



TWING PROJECT

Executive Summary



This publication was produced for the project TWING – Exploring the contribution of social dialogue and collective bargaining in the promotion of decent and productive telework in the post-COVID-19 scenario (GA 101052332), funded by the DG Employment, Social Affairs and Inclusion of the European Commission. The opinions expressed in this report reflect only the authors' view. The European Commission is not responsible for any use that can be made of the information contained therein.

CONTENTS

1. TWING project	3
2. Aims and methods	4
3. Key findings	5

1. TWING project

The TWING project is a two-year project supported by the European Commission, Directorate-General for Employment, Social Affairs and Inclusion, receiving funding under the call for proposals SOCPL-2021-IND-REL aimed at improving expertise in the field of industrial relations.

Running for 24 months (November 2022–October 2024), TWING aims to explore how telework has been impacted by the crisis resulting from the coronavirus disease 2019 (COVID-19). Our research has focused on impacts in terms of working conditions and industrial relations, with the overarching objective of supporting social partners in the promotion of decent and productive telework in the post-COVID-19 scenario.

For this purpose, the analysis focuses on four sectors which face different constraints in relation to telework (information and communication technologies (ICT), financial, chemical, and public sectors); and six countries that differ in the prevalence of telework and the methods of regulating telework, and that are representative of different industrial relations regimes (Austria, Estonia, Finland, Spain, Poland and Portugal). This sector and country selection enable a robust comparative analysis to be undertaken as well as the development of relevant policy recommendations at the European level.

To carry out the project, a transnational consortium has been set up. The consortium involves five research centres: Notus – lead organisation (Spain and Portugal), Working Life Research Centre (FOR-BA) (Austria), Praxis Centre for Policy Studies (Estonia), University of Jyväskylä – JYU (Finland) and the Institute of Public Affairs – IPA (Poland). It also involves five organisations as associated partners, which represent social partners and related institutions at national level. In addition, the project has an advisory board made up of three prestigious researchers who work in academia (Autonomous University of Barcelona) and two of the most significant European research agencies in the topic European policy context.

Before the outbreak of the COVID-19 pandemic, telework was not regulated at the EU-level through hard law mechanisms, although several directives and regulation¹s enacted before 2020 address issues that are important for ensuring good working conditions for teleworkers (EU-OSHA, 2021). The main EU regulation addressing telework was introduced through the EU Framework Agreement on Telework concluded in 2022 (EU-OSHA, 2021). This agreement defined telework as:

“a form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employers’ premises, is carried out away from those premises on a regular basis”
(EU Framework Agreement on Telework, 2022, Article 2)

1 Examples of directives and regulations which are relevant for ensuring good working conditions for teleworkers are: the Directive 2003/88/EC of the European Parliament and the Council of the European Union (hereafter referred to as the Council) of 4 November 2003 concerning certain aspects of working time organisation (OJ L 299, 18.11.2003); the Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in occupational safety and health (OJ L 183, 29.6.1989); the Directive (EU) 2019/1152 of the European Parliament and the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019); and the Directive (EU) 2019/1158 of the European Parliament and the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (OJ L 188, 12.7.2019).

Moreover, the EU Framework Agreement on Telework addressed different regulatory dimensions, such as the telework regime (voluntary principle, reversibility), employment conditions, training, collective rights, privacy, working time, equipment or occupational safety and health (OSH) (EU-OSHA, 2021).

Since the outbreak of the pandemic, three key EU initiatives have addressed issues relevant to the regulation of telework. First, attention must be drawn to the legislative initiative from the European Parliament (January 2021),² which calls on the Commission to propose a law aimed at recognising the right to disconnect. This law should also establish minimum requirements for remote working and clarify working conditions, hours and rest periods. The legislative initiative was passed with 472 votes in favour, 126 against and 83 abstentions.

Second, it is worth mentioning the EU social partners' negotiation process on 'Telework and the right to disconnect'. On 28 June 2022, EU-level cross-industry social partners signed a work programme that included the negotiation of a legally binding agreement on 'telework and the right to disconnect' via a Directive. Nevertheless, after negotiations lasting more than a year, social partners could not reach an agreement.

Third, following these inconclusive negotiations, the European social partners asked the European Commission to address the issue. Based on this, in April 2024, the Commission launched the first-stage consultation of European social partners to gather their views on the possible direction of EU action to ensure fair telework and the right to disconnect, as per the rules and procedures for social policy legislation. The consultation was open until 11 June 2024.

