



**TWING PROJECT**

**Comparative report**  
**Transferability Workshop**  
**report**

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## 1. Introduction

The overarching goal of the workshops is to pinpoint exemplary practices and successful regulations in telework that can potentially be adapted to other social partnership contexts across various sectors or countries. This report seeks to highlight the contextual preconditions under which telework practices are implemented, as well as to identify the features that facilitate their transferability. The context includes a general industrial relations setting and specific agreements at either a company or individual level.

This document addresses the proceedings and outcomes of three workshops held in Warsaw, Helsinki, and Vienna, part of the TWING research project. The objective was to engage representatives from partner organisations and social partners from two different countries per workshop in discussing the feasibility of transferring effective telework regulations between those countries, or alternatively, between different sectors or companies. These meetings empowered social partners' representatives to understand the principles guiding telework and its regulation through social dialogue in both countries, as well as to identify best practices from specific companies or sectors. An additional focus was on exploring the potential for transferring these practices, taking into account the legal frameworks and social dialogue practices in each country, which could either facilitate or impede the implementation of certain solutions.

## 2. Concept of Transferability workshops

The general idea of the workshops is to identify good practice examples and prepare groundwork for their transferability between workers, companies, sectors or countries. To make the good practice examples transferable we see the necessity to make clear the contextual preconditions in which the good practices are or could be realized, as well as the features that enable or facilitate the transferability of good practices. In the context of the workshops a good practice example can be a measure or initiative that improves the regulation of teleworking or pre-existing arrangements of telework to the benefit of the two sides of industry (at least specific target groups). Such arrangements could be implemented at company or at organizational level, but likely in many cases is implemented at sectoral or at branch level. With the workshops we primarily targeted at social partners, which include

employer and employee representatives, as well as company representatives from both the works council and management.

Certainly, when it comes to the practices and regulation of telework, there are pronounced differences between sectors and countries. Institutional settings, industrial relations and legal frameworks change from sectors to sector and country to country. To identify possible good practice examples and understand the context for their transferability, we need to cover several key dimensions and contextual preconditions:

- Institutional settings and IR regimes: This includes the legal framework, collective agreements, worker representation at the company level, and works agreements, both in general and concerning specific sectors or companies.
- Sector specificities: These refer to the economic conditions, labour processes, and industrial relations within the sector.
- Business model of the organization: This could be non-profit, for-profit, or public sector.
- Strength and presence of social partners: The existence and influence of employer and employee representatives at the company or sector level.
- Social partnership climate and culture: The overall atmosphere and practices of social partnership at the sector or company level.

In the workshops we aimed to account for these differences by specifically giving time to the participants explanations on their sectors' and countries' telework situation.

Transferability of good practices refers to the extent to which a practice can be easily adopted and adapted in different contexts, overcoming practical obstacles and challenges. While workshops serve as an initial forum for these discussions, ongoing exchange between social partners is essential.

### 3. Methodology for the Workshops

We follow an action research approach with three one day workshops. In our Warsaw meeting we agreed on covering two sectors in each workshop. There will be three workshops with JYU and PRAXIS in Finland, IPA and NOTUS in Poland and FORBA and UNL in Austria. That means the organization of focus groups with four SP representatives from the two sectors agreed on beforehand of the two workshop countries ("paired country setting"). It is important that social partners from both countries are present. We agreed on two social partner representatives

per country to be invited. Also, there should be a balance between workers' representatives and employers' representatives. In each of the three workshops the hosting country (Poland, Finland, Austria) provided background information for the invitees on the TWING project.

The main method for transferring good practice examples are semi-structured focus group discussions with the social partner representatives. These discussions are chaired by the host country and last between 90 and 120 minutes.

#### Goal of the focus group discussions

Central to the semi-structured focus groups are four topics:

- (Briefly) assessing the status quo in each sector:
  - Guiding questions could be: How common are telework practices? Who pushes for which practices? What are general positions? What is the status of regulation?
  - Comment: establishing this early on could be beneficial for transferability later on.
- Identification of good practice examples
  - One example per country to be briefly outlined by the respective SP representative
  - This needs preparation: informing SP beforehand (responsibility of receiving country manager) to prepare one good practice example.
  - Comment: in case there are no good practice examples, the mini-case-studies developed in the project could serve as a best practice example. In this case, please consider potential privacy issues.
- Identification of favourable and impedimental factors and features for establishing good practices in each sector per country
  - This includes legislative limitations, IR specificities, particular company/organization culture, strength of trade unions and staff representatives, (un)willingness of the employer (employers' organisations) to establish telework arrangements etc.).
- Assessment of transferability of good practices to other contexts (companies/organisations, sectors, countries), by both the potentially "delivering" entities and the potentially "receiving" (adopting, adapting) entities.

### 3.1 Setting of the focus group discussions

We opted for a “paired country setting” and an action research approach with three one day workshops, one each in Warsaw, Helsinki and Vienna (JYU and PRAXIS in Finland, IPA and NOTUS in Poland and FORBA and UNL in Austria). In the Vienna and Finland workshops the public sector and the ICT sector was covered, in the Warsaw workshop three sectors were covered (pharmaceuticals, banking and ICT) which were all identified in the earlier empirical and desk research in the TWING project.

That means the organization of focus groups with four SP representatives from the two to three sectors agreed on beforehand of the two workshop countries. For each workshop we invited social partners from both countries, ideally having a representation of two people per sector. With our invitation scheme we also aimed at a balance between workers’ representatives and employers’ representatives.

The main method for transferring good practice examples are semi-structured focus group discussions with the social partner representatives. These discussions are chaired by the host country and last between 90 and 120 minutes. For a loose guideline for the focus group discussion that was used and adapted as needed by the country hosts for each workshop see Annex A.

### 3.2 The Warsaw Workshop

The workshop was organised in a hybrid format, combining the on-site presence of some participants with remote participation. Spain was represented by two representatives of the project leaders, NOTUS ASR, together with invited trade unionists from two sectors of the economy: chemicals (pharmaceuticals) and banking. Two trade unionists representing a company belonging to the pharmaceutical sector were present on site, while the banking representative, who is part of the sectoral trade union structures, participated remotely via the Zoom videoconferencing platform. The Polish side consisted of two researchers from the Institute of Public Affairs (IPA), two trade unionists representing the IT sector (strictly: an international market research company, also active in the IT field), and two union representatives from the banking sector participating remotely. Both belong to the management structures of a medium-sized sectoral trade union active in banking and are active in its structures at the level of large universal banks present in Poland.

