



TWING FINAL CONSOLIDATED COMPARATIVE REPORT

Social partner bargaining strategies towards telework: a comparison across six European countries and four economic sectors



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Social partner bargaining strategies towards telework: a comparison across six European countries and four economic sectors

TWING Final consolidated comparative report

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1. Introduction

1.1. 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) (Eurofound, 2022b, 2023). This sector and country selection will 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 (FORBA) (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 area (Eurofound and EU-OSHA), thereby bringing high-level expertise to the project.

The project combines different research methodologies: statistical analysis; desk research; semi-structured interviews; mini case studies of good practices at the company level; and action research on the transferability of good practices to other companies, sectors and countries.

This final consolidated project report presents comparative findings stemming from all the research activities.

1.2. 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 regulations¹ 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)

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.

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).

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

1.3. Aims, methods and structure of the report

This research report is the final deliverable of the TWING project. 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?

In Section 2, the report considers research questions 1 and 2 through a two-part analysis. The first part of the analysis explores the main trends in telework patterns in the countries and sectors covered in the TWING project, based on Labour Force Survey (LFS) data (2012-2021). The second part of the analysis draws on an extensive literature review conducted in the six countries covered in the TWING project, and analyses the impact of telework on four key dimensions -where telework arrangements may have deeper implications for employment and working conditions – namely, working time and work-life balance, occupational safety and health (psychosocial risk and ergonomic risks), surveillance and monitoring, and equal treatment and non-discrimination.

In Section 3, the report considers research question 3. Drawing on desk research and fieldwork, and following a paired comparative strategy, the section analyses how telework is regulated through statutory legislation and/or collective bargaining in the six countries studied in the TWING project.

In Section 4, the report considers research question 4. Drawing on semi-structured interviews conducted with social partners working at different levels, the section analyses and compares collective bargaining strategies and outcomes in the four sectors and six countries studied in the TWING project.

Finally, the report ends with some conclusions.

2. The State of Teleworking in the six country case studies: prevalence and working conditions

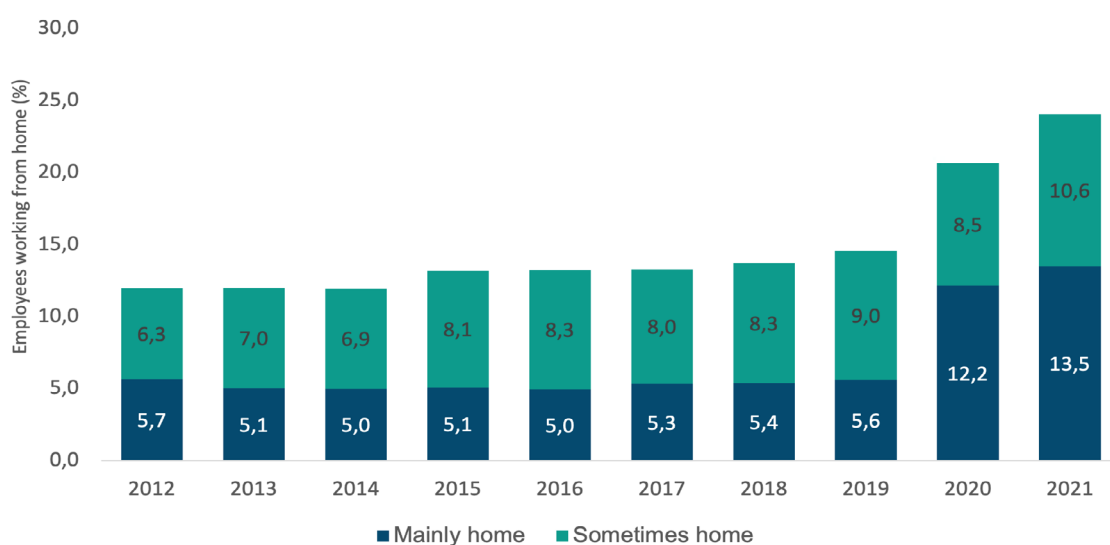
This section provides an overview of the state of teleworking in the six country case studies. Drawing on a literature review and statistical analysis conducted between December 2022 and July 2023, the section sets out a two-part analysis. First, it compares the prevalence of telework and key convergence/divergence trends. This part analyses telework by differentiating between employees working mostly from home (regular telework) from those who work sometimes from home (occasional telework). It covers the 2012-2021 period. Second, it analyses the impact of telework along four key dimensions where telework arrangements may have deeper implications for employment and working conditions, namely working time and work-life balance, health and safety, surveillance and monitoring, and equal treatment and non-discrimination.

2.1. Prevalence and convergence/divergence trends

2.1.1 Prevalence

Overall, the share of employees working at least sometimes from home was already increasing slowly but steadily during 2012–2019 from 12.0% to 14.6% on average across 27 EU countries (Figure 1). However, a sharp rise occurred as the COVID-19 crisis hit in 2020 raising the share to 20.7% in 2020 and further increasing to 24.1% in 2021. The increase was mostly on account of the rise in employees working from home most of the time as the share of employees working from home sometimes remained relatively stable even in the pandemic.

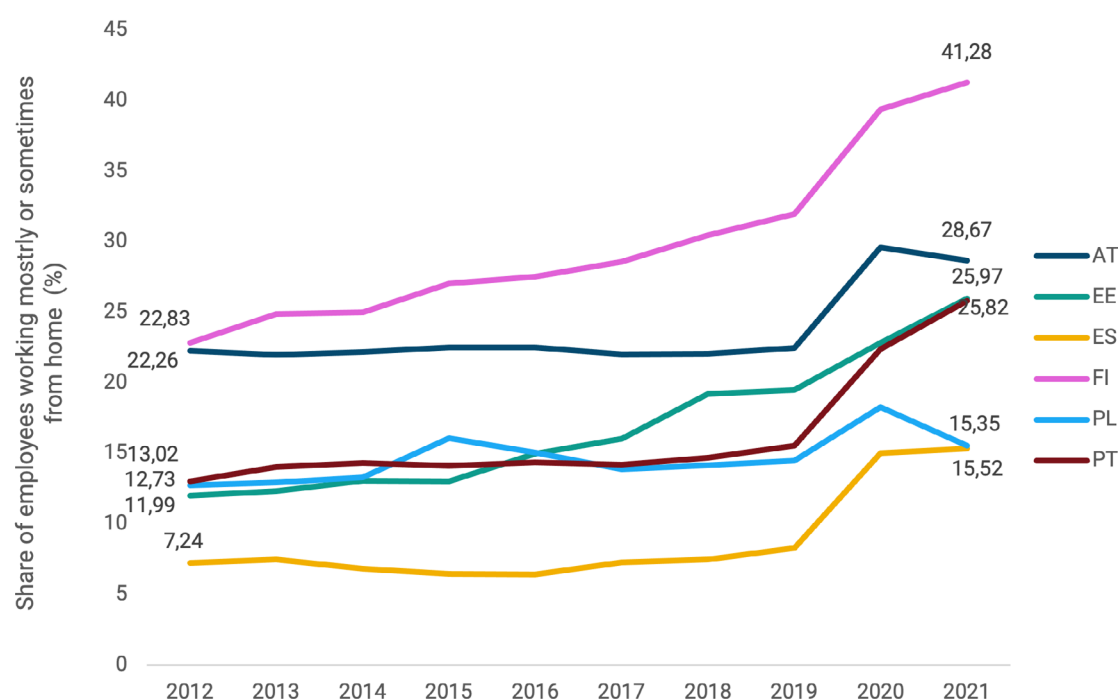
Figure 1. Share of employees working mainly or sometimes from home, 2012–2021, average across EU-27 countries



Source: Eurostat, LFS.

The six countries analysed in the current project have varying shares of teleworkers, and the patterns leading up to 2021 have been somewhat different (Figure 2). The share of teleworkers in Finland was already increasing rapidly before the pandemic and reached as high as 41% by 2021. Although Estonia and Portugal had much lower 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 shares of teleworkers between 25% and 29%. 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.

Figure 2. Share of employees working mostly or sometimes from home in 6 countries, 2012–2021



Source: own elaboration on LFS, Eurostat

Notes: Countries: Austria (AT), Estonia (EE), Spain (ES), Finland (FI), Poland (PL) and Portugal (PT)

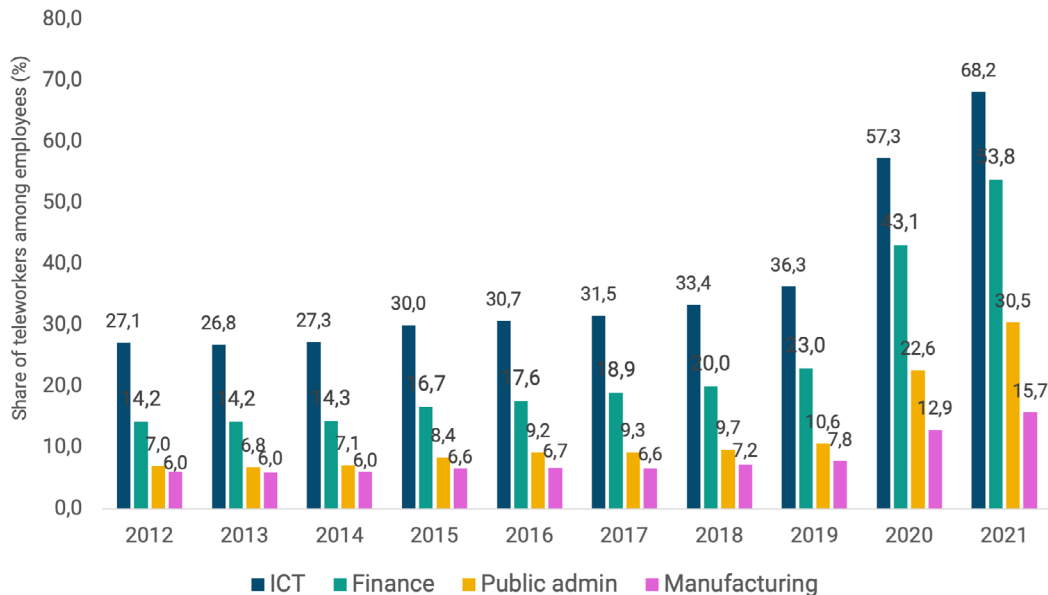
Telework patterns are different across economic sectors as well. In the current analysis, we compare the four sectors using the best data available, noting that the sectoral categories used by the data source (NACE) are slightly wider than the sectoral categories used in the TWING project (see Section 1.1). The NACE data was produced according to the following categories:

- Information and Communication (05, section J)
- Financial and Insurance Activities (06, section K)
- Manufacturing, Mining and Quarrying and other industry (02, sections B to E)
- Public Administration, Defence, Education, Human Health and Social Work Activities (09, sections O to Q)

At the EU-level, the share of teleworkers is the highest in the ICT and finance sectors – as is to be expected given the higher proportion of ‘teleworkable’ jobs in these sectors (Sostero et al, 2020). The increase in telework has also been greater in those sectors (Figure 3). Telework has also increased con-

siderably in public administration but remains modest compared to the first two sectors (2012–2021). Telework has also increased in manufacturing, albeit moderately as there are not many jobs that can be done outside the employers' premises.

Figure 3. Share of teleworkers by economic sector, EU-27, 2012–2021



Source: own elaboration based on the LFS, Eurostat.

The share of teleworkers by sector in the six countries studied in the TWING project largely follows the overall patterns of Northern European countries having the highest share of teleworkers and manufacturing having the lowest share. Finland is the best performer in all sectors analysed, while the share of teleworkers remains the lowest in Spain and Poland. The share of teleworkers increased sharply in 2020 in all sectors. Estonia has followed a longer-term increasing trend in the sectors analysed and hence the increase in 2020 remained more modest. In Poland, the share of teleworkers in manufacturing has remained around 5–6% and there was no change in 2020.

In 2021, the largest differences between the lowest and highest shares of teleworkers across all the six countries studied in the TWING project are in public administration (difference of 54 percentage points) and finance (difference of 43 percentage points). Over the ten-year period that differences are considered in our statistical analysis (2012–2021 inclusive), these differences increased in all sectors except ICT. In contrast, in the ICT sector, the lowest and highest shares of teleworkers converged in all six countries studied (LFS, Eurostat).

2.1.2 Convergence/divergence trends

Different statistical methods exist to measure convergence. Among these, beta- and sigma- convergence are the most common ways to measure different aspects of convergence.

- Beta-convergence measures whether countries starting from initially low-performance levels grow faster than better-performing countries, a process referred to as ‘catching up’.
- Sigma-convergence refers to the overall reduction in disparities among countries over time

and is measured by the evolution of the statistical measures of dispersion, such as the standard deviation or the coefficient of variation.

These measures of convergence are applied in the analysis to provide background information on the evolution of convergence over time. This contextual information facilitates our analysis of how the COVID-19 pandemic has increased the use of telework across EU countries – it allows us to explore whether these changes in the world of telework have increased cross-country disparities or whether workplace patterns have become more similar. The analysis includes all 27 EU countries to analyse convergence across the whole of Europe over a period of ten years (2012–2021 inclusive).

When considering the total share of teleworkers (including working from home most or some of the time), the average share increased between 2012 and 2021 in all 27 countries in the analysis. The mean share increased from 12% in 2012 to 24% in 2021. The indicator for beta-convergence for the ten-year period is negative, which is reflected in the ‘negative gradient’ (downward slope) of the graphs. A stronger catching-up trend is shown by a more steeply downward-sloping line on the graph. In our research, this translates to countries with initially lower values of telework participation having increased more in relative terms and catching up with the best performers. Data shows that the catching-up phase occurred during the pandemic: the indicator for beta convergence is insignificant in 2012–2019; while the slope turns significant ($P < .001$) in 2019–2021 (see also Table 1). This is illustrated in the following Figure 4.

Figure 4. Unconditional beta-convergence in the incidence of telework, 2012–2019 (left-hand side graph) and 2019–2021 (right-hand side graph), EU-27.

