



Research Article

Implementation of Telework in the European Union

Radu MARIN

National University of Political Studies and Public Administration, Bucharest, Romania
radumarin62@gmail.com

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Abstract

The paper aims to analyse, at European level, the evolution of telework implementation over the last two decades. The paper will present documents which are underlying the implementation of telework and which have led, in some of these states, to the insertion in the national laws of the concepts of telework, tele-worker, as well as the regulations governing the conduct of work in this form. The research was conducted only for a few Member States of the European Union, which we considered to be relevant either in terms of economic development, geographical position, cultural values or the population number (Austria, Denmark, France, Germany, Greece, Italy, Poland). We consider this study to be useful for analysing how different states have understood to implement telework, especially in the current conditions created by the COVID-19 pandemic, which has led certain states to reconsider the beneficial effects that telework can bring to the survival and/or development of enterprises in the current economy.

Keywords: telework, teleworkers, labour agreements

JEL Classification: J41, J81, M54

Introduction

The problem of telework has been the subject of research in numerous empirical studies, has been addressed in numerous papers and has been the theme of many books. Also, the terms telework, teleworkers, as well as the principles that must govern telework, were long topics of discussion between trade unions and employers' organisations. The

provisions of some of the framework agreements signed by them were the basis for changes in national legislation on these topics. The high level of interest that telework topic has gained is due to the fact that it can be an important factor in increasing the attraction, motivation and retention of employees, given the decisive contribution it can make to increasing work-life efficiency, flexibility of working hours, reducing costs and commute

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time. In fact, work-from-home is introduced, from a long time and by many organizations, in the category of employees' rewards. The widespread use of telework in an economy can avoid congestion in large urban centers and reducing pollution. It can be considered a way of working meant to give eased access to the labour market for people belonging to vulnerable social groups, people living in isolated places, to whom such access would be otherwise difficult. On the other hand, as the current pandemic has demonstrated, it can be a means of protecting the health of employees, without causing total disruption of organisations' activity. The reasons that have led to the long hesitations that have existed in the implementation of telework in certain states are based on certain negative effects that it can generate. From the employees' point of view, it may lead to the limitation of professional interactions, isolation in relation to customers, lack of an adequate place to carry out the activity (if it takes place in the home office system). From employers' point of view of, it can be mentioned that they feel that they are losing control of their own employees, they fear that leaks of confidential data and information could occur.

Telework is a form of work that fits very well into the current economy, based on globalisation, digitalisation and the growing need for access to and sharing information. However, it can be said that, at present, there is still no very clear scientific and legislative demarcation between telework and related concepts, such as remote work or telecommuting.

Research outline

The idea, that the goals set at the European Council meeting held in Lisbon on March 23rd-24th 2000 are at the basis of the European legislation regarding telework, is widely accepted. These objectives also include the implementation of eEurope Action Plan, considering that the transition to a digital, knowledge-based economy, will be an important factor in terms of growth, competitiveness and job market. Following

the objectives set out at this meeting, the European Commission prepared eEurope 2002 Action Plan for the European Council held in Feira on June 19th – 20th 2000. The Action Plan identified the modernisation of the work organisation as one of the challenges that EU is facing. The eEurope 2002 Action Plan for the European Council emphasized that greater flexibility will lead to the technological advantages offered by a flexible work time and work place and that the social partners were urged, for the benefit of both employees and employers, to support flexible work arrangements. (eEurope 2002).

One response to this challenge identified in the plan was for the social partners from the Member States to reach to agreements that would, where possible, support greater flexibility in jobs, agreements to be supported by the Member States as well. Telework was given as an example for such flexibility (eEurope 2002). In order to support this initiative, the social partners signed the Framework Agreement regarding telework in Brussels on July 16th 2002. The signatories were: European Trade Union Confederation (ETUC), Union of Industrial and Employers' Confederations of Europe / European Union of Crafts and Small-Size Enterprises (UNICE/UEAPME) and Centre of Enterprises with Public Participation (ECPE). The agreement defined the concept of telework as being "that form of organising or/and performing work using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis", and the teleworker was defined as "any person carrying out telework in the context of such a contract". The key points to be addressed were defined given the specific nature of telework: its voluntary nature, employments' conditions, data protection, privacy, equipment, occupational health and security, work organising, teleworkers' training and the collective rights of the teleworkers. It should be noted that the signatories did not consider that it is necessary to transpose the

agreement into a European directive. Due to the fact that the agreement had mentioned that the implementation of telework should be carried out within three years of the signing of the agreement, in 2006 the signatory parties issued the report named "Implementation of the European framework agreement on telework" in order to analyze the state of implementation of telework. The agreement had been invited to join the 15 countries already members at the time of the signing of the agreement, those submitted by the ten countries that had joined in 2004, and those submitted by the countries invited to join, namely Romania and Bulgaria, Bulgaria noting, at the time of the report, that the implementation process had not yet begun and that social actors were debating how to join it.