The discussions were held in the participants’ native languages thanks to the simultaneous interpretation provided. At the beginning, a representative of the host (IPA) welcomed the

guests and briefly recalled the assumptions and objectives of the TWING research project and the current workshop. Then, the second representative of IPA presented the main results of the fieldwork in Poland, focusing on the basic aspects of the labour law concerning the use of telework (or strictly – remote work, as such a term exists in the Polish legal order). In a further step, the NOTUS representatives presented the main findings of a case studies conducted in the banking and chemical sectors in Spain. These introductory presentations, designed to familiarise all participants with the context of teleworking in both countries with particular reference to the social dialogue concerning it, were followed by the main discussion among the invited representatives of the social partners. The discussion took the form of a focus group interview (FGI): the moderator first briefly introduced the issue to be discussed and then asked participants to comment on it. Each participant had the opportunity to speak freely for several minutes on every issue. Interaction took place not only between the moderator and the participants, but also – spontaneously – among the latter, fostering a free exchange of ideas.

The discussion was divided into two parts, with a coffee break in between. In the first part, all participants had the opportunity to describe the teleworking situation in their sector, outlining the national/sectoral legal framework and the status of the social dialogue on telework. This was followed by a discussion of good practice examples, known to the interviewees, of regulating this form of work provision through negotiation or consultation between the social partners. The participants focused on those documents that had been developed in their home companies or, in the case of multi-employer bargaining, sectors. The second part provided an opportunity to discuss the possibility of transferring the previously discussed good practices in telework regulation through social dialogue in the other country, as well as in contexts other than the original (e.g. other companies, sectors). The main conclusions from both parts of the discussion will be analysed below.

### 3.3 The Helsinki Workshop

The workshop hosted in Helsinki invited representatives from the Finnish and Estonian public sector, i.e. the Employee Union of the University of Jyväskylä (JYHY) and the Trade Union of State and Selfgovernment Institutions Workers of Estonia (ROTAL), the Estonian Trade union Confederation (EAKL) and the network for HR representatives and employees from Estonia (PARE). The ICT working group consisted of two ICT company representatives (Ericsson in Finland and Telia in Estonia), two union representatives from Estonia (PARE and PRO Union) and three union representatives from Finland (the Federation of Professional and Managerial

Staff YTN, Union PRO and TEK (the Trade union for academic engineers and architects in Finland). The workshop was coordinated by two researchers from the University of Jyväskylä (JYU). A shop steward from the University of Jyväskylä representing JYHY had to cancel her meeting few days before the workshop. Instead, she took part in a Teams interview where she came up with few suggestions of good practices.

The workshop started at 10:30 with an introduction by Nathan Lillie (JYU) was followed by a presentation of preliminary results of the TWING project by Sanna Saksela-Bergholm (JYU). The hosts went into more detail on telework in the noon session. After lunch the focus group discussion was organized in two smaller breakout sessions for public service and for the ICT sector. The workshop was closed with a session on the potential of transferability of good practices and regulation in telework.

### 3.4 The Vienna Workshop

The participants at the Vienna workshop taking place at the offices of FORBA on June 13<sup>th</sup> were a HR manager from an IT company representing Imprensa Nacional – Casa da Moeda, a representative from ANIMEE, a representative from the Public Service Union and a works council representing an Austrian IT-company. Also participating in the workshop were Nuno Boavida from Universidade Nova de Lisboa and Georg Adam and Philip Schörpf from FORBA. Interpretation between Portuguese and German was provided simultaneous. The workshop started at 9am and lasted until 1:30pm. The sectors present were the Electrical and Electronic Sector (employer representative), the IT-sector (works council) and the public sector (employee representative and HR Director).

The session started with the welcoming of the participants, the interpreters and the technicians. Georg Adam carried on with a brief presentation of the project results to date, which already stirred a lively discussion among the participants. After a short coffee break the second session of the workshop commenced with the focus group discussion led by Philip Schörpf.

## 4. Overview of Telework Practices in the Sectors

As described above in the methodology section prior to establishing successful practices and regulation and to substantiate possible transfers of knowledge we deemed important to provide room for discussions on the status quo of practices, particular issues and challenges



and regulation in the sectors and countries present at the three workshops. To achieve this and to account for the differences between sectors, countries and connected industrial relations regimes, we aimed to cover several key dimensions and contextual preconditions at the beginning of the focus group discussions.

At the **Warsaw** workshop the discussion showed that telework in both countries is a relatively important phenomenon for the social partners, although it is given more or less importance in the different sectors. It is also a relatively new issue as a practice offered by employers and as a subject for social dialogue, the popularity of which has increased considerably because of the COVID-19 pandemic and the associated sanitary restrictions. At the same time, important differences between the two countries are discernible, concerning, in the first instance, the timing of the response to this increase in popularity. In Spain, new legislation on teleworking was introduced by royal decree as early as autumn 2020, while in Poland, the new law, after lengthy discussions among the social partners and numerous disputes, only managed to be passed in autumn 2022 and came into force in spring 2023. At the time of the COVID-19 pandemic, out-of-office work in Poland was regulated by temporary and provisional legislation (lacking, among other things, provisions on health and safety at work), which needed to be developed and made more specific before being made permanent in general legislation. A second important element of the national context that differs between the two countries is the relatively stronger social dialogue in Spain, including the practice of collective bargaining at sectoral level absent in Poland. This means that in Spain the potential of the sectoral social partners can be used to effectively work out mutually beneficial collective agreements. In Poland, on the other hand, we can only speak of negotiations and consultations at the individual company level, as well as national tripartite social dialogue. The latter, however, has a consultative formula and the results of the talks are taken into account by the government to a limited extent, depending on the will of policymakers.