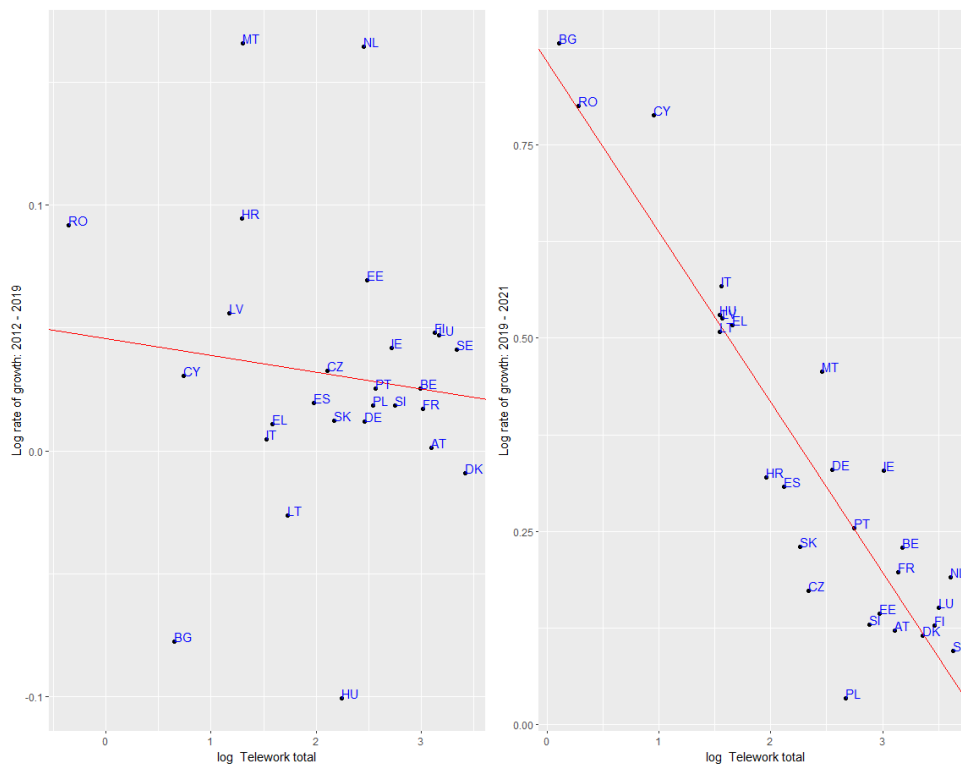
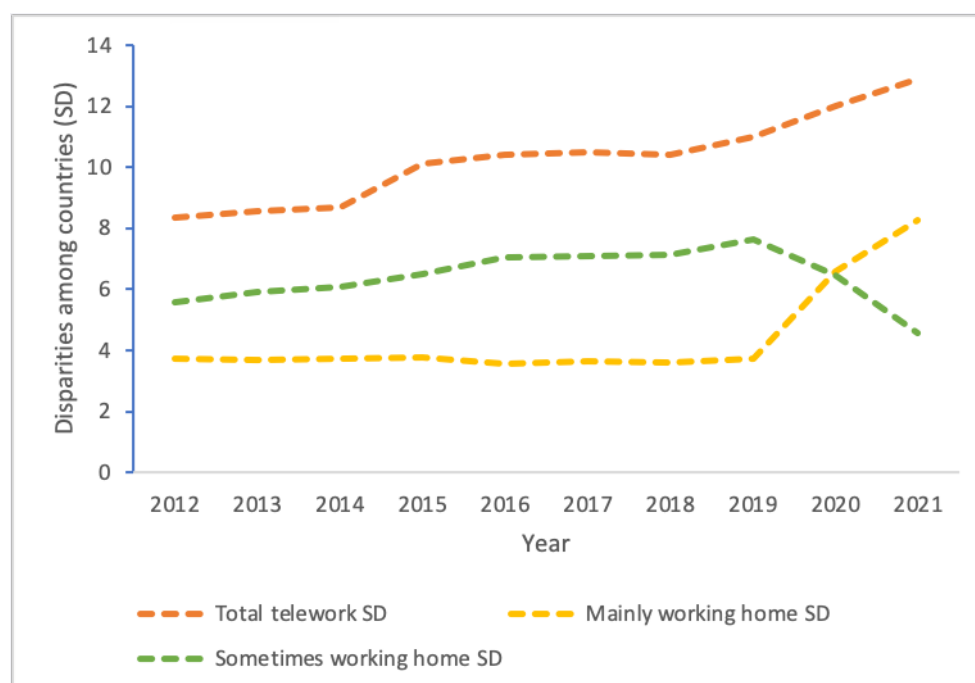


Table 1. Unconditional beta-convergence coefficients in EU-27 countries, by indicator, 2012–2021

	2012-2019	2019-2021	2012-2021
Working mainly home	-0.025*	-0.136***	-0.043***
Working from home sometimes	-0.005	-0.292***	-0.069***
Working mainly or sometimes home (combined indicator)	-0.004	-0.300***	-0.054***

*P<.05, **P<.01, ***P<.001

The second aspect of convergence – measured by sigma convergence – shows whether the disparities between countries have increased or decreased overall. Changes in the standard deviation (SD) shows that the differences between countries are increasing overall from 2012 to 2021. This is the result of increasing differences in the share of employees working mainly from home (Figure 4). In contrast, the standard deviation for the share of employees working sometimes from home decreased in the COVID-19 period, meaning that cross-country similarities are increasing for this indicator.

Figure 5. Sigma-convergence of the incidence of telework in EU-27 countries, by type of telework arrangement, 2012–2021

Among the countries that are the focus of this study, three different convergence patterns are identified.

- Austria is described by a pattern of flattening, i.e. the telework participation rate grows slower in Austria than the EU average, but still remains above the average.
- Portugal, Finland and Estonia also perform above the EU average, plus they are also outperforming in terms of the rate of growth.
- Spain and Poland are the only countries where telework rates remain below the EU average and the growth is slower than the EU average – these countries are falling behind in the overall telework increase trend.

2.2. Working conditions

The literature review analysed the impact of telework on working conditions with a focus on four key dimensions where telework arrangements may have deeper implications: working time and work-life balance; occupational safety and health, including mental and physical health; control and surveillance; and equal treatment and non-discrimination.

2.2.1 Working time and work-life balance

In relation to working time, evidence supports a negative relationship between telework and work-life balance, which is largely explained by the fact that teleworkers tend to work longer hours and at more irregular times than onsite workers (Rodríguez-Modroño and López-Igual, 2021; Chung, 2022; Eurofound, 2022a; Palumbo et al, 2022; Yang et al, 2023). The same research also shows that the implications of telework for work-life balance are clearly gendered since women are more likely to adapt their working time patterns to meet family demands and are therefore more exposed to work-family conflict.

The literature review conducted in the six countries studied in the TWING project shows that the topic of working time and work-life balance are among the issues most addressed. Findings point to an increase in telework during the pandemic having a negative influence on working hours, particularly in Austria, Spain and Portugal. Research conducted in some of these countries also shows that gender inequalities and detrimental effects of telework were partly exacerbated during the exceptional circumstances of mandatory telework during the pandemic. At the same time, more optimistic findings in terms of improved working conditions have been identified in research conducted in Estonia and Finland.

In **Austria**, mostly quantitative studies were found (Deloitte Consulting, 2020; Flecker, 2020; IFES, 2020; ÖGB, 2020; Bachmayer and Klotz, 2021; Derndorfer et al, 2021).³ The most addressed topics were overtime, constant availability and the impact of telework on work-life balance. Results from a nationally representative survey show that nearly one-third of respondents reported working more hours when teleworking, even though over half of employees stated that they had not done overtime (Bachmayer and Klotz, 2021). Results from other surveys also point to a more flexible and irregular distribution of working time among teleworkers, who were available at times they would usually not work (IFES, 2020; Bachmayer and Klotz, 2021). Similarly, results from an online non-representative survey indicated that teleworkers' working hours were spread over the entire day, despite them not being informed in advance (Flecker, 2020). Many of the 300 company representatives interviewed by Deloitte Consulting (2020) agreed that employees may have been expected to be available in their free time when teleworking. On the other hand, from the results of another non-representative online survey, telework may have facilitated a positive work-life balance (43% of surveyed employees), but for others it worsened work-life balance (23% of surveyed employees) (ÖGB, 2020). According to a non-representative online survey, the division of responsibilities at home was not equal among men and women (Derndorfer et al, 2021). Thus, there may have been gendered work-life balance impacts because most of the burden of domestic and family work fell on women.

In **Estonia**, both quantitative studies (Kõljalg, 2021; Lill, 2021; Erro-Garcés, 2022) and qualitative studies (Kopõtin, 2021; Kivistik et al, 2022) were identified. Work-life balance and telework satisfaction

³ Only Deloitte Consulting (2020) included a qualitative analysis, which was based on seven interviews.

were the most recurrent topics, although overtime has also been addressed. Results from the Eurofound survey Living, Working and COVID-19 indicated that, in Baltic countries, working from home may not be primarily related to work-life conflict, but rather to the quality of telework and job satisfaction (Kõljalg, 2021; Erro-Garcés, 2022). A qualitative study based on the experiences of nine families suggested that men had more uninterrupted working time and women took on most of the home-based family and domestic burden (Kopõtin, 2021). According to an online survey of 1,422 office workers, telework was found to be most strongly related to more working time flexibility and to lower perceived work overload (Lill, 2021).

In **Spain**, there were quantitative studies based on surveys (Seiz, 2020; Valenzuela-Garcia, 2020; Romeo et al, 2021; Peiró and Todolí, 2022;) and qualitative analyses (Gálvez et al, 2020; Valenzuela-Garcia, 2020; EU-OSHA, 2021; Loezar-Hernández et al, 2023). Generally, research shows a worsening of work-life balance for teleworkers. From analysis of a survey on teachers, researchers, students and administrative staff at the University of Barcelona, teleworking was found to have a negative effect on work-life balance, with more significant negative effects on women and those with long-term teleworking arrangements (Romeo et al, 2021). The analysis of a small online qualitative survey during mandatory telework revealed that dual-earner households with full-time teleworkers had poor work-life balance, despite having increased autonomy (Valenzuela-Garcia, 2020). Loezar-Hernández et al (2023), relying on semi-structured interviews with 18 women teleworkers with children, determined an increase in the workload borne by women and a worsening of their working conditions. However, there are also studies which suggest that telework has not always entailed more work-life conflict. For instance, Gálvez et al (2020) analysed the difficulties in work-life balance among 78 women through semi-structured interviews. The authors identified some agency among women teleworkers which resulted in a daily resistance to negative work-home impacts. Similarly, based on a representative national survey, Seiz (2020) suggested that remote work is associated with more gender equal divisions of paid work and domestic work, although women were still found to take on the majority of the domestic burden.

In **Finland**, there were qualitative (Alasoini, 2019; Korventausta, 2022) and quantitative studies (FinanssITYÖ2030, 2021; Korventausta, 2022), drawing evidence from the financial and chemical sectors. In the financial sector, Alasoini (2019) performed a comparison between EU regulations and found that an increased standardisation of work due to digitalisation has not undermined the increased autonomy and problem-solving of bank employees in expert positions. FinanssiTYÖ2030 (2021) compiled information about new operating methods and workplace innovations, finding that teleworkers had better concentration and saved commuting time despite experiencing poor communication and a lack of support. Based on the same survey, women in the banking sector may have found it easier to reconcile work and family when teleworking. Finally, for the pharmaceutical sector, Korventausta's thesis (2022) included a survey and interviews with employees, showing that teleworkers experienced improved concentration, flexibility in the organisation of work and free time, and did not suffer from poor communication.

In **Portugal**, there were qualitative (DGAEP, 2021; Martins Correia, 2021; Ferreira et al, 2022) and quantitative studies (Silva et al, 2020; Amorim et al, 2021; Brandão, 2021; DGAEP, 2021; Macaire, 2021), with some focusing on the public sector (DGAEP, 2021; Ferreira et al, 2022). They were mostly centred on work-life balance. Drawing from surveys and official statistics, some of them concluded that work-life balance is especially challenging for teleworkers (Silva et al, 2020; Amorim et al, 2021). According to a qualitative study in two Portuguese multinational companies, telework led to an increase in working hours which was more pronounced for women (Martins Correia, 2021). In contrast, other studies found

positive effects. For instance, the study conducted by the General Directorate of Administration and Public Employment (DGAEP), based on 29 interviews with senior managers in public administration, found that telework was positively assessed in terms of work-life balance (DGAEP, 2021). Also, based on a survey with 156 respondents, Macaire's master's thesis (2021) determined that teleworking was satisfactory for balancing work and life, especially among women. Bringing more nuance, a master's thesis, which focused on the role of organisational dynamics and was based on a sample of 341 survey respondents who had teleworked, revealed that organisational support and home conditions were the variables most influencing telework satisfaction.

In **Poland**, there were qualitative (Pokojska et al, 2021) and quantitative studies (Dolot, 2020; Śliż, 2020; PARP, 2021; Pojojska et al, 2021; Szczepański and Zamęcki, 2021).⁴ On the basis of non-probabilistic samples, some research found that teleworkers held the opinion that one of the most important advantages of remote working was flexible working hours (Dolot, 2020; Śliż, 2020). The Polish Agency for Enterprise Development (PARP, 2021), drawing from a sample of 956 employees, found more positive evaluations of telework in terms of work-life balance. Comparing telework before and after the pandemic, Dolot (2020) found that before the pandemic 20% of employees stopped taking breaks and during the pandemic nearly 70% of employees suffered from a lack of direct contact, with over 50% experiencing a blurring of boundaries between work and home life. For sector-related evidence, two quantitative studies based on non-probabilistic samples have been examined. In the financial sector, Pokojska et al (2021) found there were largely positive assessments for work-life balance (also drawing evidence from individual interviews). In contrast, in public administration, assessments are less positive as work-life balance seems to be disadvantaged by working from home, based on a survey responded to by 363 employees of a government ministry (Szczepański and Zamęcki, 2021).

2.2.2 Occupational safety and health (OSH)

Regarding occupational safety and health, comparative research suggests that psychosocial risks are the most prevalent issues in the context of telework (Eurofound, 2020a, 2022b; Oakman et al, 2020; EU-OSHA, 2021). Recent research has placed an increased focus on emerging risks stemming from the intensive use of digital technologies in the coordination and communication practices of work teams, such as 'technostress' or digital overload (Lee, 2016; Camacho and Barrios, 2022; Rohwer et al, 2022; Taser et al, 2022). Moreover, different studies have shown that telework may entail higher exposure to ergonomic risks because many teleworkers lack the appropriate space and equipment for working from home to OSH standards (Carillo et al, 2020, Davis et al, 2020; Moretti et al, 2020).

The literature review conducted in the six countries studied in the TWING project shows that the topics most addressed in relation to the OSH of teleworkers relate to the prevalence of psychosocial (e.g. isolation) and psychosomatic (e.g. sleep disorders) risks and to the difficulties faced in the enforcement of OSH standards, which in turn is explained by the lack of adequate workspace at home. Overall, there are no conclusive findings that can be drawn from research on the effects of telework on health outcomes across countries.

In **Austria**, there is limited evidence available. Only one quantitative study was found, based on an online survey with almost 500 respondents (Flecker, 2020). The study found that most respondents (63%)

⁴ A literature review compiled before the pandemic was found to be especially relevant (Jeran, 2016).

had not obtained any information or advice from their employer on the healthy design of workplaces at home when switching to telework. However, 53% of the respondents were given the opportunity to get support from a company technician when furnishing their workplace at home.

In **Estonia**, there were some qualitative studies (Ainsaar et al, 2022; Kivistik et al, 2022) and quantitative analyses (Argus and Pääsuke, 2021; Sepp, 2021; Veermäe, 2022; Viilup Uuringud, 2021; Aidla et al, 2022; Rünkla and Marksoo, 2022; Kovaljov et al, 2023). Psychosocial risk was the most recurrent topic. Many studies suggested a deterioration of occupational health as a result of telework. According to a survey responded to by 462 workers, teleworkers felt lonelier than non-teleworkers (in particular, forced teleworkers)⁵ (Veermäe, 2022). Company representatives interviewed by Kivistik et al (2022) stated that teleworkers generally suffered from reduced communication with coworkers. From interviews with parents, front-line workers and older people, a positive correlation was found between working from home and well-being (subjective well-being and reductions in sleep problems and fatigue; Ainsaar et al, 2022). However, the picture is mixed when establishing a causal relationship between telework and psychosocial risks. In the aforementioned study, changes in the work environment slightly increased the incidence of psychological disorders like depression – telework was only one of many factors in the changing environment, and the causal effect of telework on its own cannot be extracted from the study data (Ainsaar et al, 2022). From an analysis of a survey of 26,000 employed people visiting Qvalitas clinics before and after the pandemic, Kovaljov et al (2023) claimed that the location of work may not influence mental health as much as the type of job. Thus, it can be suggested that social isolation in Estonia may have deeper roots. In an analysis of a survey of 1,422 people, it was found that people already feeling lonely at work preferred working from home (Sepp, 2021). Similarly, according to a survey with 3,352 respondents, both ‘office workers’ and teleworkers suffered significantly from social isolation (Aidla et al, 2022). In this sense, based on official statistics, Estonia is the EU country with the lowest levels of wellbeing among those who did not have the option to telework (Kovaljov et al, 2023).