Findings

Austria

Austria adopted the first collective agreement containing provisions related to telework in the oil and gas industry in the late 1990s. With regard to the European framework agreement, Österreichischer Gewerkschaftsbund (Austrian Trade Union Federation) argued that Austrian regulations cannot be questioned, given that they have a higher level than the minimum standards contained in the European framework agreement (Georg, 2007). However, the provisions of the European framework agreement have been implemented in Austria by introducing telework clauses in the majority of sectorial and industry-wide collective agreements. It should be noted that there are no provisions regarding telework in the Austrians' labour law, since, according to government declarations, teleworkers fully enjoy the rights granted by labour law (voluntary character, equal rights, guaranteeing working conditions, ensuring health and safety at work). The "Report on the implementation of the European social partners' Framework Agreement on Telework" states that, unlike in other countries, in Austria access to the

teleworker's home of labour inspectors, health and safety services and the employer, can only be made at the request of the teleworker (Commission of the European Communities, Report on the implementation of the European social partners' Framework Agreement on Telework. 2008). We can note the fact that this last provision brings an addition in relation to European framework agreement.

The Commission of the European Communities report mentioned that the concluded sectorial collective agreements (many of them being concluded before the signing of the European framework agreement) are either of a general nature and refer only to clauses relating to the voluntary nature, the need for a written agreement, or contain more detailed provisions on working time, labour rights, reversibility, training, data protection, prevention of isolation, equipment and costs (Committee of the European Communities, 2008). Telework in the European Union (2010) mentions that the attempt made to amend the Labour Constitution Act for the full implementation of the provisions of the framework agreement failed in 2005 by the opposition of the Austrian Federal Economic Chamber (Wirtschaftskammer Österreich).

Denmark

Larsen (2008) found that, although telework provisions existed in Denmark as early as the 1990s, the European framework agreement was implemented quite slowly in that country. The author considered that this slowness is explained precisely by the fact that there were still collective agreements with their own rules and procedures on telework before 2002. The report "Telework in the European Union", published in 2010 by the European Foundation for the Improvement of living and working conditions, found that in Denmark the implementation of the European framework agreement was done only at sectorial and cross-sectorial level, often these framework agreements being not always able to

implement the provisions of the European Framework Agreement. Batina (2012) found that in 2005 the social partners made changes to the existing collective agreement. An explanation of the fact that a framework agreement has not been reached at national level may be that there are several definitions of telework adopted by the social partners (Larsen, 2008):

- Danish Employers' Association for the Financial Sector and the Financial Services' Union considered, in 2003, that telework is understood as being work which, after an agreement with the company, is carried out outside the company's premises, such as the employee's home. The agreement does not include work performed at a remote posting and business-related travelling. Telework does not include mobile work such as that carried out by, for instance, sales workers and others who perform work at shifting locations. Potential agreements with these types of employees regarding work at home are, however, included in the agreement (Larsen, 2008).
- Ministry of Finance considered, in 2005, that teleworking is work that can be performed remotely from the normal workplace using a personal computer (PC), an electronic communication form or some other similar equipment provided by the employer. The type of work that can be performed by teleworking must be of a repetitive nature in order to be covered by the agreement and can only be undertaken within a proportion of the agreed working hours. The agreement does not include work performed at a remote posting or during business travel. Teleworking does not include mobile work, that is, work performed at shifting locations (Larsen, 2008).
- Association of Local Government Employees' Organisations considered, in 1997 and 2005, that teleworking and home-based work

are a type of work that is performed remotely from the normal workplace by the use of a PC, an electronic communication form or other form of material which is made available by the employer. Work which is performed as telework and home-based work has to have a regular recurring character to be included by the agreement and can only be used as part of the agreed working hours (Larsen, 2008).