As far as the banking sector is concerned, represented by trade unionists from both countries, what distinguishes it in both Spain and Poland is similar: high teleworkability among employees, the interest of the social partners in this topic and the generally good or very good results of dialogue as a mechanism for regulating the rules under which teleworking is conducted. At the same time, there are banking employees in both countries who are not able to work remotely due to the nature of their duties – these are employees of local bank branches, employed in direct customer service. In the case of Poland, it was emphasised that there is a long-term downward trend in terms of the share of such employees due to the increasing digitalisation of banks, the growing importance of remote channels for providing

services and the closure of local branches. On the other hand, in Poland, the lack of teleworkability among local branch employees is treated as a fact that cannot be remedied. Spanish unions, on the other hand, are taking more active steps to enable these employees to do at least a small amount of telework in the course of the week, or a kind of employee rotation that allows temporary teleworking.

The IT sector, represented only by participants in Poland, is particularly poorly unionised in this country. The few trade union organisations are characterised by their short lifespan and are often harassed or at least ignored by the employing side. The good practice analysed in the next section is an exception to the general rule identified in the TWING project, according to which unions in this sector had no voice regarding telework rules in companies. Overall, the scale of telework use in the sector is very high, facilitated by the nature of the tasks performed and the possibility of immediate transfer of work results to superiors. Employee rights, despite mostly high salaries, are often not respected, e.g. regarding working time or holidays. In many cases, moreover, the regulations of the Labour Code do not apply, as employees are often employed under civil law contracts or cooperate with the employer on a B2B basis.

Regarding the chemical (pharmaceutical) industry, represented by two trade unionists from Spain, the situation in the company where they are employed was discussed, with some references to the wider pharmaceutical labour market. The participants highlighted that the outbreak of the pandemic was a turning point in terms of the practice of remote work – previously it had only been implemented on a small scale, while the sanitary restrictions forced all employees capable of teleworking to leave their employer's premises. After the pandemic, employees, in turn, faced with the reluctance of managers to maintain remote work, began to resign from their employment with the company, which forced the company's authorities to accept this new form of work provision. Initially, one day of teleworking was allowed and, after negotiations with the union, it was possible to increase the weekly dimension for employees capable of teleworking to three days. In the case of production workers, one day of telework was successfully negotiated, and the union is now making efforts to increase this to two days per week. These rules are also accompanied by flexible working time patterns.

At the **Helsinki** workshop discussions showed that both for Estonia and Finland, telework, mostly manifesting in hybrid work practices, has become common since the pandemic. Hybrid work arrangements refer to an opportunity to work e.g. three days remotely and two from the office. In practice, the division of telework and office time is often done between the team leader and members. For example, in the national insurance company – Kela, it is

possible to work almost entirely remotely as long as it supports the realisation of working tasks and division of tasks between colleagues. In Finland, no particular telework regulation has been done because social partner representatives (for both employers and employees) find the current legislation as comprehensive and sufficient. Therefore, telework is not part of the collective agreement in the public administration sector.

The ICT sector has implemented telework quite extensively already before COVID-19 while the practice has become even more widespread since then. Due to high competition for talent in the sector, companies often invest a lot in the welfare packages for employees, where telework is one part. Hence, it is easier to implement telework in those companies. Trade unions have not perceived the necessity to negotiate for collective agreements on telework as the welfare packages are usually quite extensive and considerate for employee needs. Still, ICT is also characterised by quick changes and large flexibility – different practices are implemented across teams within the same company. Overall, telework is considered as an integral part of work organisation in the ICT sector.

At the **Vienna** workshop discussions showed that the two sectors IT and public administration are organised quite differently. The IT sector in Austria has had a collective agreement on telework since 2006, much earlier than other sectors. Since 2021 the “Employment Contract Law Amendment Act” (AVRAG) 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. Telework is a very widespread practice in the IT sector and in the IT company that was represented at the focus group discussion, there is the full range of people doing telework.

In the sector there are few relatively large employers on the one hand and many sole proprietors on the other hand. In the large companies typically there exist company agreements. However, sole proprietors do not fall under collective agreements. In the case of small businesses with very few employees, such as start-ups for instance, telework might be

agreed on in individual contracts between employers and employees. However, the participants argue that due to skill shortages in Portugal and Austria employees may choose their employer more freely and the option to (flexibly) work from home might be a crucial reason to take a job. This in turn means for employers that they have to offer the (new) employees to work from home. The option to telework becomes a necessity to attract new personnel.

The public sector, on the other hand, aggregates very heterogeneous management levels and type of actors. In Portugal, collective bargaining does not exist in the central administration subsector. However, there are examples of company agreements in many municipal and national public companies. Furthermore, the variety of actors also reflects in their topics of interest, priorities, processes, outcomes and flexibility approaches to collective bargaining. Hence, different telework topics were regulated in public company agreements. Recent examples showed that these topics range from telework cost up to working hours, restrictions to telework, conditions to be available on-site, duty to be at home, ensure the same levels of service, comply with the working hours, rules regarding the organisation and provision of teleworking, particularly regarding the recording and control of working times and the fulfilment of the obligations assumed by the worker, simultaneous face-to-face contact at least once a month and provider of the work instruments, equipment and systems. Thus, it can be said that the public sector has company agreements regulating very different topics of telework.

Telework in the public sector was discussed in the focus group from different viewpoints. The Portuguese public sector representative works in a company that is owned by the state but otherwise operates similar to a private company. Regarding telework arrangements, this means that there are little general agreements in the public sector as a whole but rather companywide agreements and regulations. Prior to the COVID pandemic there was very little telework in Portugal and especially in the early stages of the pandemic, the unions were strongly opposing telework. Important for the Portuguese public sector representative are different access to telework due to the specific task profiles of employees and lead to discontent among the workers.

Collective agreements generally play no role in the public sector in Austria because the working conditions (including salary) are formally determined unilaterally by law or statutory regulation. However, the working conditions are negotiated between the employer and the Public Service Union (GÖD). 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. Telework in the public sector was possible since 2005, even though it was very rarely used until 2019 and needed to be approved by employer and employee in written form. The representative for the Austrian public sector states that employees can work a maximum of 40% of their working time from home and overall telework is not a too widely adopted work practice in the public sector.

## 5. Best practices indicated by the social partners

### 5.1 Best Practices at the Warsaw Workshop

All the cases of telework regulation through social dialogue described by the participants deserve to be briefly mentioned, as they are interesting – and very diverse – examples of trade union commitment and determination to ensure decent telework conditions.