Research conducted in Estonia also analysed employers’ perceptions and workplace practices on OSH in the context of telework. Some studies highlight problems when implementing risk assessments in the context of telework. For instance, Viilup Uuringud (2021) found, based on a survey responded to by 251 employers, that only 21% of the employers surveyed had conducted a risk assessment in the context of telework – those employers normally used web-based questionnaires and observation techniques through online meetings and/or photos. However, other studies suggest a greater implementation of OSH policies at company level. According to research drawing on the Estonian Worklife Survey, nearly 70% of companies that enabled remote work had given instructions on workplace health and safety for teleworkers and/or monitored its implementation. Note that this was more common in small companies than in larger ones (Rünkla and Marksoo, 2022).

In **Spain**, there were qualitative (Cuerdo-Vilches et al, 2021a, 2021b) and quantitative studies (Escudero-Castillo et al, 2021; Morilla-Luchena et al, 2021; Rymaniak et al, 2021; Blahopoulou, 2022), mostly conducted during the pandemic, with almost no research between 2016 and 2020. The main topics covered were psychosocial risks, subjective well-being and ergonomic risks. Telework was normally associated with a worsening of occupational health. A study based on a survey responded to by 560 professionals in the sector of social services found that teleworking was associated with overload,

5 The term ‘forced teleworkers’ refers to employees who want to work in the office but have to work at home instead.

especially in workers who had not teleworked before (Morilla-Luchena et al, 2021). In the same study, men normally gave more favourable evaluations of teleworking compared with several other groups, namely women, professionals with children and people aged over 47 (Morilla-Luchena et al, 2021). Another study based on an online survey with a non-representative sample of 1,050 workers found that telework was associated with a higher risk of impaired psychological well-being (Escudero-Castillo et al, 2021). Within a sample of 1,558 people, switching to a telework arrangement was associated with a greater probability of suffering from depressive symptoms and suicidal ideation, and this was significantly higher amongst partial teleworkers than full-time teleworkers (Urdiales Claros and Sánchez Álvarez, 2021). Based on national and representative regional surveys, Caparrós Ruiz (2022) found that teleworkers who were continuously required to interact online suffered from more instances of mental health.

Some positive outcomes in terms of psychological health were identified in research conducted in Spain. For example, one online study of 111 teleworkers found that telework increased both self-reported performance and subjective well-being, with a further suggestion that improved subjective well-being indirectly affected self-reported performance (Blahopoulou, 2022). In the same study, it was found that having children protected teleworkers from feeling isolated, despite children being an additional demand on their time and capacity. Despite not having a conclusive outcome, the results of a regional online survey of 451 workers and students showed that teleworkers were the only group that did not report significant changes in their quality of sleep during the pandemic (Diz-Ferreira et al, 2021).

As far as physical risks are concerned, some studies found that teleworking in Spain during the periods of lockdown entailed an increase in ergonomic risks. For instance, research conducted by Rymaniak et al (2021), based on a survey of employees in different EU countries, found that telework in Spain entailed a deterioration of ergonomic and occupational health, concluding that it may be due to the higher percentage of people living in flats in Spain compared to other EU countries. Similarly, on the basis of an online survey responded to by 1,800 people in the region of Madrid with an analysis of numerical assessments, pictures and descriptions, Cuervo-Vilches et al (2021a, 2021b) found that 30% of respondents did not have an adequate workplace for telework and 43% of teleworkers had to find a place to telework, perhaps due to the design of the city and its infrastructure, as well as lifestyle patterns. A telework 'space adequacy index' was estimated with significantly lower ratings for young workers, workers living with children, workers living in rented accommodation and/or smaller houses, and workers with no fixed place to telework. Furthermore, their qualitative analysis showed that non-ergonomic digital resources like laptops were quite common.

In **Finland**, several national studies focused on employees' well-being for different time periods before and after the outbreak of the pandemic, such as those conducted by the Finnish Institute of Occupational Health which included 480 participants. Teleworkers were more likely to experience an increase in occupational well-being than non-teleworkers during the pandemic. This was particularly the case amongst workers with lower levels of education, possibly because they were more likely to be given the option of teleworking for the first time – and therefore experienced the benefits for the first time, such as increased autonomy – compared with their more highly educated peers who were already used to teleworking and, in fact, experienced decreases in occupational well-being due to burnout and boredom (Kaltainen and Hakanen, 2022). In the banking sector, a study based on survey and interview data from company representatives found that health problems arose from the lack of exchange of tacit knowledge and a weakened sense of community (Finanssityö2030, 2021).

In **Portugal**, there were a few qualitative (Martins, 2021) and quantitative studies (Moço et al, 2020; Silva et al, 2020), focusing mainly on psychosocial risks such as isolation and poor communication. Indeed, a need for further studies focusing on occupational health has been stressed (Sousa-Uva et al, 2021). Based on an online survey, social isolation was linked to teleworking, along with a higher share of women suffering from fatigue and stress than men. Having children mitigated the experience of social isolation but increased the risk of work-family conflict (Moço et al, 2020). In an analysis of two Portuguese multinational companies, a deterioration in communication and dissolution of ties was identified by Martins (2021). In Portugal, only one study was found that focused on material conditions for telework – in this online survey conducted between March and May 2020, Silva et al (2020) found an increase in the share of respondents reporting adequate working conditions.

In **Poland**, only one study has been identified; it combines quantitative and qualitative analysis in the banking sector (Pokojska et al, 2021). From the questionnaires answered by employees, the most prevalent negative health outcomes due to telework were loosening of ties (53% of respondents), loss of contact with other team members (53%), feeling of isolation (42%), increased levels of stress and anxiety (31%), and musculoskeletal disorders (38%). On the other hand, the most significant negative effects of telework discussed in interviews were problems with equipment, including slow internet connections, which caused employees to struggle to do their jobs

2.2.3 Monitoring and surveillance

In terms of monitoring and surveillance, anecdotal evidence suggests that the use of digital monitoring practices is on the rise following the unprecedented shift to telework during the pandemic (Eurofound, 2020c; Aloisi and DeStefano, 2021; Ball, 2021; EU-OSHA, 2023). In this regard, concerns have been raised over the potential risks to workers' privacy and fundamental rights from new and more intrusive data-driven technologies enabling a set of 'holistic surveillance techniques' (Vatcha, 2020).

Generally, the literature review conducted in the six countries studied in the TWING project shows that the topic of control and surveillance in the context of telework has barely been researched. Available research findings suggest that, in most cases, companies opt for alternative strategies for the monitoring of teleworkers' performance and that digital technologies are also implemented for monitoring compliance with OSH regulations.

In **Austria**, there is only one quantitative study based on the analysis of companies' policies (IFES, 2020). However, it was conducted before the implementation of current national legislation. Results found that 66% of the respondents working in companies with a works council had regulations regarding data protection and data security, compared to 44% of employees working in companies without a works council.

In **Estonia**, literature is also scarce and based on qualitative studies (Suder, 2021; Viilup Uuringud, 2021; Laas, 2022; Rünkla and Marksoo, 2022; Suder and Siibak, 2022). The level of company surveillance was suggested to be lower than when workers were based at the employers' premises, based on qualitative evidence (Rünkla and Marksoo, 2022). This can be supported by the results of a survey of 251 employers, which showed that the lack of mechanisms for control and surveillance were discouraging for employers (Viilup Uuringud, 2021). However, based on interviews with companies, employers also showed concerns about occupational health in home offices (Viilup Uuringud, 2021; Laas, 2022),

given that employers found remote regulation too vague (Viilup Uuringud, 2021). In fact, from a legal analysis, Suder (2021) argued that monitoring technologies were implemented not only for surveillance but also to protect the health of employees during the pandemic.

In **Spain**, only one quantitative study based on an online survey (Molina et al, 2021) was produced. From the responses of 656 teleworkers, about a quarter of employees witnessed the introduction of new surveillance mechanisms to assess their productivity, with output assessment (46% of respondents) and telematic communication (28%) being the most prevalent mechanisms of control and surveillance, the latter being particularly prevalent in the financial and insurance sector.

In **Poland**, only one quantitative study addressed this topic, but not in-depth (Dolot, 2020). In fact, from the responses of 327 selected employees, they found that 30% of respondents felt less controlled by a supervisor when teleworking, which suggests that most managers had already developed ways or tools to manage their teams remotely in the early stages of the pandemic.

There were no studies about control and surveillance in Finland and Portugal. Nonetheless, in Portugal, Moço et al (2020) reported that some trade unionists had stated that a minority of managers allegedly incurred minor infringements of employees' General Data Protection Regulation (GDPR) rights, as they had installed software to control and run surveillance on their employees. A debate about remote surveillance was also raised in Portugal (Dantas, 2020).

2.2.4 Equal treatment

Regarding equal treatment, research has highlighted the risk of stigmatisation faced by employees (particularly women) who seek flexible work options, which ultimately explains the lower uptake of telework due to workers' fear of losing career advancement opportunities (Lott and Abendroth, 2020). Research has also pointed to the potential for telework to support access to both employment opportunities and necessary healthcare for workers with disabilities.

(Igeltjørn and Habib, 2020). However, there is no evidence that telework in the EU during the pandemic resulted in an increase in the labour force participation rate and/or an improvement in the working conditions for people with disabilities, their families and their carers (Eurofound, 2022c).

Generally, the literature review conducted in the six countries studied in the TWING project shows that the topic of equal treatment has been unevenly addressed by research, with just a few publications dealing with the issue in Estonia and Spain.

In **Estonia**, only two studies (Sepper et al, 2021; Rünkla and Marksoo, 2022) have addressed equal treatment for people with disabilities. From a national survey, it was found that people with reduced work capability are doing less telework than the average employee (Rünkla and Marksoo, 2022). Similarly, Sepper et al (2021) stressed that people with disabilities reported difficulties in combining their work and private life as well as a lack of suitable equipment for remote work, particularly when specialised equipment was needed.

In **Spain**, there have been some qualitative studies (Gálvez et al, 2020; Las Heras and Barraza, 2021; Morales et al, 2020) and one quantitative study (Las Heras and Barraza, 2021), dealing with the flexibility stigma. Gálvez et al (2020) analysed the flexibility stigma through semi-structured interviews

with women teleworkers. They learnt that women found themselves penalised and made to feel guilty for teleworking, stating that on-site work was perceived to be more valuable than telework (Gálvez et al, 2020). Morales et al (2020) conducted qualitative research to analyse the factors driving work-life balance policies in eleven small and medium-sized companies. In some of the eleven small companies, the authors identified contradictory statements and a general distrust of teleworking. In these companies, professional promotion was still conceived as a reward for long working hours and for having constant availability. However, the picture was mixed since cases of dialogue and transforming leadership that fostered co-responsibility were also identified (Morales et al, 2020). Based on a survey of employees from different firms, Las Heras and Barraza (2021) found that the perception of favouring equality between men and women positively correlated with the degree of flexibility of working time in the company (Las Heras and Barraza, 2021).

Finally, no publications addressing equal treatment issues could be identified for the remaining countries (Austria, Finland, Portugal and Poland).

3. Telework: varieties of regulatory frameworks and governance approaches in the six country case studies

3.1. Varieties of telework regulation models in Europe

In EU countries, telework can be regulated through statutory legislation or by social dialogue and collective bargaining (Visser and Ramos Martin, 2008; Eurofound, 2010, 2020c). However, previous research shows that national systems differ substantially in terms of governance and regulatory approaches towards telework (Eurofound, 2022b; EU-OSHA, 2023; European Commission., 2024).

Institutionalist approaches provide relevant insights for understanding differences in the role played by social partners in the regulation of telework (Hall and Soskice, 2001; Thelen 2004). Comparative research on industrial relations has extensively shown how the roles of different industrial relations institutions impact the way actors coordinate their activities (Eurofound, 2018, 2023; Visser, 2009; Sanz de Miguel, 2020). Dimensions such as collective bargaining coverage or the structure of collective bargaining (including coordination and centralisation) can determine the capacity of trade unions and employer organisations to develop collective regulations. In this regard, different industrial relations models are identified based on the role played by social partners in the governance of work and employment with relatively clear geographic concentrations (Visser, 2009; Eurofound, 2023).

Returning to the specific question of telework regulation, previous Eurofound (2022b) research has identified different telework regulatory models. These were identified by comparing the relationship between regulations based on their statutory framework, social dialogue and collective bargaining, and market mechanisms.

Table 2 below classifies the six countries studied in the TWING project based on Eurofound (2022b) typology. As shown, Austria is classified under a so-called multi-frame governance approach where statutory legislation on telework is very broad and multi-employer collective bargaining plays a prominent role in a general industrial relations context, characterised by high collective bargaining coverage rates and a high degree of centralisation and coordination.

Finland belongs to a voluntary associational governance model where legislation on telework is scarce and telework is mainly regulated through a combination of collective bargaining and informal agreements.

Spain and Portugal are grouped together under a Southern European cluster where statutory legislation has played the most prominent role in the regulation of telework and few sectoral and company collective agreements were used to regulate telework before the pandemic.

Finally, Estonia and Poland are grouped together under a state-centred governance cluster, where telework is mainly regulated through statutory legislation and collective bargaining only plays a marginal role due to the high degree of decentralisation and low collective bargaining coverage (Eurofound, 2022).

Table 2. Telework regulatory models in the country case studies

Cluster	Countries
1. Multi-frame governance	Austria
2. Voluntary associational governance	Finland
3. Southern European cluster	Spain and Portugal
4. State-centred governance	Estonia and Poland

Source: Eurofound, 2022b

3.2. Exploring varieties of telework regulation models in the six country case studies through a paired comparative strategy

Having outlined in the previous section the diversity of telework regulatory models, this section aims to provide a more in-depth analysis of how telework is regulated through statutory legislation and collective bargaining in the countries and sectors covered by the research project. To achieve this, a paired comparative strategy is followed, which adopts the ‘most-similar case approach’ (Tarrow, 2010). Through this approach, we can better identify potential differences within similar regulatory and industrial relations models. Accordingly, this section compares countries with similar industrial relations models and a similar regulatory approach towards the regulation of telework in recent years. The comparative pairings are Austria and Finland, Portugal and Spain, and Estonia and Poland (Eurofound, 2018, 2022, 2023; EU-OSHA, 2021).

3.2.1 Austria and Finland

Austria and Finland share similar industrial relations patterns. In both countries, governance based on social dialogue and collective bargaining plays a crucial role in the regulation of work and employment (Eurofound, 2023). Both countries record high-density rates of employer organisations, high collective bargaining coverage, centralised levels of collective bargaining, a high degree of coordination and regular involvement of social partners in policymaking (Eurofound, 2018, forthcoming). There are also some differences between the countries particularly regarding trade union strength. Finland records a much higher trade union density rate, partly due to the Ghent system of unemployment insurance, which has been historically applied in Belgium and the Nordic countries (Van Rie et al, 2011).

Before the COVID-19 pandemic, both countries followed a similar regulatory approach towards telework. They mainly addressed telework through collective bargaining. They did not have statutory telework legislation – specific legislation and telework arrangements were dealt with through different laws related to data protection, occupational safety and health or working time (EU-OSHA, 2021).