France

On 19 July 2005, the Inter-professional National Agreement - Telework (ASET0551387M) was signed in France. The signatories of the agreement highlight the advantages offered by the application of telework: organisations have the opportunity to modernize their work organisation, and employees gain greater autonomy in the performance of their work tasks and can better integrate their working life with their personal life; telework can ensure the combination of flexibility and job security through the optimal use of information and communication technologies; telework can ensure increased job quality and provide additional opportunities for access and retention of jobs for people with disabilities; telework is a factor of economic development, favor the provision of the right to work and contributes to the fight against leaving certain territories (ASET0551387M, 2005). Telework was defined by the agreement as: "a form of organisation and/or performance of work by the use of information technology in the context of an employment contract and in which work that could also have been carried out in the employer's premises is carried out outside those premises on a regular basis". The teleworker was defined as "any employee of the company who carries out, either from employment or subsequently, telework, as defined, either as defined in the agreement or under conditions adapted to the field, established by an agreement at branch or enterprise level, specifying the categories of

employees to whom it applies" (ASET0551387M, 2005). The agreement stipulated the principles which were to characterise the telework contract: the voluntary nature of the contract, reversibility and insertion, equal rights for the teleworkers in respect with the rights of the employees working within employers' premises, the obligation of teleworkers to take the necessary measures for data protection, the right of the teleworker to have it's personal life with no intrusion from the employer, the employer obligation to provide, install and maintain the work equipment and the teleworker obligation to protect it, the employers' assumption of costs directly related to telework, the obligation of the teleworker to comply with the employers' provisions regarding work related health and safety measures, the right of the teleworker to manage his work schedule, the right of the teleworker to benefit from the same rights related to work training and the same career development opportunities as any other colleague working within the employers' premises and also to have the same collective rights as them.

The provisions of the Inter-professional National Agreement - Telework were subsequently reflected in the provisions of Law No. 387 of 22 March 2012, which supplements the Labour Code.

Germany

The Bundesvereinigung der Deutschen Arbeitgeberverbände (Conference of Employees' Associations of Germany) and Deutscher Gewerkschaftsbund (German Trade Union Federation) adopted, as early as 16 July 2002, a joint declaration, welcoming the signing of the European framework agreement and urging the social partners to design, at sectorial and enterprise level, the needed rules required for the implementation of the principles of the European framework agreement on the German labour market. The social partners attempted to disseminate information from the European framework agreement through a series of communication

means (circulars, newsletters) and, in 2003, the German Employees' Association Federation and the German Trade Union Federation organised a transnational conference, which, in addition to presenting information regarding the European framework agreement, had proposed and exchanged views on the application of labour in enterprises.

It should be noted that in the opinion of both German social partners and the German Government, teleworkers were protected by the general legislative framework applicable to all German employees, which is why they did not consider the adoption of legislation regarding telework to be necessary. On the other hand, the social partners considered it is desirable that the approach towards telework issues should be done at the most decentralised level. These were the reasons which led to the fact that, since the signing of the joint declaration and up until now, the issue of telework has generally been regulated only at enterprise level (Commission of the European Communities, 2008).

It should be noted that in the documentary study we undertook we did not identify legislative references to telework in Germany. All the materials we have found in the research undertaken refer to work at home. However, in 1998, Gleiss Lutz Hootz Hirsch, in the article called "Germany: Telework under the German Labour Code", published on the site mondaq.com, considered that "In 2000, more than 5 million Germans will work under conditions considered as telework". The author stated that there is a provision in the Labour Code relating to a specific form of employment, namely that of a home worker (heimarbeiter).

Kraemer (2014), citing a study by Karl Brenke, found that Germany followed the growing trend in home work recorded by European countries in the 1990s and early years of this century. In 2004-2008, however, Germany began to register a negative trend. The author found that in 2012 Germany had

returned to the same percentage of workers working from home, i.e., 1.6% who carried out this work predominantly and 4% who carried it out occasionally. The percentage was identical to that recorded by Germany in 1992 and was below the average recorded by E28, Iceland and Switzerland (Kraemer, 2014).

An article published by Economy & Business on 20 October 2020 mentioned that Germany intends to introduce a legal framework for telework. The article also mentions that there are criticisms of the bill, fearing that the introduction of this form of work could lead to a restriction of the collective bargaining power of workers and allow businesses to outsource jobs.

Greece

The first mention of telework appears in Greeks' legislation in the 1st article of Act no. 2369 of 1998, which mentioned telework among the accepted forms of work.

Stamati (2006) and Lampousaki (2008) show that in Greece the implementation of the provisions of the European framework agreement was done by introducing them into the National General Collective Contract (2006-2007). With regard to the 3rd article of the framework agreement, conditions were introduced concerning the written information of the employee on the conditions governing the telework contract, relating to the additional information to be made in writing in relation to the employee's arrondissement within the organization, but those conditions were expressed in vague terms (Lampousaki, 2008). The 4th article of the framework agreement stated that teleworkers have the same rights, guaranteed by national law and collective agreements, as workers working at the employer's premises. The document agreed in Greece stipulated that, taking into account the special conditions imposed by telework, there could be additional special collective or individual contracts. The Greek trade unions agreement did not make it compulsory to negotiate with trade unions if the employer wanted to

introduce telework. The expression in the document was "to seek opinion". As regards occupational health and safety, it was stipulated that those who are generally required to verify compliance with national provisions (employer, employees, trade unions, health and safety officers) have the same obligation in the case of telework. The agreement also implemented other provisions of the European framework agreement: non-discrimination, respect for privacy, data protection.