In the banking sector in Poland, a case was identified of a bank where, thanks to goodwill and readiness for dialogue on the part of the employer, a thorough process of consultation on the detailed rules of remote working was carried out as required by the amendment to the Labour Code, which came into force in spring 2023. Several weeks of discussions resulted in the signing of an agreement on the content of the company's remote working regulations. The union side agreed with the employer on the amount of reimbursement for remote work paid by the employer (EUR 1.20 per day of remote work), the range of organisational units and positions where remote work is allowed and its weekly share, as well as health and safety issues. The negotiated rules are relatively favourable compared to other banks, the employer took into account various comments from the union side on the draft rules. There were no manifestations of creating time pressure, occurring in various other companies in Poland, resulting from the obligation to conclude an agreement within 30 days, after which the employer can unilaterally introduce remote work rules in the company.

In the case of the Spanish banking sector, a sectoral collective agreement has been concluded in 2021, which is positively assessed by the trade union side, bringing numerous improvements for employees in relation to general labour regulations. It was emphasised that the document is a manifestation of a successful compromise between employee and employer representatives, being, in the view of the social partners, a point of reference for social partners in other sectors and even a source of inspiration abroad. Although there is

detailing of the rules for remote working at the level of specific companies, in the opinion of the representative of the sectoral trade union structures, this is not necessary in many cases, as the content of the agreement is sufficiently detailed and beneficial for employees. The document regulates, among other things, the weekly share of remote work for specific positions, the equipment (telephone, internet connection, ergonomic chair) that companies must provide to employees and the amounts of reimbursement for media costs (these rates are significantly higher than typical reimbursement rates in Poland). In addition, specific measures are foreseen to prevent the psychosocial effects of teleworking; the ways in which trade unions can communicate with employees working remotely are also regulated.

As far as the Spanish pharmaceutical company is concerned, there has also been a successful conclusion of a company collective agreement at the company as a result of negotiations led by the union side within the works council. This took place in July 2022. Amongst other things, the range of positions where remote working can be carried out was regulated, along with the weekly share of teleworking time. As indicated above, the trade union side was determined to negotiate a clearly higher proportion of out-of-office work than the employer preferred, and this was even the case for production workers where there are technical limitations for this form of performing their duties. It must be said that it was possible, in line with the employees' preferences, to obtain a significant share of remote working and, in addition, to include some arrangements to ensure flexible working hours for employees with special needs (e.g. parents of young children). A reimbursement of the employee's costs paid by employers of EUR 7.00 per teleworking day has also been negotiated. The employer also provides employees with the necessary equipment (laptop, smartphone, headphones).

In the case of a Polish IT company (strictly: a market research company, but with a significant range of IT activities in its portfolio), we are dealing with a specific situation resulting from the company's dislike of trade unions, even harassment of trade unionists, and ignoring their voice with regard to the rules of remote working. The employer ignored the trade union's position on the draft remote working regulations, which led its members to make the issue the subject of an already ongoing collective dispute. They also notified the State Labour Inspectorate of the irregularities. The result was that some demands, rather inferior in the trade unionists' view, were accepted: the employer withdrew the employee's responsibility for servicing the equipment entrusted to them for purpose of remote work and the provision on the possibility of termination of the employment relationship in the event of a breach of the remote working rules. At the same time, the demands for an increase in the reimbursement rate for telework costs were not included. Subsequently, the employer did not take into account, in a separate

consultation, the union's negative position on increasing the number of days of office work from one to two per week. Overall, however, compared to other companies in the IT sector in Poland, the determination and relative effectiveness of this union's action, which made it necessary for the employer to recognise its right to consult on the principles of remote working, should be appreciated. This brings some prospects for strengthening social dialogue in the sector in the future.

## 5.2 Best Practices at the Helsinki Workshop

The picture for successful telework practices and regulation is not clear cut. In the case of public administration, it is difficult to frame any particular good practices because of the broad field of public administration. Instead, the focus of the Helsinki workshop discussion was on general improvement practices in the regulations and arrangement of telework. For companies and public administration authorities the implementation of telework should involve sharing of workload and tasks (both in meetings as well as in teams); improved collaboration between team members (and in meetings), as currently the collaboration and exchange of information is not always very fluent between team members or participants in meetings; access to training: in particular the training of team leaders and focus on training of human skills; limiting the amount of internal e-mail exchanged between colleagues; and maintaining face to face meetings to some extent because these can improve the well-being of the employees, e.g. inclusion to the work community and improve the exchange of knowledge and ideas. Company representatives and their social partners stressed the need for insurance for mobile work and working at home, i.e. how it could be included as part of the collective agreement. In several cases, the funding of accident costs will not be covered by the company as long as it has not agreed on an insurance for its teleworking employees. Furthermore, there is a need to raise awareness for the possibility to do hybrid work, i.e. to stress that telework is part of the new normal working time arrangement. Already the awareness about the right to telework can increase employees' working motivation and commitment for their company. For unions hybrid working and the accompanying time arrangements have challenged mobilizing and recruiting potential union members. The challenge is to find new and efficient channels for recruiting new members.

In ICT discussion group, crucial features for the successful implementation of telework involve possibility to use office equipment in the workers homes. Furthermore, the discussants highlight that it is important to be considerate that open office does not fit everyone so some employees might prefer working in a more private environment at their

home offices. There needs to be a working space for different needs. Some companies have opted for rebuilding the office to meet employee needs as the needs and expectations for office space has changed with COVID-19 and the awareness of different needs related to office environment has increased. Also, some companies cut down on office space, while keeping the same amount of employees. There seems to be no information about cases related to issues with lack of access to office space (i.e. people who would like to work at the office but are not able to do so).

A fundamental aspect of maintaining a productive telework environment is elucidating the necessity of shared office time. This practice ensures the preservation of a cohesive social environment for both new and existing employees, fostering a sense of belonging and community within the organization. Despite the necessity for some degree of physical presence, it is noteworthy that certain teams operate successfully without common office time, particularly those working internationally.

To optimize telework arrangements, it is imperative to provide training for employees and line managers on hybrid team management and effective work practices. This includes enhancing one-on-one discussions and increasing awareness of mental health issues, thereby mitigating the stigma associated with mental health concerns in the workplace. The introduction of mental health programmes has been met with positive reception, although there has been a noticeable decline in their utilization as employees become more accustomed to remote work.