2. Aims and methods

The report aims to answer four main research questions that are highly significant in the EU policy context:

1. How has the COVID-19 pandemic impacted telework patterns in the six countries and the four sectors covered in the research?
2. What has been the impact on employment and working conditions as a result of the transition to telework in the context of the pandemic and its aftermath?
3. How has the experience of extended telework since the outbreak of the pandemic been addressed in statutory legislation, in national social dialogue and in collective bargaining across the selected countries?
4. How has the experience of extended telework since the outbreak of the pandemic been addressed in sectoral and company collective bargaining in the four selected sectors?

² European Parliament resolution of 21 January 2021 with recommendations to the Commission on the right to disconnect (2019/2181(INL)).

To answer those questions, the report draws on different research methodologies: statistical analysis; desk research; 125 semi-structured interviews conducted with social partners in the six countries; and 24 mini case studies of social dialogue practices at company level

3. Key findings

- Statistical analysis shows that cross-country differences persist in the post-pandemic COVID-19 period although some changes are identified.
 - > Finland still records the highest rate of teleworkers in 2021 (41%) and shows an ongoing growth trend over the whole period (2012–2021), which became even more pronounced after the outbreak of Covid-19.
 - > Although Estonia and Portugal had much lower teleworker shares in 2012, they rose quickly towards the end of the 2010s and caught up with Austria by 2021 – in 2021, Portugal, Estonia and Austria had teleworker shares between 25% and 29%.
 - > In contrast, the share of teleworkers remained well below the average in Spain and Poland, although an increase was noticeable in these countries during the pandemic as well.
- At sectoral level, cross-country differences are also visible, particularly in public administration and finance. Indeed, the analyses show that ICT is the only sector where telework patterns across countries have converged (i.e. telework participation has become more similar over ten years across the countries studied in the TWING project).
- Literature review revising recent research findings on telework impacts shows that:
 - > The relationship between telework and working time has been extensively researched in the six countries studied, and the character of telework is ambivalent.
 - > There has been growing research in the six countries since the outbreak of COVID-19 on telework and the difficulties faced in the enforcement of OSH standards, which in turn explains the lack of adequate workspace at home.
 - > Further research is needed on the topics of control and surveillance, and equal treatment; the latter, in particular, appears to be a crucial topic in current debates about telework regulation, with a focus on addressing biases or discrimination in telework access.
- Research findings of comparative analysis exploring national and sectoral approaches towards the regulation of telework indicate that there are significant differences across countries and sectors in terms of social partners' collective strategies, which are determined more by national logics than sectoral logics.
 - > In Austria and Finland, there is a strong tradition of centralised collective bargaining and statutory legislation on telework only provides limited regulation on certain issues; within this context, sector-level regulations on telework are very broad and were established well before the COVID-19 pandemic (although, in the case of Finland, the guidelines were

updated following the onset of the pandemic). However, the countries differ in terms of the role played by company collective agreements. In Austria, work agreements between employers and works councils are widespread and set up a comprehensive regulation of telework; whereas in Finland, company collective bargaining on telework is practically non-existent. In Finland, telework is negotiated informally and on a case-by-case basis, except in some specific cases (e.g. cross-border telework in the financial sector).

- > Clear differences are also identified between Portugal and Spain despite them sharing similar industrial relations patterns, and having similarly detailed and comprehensive statutory legislation on telework. In Spain, the three private sectors analysed have introduced new provisions on sectoral and company collective bargaining, mainly related to distributive topics (pay and compensation). In contrast, the case of Portugal shows that collective bargaining in telework is underdeveloped at both sectoral and company levels. Again, this pattern is relatively consistent across the three private sectors studied.
- > Poland and Estonia show many more similarities across sectors which are driven by comparatively poor industrial relations institutions. In both countries, there is no sectoral bargaining and there are no company collective agreements addressing telework, despite some attempts by trade unions (particularly in the case of Poland) – noting the general context of both state and market playing prominent roles in the regulation of working conditions. Interestingly, new legislation introduced in Poland has not managed to revert those trends.



twing

notus recerca social aplicada
investigación social aplicada
applied social research
recherche sociale appliquée

FORBA

**INSTITUTE OF
PUBLIC AFFAIRS**



UNIVERSITY OF JYVÄSKYLÄ

praxis
think tank



This publication was produced for the project TWING – Exploring the contribution of social dialogue and collective bargaining in the promotion of decent and productive telework in the post-COVID-19 scenario (GA 101052332), funded by the DG Employment, Social Affairs and Inclusion of the European Commission. The opinions expressed in this report reflect only the authors' view. The European Commission is not responsible for any use that can be made of the information contained therein.