Since the outbreak of COVID-19, Finland has kept its voluntaristic approach towards the regulation of telework while Austria has developed specific statutory legislation in the context of the COVID-19 crisis. In Austria, the Home Office Law came into effect on 1 April 2021, following the widespread use of home offices during the COVID-19 pandemic. The law is not stand-alone, but rather a package of several measures that amended several pieces of legislation (for example, the Employment Contract Law and the Employee Liability Act). The law involved consultation with social partners, who were asked by

the government to negotiate a home office package in September 2020, when it became apparent that businesses and workers would continue to rely on telework beyond the pandemic. However, this new legislation has a relatively narrow scope. It only addresses specific aspects, such as the provision of infrastructure, compensation of costs for the purchase of office furniture and liability issues in the event of an accident (TWING, 2023, Desk research report Austria).

Accordingly, legal analysis shows that despite new legislation in Austria, both countries still share a similar regulatory approach in which key aspects of telework regulation are left to social partners or are covered by general legislation. As shown in Table 3 below, general working time and OSH legislation apply to teleworkers in both countries but with some restrictions, particularly in the field of OSH.⁶ Some specific provisions in Finland apply to so-called ‘flexi-work’.⁷ Moreover, neither Austria nor Finland has developed legislation on surveillance/monitoring and non-discrimination specifically targeted at teleworkers (TWING, 2023, Desk research reports Austria and Finland).

Table 3. Statutory legislation on telework in Austria and Finland

	Austria	Finland
Statutory definition of telework	An employee is considered to be working from home if she/he performs work at home (Section 18c paragraph 1 of the Employment Agreement Law Adaptation Act (AVRAG). Work performed in a home, at a secondary residence, or in the home of a close relative or partner, also counts as working from home.	No statutory definition of telework has been defined. Telework has been defined by the Occupational Safety and Health Administration as a flexible work arrangement that can be performed outside the actual place of work on a voluntary basis and according to agreed-upon rules. Remote work is distinguished by the fact that it is independent of time and place.
Telework regime	Telework arrangements must be agreed upon between the employer and the employee in writing.	No specific provisions
Working time	Provisions of the Working Time Act (AZG) and the Rest Period Act (ARG) also apply in the home office.	The Working Time Act applies to remote work. The Working Time Act is no longer connected to the physical premises of the employer, i.e., ‘working hours are considered the time spent on work regardless of the place’.
OSH	Majority of the provisions of the Occupational Health and Safety Act (ASchG) also apply to telework.	The Occupational Safety and Health Act (738/2002, TTurvL) generally applies to remote work.
Surveillance/ monitoring	The Data Protection Act 2018 (specifically Section 96a) applies to telework.	No specific provisions
Equality and non-discrimination	No specific provisions	No specific provisions

Source: TWING, 2023, Desk research reports

6 In Austria, the Labour Inspectorate officers are not entitled to enter the private homes of workers to see their home offices without their consent; while in Finland, employers are restricted by the protection of privacy in Article 10 of the Constitution (731/1999).

7 Chapter 7 of the Working Time Act establishes that, in the case of so-called flexi-work, the employee shall provide the employer with a list of hours worked during regular working time for each pay period so that the list indicates the weekly working time and weekly rest periods.

3.2.2 Spain and Portugal

Industrial relations typologies tend to group Spain and Portugal in a similar cluster which is generally characterised by the prominent role played by the state in industrial relations. In both countries, the state has traditionally intervened to compensate for the lack of autonomous coordinating capacities of social partners and to alleviate the power asymmetry between employers and employees (Molina, 2014). However, in the context of the 2008–2012 global financial and European debt crisis, the state also developed measures promoting the marketisation of industrial relations through structural reforms externally imposed by the EU (Spain) or the Troika (Portugal) (Hyman, 2018), which were reversed in recent years. Both countries currently record comparatively high collective bargaining coverage, with centralised but uncoordinated collective bargaining institutions (Eurofound, 2023).

Before the pandemic, both countries followed a similar regulatory approach towards telework, which relied mostly on specific statutory legislation (EU-OSHA, 2021). Moreover, since the outbreak of the pandemic, Spain and Portugal have passed comprehensive legislative initiatives on telework which have addressed several aspects of telework (including a definition of telework, working time, compensation of costs, and OSH) (Eurofound, 2022b).

The main provisions of statutory legislation on telework are summarised in Table 4 below. Generally, it appears that both countries have followed a similar approach which has primarily focused on improving workers' protection against the negative impact of telework on working conditions (Carvalho, 2022; Lerouge and Trujillo Pons, 2022). Thus, both countries have introduced regulations on the right to disconnect, allowing employees (not only teleworkers) to effectively plan their working hours and leisure time (Carvalho, 2022; Lerouge and Trujillo Pons, 2022). Furthermore, compliance with this right has been reinforced by regulating sanctions. However, this right is broadly defined and must be further developed at the company level. In Spain, the legislation leaves the implementation of the right to disconnect to collective bargaining (or agreements between employer and workers' representatives) at both the sectoral and company level.

Additionally, both countries have passed new OSH provisions which aim to better protect teleworkers' health and safety. In Portugal and Spain, these new regulations have strengthened the administration of risk assessments to ensure safe working environments for teleworkers. In Portugal, the new regulation passed in 2021 states that the employer may arrange access the workplace (the worker's home or other location) between 9:00 and 19:00, provided the worker or an authorised representative is present. The company's OSH technicians, insurance experts and labour inspection experts can also access the site. In Spain, the Royal Decree-Law 28/2020 of 22 September 2020 on remote work obliges the employer to carry out a risk assessment of the place of telework (for example, residence or other place selected by the teleworker) and to inform the employee of the risks existing in their place of telework. Moreover, in Spain, the 2020 legislative initiative has acknowledged teleworkers' risks related to the organisation of working time, such as overtime, permanent availability and irregular schedules (Carrizosa, 2021; Fernández Prol, 2021; Pérez Campos, 2021).

At the same time, Portugal and, to a lesser extent, Spain have developed measures to facilitate or promote workers' access to telework, with a particular focus on workers with caring responsibilities (Carvalho, 2022). In Portugal, a new regulation stipulates that if the duties performed by the employee requesting telework are compatible with the telework regime, the employer can only refuse the request

in writing and with a justification for such refusal. In addition, the same regulation has set up the right to telework for workers with children up to eight years of age in specific situations. Workers with informal care responsibilities (*cuidadores informais*) are also entitled to request telework, except when they work in micro-companies. In Spain, workers with children up to twelve years⁸ are entitled to the right to request telework for work-life balance purposes. National legislation refers to collective bargaining to regulate the terms governing the exercise of this right. If an employer has not implemented the right to request telework, the legislation allows employees to make a proposal for implementation within 30 days through collective bargaining. If collective bargaining is not available, then individual bargaining can be used. However, the company can make an alternative proposal and come to an agreement with the worker(s) or refuse, stating the 'objective reasons on which the decision is based' (Workers' Statute). In contrast with Portugal, Spanish regulation does not grant the right to telework (TWING, 2023, Desk research reports Spain and Portugal).

Table 4. Statutory legislation on telework in Spain and Portugal

	Spain	Finland
Statutory definition	Work carried out by an employee outside the workplace, provided that it represents at least 30% of the working day and is carried out over a period of at least 3 months	Work performed under a regime of legal subordination, in a place not determined by the employer, through the use of information and communication technologies, including work done in a mixed/hybrid regime, where telework and on-site work are combined
Telework regime	Written individual agreement; voluntary and reversibility principle; right to request	Written individual agreement; voluntary and reversibility principle; Right to request and right to telework for workers with caring responsibilities
Working time	Right to disconnect	Right to disconnect
OSH	Provisions on risk assessment; recognition of psychosocial risks linked to overtime	Provisions on risk assessment
Surveillance/monitoring	General data protection legislation applies to teleworkers	General data protection legislation applies to teleworkers
Equality and non-discrimination	General recognition of the principle of non-discrimination	General recognition of the principle of non-discrimination

Source: TWING, 2023, Desk research reports

3.2.3 Estonia and Poland

Some industrial relations typologies have grouped Estonia and Poland under an Eastern (post-communist) cluster characterised by low trade union density rates and low collective bargaining coverage rates, under an uncoordinated and decentralised collective bargaining system (Visser, 2009). Alternative typologies focused on post-communist Central Eastern European countries have identified a neoliberal model prevalent in the Baltic countries, distinct from a form of embedded neoliberalism observed in

⁸ In fact, it is not specified which profile of workers are entitled. However, at the end of article 38, this right seems to be limited to this type of workers.

the Czech Republic, Hungary, Poland and Slovakia. In the latter model, neoliberalism is constrained to some extent by state regulation and social protection (Bohle and Greskovits, 2007, 2012). A recent typology developed by Eurofound has grouped Estonia and Poland under the same industrial relations cluster, together with Bulgaria, Ireland, Cyprus and the remaining Baltic states. This cluster is characterised by weak associational governance, a liberal employee participation system and low levels of social dialogue at the company level (Eurofound, forthcoming).

According to previous comparative studies, statutory legislation is the primary model for the regulation of telework in both Estonia and Poland (EU-OSHA, 2021; Eurofound, 2022). In both countries, recent amendments to the regulation of telework have been passed in 2022 (Estonia) and 2023 (Poland). In Estonia, amendments specific to OSH regulation were added in 2022. In Poland, an amendment of the Labour Code which entered into force on 7 April 2023 has addressed several aspects of the regulation of telework through a new chapter III.b entitled 'Remote Working' (TWING, 2023, Desk research reports Estonia and Poland). This included provisions for telework regimes, collective rights, cost compensation and OSH.

The main provisions in statutory legislation for telework are summarised in Table 5 below. Comparative analysis shows that Poland provides more detailed regulations which combine provisions aiming to promote telework with some measures intended to protect teleworkers against negative OSH impacts. Regarding the promotion of telework, Poland recognises the right to request telework for certain workers with caring responsibilities. Moreover, a recent amendment has extended the list of employees for whom the employer is obliged to consider a request for telework. This list includes parents of children under four years of age and those caring for an adult disabled person. The protective approach towards telework has also been reinforced through the recent amendment of the Labour Code. Although Poland still lacks a right to disconnect, some provisions transpose the principles of the OSH Framework Directive (89/391/EEC), making a risk assessment in the context of telework mandatory and requiring the employer to consider the impact of this work arrangement on vision, musculoskeletal disorders (MSD) and psychosocial risks. In addition, the recent amendment has introduced new provisions that aim to rectify the power imbalance between employers and workers. To achieve this, the new amendment includes a list of issues upon which employers should seek agreement with trade unions, including the rules for cost compensation and conducting health and safety inspections (TWING, 2023, Desk research report Poland).

In contrast, the regulations in Estonia are very broad. Only general legislation applies to key elements such as working time, control and surveillance. The only specific provisions are in the field of OSH. In this regard, it is worth referring to the amendment introduced in 2022, which obliges the employer to conduct a risk analysis of the place of work, reflecting the potential risks associated with the nature of the work and accounting for the specificities of remote work. The employer must then take measures to prevent or reduce employee health risks identified in the risk assessment. However, the employer should not be obliged to go to the employee's home and check the setup. Thus, the risk assessment can be done through conversation and does not require a physical visit to the place of work; however, it must be recorded in writing (TWING, 2023, Desk research reports Estonia).

Table 5. Statutory legislation on telework in Estonia and Poland

	Estonia	Poland
Statutory definition	A situation when work, which is usually done in the employer's premises, is done outside the employers' premises, including at the employee's place of residence	Work performed regularly outside the employer's premises, using electronic means of communication, under which the employee provides the employer with the results of work, particularly via the aforementioned means
Telework regime	Written individual agreement; Voluntary and reversibility principle	Telework contract; Voluntary and reversibility principle; Right to request targeted at certain workers
Working time	General legislation applies; Specific legislation for on-call ICT teleworkers	General legislation applies
OSH	Provisions on risk assessment; Employer obligation to ensure suitable equipment for the performance of telework	Provisions on risk assessment; Employer obligation to provide OSH guidance and instructions; Recognition of eye strain, MSD and psychosocial risks
Surveillance/monitoring	General regulations on data protection applies	Employer's right to control the performance of work; Worker's right to privacy
Equality and non-discrimination	General principles on equal treatment apply	General recognition of the principle of non-discrimination

Source: TWING, 2023, Desk research reports

Comparative analysis shows that Austria and Finland share a similar approach. Despite new statutory legislation of telework in Austria, the main topics (working time, health and safety, surveillance) are still dealt with under general legislation. In this context, collective bargaining should play a prominent role in covering regulatory gaps in statutory legislation in both countries. However, in Austria, the analysis shows that provisions established in sectoral collective bargaining are very general, although it is typical to see more detailed provisions in work agreements between employers and works councils. In Finland, new developments have been identified, particularly in the ICT and financial sectors, where social partners have agreed on recommendations that deal with several important aspects of telework (in particular health and safety, and working time).

Spain and Portugal also share a very similar regulatory approach concerning statutory legislation. In both cases, legislation on telework covers a wide range of aspects. Moreover, both countries follow a protective approach that intends to protect workers against the negative effects of telework on working time, and health and safety. In Portugal and, to a lesser extent, in Spain, statutory legislation also promotes access to telework for work-life balance purposes. However, both countries differ on the role played by collective bargaining in the three private sectors analysed. In Spain, the regulation of telework through collective bargaining is much more developed, especially in the financial sector, where both sectoral and company collective agreements have developed rules on the telework regime: right to request, right to telework, right to disconnect, and digital surveillance.

Finally, comparative analysis shows that Estonia and Poland differ somewhat in the approach of their statutory legislation towards telework. Poland provides more in-depth regulations to promote telework and protect workers against negative OSH impacts. In contrast, Estonia's regulation is broad and only

general legislation applies to many aspects of telework. However, both countries have in common an underdeveloped collective regulation of telework.

3.3. Conclusions

Comparative analysis provided in this section shows that Austria and Finland share a similar approach to the regulation of telework. Despite the new statutory legislation of telework in Austria, the main topics (working time, health, safety and surveillance) are still addressed under general legislation. In this context, collective bargaining should play a prominent role in covering regulatory gaps in statutory legislation in both countries. However, the analysis shows that in Austria, provisions established in sectoral collective bargaining are very general – although it is expected to find more detailed provisions on work agreements conducted between management and works councils. In Finland, new developments have been identified particularly in the ICT and financial sectors, where social partners have agreed on recommendations that address several important aspects of telework (particularly in health and safety, and working time).

Spain and Portugal also share a very similar regulatory approach regarding statutory legislation. In both cases, legislation on telework covers a wide range of aspects. Moreover, both countries follow a protective approach intending to protect workers against the negative effects of telework on their working time and their health and safety. In Portugal and, to a lesser extent, in Spain, statutory legislation also promotes access to telework for work-life balance purposes. However, both countries differ in the role played by collective bargaining in the three private sectors analysed. In Spain, collective bargaining regulation of telework is much more developed, particularly in the financial sector, where both sectoral and company collective agreements have established rules on the telework regime (right to request, right to telework, etc.), the right to disconnect or digital surveillance.

Finally, the comparative analysis shows that Estonia and Poland differ somewhat in their statutory legislation approach towards telework. Poland provides more detailed regulations that combine provisions promoting telework with some measures intended to protect teleworkers against negative impacts in terms of OSH. In contrast, regulation in Estonia is very broad. For several key dimensions such as working time or control and surveillance, only general legislation applies. Indeed, there are only some specific provisions in the field of OSH. However, both countries have a similarly underdeveloped collective regulation of telework.

4. Collective bargaining approaches and outcomes in the six countries and four sectors case-studies

4.1. Introduction: conceptualising collective bargaining sectoral approaches

This chapter aims to respond to research question 4. Thus, it analyses how social partners have dealt with telework through sectoral and company collective bargaining in four specific sectors. By incorporating the sectoral dimension, the TWING project contributes to a better understanding of potential differences within and across countries in the regulation of telework – differences which can be driven by different sectoral logics (Bechter et al, 2012; Keune and Pedaci, 2020).