It was concluded in the group discussion that good practices in telework is not only about telework anymore, but a combination of different welfare programmes that are implemented in the ICT companies. Employee welfare is about more than just the ability to work from home but a combination of different working conditions including welfare and health programmes, flexibility of time and place of work, access to training etc.

### 5.3 Best Practices at the Vienna Workshop

The representative of the IT company details how working from home is regulated in his company: employees need to inform their managers about their intention to work remotely at least a day in advance. Unless the manager has operational reasons to decline, the request is considered approved without further discussion. This is important insofar as in practice requests for working from home are very rarely denied according to the focus group participant and this translates to a rather employee-favoured telework regulation. The protocol for this was established with an agreement when remote work was introduced in



2006 and has remained unaltered since there was no requirement to intervene for the works council, as there was enough flexibility in this agreement (i.e. not specifying days for telework), allowing some room for interpretation among the parties involved. However, the onset of the Covid-19 pandemic shifted the view on telework as it extended the practice to additional departments, like the call centre employees.

In the public sector the participants from Portugal and Austria paint different pictures of the access to and the regulation of telework. In Portugal the COVID pandemic marked a turning point for telework, when half of the employees in the participant's company started to work from home. Telework was and is in this company until today agreed on between the employees and their direct superiors.

"The managers have to assess if the employee's work is suitable to be carried out from home [...] and then the employees can decide if they want to work from home, if they want to do hybrid work or stay at the office full time." HR public sector representative, 605-609

Such agreements were initiated following the pandemic but are more or less similar today and all employees who chose to work from home, have similar agreements today.

In the Austrian public sector, telework is negotiated between staff councils and the ministries and results in laws. Since 2019 occasion-related (anlassbezogen) telework was introduced. This agreement needs to be set out in writing and defines in detail certain aspects of telework.

"This written agreement, which is only valid for one year and can then be extended for another year, must specify the type, scope, quality and form of teleworking, as well as which tasks can be carried out while teleworking. The procedures, the official processes and the form of communication must also be set out in writing." public sector representative, 139-144

It was also stipulated that if an employee requests teleworking and the employer refuses, the employer must state in writing why teleworking is not possible. Furthermore, the employees need to carry out their telework during a defined timeframe (Rahmenzeit), for instance from Monday to Friday between 6:30 and 19:00. Typically, there are also limits to how much working time can be spent teleworking. The public sector representative gives an example of a limit of 40% of the working time, no matter if working part time or full time. Like everywhere else, the pandemic led to a spike in telework in the Austrian public sector. Since 2023 an additional

regulation was introduced concerning equal treatment of employees in telework regarding for instance information flows or career perspectives.

## 6. Sectoral and General factors for implementing good practices

The sectors represented in all three workshops were pharmaceutical, banking (both present at the Warsaw workshop), ICT (present at all three workshops), and the public sector (present at the Helsinki and Vienna workshop). Access to telework or hybrid work varies between these sectors and is limited by the type of work (e.g.: in manufacturing or blue collar work).

Overall it seems that many workers place the flexibility of working from home highly and often prefer telework and hybrid work, irrespective of sector or country. This creates pressure on unions to take this issue into account in their relations with employers in an effort to provide employees with the widest possible opportunities to work outside the office. Unions are also interested in negotiating adequate reimbursement rates for remote working.

Crucial for establishing sustainable and decent working conditions for telework appears to be a focus on a good work-life balance. There is a number of examples of regulation towards sustainable and decent working conditions for telework in the sectors and countries under scrutiny. For instance, the participants referred to a 2023 change in the Portuguese labour code introducing the right to telework for workers with a child under the age of three and the right for 12 months of telework for a child under the age of eight. Naturally, this right to telework is only possible when the job profile allows for telework in the first place. This especially affects the public sector as there traditionally work many women.

“And now it means we can agree to work from home for six months or without a limit. [...] We at the company, want people to trust. We made the agreements on telework without limits. And there is a norm that if the company, so you can terminate that if you want to, but if nothing changes, if nobody says anything, then we can keep working from home.” HR public sector representative, 517-526

Irrespective of sector, particularly in the early days of the COVID pandemic the situation was challenging: It was unclear how to organise telework and for the employees was concerning if they were covered by accident insurance when working from home. In the case of this specific public company, such issues were early on clarified in written form, which helped a lot to build a trusting relationship between employees and employers. In addition, the company early on provided information concerning the new work organisation when working

from home. For instance, in the beginning it was necessary to establish what working from home entails for the workers: Who is entitled to telework? What happens to workers with tasks impossible to carry out from home? How to work from home?

Also affecting multiple sectors is the practice of hot-desking. With the concept of hot-desking, companies assume less need for offices spaces due to increasing telework practices. In practice this implies that not all employees have office space available to save costs, such as energy or renting expenses. While this does not seem to be a common practice in some sectors, it seems to be a widespread practice in the IT-sector, where some companies have a ratio between workers and available workplaces of 10 to 1.

It was also discussed in the workshops whether there are differences across generations in implementing telework. Are younger employees more ready to do telework? One important factor is the differences in digital skills across generations. While in ICT sector everyone is comfortable with using digital tools for telework, this may not be the same case in other sectors where digital tools are not part of daily working lives and job tasks.

In addition, some companies may not be well equipped for telework (for instance due to sensitive data). Access to digital tools can also be different across companies – some employers may not be ready or able to provide the necessary tools for telework. In some countries, expensive internet connection may become an issue in implementing telework (it would be costly to cover the costs of an internet connection with the necessary quality).

Employers may also fear of losing control over their employees. The group participants referred to it as an 'old-fashioned feeling of being present' which can still be very true in many companies.

#### 5.4 Pharmaceutical Industry (Spain)

In the case of the Spanish pharmaceutical company (**Warsaw workshop**), it seems that the market also played an important role in maintaining teleworking after the pandemic – its failure to do so risked employees moving to other companies. At the same time, the trade union side, despite failing to engage in collective bargaining at the industry level, was in a strong enough negotiating position that it was able to negotiate a number of favourable solutions for employees, as well as ensuring the maximum possible share of remote work for employees with lower teleworkability. The company's social dialogue mechanisms proved to be sufficiently effective for reaching a mutually beneficial agreement.

