if there is no corresponding works agreement at company level) with the individual employee much more likely. Moreover, this model service sheet is also regularly used as a template for company-level works agreements which subsequently provide proved and detailed regulations for home-office work. Second, there is a latent conflict between the white-collar union and its counterpart for blue-collar workers in the sector. This is because the latter represents hardly any workers holding teleworkable jobs, such that the blue-collar trade union is not interested in achieving

beneficial provisions for (white-collar) teleworkers at the expense of other bargaining goals. When the white-collar union demands additional compensation for employees for working from home, this creates a lack of understanding among blue-collar workers, and puts solidarity between the employee groups to the test.

In the central administration sector, employment conditions are – in formal terms – set by statutory regulation unilaterally laid down by the authorities. Legislation on telework was amended in 2019 the last time and has remained unchanged since. What has changed are the implementing regulations issued in the individual federal ministries, the co-called guidelines on telework. These guidelines are – in formal terms – unilaterally issued by the individual ministries (ordinance); de facto, however, these guidelines have been negotiated between the respective employers and the Public Service Union and the respective staff representatives, since – according to law – the staff representation must be involved before an ordinance affecting the working conditions of the employees concerned is issued. According to the two sides of industry, negotiations went smoothly since the staff representatives largely share the view of the employers with regard to both the necessity and limitations of telework / home office work. In terms of topics regulated by the guidelines, they are quite similar to those regulated in the private sector (compensation issues, reimbursement of expenses, working time issues, recording of working time etc.).

Summarising the results reveals that

- 1) Collective bargaining at industry level in the private sector and collective employment regulation above individual authority unit level in the public sector has not dealt with issues related to telework and/or home office work in the post-pandemic era. This is because in the private sector the employers have been reluctant to set provisions on issues beyond those regulated by law above company level (e.g. employee protection issues, workplace assessment, additional compensation etc.). In the public sector, the two sides of industry identify the individual authority level (ministries) as the appropriate instance to detail telework and home office regulations.
- 2) For the trade unions, telework issues are important, but in sectoral collective bargaining absolute priority is attributed to the core issues of pay and working time. Therefore, trade unions refrain from exchanging improvements in telework regulations for concessions in terms of pay and/or working time.
- 3) In the private sector, many companies have concluded works agreements providing detailed regulations on telework and home office work with the works council. This is because especially the larger firms have acknowledged that there is a need for a

regulatory framework establishing objective criteria for access and a clear approach to telework arrangements. In the companies affected, employees are usually satisfied with the home office arrangements.

- 4) Differences between the sectors can be found with regard to access to telework arrangements, workforce composition and some regulatory issues. In the ICT consultancy and the chemical sectors, some groups of workers hold non-teleworkable jobs and thus feel discriminated against when it comes to compensatory measures. The workforce composition in the chemical sector (white-collar workers and manual workers) to some extent leads to disunionisation unleashed by unequal access to telework arrangements and related benefits. And the existence of a model service sheet on telework arrangements as annexed to the applicable collective agreement in the chemical sector may increase the likelihood of concluding a (detailed) individual telework agreement with individual employees (if a works agreement is lacking).