The project relies on two main approaches to analyse and compare social partners' practices at sectoral level: the literature on flexible working approaches and the behavioural theory of negotiations.

4.1.1 Flexible working approaches

Telework can be understood as a form of internal flexibility that entails changes to both the organisation of working space and working time (the number of hours and days worked per week, and the scheduling of working hours during the day). As identified during the desk research phase, this work arrangement can have both positive and negative implications for workers. As a result, several authors in the literature have called for a reframing of previous debates that put flexibility in opposition to workers' security. These authors propose new conceptual approaches that distinguish between flexibility that is driven by enhancing organisational performance and employers' goals, and flexibility that is driven by employee goals or goals related to work-life balance and well-being (Härmä and Karhula, 2020; Chung, 2022). This approach understands that employee-led flexible work arrangements (such as working time flexibility or telework) can also be beneficial for employees. When exercised appropriately, such arrangements may improve workers' well-being, for example, by allowing for better integration of work and family responsibilities. Moreover, empirical evidence suggests that workers (particularly women and young people) increasingly demand greater flexibility in their work (Härmä and Karhula, 2020; Chung, 2022).

Employer-oriented flexibility comprises all forms of flexible work that are determined by the operational requirements of the business. In this regard, telework carried out as informal overtime would be an example of employer-oriented flexibility. In contrast, worker-oriented flexibility refers to work arrangements where employees have some degree of choice or influence over their working hours. This concerns the number of hours worked (duration), when hours are worked (timing), and, eventually, the intensity or location of work (Härmä and Karhula, 2020).

However, there are not always clear criteria for classifying telework arrangements into these two categories. In any case, to distinguish whether a telework arrangement is driven by employers' or employees' goals, attention must be drawn to the workers' choice and purpose. Literature also highlights that some flexible arrangements can be in the interest of both employers and employees depending on the context (Lott et al, 2022).

4.1.2 Bargaining approaches

Behavioural negotiation theory may also provide relevant insights to analyse and understand social dialogue and collective practices on telework. The behavioural theory of negotiations explores how negotiators engage in workplace bargaining, and the logic and tactics of that engagement (Walton and McKersie, 1991). The study of Walton and McKersie's theory (1991) distinguished between integrative and distributive negotiation problem approaches.

The goal of distributive bargaining is to resolve conflicting issues that need a trade-off or compromise for resolution (Martin, 1992). Distributive bargaining refers to activity focused on the attainment of one party's goals that conflict with those of another party and divide limited resources. The game theory approach calls this a 'zero-sum game' or a 'win-lose process' because there is a need to divide limited resources (Scharpf, 1997). Issues that have an inherent degree of tension are economic items such as wages (Scharpf, 1997).

Integrative bargaining refers to bargaining focused on issues that can be described as shared problems. Accordingly, this perspective is often referred to as 'problem-based' or 'interest-based bargaining' (Mckersie et al, 2008). In this case, there is potential benefit for both parties by engaging in negotiation because of the nature of the problem. The bargaining process focuses on identifying and addressing common areas of interest or on resolving problems collaboratively, resulting in better outcomes for both parties through the expansion of possible gains which can then be shared. Scholars have proposed a set of techniques for conducting interest-based negotiations, such as gathering and sharing information to analyse problems or to generate options for resolutions (Fisher and Ury, 1981). Integrative bargaining can be utilised when parties' interests differ and when a trade-off can be negotiated to create value for both parties. For example, negotiations on work-life balance, equality and corporate social responsibility have integrative potential (the potential for integrative bargaining to be effective). Telework can also be considered a topic with integrative potential (Elgoibar et al, 2023).

However, research also shows that purely distributive or integrative negotiations are rare; most negotiations involve a mix of issues that combine both. For instance, the case study conducted by Mckersie et al (2008) shows that parties employed a combination of interest-based and traditional negotiation processes across a range of integrative and distributive issues.

4.2. Data and methods

The methodology of the project's fieldwork builds on conducting semi-structured interviews with a selection of relevant peak-level and sectoral social partners in each country, based on national criteria. The objective of the interviews was to gather insights into social partners' views on the implications of telework and their role in its regulation through collective bargaining at various levels.

Table 6 below presents the distribution of total interviewees across countries and sectors. The fieldwork phase of the project spanned from September 2023 to April 2024. Before the interviews, participants were informed of the research aims. To facilitate participation, it was agreed at the outset that all interviewees would remain anonymous.

A semi-structured interview approach was followed when carrying out the interviews. To ensure consis-

tency and comparability of the findings, standardised interview guidelines were designed. These guidelines were defined following the analytical dimensions outlined in the previous section. The interview data was analysed using NVivo software, utilising a qualitative content analysis approach which involved coding and categorising the transcribed responses based on the analytical categories established in the interview guidelines. Additionally, the analysis was conducted through a triangulation process, incorporating data from the different types of informants. This approach was designed to enhance the validity of the conclusions drawn from the study.

Table 6. Distribution of total interviews across countries and sectors

	Cross-sector	Chemical	Financial	ICT	Public sector	Total
Austria (AT)	7	2	4	2	8	23
Estonia (EE)	7	2	1	2	2	14
Spain (ES)	3	6	5	5	5	24
Finland (FI)	0	2	6	5	8	21
Poland (PL)	9	3	3	5	4	24
Portugal (PT)	9			3	7	19
Total	35	15	19	22	34	125

Source: own elaboration

This section follows the same paired comparative strategy developed in Section 3, thus adopting a ‘most-similar case approach’ (Tarrow, 2010). For each economic sector, the section compares those countries belonging to similar industrial relations models which have followed a similar regulatory approach towards the regulation of telework in recent years. The comparisons are made between: Austria and Finland, Portugal and Spain, and Estonia and Poland (Eurofound, 2018, 2022b, 2023; EU-OSHA, 2021).

4.3. ICT sector

4.3.1 Austria and Finland

4.3.1.1 Sectoral collective bargaining

Overall, telework is not a central topic in sectoral collective bargaining in Austria and Finland in the ICT sector. However, fieldwork shows that in Austria, trade unions are more critical of employers’ approaches towards telework and are in favour of further regulation which, so far, has proven difficult due to the reluctance of employer organisations to negotiate.

In **Austria**, the sector-level agreement for the ICT and consultancy sector has included a section on telework for over a decade and has remained unchanged since then. The section provides generalised clauses defining telework, emphasising that it is voluntary and that specificities of the arrangement are to be made in writing, via company-level works agreements or individual agreements.

Overall, fieldwork identifies two main factors that hinder further developments in sectoral collective bargaining. First, since the onset of war in Ukraine, both social partners interviewed reported that the main point of contention between employer and employee representatives is pay raises connected with high levels of inflation: ‘for collective bargaining, working from home is not a priority’ (AT#03); ‘It is all about pay’ (AT#04).

Second, two trade union representatives interviewed argued that the employer organisation is not willing to negotiate on telework as it still perceives this to be part of the employer’s prerogative.

“*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 to telework] every year, and every year we got a ‘no’, an absolute no. We would have to trade in something significant like a pay raise.*”
(AT#04)

Moreover, one trade union representative also pointed out that the latest legal amendment, introduced in April 2021, may have a negative impact on social partners’ capacity to further negotiate telework, and should have also defined and strengthened the role of sectoral collective bargaining.

“*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.*”
(AT#03)

In this context, the trade union representatives interviewed discuss several important topics for collective bargaining that should be addressed in future bargaining processes. First, the extent of telework (how many days per week or month) and the right to request it; second, workplace health and safety when working from home; third, the covering of costs related to telework (such as equipment or Internet costs) that are regulated rudimentarily in the collective agreement; fourth, the lack of social integration due to working from home; and fifth, time recording as a monitoring tool in the context of permanent connectivity.

In **Finland**, ICT sector-level agreement recommendations attached to the collective agreement⁹ provide a broad definition of ‘telecommuting’ (working outside the actual workplace agreed in the employment contract, which can take place at an employee’s home, during work or training-related travel, and in other locations). The recommendations address the telework regime in two further ways: by outlining the content of telework written agreements; and by providing general advice for employers to discuss communication practices, working time arrangements and working methods with employees, although they do not provide specific provisions for these areas (TWING, 2023, Desk research report Finland). Fieldwork findings show that there has been little discussion on

9 Collective Agreement of the IT service sector 2022 – 2023, Appendix 8.



telework recently, as both employers and employees share common views, and companies with established practices do not see the need for further regulations (FI#01, FI#04).

However, union representatives in Finland also report issues related to equity in access to telework. While telework arrangements are widespread in ICT companies, not all employees have access, which can lead to feelings of unfair treatment. Despite this, there have been few discussions on telework in the framework of sector-level collective bargaining, as both social partners have similar views on the subject.

4.3.1.2 Company collective bargaining

In its comparative pair (with Finland), it is only in **Austria** that collective bargaining at company level addresses telework regulation. In Austria, so-called work agreements between the management and the works council provide more detailed provisions. Indeed, sectorial social partners interviewed agreed that the company is the most appropriate level for dealing with telework (AT#04), although the extent of these agreements may vary.

“You either solve these issues with company-level agreements or by law. In the best case, you can enshrine in the [sectoral] collective agreement the requirement to regulate telework with company-level agreements.”

(AT#04)

In this regard, interviews conducted with works council members and managers at company level identified examples of work agreements regulating alternative flexible arrangements such as ‘mobile work’ (definition, regime and access).

Moreover, works council members interviewed highlighted three key issues of telework that are critical and currently being addressed. First, the problem of overtime and self-exploitation.

“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.”

(AT#03)

Second, concerns were raised about ‘presenteeism’ and psychosocial risks. According to works councillors, the frequency and duration of sick leave is 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, psychological conditions such as burnout, appear to be becoming more frequent.

Third, some works councillors voiced concerns about the practice of ‘workation’ (working while travelling or on vacation). They highlighted issues regarding the lack of equipment designed for stationary home use, compared with setups intended for mobile work environments (for example, desktop versus laptop computers).

In **Finland**, fieldwork conducted at company level found that neither unions nor company representatives are interested in the collective regulation of telework. Telework is typically managed individually

through informal agreements with line managers without union involvement (FI#13). Indeed, written telework contracts are only required for employees working remotely for a substantial share of their total working hours (FI#19). These formal agreements cover various aspects, such as task descriptions, arrangement duration, procedures for reversibility, permissible remote work locations, and insurance coverage (FI#21).

Some trade unionists noted that minor negotiations concerning telework were conducted at company level, particularly in relation to broader telework implementations. These discussions primarily addressed guidelines appended to individual agreements, covering aspects such as the maximum permissible intensity of telework, the principles of reversibility and voluntariness, and the responsibility of teleworkers to ensure a secure internet connection and maintain safe working conditions. As mentioned previously, the shared understanding between the employer and employees regarding the implementation of telework made broader negotiations unnecessary.

4.3.2 Portugal and Spain

4.3.2.1 Sectoral collective bargaining

In Portugal and Spain, sector-level bargaining in the ICT sector establishes a minimum agreement that allows for further improvements at either company or individual level. However, company-level bargaining on telework is not prevalent, and in practice, telework is mostly agreed upon on an individual basis (more details are provided in the section 4.3.2.2).

In **Spain**, negotiations on the sectoral ICT collective agreement started in 2019 but were unexpectedly disrupted by the outbreak of the pandemic. The key topics of discussion focused on occupational categories and economic compensation. While telework was addressed, it was not a source of significant contention, with compensation of costs and provision of resources being the primary concerns.

Trade unions attempted to incorporate as many items as possible in the negotiations related to telework and working time, such as shifts, working hours, permits and irregular working hours. Conversely, employer associations sought to limit the scope of the negotiations as much as possible and initially declined to discuss most trade unions' demands. In a similar vein, the employers' side initially refused to regulate telework at all.

“It is evident that the sector-level regulation should be minimal, respecting any agreements that companies have reached and, above all, avoiding any harm to any business. From here, everyone can improve whatever they want in terms of days, intensity, or means. And well, that's what we did.”

(ES#O2)

During the most severe period of the COVID-19 pandemic, negotiations were interrupted. In late 2021, negotiations resumed following a change in the unions' negotiators. The unions' side proposed bold changes to occupational categories and remuneration, whilst the employers' side countered with a proposal for increased employer flexibility in determining annual working hours (flexibility within a range of 15%). As a result, the conflict escalated, and trade unions backed negotiation stoppages and strikes

during 2022, aiming to incorporate additional topics into the negotiations.

After the summer of 2022, discussions restarted with a sole focus on salaries and occupational categories, without addressing any other claims from either party. The number of occupational categories was increased, albeit less than the initial demands, and wages were raised to just above the minimum wage.

Telework was included only at the end of the negotiations, with minimal discussion. The agreed-upon economic compensation of €17 per month was deemed very low by both parties. It is important to note that only one of the two trade union organisations (that which was less representative) pushed for regulations on telework. They suggested that allowing employees to work from home without a formal arrangement could lead to accusations of job abandonment, leaving workers in a vulnerable situation. The decision to reimburse costs was influenced by both rising inflation and companies' cost savings.

“ We did want to address compensation, because if this was indeed a key point that companies were trying [...] by calling it something else, like flexible work... [the company can say] ‘you aren’t coming to work because your job is here [in the office]’, which leaves the worker defenceless because [the company can say] ‘if you do not come tomorrow, I can give you a disciplinary dismissal because you have abandoned your job’. [...] It was a time when there was also something that also created external unrest and that was the increase in the price of electricity. This also made the workers very angry because they felt that by not going to the company offices, the company was actually saving money. [...] Yet, even with these increased expenses, no one would consider giving up telework, they just wanted us to fight for compensation. Do you see why it is so important to get telework in? ”

(ES#01)

Both parties, trade unions and employer organisations, reported being satisfied with the agreement overall. However, they held conflicting perspectives on the process of getting there. On the one hand, the employer side stated that they would have conceded more had their demands been addressed and considered the unions' mobilisations as unsuccessful and damaging. On the other hand, the trade unions viewed their social mobilisations as successful in achieving their objectives, particularly the increases in occupational categories and salaries. Nonetheless, the unions did express some self-criticism about the consequences of this conflict on the implementation of the agreement and the targets reached.

In **Portugal**, two sectoral collective agreements, signed by different employer organisations, regulate telework in the ICT sector. The Collective Contract signed by ANIMEE, which initially introduced telework regulations in 2011, was significantly updated in 2022. This update includes a comprehensive definition of telework that establishes its voluntary nature and regulates the equal treatment of teleworkers in terms of both rights and duties. These rights and duties include aspects of collective representation, professional development, occupational safety and health, and insurance. It also specifies contractual requirements for written agreements, working time arrangements (for example, specific telework days), and the provision and use of work instruments, with employers responsible for providing these tools and employees required to adhere to company guidelines. In contrast, the sectoral agreement signed by the Business Association of the Electric, Home Appliance, Electronics and Information and Communication Technologies Sectors (AGEFE) retained the telework regulations established in 2019, without further updates.

According to union representatives, the main priorities in sectoral collective bargaining are the provision of equipment and the compensation for costs incurred by teleworkers, as well as the agreement on objective eligibility criteria to ensure equal access opportunities and working conditions. However, the most contentious issue is cost compensation. Employers are generally reluctant to negotiate on telework cost compensation; as noted by a union representative, 'It is difficult to convince companies to pay the costs of telework, as for them it is already a benefit given to workers being able to work from home' (PT#01). Sectoral union organisations consider compensation for telework costs as a priority. However, the unions' bargaining position was undermined by the Government's intervention and the publication of a new regulation (Ordinance no. 292-A/2023), which fell well below the unions' demands. This led to the breakdown of negotiations, with each company adopting its own solution, not always in agreement with workers' representatives. Union proposals suggest associating a percentage of company profits with payments for teleworking, instead of offering a fixed payment of €1/day set out in the new regulation of October 2023 (PT#02).