### 5.5 Banking Sector (Poland and Spain)

The banking sector (**Warsaw workshop**) in both countries is characterised by a relatively high negotiating power of trade unions and a willingness of employers to dialogue and regulate telework in consultation with trade unions. The scope for telework is relatively large (not including only employees working in direct customer service), making it possible in both countries to negotiate telework for a wide range of positions and with a relatively high proportion of out-of-office work per week. At the same time, the presence of stronger sectoral structures and the practice of negotiating sectoral collective agreements creates better prospects in Spain for uniform teleworking rules across banks. In Poland, there is a higher probability of failure of negotiation/consultation of telework rules in some specific banks. Moreover, with regard to certain aspects of working conditions, bank boards have a practice of looking at other banks and finding instances of regulation that are least favourable to employees. Thus, it could be said that it is more the market than social dialogue that then influences particular aspects of employment.

### 5.6 Public Sector (Finland, Portugal, Austria)

In the public administration group in the **Helsinki workshop**, the representatives stressed as the core reason for successful hybrid working time arrangement in both countries has to do with smooth and good cooperation between companies/organisations and social partners. Key factors are amongst others: mutual trust, time given for decision-making and careful preparation by the partners before they attend the meetings. For example, the steering group members of local associations representing the Finnish universities meet and discuss possible changes and recommendations relating mainly with the collective agreements, but if needed also about teleworking arrangements before they present their recommendations to the trade unions who in turn are in charge of sector level collective agreements.

In the **Vienna workshop** in the public sector in Austria directives regulate the labour relations between the employer (the state) and the employees and while there are no laws on a right to disconnect, there are directives that detail when and how long employees are available when working from home and detailed regulations on working time. Mental health in the Austrian public sector is not seen as a significant issue by the representative. She argues in the public sector there is less need to be (constantly) available and less pressure compared to the private IT sector.

In the public sector company in Portugal, physical and mental health are a growing issue that the company aims to tackle. The participants discuss increasing workplace pressures that employees as well as (middle) managers are facing, including isolation when working from home, stress, constant availability, and conditions resulting from bad ergonomics, as well as higher levels of cholesterol, diabetes, or adiposities. To respond to these newly emerging or at least aggravated health concerns, the company offers a host of health measures, such as free access to a health centre with general practitioners and specialists and psychologists. Furthermore, the company offers Yoga and meditation lessons for its employees. Besides improving employee health for the company this also acts to strengthen employee attachment to the company.

### 5.7 ICT Sector (Poland, Austria, Portugal, Finland, Estonia)

In the **Warsaw workshop**, for the ICT sector, in many companies there are no trade unions at all, or they are weak and not recognised by employers. In the example analysed above, partial success was possible thanks to the determination of trade unionists, but also certain features of employment in the company, such as the widespread use of employment contracts (in a typical IT or gamedev company, civil law contracts or B2B cooperation often predominate). An additional factor weakening the position of unions is the specific corporate culture and mentality of employees, which practically excludes the use of various forms of protest, including strikes. Unions therefore do not have this important “negotiating lever” in many service sectors. The regulations, in turn, do not impose an obligation on the employer to reach an agreement on the principles of remote work with the trade union side, which, in the absence of the former's goodwill, ends up ignoring the voice of the trade unionists.

In the **Vienna workshop** discussants highlighted how the retirement of baby boomers is leading to a staff shortage, prompting companies to improve telework conditions to draw in younger employees who increasingly seek flexible remote work options. In Austria, this pressure in practice might even substitute for a right to telework.

“Staff shortage is probably very pronounced in the IT sector, but there is also a staff shortage in the public sector. Because the baby boomer generation has now retired. That means we have an enormous staff shortage. And for young colleagues in particular, the option of teleworking is very important. This means that even the public sector, although there is no legal entitlement to telework, also explicitly states in its job advertisements that there is the possibility of teleworking.” public sector representative, 347-358

At the same time, particularly, but not exclusively, the IT sector is prone to increasing mental health issues and stress connected to working from home, constant availability or technostress. In the IT sector, a works council argues, the collective agreement makes explicit the need to detail availability when working from home. He further argues that this is similar to a right to disconnect.

“In our collective agreement, there is a right to disconnect. This does not exist at a legal level. [...] It clearly states that with this home office invitation I have to specify my availability times. I am in the home office from 9 a.m. to 1 p.m., then I pick up the child, so from 1 p.m. to 2 p.m. is my lunch break and from 2 p.m. to 6 p.m. again.” works council, IT company, 404-412

Nevertheless, the participants argue that digitalisation in general and working from home in particular aggravates several health issues and can lead to higher stress levels for the employees. Concretely the participants discuss indicators for being online in programs such as MS Teams or WebEx. Furthermore, the IT-company’s works council argues during the focus group discussion that they debate in the company a lot about privacy when working from home. For instance, in this company they have agreements on using cameras during online meetings.

In ICT discussion group at the **Helsinki workshop**, the main assumptions and obstacles for implementing good practices for telework were discussed. Important is an awareness that being in office does not make an employee more reliable – they should not be expected to be more devoted to work while working in the office. Employee devotion and dedication is not a matter of physical location. It is helpful when there are concrete guidelines or checklists for telework available, e.g. employer / manager has the right to terminate remote work arrangement in case employee performance does not meet expectations: if employees are actually not working, your manager has the possibility to invite an employee back to office.

Implementing good practices is demanding for line managers as it is important to keep self-discipline. Line managers need to have constant 1:1 discussions with their team members and they have to be aware about the topics that need to be brought up and discussed in case of distant work. For this purpose, it is necessary to remind line managers about the topics of 1:1 discussions or what to bring up in daily conversations. Awareness of line managers is the key and being aware of different needs of employees.

The ICT group also discussed whether the size of a company plays a role while implementing telework good practices. It turned out that both large and small companies have their

strengths and weaknesses. It is easier to implement and test different work practices on a small scale (smaller companies are more quickly adaptable). However, large multi-national companies may have global work principles that are implemented in all branches (global experience supports local practices). However, these decisions can also be more costly in large companies as the resources needed are much larger. There are also different options that companies may opt for in case of managing costs, e.g. introducing a discount to buy necessary equipment for home offices instead of full coverage etc.

Assessment of results is important while implementing good practices. It is necessary to evaluate how telework works in the company. Implementing regular evaluations was discussed as an option to keep track of the situation. For instance, the connection between working from home and employee satisfaction can be measured in regular evaluations. Based on their current experience ICT group participants emphasised the importance of a hybrid working model (i.e. dividing time between home and office), which supports best the employee devotion to work connection with the company culture.