The government appreciated this initiative, seeing it as an opportunity for persons that were part of vulnerable social groups and also for the inhabitants of the Greek islands. Employers' organisations were somehow reticent, due to the fear of decreased possibility of control over employees, the additional investments that will have to be made for the purchase of equipment, possible leaks of confidential data and possible problems related to the provision of training for teleworkers. The trade union organizations, although they had a positive position regarding telework, had questions about the nature of the employment contract. Both trade unions and employers' organisations agreed to introduce a more specific regulatory framework (Lampousaki, 2008).

Law 3846/2010 regulates telework for employers in Greece under the 5th article, referring to: the timeframe within which the employer was required to communicate to the employee information relating to the telework contract, the period during which the contract could be requested (claimed of either party), the employer's obligation to bear the costs involved in the telework, the period during which the employer was obliged to draw up the telework contract.

The Legislative Decree of 11 March 2020, issued in order to define the urgent measures that should be undertaken in order to counter the negative effects of the occurrence of the COVID-19 coronavirus and to limit its spread, allowed employers to unilaterally impose the

use of telework (using the term of remote work) and "to organise problems arising in connection with it".

Italy

In Italy, the national interconfederal agreement was signed on 9 June 2004 with the aim of implementing the provisions of the European framework agreement. The agreement was signed by the main trade union confederations (Confederazione Generale Italiana del Lavoro, Confederazione Italiana Sindacati Lavoratori and Unione Italiana del Lavoro), as well as by 21 workers' associations from all the sectors. (Maddaloni and Pedersini, 2008). The agreement concerned issues that must regulate telework, thus taking over the principles stipulated in the European framework agreement, with some changes (Maddaloni and Pedersini, 2008): voluntary nature, conditions of employment, provision of work equipment, privacy, health and safety, work organisation, provision of training.

It can be noted that, unlike the European framework agreement, there was no reference to data protection. In Italy, in the private sector, there were a number of collective agreements at national level which sought to regulate telework, either before the European framework agreement or subsequently, in the light of the rules laid down therein. Thus, the agreement on commercial workers (IT0407108F), workers active in the textile sector, clothing and fashion (IT0405102N), employees of professionals (IT0605029I), employees in the medical field, employees in telecommunications (IT0512305F), in local public transport (IT0412101N) and air transport (Coletto, D., 2008; Paparella, D. and Rinolfi, V., 2004a; Paparella, D. and Rinolfi, V., 2004b; Paparella, D. and Rinolfi, V., 2004c; Santi, M., 2006).

Poland

On 30 June 2005, following negotiations, representatives of Poland's largest employers' and trade union organisations

agreed on a draft agreement, under which the provisions of the 2002 European framework agreement would be implemented in Polish organisations. Although the agreement contained most of the provisions of the European framework agreement and even had additional provisions and provided detailed explanations on certain issues, it was never formally ratified. This was due to the fact that the signatory parties did not reach agreement on the list of amendments to be requested from the Government in order to transpose it into legislation.

The next step was taken in 2006, when the Ministry of Labour and Social Policy proposed an act to amend the Labour Code, which, after discussions with the social partners, in October 2006, was incorporated into the Labour Code in August 2007. Thus, a new chapter was added to him, comprising 13 articles, under the name "Employment in the form of telework". The definitions of telework and teleworkers were taken in full from the 2002 European framework agreement. Its provisions were also taken over.

The Labour Code has a provision that made telework difficult to apply under the conditions arising from the CoVID-19 pandemic. The following were stipulated: the conditions of an employer applying telework must be determined by an agreement with the trade union or trade unions to which the employees are affiliated. It was noted that if an agreement with trade unions could not be reached within 30 days, the employer would be able to define the conditions of telework in accordance with the conditions at work, taking into account the conditions already established during the negotiation with the trade unions. It was that provision that produced the introduction into Polish law of the concept of remote work.