4.3.2.2 Company collective bargaining

In **Spain**, the implementation of telework at the company level has proved to be much more contentious. Employee representatives at the company level unanimously agreed that the implementation of telework displayed an employer-centred approach that did not adequately address employee concerns. Many companies were said to circumvent statutory legislation and collective bargaining agreements on telework regulation. Conflicts arose over economic compensation, provision of equipment (such as ergonomic chairs and screens), the right to disconnect, and access to flexible work arrangements (including telework) for work-life balance purposes. Employee representatives emphasised their weak position in company-level collective bargaining since companies were accused of refusing to negotiate in many cases. In this context, employees' representatives stressed that negotiating equality plans are sometimes the only way to improve working conditions. That is, equality plans are normally required to apply for public tenders, which is particularly important for companies in the ICT consultancy industry, as they often work for national authorities.

Despite those conflicts reported under a generally employer-oriented regulation of telework, trade unions and workers assess that telework has had beneficial outcomes due to the heavy workload in the sector and the general increase in the cost of living. Indeed, some trade unionists at a company level felt compromised in the telework negotiations as achieving stricter telework regulations could also restrict its implementation, and therefore reduce the number of employees who could benefit. Interestingly, debates on employees' working time autonomy were deemed irrelevant in this sector, as both industry sides emphasised that employees working in ICT companies already had relatively high autonomy in the organisation of their working time even before the implementation of telework.

In **Portugal**, there was no information about telework regulation in company-level collective bargaining, and social partners only reported that telework was addressed through individual agreements.

4.3.3 Estonia and Poland

4.3.3.1 Sectoral collective bargaining

Sectoral collective bargaining does not exist in Estonia or Poland. In Poland, there is a lack of significant trade union organisations in the ICT sector, despite attempts to establish them in individual companies in recent years, which has sometimes resulted in repression by employers (e.g. Bankier 2022). In Estonia, the ICT sector also has low unionisation (trade union density below 1%) and there are only some company collective agreements at company level.

4.3.3.2 Company collective bargaining

Union representatives agree that telework-related topics are not high on the agenda for collective bargaining at company level. In both countries, telework-related issues are mostly addressed in individual agreements, with little union involvement.

In Estonia, a union representative stated in an interview that the union is not aware of the number or the content of these individual agreements, nor has it pressed the company to get this information. Although trade unions believe that individual agreements may lead to inequalities across groups of workers based on their bargaining power, this is not a source of concern among employees, nor is the promotion of telework a priority for the unions. According to both union and employer representatives interviewed, labour shortages in the ICT sector allow employees to negotiate with employers on an equal footing (EE#10, EE#05). For instance, in one company, an interviewee noticed that there was no uniform approach to the conclusion of individual agreements. The employer only enters into negotiations with employees working from another country for extended periods, requiring formal agreements on the ability to access the company's information. However, in the case of domestic telework, the employer does not consider it necessary to have a separate written agreement (EE#05). Focusing on OSH issues, some collective regulations on telework within this company were found to consist of guidelines that have been agreed upon without union involvement.

In Poland, the regulation of telework is not a priority in collective bargaining compared to other pressing issues. Union organisations in the sector are more concerned with staff reductions due to automation in recent years, and their primary focus has been on negotiating favourable terms and conditions for employee departures as part of collective redundancy programmes (PL#12, PL#14). Existing legislation on telework only requires employers to negotiate – if no agreement is reached within six months, employers can unilaterally set their own regulations. In one case where company-level negotiations on telework were reported, no final agreement was reached due to the union's disagreement with the employer's proposal for compensation of costs. The union expected compensation to cover all real costs incurred by the employee. The union refused the employer's proposal for cost estimates as it did not account for other expenses beyond minimal energy consumption by computer and lighting equipment. Additionally, the employer did not want to provide adequate equipment to guarantee high-quality internet connections at home (PL#12). Compensation of costs was the main union priority, while other less contentious issues during negotiations concerned the conduct of OSH inspections at employees' homes. Cost compensation was also a main issue in negotiations in another case reported by one of the interviewees but the final agreement, as part of a wider industrial dispute involving other issues, had not yet been signed at the time of the interview (January 2024) (PL#17).

4.4. Financial sector

4.4.1 Austria and Finland

4.4.1.1 Sectoral collective bargaining

As in the ICT sector, sectoral agreements only provide a very broad and superficial regulation of telework in Austria and Finland in the financial sector.

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

In terms of the differences in telework provision, not all collective agreements for banks contain any provision for telework. The most detailed provisions on telework can be found in the collective agreement for savings banks. However, these provisions on teleworking are outdated and have remained unchanged for decades. According to a trade union representative (TU#5), they probably date back to the late 1980s or 1990s, when there was no comprehensive legal basis for teleworking. Nonetheless, the provisions in the collective agreement on telework had already become necessary at that time to make telework feasible for certain small groups of employees. Without these provisions in the collective agreement, it would have been almost impossible to establish work agreements or even individual employment contracts for telework and thus to make telework possible at all (see more details on developments at company level below in Section 4.4.1.2).

In **Finland**, the Collective Agreement for the Financial Sector 2022-20245 contains recommendations on remote work and remote work arrangements. The recommendations are not binding and should be seen as guidelines for employers and employees. It comprises general recommendations on the following topics:

- Voluntariness and equal treatment, highlighting that 'remote work should be an option that is equally available to everyone while considering the nature of work and the employee's position and their aptitude for remote work'.
- Equipment and costs, noting that employers should be responsible for purchasing any equipment, software, furnishings, data communication connections, maintenance, and insurances required for the work.
- OSH, recommending the development of a system to monitor occupational well-being, which should pay close attention to specific stress factors of remote work, such as the blurring of the boundaries of work and personal life.

Beyond those general recommendations, fieldwork findings reveal that a core issue in sector-level collective bargaining rounds was the inclusion of an obligation on employers to provide so-called ‘leisure time insurance’¹⁰ for remote workers, which most employers are opposed to (FI#03). This is an ongoing debate that is also related to discussions about the employees’ right to telework from abroad, a possibility that only some banks allow (FI#06).

4.4.1.2 Company collective bargaining

As in the IT sector, company agreements play a more prominent role in the regulation of telework in Austria, where work agreements on telework are widespread, compared to Finland, where telework is regulated either through general guidelines or informal agreements.

In **Austria**, work agreements started to play a strong role in the regulation of telework in the 2010s, when desk sharing was introduced on a large scale in the sector (interview TU#5). In this context, several banks entered into comprehensive works agreements to establish the option of working from home on a formal and objective basis.

Typically, these company agreements contain provisions on issues such as: personal, temporal and material scope; telework regime (clear rules about who can or may telework and under what circumstances); desk sharing; definition of mobile work and home office; digital work equipment; compensation of costs; work inside and outside the company workplace (such as working hours and workplace, as well as insurance cover and liability); data protection; and COVID-19-related specificities (AT#09).

In **Finland**, the regulation of telework is mostly accomplished at company level, not as part of a collective agreement but as general guidelines issued by senior management. Most companies had hybrid work arrangements in place before the COVID-19 pandemic and did not deem it necessary to include remote work as part of sector-level agreements. Currently, telework arrangements are established through a mutual understanding between line managers and individual employees. Differences may arise among worker groups due to varying job requirements. However, these differences are not the subject of collective grievances, and trade unions are not considering addressing them through collective bargaining (FI#18).

A company representative indicated that the use of new technology has enabled a more extensive and versatile form of telework, where some staff members have even inquired about the option to work remotely from overseas. However, the company typically rejects such proposals (FI#12).

Another worker representative at company level highlighted lengthy negotiations regarding financial support for ergonomic equipment during the pandemic, which was eventually granted by the company. The company in question provides full flexibility to work remotely and employees are only required to meet occasionally at office premises (FI#11).

A union representative at a Danish-owned bank pointed to workers’ unrest with recent changes to the bank’s telework policy which now requires employees to work from the office three or four days a week. The company justified the decision on health and safety grounds, citing data on sickness absences and

¹⁰ Leisure time insurance” refers to insurance coverage that protects employees during their non-working hours, or “leisure time,” when they are not actively performing their job duties.

research findings from the Finnish Occupational Health Institute. However, the workers perceived this as a sign of distrust (FI#08).

4.4.2 Portugal and Spain

4.4.2.1 Sectoral collective agreements

Spain and Portugal differ significantly in the role that sectoral collective bargaining plays in the regulation of telework. In Spain, social partners in the financial sector were pioneers in introducing provisions aiming to prevent the negative impacts of telework across several areas, whereas telework has not been regulated at the sectoral level in Portugal.

In **Spain**, telework in the financial sector (particularly banking) is regulated by a sector-level collective agreement, which was among the first and largest sectoral agreements to adapt to legislation on telework. With negotiations running from 2019 to 2021, this agreement was passed in July 2021. The agreement regulated various aspects of the telework regime and specified cost compensation. It also provided some of the most developed provisions for implementing the right to disconnect, including automatic email responses, avoiding meetings at certain hours, and further development of an internal policy at company level for the use of ICT devices. In addition, the agreement has regulated digital surveillance through algorithmic management, by including a ban on the use of these technologies in decision-making processes and ensuring the data protection of workers' personal information.

When analysing the negotiation process, both social partners agreed that the main topics under discussion were related to the employers' obligation for cost compensation and the recording of employees' working time and right to disconnect, on which they hold different positions. Regarding the topic of cost compensation, the employer organisation was forced to negotiate because of statutory provisions, but it opposes economically compensating employees for the costs incurred while teleworking. According to the employer representative interviewed, telework also represents cost savings (for example, commuting) which already compensate for additional costs incurred when working from home (for example, heating and lighting).

“When someone wants to telework, they don't want you to convince them to telework, because, of course, for them, telework is an advantage, right? And, therefore, if you give me a computer, I work from home, so I save money. [...] And, in addition, there are risks that can be consulted, such as the commute to the workplace itself. [...] In this case, the one who travels requires compensation, right? [...] Well, these expenses, in short, are still a bonus, in quotation marks, for telework.”

(ES#04)

In this context, trade unions reported that they did not insist on their initial proposal for the compensation of costs (approximately €110 per month) to avoid discouraging the implementation of telework. Consequently, the main employer organisation agreed to a compensation amount of €55 per month, as the overall cost to the employer was not high.

Regarding the recording of employees' working time and the right to disconnect, the employer organi-

sation in the sector would have welcomed greater flexibility. They argued that existing legal provisions on the right to disconnect do not account for the diversity of individual circumstances and are actually limiting managerial prerogatives in work organisation practices, especially regarding the need for an agreement on the reversibility of telework arrangements.

Well, I think that the most appropriate formula would be a disconnection with a lot of flexibility [...] Companies no longer buy time, but results. Many people will not tell you that they've been working on a topic during the weekend, but you will notice that they have put more time into it and, in the end, this is translated into better results, right?

(ES#04)

In the end, both parties expressed satisfaction with the sectoral collective agreement; however, they also voiced several concerns about the implementation of telework, albeit for varying reasons. Trade union representatives primarily raised concerns about inequalities in access to telework arrangements, particularly for employees stationed in branch offices. They claimed that these employees were less likely to be offered telework because their roles were not as well-suited to remote work as those of central service employees.

There are those who work in a tower or in a central service, whose clients are the offices, and then we have the offices whose clients are the people. [...] there was no possibility of teleworking for those people.

(ES#17)

Moreover, all trade unions stressed that actual access to telework arrangements usually depends on the direct supervisor's discretion and/or the willingness to implement telework within specific departments. With the increased demand for telework, this situation may lead to practices that prioritise employer interests, potentially resulting in informal telework arrangements that further disadvantage certain employee groups.

In many cases, we are finding that companies are refusing to grant telework because you are neither in the department that they consider susceptible to remote work nor maybe... your job or even your manager wants you to be there in person. So there is a lot of discrimination [...] and the companies manage it as they please.

(ES#15)

The primary concerns of the employer organisation were reversibility and the enforcement mechanisms for implementing the right to disconnect. Granting reversibility may not be feasible as it would require extensive justification. However, regarding the right to disconnect, it was argued that it may have a detrimental impact on employees' autonomy.

In **Portugal**, collective bargaining in the financial sector is mostly conducted at the company level. Out of thirteen active multi-employer collective agreements in the financial sector, no one has addressed telework as of 2023, as reported in the Desk Research report (TWING, 2023).

4.4.2 Company collective bargaining

At company level, the same pattern is observed when comparing Spain and Portugal. In Spain, it appears that company collective agreements deal with different aspects of telework, such as conditions for accessing telework and economic considerations. However, trade unions are particularly concerned with some gaps in the implementation of telework by companies, such as in the provision of equipment, risk prevention and assessment, and particularly with growing inequalities in access to telework among workers. Trade unions reported that several companies deny their employees the option of telework, claiming that their roles are not suitable for remote work and refusing requests made under legal provisions for work-life balance, which allow for adjustments to working hours. While trade union representatives stated that they aim to address these issues at company-level bargaining, their bargaining positions are undermined by employees' preferences to retain telework at any cost.

“ We [union representatives], we are the only ones pushing hard for employers to give this or do that in this way, because collective agreement says this and the law says that, because if it were up to the staff, they would put their own means without any problem, and they will invest whatever it takes as long as they could telework. Most even say that they do not care about financial aid, that they don't need it. ”

(ES#15)

In **Portugal**, desk research reported that company collective bargaining offers limited regulation of telework. Only one company with a written collective agreement on telework was identified. This regulation, established in 2019 and renewed in 2022, specifies the job positions that are not entitled to telework, outlines the formal requirements (i.e., written agreement), and defines the maximum duration of the telework regime as three years. This duration is automatically renewed for periods of one year if not terminated by either party at least three months in advance.

4.4.3 Estonia and Poland

4.4.3.1 Sectoral collective agreements

As in the ICT sector, sectoral collective bargaining does not exist in Estonia or Poland. Thus, telework is only addressed at company level.

4.4.3.2 Company collective agreements

In **Estonia**, discussion around telework at company level focuses on compliance with legal requirements on OSH and working time, but the conditions of telework arrangements are mostly agreed upon on an individual basis without the involvement of union representatives. Nevertheless, telework is not a contentious issue in the sector and neither side has pushed for the negotiation of collective agreements on the matter (EE#05).

In **Poland**, recent amendments in the Labour Code introduced an obligation to negotiate the regulation of telework between employers and the enterprise trade union organisations (see Section 3). However, unions have not yet sought to incorporate new provisions for remote work in existing company-level

collective agreements. The bargaining process and outcomes for telework at the company level are conditioned by the fact that the law only sets an obligation to negotiate, but in the absence of an agreement, the employer can establish the rules unilaterally.

“When individuals approach a negotiation table with the belief that an agreement is necessary, both parties typically work towards reaching a compromise. However, if an agreement is not necessary and the employer can issue a document unilaterally, this willingness to reach an agreement is not evident.”

(PL#04)

However, in contrast to recent developments in collective bargaining processes across the country, union representatives involved in the negotiation of telework regulations at the company level assessed the process as a genuine bargaining effort, although not all union demands could be met. This assessment considers that legislation does not mandate the need for an agreement, and employers can implement telework conditions unilaterally without specific approval (PL#01, PL#04). The success of these negotiations stemmed from the fact that the parties held alignable views on this relatively new issue, with the challenges of the pandemic providing a basis for implementing a joint solution (PL#01).