Similar to the Vienna workshop, a strong support for work-life balance at the workplace is crucial for supporting effective telework practices in a company. The implementation of telework practices in a company depends on whether the company values an 80-hour workweek or prioritizes the ability to manage within regular working hours. Attention was also given to employees' use of their annual vacation, i.e. by encouraging employees to fully utilize their annual vacation is a key indicator of a work-life balance culture. This approach extends to home office environments as well.

## 6. Transferability of Practices and Regulations

To establish a guideline of transferability of telework measures between sectors and countries is a complex task. In light of the above analyses, it must be concluded that the transferability of good practices between two or more countries has its limitations, due to the different culture of social dialogue, collective bargaining practices industrial relations regimes and trade union positions. As shown, in the focus group the participants discussed what rules and regulations in their own context were deemed as successful, but also what needs more attention and improvement in future negotiations between employers and employees.

## 6.1 Transferability between Spain and Poland

Almost every aspect of the national system of collective labour relations favours Spain – Polish solutions are less effective from the perspective of ensuring decent working conditions. At the same time, the good practices identified during the workshop in terms of regulating telework point to the sense of transfer practically only in the Spain -> Poland direction: the agreements concluded at company level in the latter country are at best (almost) equally favourable, if we do not take into account the usually narrower scope of the regulations they contain, as well as the significantly lower typical reimbursement rates for remote work costs. Worse still, the transfer of good practices is proving problematic anyway for several fundamental reasons.

Firstly, the practice of sectoral collective bargaining is absent in Poland. Admittedly, the law provides for multi-employer collective bargaining, as well as a mechanism for extending multi-employer collective agreements to the entire sector. However, the practice of negotiating such agreements is very rare and their extension has never been used. There is also often a lack of relevant sectoral employer organisations to undertake negotiations, or they are not interested in collective bargaining, focusing more on advocacy or lobbying activities. Sectoral trade union structures are also often weak. Therefore, a source of inspiration can at most be found in cases of negotiated agreement on telework rules at individual company level. However, here, too, it will be difficult to convince employers to negotiate the principles of telework as part of a collective agreement, due to the regulations that came into force in spring 2023. This is because the amendment to the Labour Code introduced the practice of negotiating a separate piece of internal company regulations, which are remote working regulations.

Moreover, failure to reach an agreement on the content of such a document within the statutory deadline allows the employer to unilaterally adopt telework rules, at most partially considering the arrangements made with the trade union. In addition, the new Labour Code provisions on telework are extensive and very detailed, leaving a rather narrow range of matters that can be regulated at the company level. It mainly covers the reimbursement rates for remote work costs, the scope of positions with the possibility of remote working and certain technical issues related, for example, to the remote monitoring. Therefore, for example, the provision of the collective agreement mentioned by the Spanish participants regarding the possibility to indicate more than one place of remote work is not possible in Polish conditions: national regulations impose the choice of one place of remote work at a given time and informing the employer about it. However, it is worth considering expanding



the range of issues that make up remote working agreements in Polish companies. A good source of inspiration is the collective agreement from the banking sector in Spain, which – in addition to basic issues – includes mechanisms to prevent the psychosocial effects of teleworking and a description of the rules for trade unions' communication with employees working remotely. It is also possible to imagine agreements on measures aimed at maintaining a work-life balance (considering the needs of different groups of employees, e.g. parents of young children, employees with care responsibilities for the elderly or the disabled, etc.), elements of an anti-discrimination policy or a reference to training for employees and managers, adapting to teleworking and managing a dispersed team.

Workshop participants pointed to potential channels for the dissemination of good practices in the regulation of telework, including those related to the international cooperation of the social partners. Firstly, the promotion of favourable solutions could be mediated by European federations of trade unions and employer organisations. This was the case with the Spanish sectoral agreement on teleworking for banking, which was promoted abroad. Secondly, the potential of European Works Councils (EWC) in disseminating good practices was pointed out (some participants have experience from participating in these bodies). However, it is important to be aware that the issue of transferring good practices this way is a complex topic. EWC delegates from different countries cannot always afford cross-border solidarity, and not all councils provide an effective forum for the exchange of views and ideas. Nevertheless, the idea seems interesting, as there is no doubt that EWCs have the potential to raise awareness, especially among workers from countries with lower levels of economic development and less developed social dialogue, of the good practices present in the most developed countries of the European Union.

## 6.2 Transferability between Finland and Estonia

Both in Estonia and Finland, the representatives of the public sector stressed the need to listen to the needs of the employees. In the future, companies and organisations should ensure access to soft and digital skills training. The former is becoming even more important because, employees interact even more than before via social media and online tools (e.g. Zooms and Teams). Simultaneously, digital and technological skills need to be kept updated. Therefore, the training should comprise both employees and management (e.g. team leaders and employers).

Attention should also be given to the so-called leisure time insurance covering possible accidents taking place while teleworking, i.e. this insurance would cover those cases that are

not immediately connected to the physical working place, (e.g. falling in the stairs while going to the kitchen or similar cases). In Finland, leisure time (accident) insurance is common in the ICT sector. According to unions and HR representatives for ICT, several companies have taken a leisure time accident insurance for their employees. During the time of data collection there were no specific remote work insurances. However, the latter type of insurance has become more common during post-pandemic era.

The Estonian and Finnish representatives for the public sector do not find a special need to focus on the right to disconnect because the current legislation (in Finland the Working Time Act and in Estonia Employment Contracts Act) sufficiently frames the legal working time for workers. The ICT discussion group also explored potential company-level approaches to support the implementation of good practices. Regular negotiations between employers and employees (either collectively or individually) could support the implementation of flexible work arrangements. It is important to for these negotiations to result in common guidelines about flexible work arrangements while retaining some space for flexibility in different teams because the needs of different teams in one company can be very different. This would give space for teams and team leaders to find their own solutions to work together as a team and setting their own ground rules and agreements on how they work best within the overall framework agreed on company level.

In order to implement good practices at company level, it is crucial to share good practices across companies, countries, sectors etc. It is also necessary for employers, unions and employee representatives to be aware of good practices and what works in different company settings. Additionally, it is important to support managers in implementing these practices into the daily operations of their teams and solving issues that may arise from remote teamwork.

The role of collective agreements in regulating telework were also discussed. Estonian and Finnish ICT employers see no need to include telework in such agreements, favouring its positive impacts instead. Both sides believe collective agreements lack the flexibility required by the rapidly changing ICT sector and diverse job roles. It's crucial to adjust telework to varying positions, teams, and personal needs, which collective agreements fail to accommodate. Moreover, employers and unions haven't identified specific remote work needs for individual teams or roles.

### 6.3 Transferability between Portugal and Austria

In the very specific setting within the Austrian social partnership telework arrangements need different prerequisites than are feasible in the Portuguese context. The Austrian representatives stress that establishing early collective agreements covering telework was and still is paramount, even if the collective agreements show little evolution and many rules and regulations are covered by company agreements:

“It's been 30 years now and the collective agreement concerning telework is almost unchanged. Our industry has been talking about teleworking in all its facets for at least 30 years and the companies adhere to the collective agreements. [...] So, if there is a collective agreement and a law doesn't regulate anything else, then you must adhere to the collective agreement in Austria.” works council IT company, 859-863

The works council representative consistently emphasizes the significance of idea exchange within the sector and with fellow worker and employer delegates to fully grasp the challenges faced by workers, as well as the wider business environment in regard to establishing rules for telework. This entails established connections with social partners and especially with the union, along with informal networking groups.

“Talking to each other. What do the competitors offer, what can I do, what works very well, what do the employees tell me. [...] On the one hand, there is an exchange via conferences, on the other hand via personal networks, sometimes also via business clubs. Classic networks that are not institutionalised via conferences or anything else, but also via employers' associations, employees' associations and so on.” works council IT company, 865-872

The public sector has a duty of care for the health of its employees. Workplace health promotion projects organised by the social security system increasingly cover issues concerning telework. In the public sector the employer (ministries) and staff representatives are in regular contact with teleworkers to identify any health problems and to work on solutions. In this regard it is particularly important to train direct superiors about the health of employees in telework as in the public sector telework is still limited typically to two days a week.

For transferability in the Portuguese context the participants stress how important research and reports by the ILO and Eurofound on telework are to learn about best practice examples from other companies to see that telework is feasible and good models are transferable,

which can lead to a better situation. Nonetheless, they are also aware of challenges in adapting models due to fundamentally different social relations making best practices not always transferable to other companies. Antonio Pacheco Ferreira stresses that conflicting positions on telework with the union make negotiating collective agreements difficult. This leads to situations where companies make individual agreements with employees and disregard negotiations with the union.

## Conclusion

In conclusion, the transferability of telework practices and regulations across different countries and sectors is influenced by a range of socio-cultural, legal, and organizational factors. The research highlights the importance of learning from and sharing best practice examples within the sector and across borders. Nonetheless, the inherent challenges in adapting these models to fit local contexts, particularly due to differing social relations and collective bargaining frameworks, cannot be overlooked.

In the Spanish-Polish case, the asymmetry resulting from the different level of development of the economy and the national system of collective labour relations makes even the most favourable Polish cases of remote working agreements for workers unattractive for trade unionists in Spain. As for the potential of transferring good practices in the other direction, transplanting Spanish solutions to the Polish ground may face limitations due to the lack of sectoral collective bargaining practice in Poland. At most, specific provisions on certain aspects of remote working may be of interest to Polish trade unionists, provided that the employer side would be willing to take them into account and that they would not be in conflict with specific national labour laws. Undoubtedly, however, the workshop was – as suggested by the numerous reactions of the participants – an interesting experience for them, improving their awareness of solutions for regulating teleworking through social dialogue in the other country and sector.

The Portuguese context illustrates the complexities in negotiating agreements on telework, especially when conflicting positions arise between employers and unions, leading to individualized agreements with employees and resulting in individualized practices and many (company-specific) regulations. In contrast, the Austrian model emphasizes the significance of established collective agreements, pointing towards very early adoptions of telework regulation in collective bargaining. This disparity underscores that while early and robust

collective agreements can provide a stable framework, their rigidity may impede adaptation to contemporary telework needs.

Moreover, the Estonian and Finnish perspectives, particularly within the ICT sector, advocate for flexibility and individualized approaches over rigid collective agreements. Nonetheless, there seems to be an agreement on the need for standardized 'guidelines' that help navigating companies and employees to improved telework practices, while maintaining adaptable frameworks that accommodate the diverse needs of different teams and job roles.

Ultimately, the successful transfer of telework practices and regulations necessitate a nuanced approach that considers the specific legal, cultural, and organizational contexts of the target country or sector. It involves not only the adoption of best practices but also the active engagement of social partners, continuous dialogue between employers and employees, and the ability to tailor general principles to meet local needs.

## Annex A

Guideline for the focus group discussion

Introduction: goal of the focus group discussion

1. Please outline briefly the telework practices prevalent in your sector
  - How common are telework practices? Who pushes for which practices? What are general positions? What is the status of regulation?
2. Please outline one example of good practice of telework arrangements preferably at company/organization level (alternatively at sector level). To be prepared beforehand!
  - What are the main features at sector/company/organisation level that facilitate the establishment of this good practice?
    - Could include legal context, IR regimes in the sector, social dialogue in the company/organization, TU strength and staff representation strength, contrary or (partially) overlapping interests in relation to telework of SP at company/organization or sectoral level, etc. (5 minutes per participant).
3. How could the good practices or necessary prerequisites be transferred to other contexts or countries?
  - Are you aware of any examples of successful transfers of the good practices to other contexts (companies, sectors) in your country?
  - Have the good practice examples already spread to diverse contexts in your country?
  - What are the practical obstacles to the transferability in the case of the good practices in your sector?
  - What needs to be changed in another context for the good practice example to be implemented successfully?
4. Hearing good practice examples from other sectors and countries: Are there aspects of good practice examples which you deem transferable to your own national/sectoral context?
  - What needs to be changed for a good practice example to be implemented in the own national/sectoral context successfully?

##### 5. *Wrap-up (chairperson)*

- *Identification of the core favourable and obstructive circumstances and features to the successful transfer of good practice.*
- *Conclusions for policymakers and SP.*
- *Fostering exchange between SP*