“This dialogue went very well because the unions were getting into something new and we assumed that there might be some mistakes in our approach, that some solutions would not function properly. That’s why we didn’t agree on some issues in great detail.”

(PL#01)

Unions’ priorities in these bargaining processes were aimed at extending the scope of eligibility for telework and, notably, the rules for cost compensation. In particular, trade unions aimed to extend access to telework for employees in the commercial branch network with the argument of equal treatment, though with mixed results due to employer opposition. In one bank, unions reached an agreement allowing occasional telework for this group of workers (PL#01), although in other cases, this possibility was restricted to branch managers (PL#04). According to a union representative from the sector-level federation, unions had hoped to establish fixed rates for the coverage of expenses incurred by teleworkers in the legislation, which was ultimately not the case. However, the issue of compensation rates did not play a critical role in the negotiations going forward, as trade unions acknowledged that the agreed-upon rates would not be substantial. Typical negotiated compensation rates range between €10 and €20 per month and there is virtually no financial assistance for office equipment. Unions did not want to push for additional compensation over fear that negotiations would prove unsuccessful or deter employers from implementing remote working. Employers, on the other hand, highlighted the cost-saving for employees, such as reduced commuting time and related expenses, while also stressing that employees working in commercial branch networks did not have the option to telecommute and were not compensated for the costs of commuting (PL#06).

“We found ourselves between the hammer and the anvil, as the employees were more concerned with maintaining their teleworking arrangements than with the specific cost compensation amounts. There was also a fear that if we pushed too hard on certain issues, we could face a backlash from employers that required employees to get back to the

office. This could result in the employer incurring additional costs, but it would also make the statement that 'if you don't like it, you can get back to the office', and the employees would eat us up.

(PL#06)

4.5. Chemical sector

4.5.1 Austria and Finland

4.5.1.1 Sectoral collective bargaining



In both Austria and Finland, sectoral agreements regulate general provisions on telework in the chemical sector and provide templates to support company agreements (Austria) or individual agreements (Finland). Interestingly, in both countries, social partners noted that differences in teleworkability between white-collar and blue-collar workers are making further negotiations on telework complex and controversial.

In **Austria**, the national collective agreement for the chemical industry has contained a section on telework since the 1990s, which has remained unchanged over the years. This section stipulates that a written agreement between the employer and employee is required, provided there is no company agreement already in place with more beneficial conditions for the employees. The agreement also includes a service sheet detailing a range of provisions on the definition of normal working time: the division between 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, potential compensation of costs for telework-related expenses, liability issues, and termination of telework.

Although trade union representatives view the sectoral agreement positively, the trade union representatives that were interviewed are currently advocating for more comprehensive regulation of telework in sector-level agreements. These would address issues such as cost compensation and additional support for the provision of equipment, liability, and insurance cover in the event of accidents at home. They also address other issues such as compensation for 'on-call work', where employees are required to get to the office at very short notice, and the recording of hours while teleworking (AT#06). However, these demands face opposition from employer organisations and have created divisions between trade unions representing blue-collar and white-collar workers.

As these two unions jointly negotiate collective agreements for the industry, these divisions can make coordinating bargaining strategies more challenging. Blue-collar workers in the sector generally view home working with negativity or indifference, as they believe that only white-collar workers stand to benefit from these arrangements. Hence, the blue-collar union may be reluctant to back specific demands on telework, due to a sense of disadvantage in comparison to its white-collar counterparts. It should be noted that, unlike other sectors, in the chemical industry there has not yet been any harmonisation of working conditions between these two groups, and, for example, blue-collar workers do not benefit from the same wage progression schemes as white-collar workers (AT#07).

In **Finland**, sector-level agreements in the chemical industry provide a specific section on telework and

include a template for finalising individual telework agreements. These agreements are also covered by applicable legislation on working time and OSH. Overall, telework is not high in the parties' sector-level bargaining agenda as telework opportunities are limited to a few job positions and most of the employees have returned to regular office work following directives from their companies. Therefore, telework is more prevalent among managers and highly qualified staff, and is regulated on an individual basis (FI#07, FI#15).

At the sector level, there has been some discussion about insurance coverage, but it is not in the employers' interest to take out telework insurance cover for their employees. In addition, employer and employee unions have jointly stated that equal treatment of employees must also be considered when commissioning telework arrangements, unless specific work duties make equal treatment impossible (FI#07).

4.5.1.2 Company collective bargaining

As in the previously analysed sectors, it appears that it's only in Austria that telework is regulated through company agreements (work agreements). In Finland, telework is mainly dealt with through individual agreements – in a context where unions have observed declining trends in the prevalence of telework across the sector.

In **Austria**, according to union estimates, over 90% of chemical companies have established specific agreements on telework. The telework service sheet attached to the sectoral collective agreement is particularly important to enable telework. Trade union representatives who were interviewed suggested that this sheet eased the implementation of telework during the pandemic and is also often used nowadays as a template for telework agreements, including for the few blue-collar roles that allow for remote work (AT#07). Moreover, it is useful to set up regulations at company level where there is no works council and no agreement on telework.

In **Finland**, telework has rarely been addressed in company collective bargaining negotiations. This can be explained by the nature of work in the chemical sector and a perceived shift back to on-site work in the sector. According to one trade unionist interviewed, there is an ongoing switch from telework back to regular office work among some privately owned companies. In these companies, employees have been advised to work on-site. The core employer argument for moving back to the office has been explained by better management and surveillance of employees. The latter calls into question if there is a lack of trust between the management and employees.

4.5.2 Portugal and Spain

4.5.2.1 Sectoral collective bargaining

Collective bargaining in the chemical sector has a long history in **Spain** and is renowned for its innovative approaches, which have served as a benchmark for other sectoral bargaining processes and company-level negotiations. The chemical sector's collective agreement was one of the first sector-level agreements to regulate telework in 2007. The current collective agreement, originally effective until December 2023 but still in force, includes updated regulations for telework in compliance with recent legislation.

According to representatives from both sides of the industry, negotiations for the current national sectoral collective agreement were primarily focussed on the pay revision clause, considering inflationary pressures. Thus, negotiations on telework provisions were not particularly challenging (ES#05, ES#08). The main driver for negotiations was the need to adapt existing provisions on telework to the new legislation, and the most controversial issue concerned cost compensation. In this regard, the unions' initial proposal faced opposition from employers' organisations, leading to the acceptance of a monthly rate well below the unions' initial estimates for actual costs incurred by teleworkers. Eventually, both parties recognised the large share of small and medium-sized enterprises and the wide range of companies covered by the sector-level agreement. As a result, they agreed on a reference amount of €35 per month for full-time telework arrangements that could be deemed suitable for a larger portion of companies within the sector. Crucially, this amount only applies in the absence of specific regulation at company level. According to a representative from the employers' association, many companies have non-statutory agreements on telework which provide for cost compensation rates ranging from €10 to €150 per month. The employer organisations' strategic aim was to agree on a minimum level of regulation which could then be adapted to the needs of individual companies and their work organisation processes.

Overall, both parties seemed satisfied with the outcomes of the negotiation process. The final agreement was made easier due to long-standing mutual trust and prior experience on the issue, in combination with employers' organisations being eager to reach an early agreement on the pay revision clause as they anticipated further increases in the inflation rate (ES#08, ES#05).

In **Portugal**, telework has been the subject of negotiations in two sectoral collective agreements since the outbreak of COVID-19, as of October 2023. It is worth mentioning that this sector does not have a tradition of agreements, and employers' associations are unusually diverse. The lack of interviews conducted with sectoral social partners hinders the ability to provide more analysis on this.

4.5.2.2 Company collective bargaining

In **Spain**, the regulation of telework in companies varies significantly depending on the company in question. Both social partners acknowledge that the viability of telework in this particular industry is heavily influenced by the nature of the economic activity or subsector. They maintain that the implementation of telework typically requires a reorganisation of work, which has not always been successful. The primary employer organisation asserts that the role and/or age of managers can be crucial in determining the success of telework, as working teams tend to be hierarchical.

The findings from interviews with employees' and employers' representatives in various companies suggest that the implementation of telework requires significant coordination to maintain continuity of service (i.e., employees taking turns to work remotely and restricting telework to occasional instances), and careful planning of tasks that can be performed remotely. It is noteworthy that we came across two contrasting examples regarding autonomy in working hours under telework arrangements. One company imposed a specific schedule, allowing employees to choose when to work within certain time slots, while another company adopted extended hours for teleworkers to compensate on-site workers who had to be physically present. At this organisation, eligible employees alternated telework with on-site work to permit a greater adoption of telework among employees. Teleworkers were bound by a fixed schedule and required to work extended hours, while employees working in the company's premises were obliged to be in the office for a minimum number of hours, although the overall working

hours remained the same for both teleworkers and non-teleworkers – teleworkers had longer breaks to offset their extended hours.

Fieldwork findings also show that the main disagreement among social partners is about the accessibility of telework for employees in positions that are not conducive to remote work, particularly those whose tasks involve some on-site presence (for example, laboratory staff). Also, we found some evidence of companies rejecting negotiations on telework with works councils. In this regard, a union representative from a subsidiary of a major multinational company stated that the works council felt compelled to accept the company's proposal without negotiation as the company threatened to remove any option of telework for the employees. The company proposed a maximum of six teleworking days per month, with flexibility in the allocation of these days, provided that no more than two days of telework per week were permitted. This proposal remained below the regularity threshold set by legislation, allowing the company to avoid entering into collective bargaining related to obligations on cost compensation. Workers' representatives aimed to negotiate further flexibility in the allocation of teleworking days and other aspects, such as the possibility to alternate between telework and on-site work in the same day, or even the possibility to work from other locations (for example, a second residence). All proposals were rejected by the company.

“It is not clear whether the company would really have dared to remove all telework options due to the possibility of angering many employees, including technical staff with crucial roles, who are used to work[ing] remotely. However, the risk was present, and ultimately, what everyone wanted was for people to be able to telework in some way.”

(ES#18)

In **Portugal**, no information was gathered at company level.

4.5.3 Estonia and Poland

4.5.3.1 Sectoral collective bargaining

As in the financial and ICT sector, sectoral collective bargaining does not exist in Estonia or Poland. Thus, telework is only addressed at company level.

4.5.3.2 Company collective bargaining

In **Estonia**, telework has not been dealt with through collective bargaining and it is mostly arranged through informal agreements at company level. These agreements, even when not formalised in writing, apply to all employees in roles where telework is feasible and the frequency of telework is decided by line managers and employees (EE#09). These kinds of agreements typically contain provisions in several key areas: the use of devices provided by the employer, the organisation of working time, OSH and cost compensation. In Estonia, telework is an employer-oriented arrangement that is usually agreed upon individually for specific job positions. Representatives of employer associations agree that telework is a minor issue in the industrial sector and that current legislation is flexible enough to be adapted to the specific needs of companies, without the need for additional collective regulation (EE#09, EE#12).

The country fieldwork report gathers information from one of the few company agreements in the chemical sector that includes a general provision on telework in the context of the COVID-19 pandemic. Although the company's internal working time rules previously contained provisions for remote work, parties agreed to a general provision on the right to request telework during the pandemic. In principle, both the collective agreement and the internal work schedules implied that individual-level agreements between the employer and employees are necessary to regulate working conditions and comply with OSH regulations. However, an employee interviewed claimed that these agreements were typically verbal and lacked consideration of employee concerns, such as the potential for inadequate equipment, work-related health issues, utility compensation and irregular work schedules.

Theoretically, it is very well outlined that the employer can reach an agreement with the employee and in our internal work schedule rules, it is also written that an agreement can be made with a person but, in fact, it naturally doesn't happen. And here, too, we had questions, whether people should be compensated for expenses related to electricity? As for heating, I don't know of any cases either.

(EE#08)

In **Poland**, the subject of remote work has not been a priority for social partners, mainly because many production workers are unable to perform their duties remotely, and there were no significant issues during the period of compulsory telework caused by the pandemic. However, the introduction of new legislation in April 2023 has stimulated discussions and negotiations regarding telework agreements at the company level. One of the union representatives involved in these negotiations indicated that although the talks were initiated to comply with the new legislation, they appeared to be more of an information and consultation process with no meaningful negotiations (PL#02). Other interviewees assessed the bargaining process as genuine, reflecting a common interest in addressing a new topic (PL#10).

It happened very quickly. [...] The first meeting was... it was told what we had, what was changing, [...] how we would fit it into our reality. The employer side was open to discussion because they just wanted to sort it out so that it was clear for both sides. There were two, three meetings.

(PL#02)

It was also a new topic for the employers, and they didn't really want to go into it themselves, they just wanted to discuss it so that it would be sorted here as well. And most of the factories were discussing it in order to write some kind of agreement.

(PL#10)

According to interviewees, the most significant issues addressed in negotiations at company level typically involve procedures for: the allocation of teleworking days (PL#23); the criteria for cost compensation (PL#02, PL#23); and the rules for conducting inspections at employees' homes, although such inspections rarely take place in practice (PL#02). Another sensitive issue raised in bargaining processes at company level concerns the management of expectations for telework and the right to telework for workers in less teleworkable job positions. Trade unions aim to extend telework opportunities for production workers in supervision and maintenance roles, where some remote work is feasible. However,

employers tend to limit this possibility to avoid further tensions with employees on production shifts (PL#10). In response, negotiations within a chemical company led to the establishment of compensatory provisions for employees whose roles were not suited to telework. These provisions included two hours of weekly time off for non-teleworkers, which could be utilised for attending training courses or meeting with colleagues, as well as the reimbursement of travel expenses and subsidisation of meals. Both of these provisions were particularly important to non-teleworkers and have been long-standing demands from the trade union.

4.6. Public sector

4.6.1 Austria and Finland

In **Austria**, collective agreements generally play no role in the public sector because the working conditions for public servants, including telework, are regulated by law and ordinances on telework. Each ministry has issued specific guidelines regulating telework in their respective organisations, most of which existed before the pandemic. These guidelines cover two types of legally provided telework arrangements: regular and occasional. Regular arrangements are required to be documented in writing and typically involve specific circumstances such as family responsibilities. Occasional telework is typically agreed upon at short notice, usually for just one or a few days, between employees and their line managers. This flexible approach to teleworking has only existed since the pandemic (AT#05).

“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.”

(AT#13)

However, it is now customary for occasional telework arrangements to be made on a regular basis, such as two specific days per week, upon agreement with line managers (AT#13).

Despite this framework of governance – where regulation of telework is set up solely by law and ministry guidelines – our fieldwork findings reveal that, in practice, working conditions are jointly regulated and implemented through negotiations between public employers and the public service union. One of the main priorities for trade union representatives in these bargaining processes has been securing formal and objective procedures for requesting telework, for example, granting workers’ representatives the right to intervene in the event of disputes. Whilst this right to intervene is important to support employees, intervention is often not needed as, in most cases, agreements are made without dispute (AT#11). A ministry representative emphasised that applications for teleworking are generally approved and that more than two home office days per week are also possible. Thus, both social partners pointed out that the agreement on internal guidelines for telework in central-level administration (ministries) is not usually controversial, since there is a common understanding that this work arrangement benefits both employees’ well-being as well as leading to more efficient and better outcomes in terms of organisational and individual performance (AT#05).

The topics addressed during these negotiations included the compensation rates for costs and

desk-sharing. Compensation rates relate to the use of private equipment by employees, including the internet, phone and computer equipment. Trade unions regret that these rates are currently at an exceedingly low level and that there is no provision for additional financial assistance to cover the expenses incurred by employees while working from home, such as ergonomic furniture and other related costs (AT#05). In some cases, the equipment required for working from home is provided by the employer and a lump sum is also agreed upon for the cost compensation of teleworkers. However, these issues related to cost compensation and equipment are less significant compared to in the private sector (AT#13). In terms of desk-sharing, trade union representatives expressed concerns about the potential negative implications of the implementation of hot-desking for the voluntariness of telework arrangements (AT#11). These negative impacts could occur because not enough desks may be available for all employees to work from their employers' premises.

In **Finland**, different telework patterns exist across a range of public sector activities. The Finnish Social Insurance Institution (KELA) has been covered by a sector-level collective agreement since 2020, which includes an annexe of guidelines for the regulation of telework (FI#05). Union representatives stated that telework arrangements are agreed upon between the line manager and the employee, with a formal written telework contract required if the employee works remotely for more than one month (FI#16). Both union and employer representatives interviewed indicated that regular cooperation and exchange of information exists at company level, and the focus is primarily on improving telework practices. However, the union representative did not see the need to include telework as part of a formal collective agreement, since further regulations could potentially hinder efficient and flexible working time practices (FI#05).



So, we discuss diverse issues constantly and think about how to develop them. That is, what works now may not work a year from now, i.e. we strive for continuous discussion between the employer and white-collar parties.

(FI#05)



KELA has implemented an 'early intervention model' to address mental health concerns and self-management challenges among teleworkers. This model consists of online training for managers and teleworkers, virtual gymnastics sessions and 'wellness chats'. Trade unions encourage their members to maintain regular working time patterns and to contact their line managers in the event of any telework issues, such as ergonomic problems or work overload. Nonetheless, the union representative interviewed could not recall any case of burnout or accidents in connection with telework. A senior human resource employee interviewed confirmed that the main strategy for intervention is to act on an individual case-by-case basis; in addition, they emphasised the need for specific training for managers so that detrimental health effects of telework could be identified at an early stage. This is particularly relevant in the context of high-intensity teleworking, as the company is applying an extremely flexible approach consisting only of one obligatory office day per month (FI#05, FI#16).

In contrast, teleworking is not a subject covered by collective bargaining in the Finnish education sector, although there have been general discussions on the topic. In the view of the union representatives interviewed, a common agreement on guidelines across the education sector would not be suitable due to the diversity of organisations in the sector. For example, there are some local-level agreements in the secondary education system, which have specific provisions suitable for that part of the sector

(FI#17). Finnish universities do not have a uniform telework regime. Instead, each university applies a model tailored to its specific needs, which may vary across different groups of workers (FI#09, FI#20).

“The current collective agreements do not mention telework, nor do we intend to include it, because the teleworking time arrangements are workplace-specific, i.e. there may be different teleworking practices for different kinds of tasks within the same organisation.”
(FI#20)

4.6.2 Spain and Portugal

In **Spain**, there are no genuine collective bargaining processes on telework within the General State Administration. The first negotiations on telework in the General State Administration happened in a post-pandemic context, following the approval of the Royal -Decree- Law 29/2020 on ‘distance working’.¹¹ A draft for new legislation – governing working conditions for the central public administration – was written in consultation with trade unions. However, this was not passed into new legislation for the public sector due to changes in government. Topics under discussion included criteria for regularity, the maximum number of telework days allowed, the provision of equipment, cost compensation and the minimum seniority required to engage in telework arrangements (ES#20, ES#21).

The practice of telework in the General State Administration is enabled by a government ordinance that advocates for the adoption of telework as a cost-saving measure. This ordinance was adopted in response to the energy crisis following the war in Ukraine, without any form of union involvement. Therefore, the extent of telework and its regulation varies substantially across different parts of the General State Administration, particularly according to the department and job positions. In the absence of legal and collective regulation, telework arrangements are agreed on a case-by-case basis with departments. One union representative interviewed stated that telework is often granted as a gift in exchange for increased effort at work. In addition, most telework arrangements do not include the provision of equipment and/or cost compensation, although some managerial positions may be entitled to them.

“Yesterday, a colleague told me that he preferred to lose 100 or 200 euros per month as a result of working at home, rather than earning 200 euros more working at the office. From this perspective, people are willing to give up salaries, work longer hours, sacrifice flexibility, and carry higher-level functions without compensation just to be able to work remotely. [...] People are even relinquishing their rights to be able to work remotely.”
(ES#07)

Public administration in Spain is highly decentralised at regional level, and the General State Administration often lags behind lower levels of public administration in terms of flexible working and other working conditions (ES#21). In this sense, it is important to note that the public sector encompasses other administrations such as regional and local entities with different working regimes. Fieldwork research has provided some examples of telework regulation through collective bargaining in two public sector entities in Catalonia (ES#23, ES#24). Crucially, these are two public-owned organisations that

11 Spanish legislation defines ‘distance work’ and ‘telework’ differently in national legislation. However, the differences between the terms are very subtle in the private sector. Thus, both terms can be used interchangeably within the Spanish case.

are also subject to the provisions of general labour law. Nevertheless, these types of public sector organisations are also covered by regional legislation on telework in the absence of specific regulation at company level. Interviews with representatives of the two organisations point to the absence of major issues in the negotiations and integrative bargaining processes. In one organisation, both parties were interested in implementing a three-day-per-week telework arrangement, but the chances of reaching an agreement were constrained by the fact that the average telework frequency allowed in the regional administration does not exceed two days per week. The company representative proposed an alternative: a pool of four hours per week for remote work, distributed according to employees' preferences, even during on-site workdays. This proposal effectively grants workers an additional 'half a day' of teleworking, offering employees more remote work possibilities plus flexibility in the distribution of these four hours – and at the same time meeting the company's operational requirements. Workers' representatives accepted the proposal (ES#24).

In **Portugal**, fieldwork interviews were conducted with representatives from public-owned companies with their own internal regulations on collective bargaining. In one case, telework guidelines were unilaterally implemented by the company, with only very limited involvement from the company's works council in the form of information exchange and consultation with the works council coordinator. According to the employers' representative interviewed, the main reason for not addressing the regulation of telework through collective bargaining was to avoid the consolidation of 'acquired rights'. Thus, the only reference to telework in the company-level collective agreement is limited – there is only a provision for the exemption of teleworkers from the general working time rules (PT#07, PT#08).

In another company surveyed in the fieldwork, telework is regulated by a company-level agreement concluded in 2023. Notably, this agreement includes a cost compensation clause for the costs incurred by teleworkers – equivalent to €40 per month. The employer representative stated that the main driver for the agreement of a two-day telework policy was to improve recruitment and retention, given that wages are limited in a public company, and the only way to retain and attract talent is to offer competitive benefits like telework to compete with private companies. Although the works council was initially reluctant to consolidate telework following the pandemic, trade unions finally agreed to its regulation as long as similar compensation was provided to production workers who could not benefit from telework opportunities. Most trade unions were satisfied with this solution as their main constituency comprised of production workers (PT#9, PT#10).

Reports from another public-owned company, where telework is regulated by a collective agreement, stress that telework negotiations are not as contentious as other core aspects of working conditions addressed in collective bargaining. In this particular case, although management initially opposed addressing telework in negotiations for the first company-level agreement in 2023, they eventually accepted the idea, given the pressing need to align working conditions in the company with other companies in the sector. The company suffered a great deal from having an annual staff turnover of one-third of its workforce (PT#11, PT#12).

4.6.3 Estonia and Poland

In the **Estonian** public sector, telework is generally regulated through internal guidelines and regulations, with little involvement from unions and workers' representatives. A sector-level agreement for central and local government was reached well before the pandemic regarding the implementation of

the European framework agreement on telework, and the need to update this agreement has not yet been raised. The agreement stipulates that additional agreements are to be made at workplaces, but collective bargaining on telework in public sector organisations is rare. Telework arrangements are mostly agreed on an individual case-by-case basis or unilaterally implemented through internal guidelines, resulting in varying outcomes depending on the level of intervention from worker representatives. When remote work conditions are outlined in internal work rules, employers can unilaterally change these conditions. If telework is not specified in employment contracts, the employer is not required to individually negotiate changes. Trade unions are also unaware of the number or content of individual telework agreements in different public sector organisations. The union stated that it would like to bring into discussion the employees' right to disconnect when working from home (EE#07).

A case study of an organisation affiliated with a ministry (which operates under its own distinct regulations) revealed a clear example of individual negotiations being the primary regulatory approach to telework. At this company, collective regulations were particularly weak in telework regulation, but both parties shared similar views on telework. With a strong emphasis on the employer's trust towards employees, each team independently determined the specifics of their telework arrangements. It is worth mentioning that employees generally enjoy considerable autonomy in deciding their working hours based on their responsibilities and preferences.

In **Poland**, collective discussions and consultation processes on telework in the central public administration have been evolving, following legal amendments in the Labour Code. These discussions have taken place at the level of individual organisations or institutions, resulting in different outcomes across organisations.

The most contentious issue reported in such types of negotiations concerns the monitoring of employees when working from home, either for performance or OSH issues, as well as cost compensation. One of the topics discussed with the employer was the scope of responsibility regarding safety and health at work, and the limits within which inspections by the employer can take place in the employee's home. A union representative interviewed stated that existing regulations lack clarity regarding how employees' privacy at home is protected, although they also acknowledged that such inspections have not yet occurred. On the other hand, the union representative was satisfied with the provisions agreed on cost compensation, which included a proportion of home-related costs for heating and water consumption – in contrast with common practice in other sectors. However, the union representative made it clear that teleworking was not a major priority for the union, nor was it a particularly difficult or controversial issue (PL#09).

Another union representative involved in telework negotiations at individual ministry level, and under the new Labour Code provisions, observed that there were no major discussions during the negotiations. This was attributed to the lack of prior experience on the topic and the pressure to reach an agreement quickly, under the threat of unilateral action by the employer. The union's bargaining strategy was shaped by workers' expectations to keep two days of telework per week in the aftermath of the pandemic, without entering into negotiations on potentially controversial issues, namely cost compensation. Indeed, the workers made no specific demands on cost compensation issues at all. Therefore, union representatives accepted the employer's proposal as it was considered that the employer had presented calculations for cost compensation that were reliable and in line with market conditions.

Legislative amendments have been crucial in facilitating collective bargaining on telework. However, the union representative argued that the new legal provisions fail to protect employee interests when employers are unwilling to compromise and reach an agreement.

“The high degree of flexibility in the Labour Code [given to the employer] may put the workers’ representatives in a losing position. [...] This [Labour] Code solution with this much freedom provides good negotiating opportunities without imposing rigid frameworks and standards on the negotiating parties, if two parties have the will to reach an agreement.”

(PL#15)

Notably, a case study analysed in one Polish public-sector organisation showed mutual goodwill and trust from both parties. At this company, the primary point of contention was the amount of occasional telework permitted. While the employer initially proposed a maximum of two telework working days per month, the final agreement included an allowance to telework for up to two days per week. Additionally, employees with specific circumstances, such as parents and carers, could request extra telework hours. Importantly, telework arrangements were structured to ensure that at least one employee from each department remained on-site at all times, and one day per week was designated for mandatory on-site work to foster team cohesion.

Overall, the extent of flexible telework in the Polish public administration is rather limited, due to managerial reluctance and/or limited digitalisation of work processes (PL#05, PL#15, PL#20). It is also worth noting that telework is more prevalent among groups of workers outside the trade unions’ membership base, which also explains why this is not a significant topic across union agendas

“We knew from the beginning that this remote working concerns a narrow group of workers. It does not apply to the ordinary worker that we represent [...] if it involved more employees, I suppose our involvement would have been much greater and we would probably have applied for some additional safeguards for those employees or developed more provisions in some other way.”

(PL#05)



5. Conclusions

Research shows that teleworking has both positive and negative effects. Positive/negative impact on telework depends on a range of employee and job characteristics, as well as factors outside of firms' control. However, little attention has been given so far to how these effects can be shaped through collective bargaining.

The TWING project has filled this research gap through analysing the role played by social dialogue and collective bargaining in the regulation of telework. The research was carried out through a comparative analysis which has combined a national/country dimension with a sectoral dimension. In terms of the national dimension, the project has selected 6 countries belonging to different Industrial Relations clusters (Eurofound, 2023), which also show different regulatory approaches towards telework as well as different telework patterns (Eurofound, 2022b): Austria, Estonia, Finland, Poland, Portugal and Spain. For the sectoral dimension, the project has selected four sectors which face different opportunities and constraints in relation to telework as well as different industrial relations' patterns: ICT sector, Financial sector, Chemical sector, Public sector.

Drawing on this case selection, Section 2 has explored changing trends in telework prevalence patterns across the countries and sectors from 2012 to 2021 based on LFS data (research objective 1). 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).

Section 2 has also discussed recent research findings on telework impacts, with a focus on four key dimensions where telework arrangements may have deeper implications: working time and work-life balance; occupational safety and health, including mental and physical health; control and surveillance; and equal treatment and non-discrimination. Overall, the literature review has shown that: the relationship between telework and working time has been extensively researched in the six countries studied, and the character of telework is ambivalent. Similarly, Section 2.2 has shown that since the outbreak of COVID-19, there has been growing research in the six countries on telework and the difficulties faced in the enforcement of OSH standards, which in turn explains the lack of adequate workspace at home. At the same time, the literature review has shown that 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.

Finally, Sections 3 and 4 provide empirical evidence on different national and sectoral approaches towards the regulation of telework. In both sections, a paired comparative strategy has been applied, based on the most-similar case approach (Tarrow, 2010). Thus, we have compared countries with similar industrial relations' legacies which, at the same time, show some differences in telework patterns. Through this approach, Sections 3 and 4 provide relevant insights for assessing the relationship between national institutional legacies, sectoral logics, and social partners' bargaining strategies and outcomes on telework.

Our research findings 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). Interestingly, those features are common to the three private sectors studied in TWING and may indicate a distinctive feature of how telework and, more generally, flexible work arrangements are dealt with in these countries. Along those lines, further research could explore the extent to which those differences in the social partners' bargaining strategies and the outcomes of telework can be related to existing differences in working time regimes and flexibility practices at workplace level. It must be noted that previous research has already shown that compared to Finland, where employee-oriented flexibility practices prevail, Austria presents more employer-oriented patterns as well as practices of spatial and temporal flexibility (Chung and Tijdens, 2013; Anttila et al, 2015). This evidence could explain why trade unions in Finland do not see a need for further regulation through collective bargaining while, in Austria, trade unions are even claiming that further regulation is also needed at sectoral level.

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. In this regard, fieldwork outcomes indicate that those differences can be explained by the differentiated impact of statutory legislation on collective bargaining. The enactment of new legislation in Spain has given new impetus to collective bargaining on telework, particularly in relation to cost compensation provisions aimed at mitigating the risks of shifting costs onto teleworkers, which have been introduced in the three private sectors studied. In this case, Spanish legislation recognised teleworkers' right to compensation but left the specification of this compensation to collective bargaining. In contrast, new statutory provisions established in Portugal have established a minimum mandatory amount for cost compensation. According to trade unions interviewed, this provision has undermined their autonomy and has led employers to refuse bargaining on this topic – where this was the main aspect of telework

that had been addressed through collective bargaining.

Finally, the cases of Poland and Estonia contrast with the paired comparisons already explored in this conclusion. 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 (Meardi, 2018; Eurofound, 2023). Interestingly, new legislation introduced in Poland has not managed to revert those trends. The new law stipulates the obligation to negotiate with employer representatives on telework cost compensation; however, in the absence of agreement, the terms and conditions for cost compensation can be agreed on a case-by-case basis or unilaterally implemented by the employer. Although trade unions have reported instances of ‘genuine’ attempts to negotiate in some companies, they all reported that negotiations were unsuccessful.

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