On 23 June 2020, the new version of the government act on the anti-crisis measures (Shield 4.0) was signed. In this act, clarifications were made and a number of provisions on remote work were regulated. This act was based on the provisions of the

package of laws known as the Anti-Crisis Shield, signed on 31 March 2020. The following aspects were regulated in order to supplement the provisions already covered by the Labour Code: 1. equipment and materials used for remote work were generally provided by the employer, and there was also the possibility for the employee to use their own equipment, but only if the confidentiality and security of the protected information could be ensured; 2. the employee, on the basis of the regulations carried out by the employer, was obliged to keep records of the working time; 3. the employer had the right to give up work at any time in the form of remote work

Spain

The report of the Commission of the European Communities (2008, p.30) found that, in an attempt to align with the provisions of the European framework agreement, the social partners introduced its essential principles into the Inter-confederal Agreements on Collective Bargaining signed by the main trade unions on 30 January 2003. The signatories stated that they supported the content of the European framework agreement and undertook to support its application by attaching to this end a Spanish translation of the document. The Inter-confederal Agreements on Collective Bargaining signed later in 2005 and 2007 again ruled on the essential principles of telework (voluntary and reversible character, equal rights for teleworkers) and showed the need for the social partners to manage to regulate the issue related to privacy, confidentiality, training, prevention and equipment. These agreements, which are not binding, can only be considered important in the light of the fact that they provided guidance on the signing of sectoral, regional or company-level collective agreements for members of the signatory trade unions.

Compulsory agreements, both based on the text of the European framework agreement, were signed for the chemical industry (2004)

and for the daily press sector (2005) in order to regulate telework issues. A number of agreements of a regional and enterprise level were also signed, which signaled the aspects of telework, some of which referred to European framework agreement.

On 22 September 2020, the Royal Decree-Law No.28/2020 on remote working was issued. Within the Royal Decree-Law were defined three types of work (Rodriguez-Escudero, Ruiz de Salazar & Martínez de Luco Ybarra (2020, p.1): distance work, telework (“remote work carried out solely or mostly through computer and telecommunications systems”) and onsite work.

It should be noted that, although it recognised telework as one of the possible types of work, the law referred, in its entirety, only to provisions relating to remote work (in fact, the Royal Decree-Law was issued for the purpose of regulating remote work).

However, we can note that the Royal Decree-Law takes over the provisions of the European framework agreement (Aspra and Alonso, 2020). The Decree-Law referred to equal opportunities, equal treatment and non-discrimination for employees who worked in this form, the voluntary and reversible nature of the contract for this form of work organisation, the minimum clauses to be laid down in such a contract, the support of the costs of equipment and the associated operating costs by the employer, the measurement of working time and the possibility of its 'flexibility', recognition of the right to health and safety at work for employees working in this form, recognition of the right to privacy, including recognition of the right of digital disconnection (Rodriguez-Escudero, Ruiz de Salazar and Martínez de Luco Ybarra (2020), recognition of collective rights.

It should be noted that, prior to this legislative act, in Spain's legislative system, only the provisions of the 13th article, relating to homework contracts, under the Law on the Status of Workers, existed. Commission of the

European Communities, in the framework of the Report on the Implementation of the Framework Agreement on Telework (2008) considered that, by that act, the Spanish governors wanted to implement it solely for the purpose of regulating manual work, which is why it does not align with the realities imposed by telework, although certain elements could have been taken over (the written form to be given to the contract, the salary had to be at least equal to that of a worker in the same occupational category, the determination of the volume of activity, the right of collective representation).

It was necessary the issuance of the Royal Decree-Law No.28/2020 for the implementation of one of the provisions of the Royal Decree-Law No.8/2020 of 17 March 2020, issued with the aim of taking extraordinary and urgent measures to limit the impact produced by COVID-19. What is noteworthy is that one of the measures deemed necessary by the Royal Decree-Law No. 8/2020 was to encourage telework, in this respect considered to be necessary to "establish systems of organisation to enable the continuation of work through alternative mechanisms, in particular telework and companies will have to take appropriate measures, if this is technically possible and reasonable and the effort required for adaptation is proportionate". It was considered that the adoption of these measures should be a priority in relation to the temporary cessation or reduction of activity. Even though in its content the Royal Decree-Law No.28/2020 makes reference only to remote work, it is mentioned the obligation of the employer to provide the equipment and its maintenance. It is also mentioned the right of the employee to digital disconnection. These two provisions, as well as the definition given by the legislative act to teleworking as being "work ---carried out solely or mostly through computer and telecommunications systems", we can consider this act as legislating telework. In support of our interpretation, it is also the fact that the Royal Decree-Law No. 8/2020, which

inspired the issuance of this decree-law, spoke of "encouraging telework".

Aaranz Díaz (2008) and the Commission of the European Communities, in the framework of the Report on the Implementation of the Framework Agreement on Telework (2008), considered that the signing of the Royal Decree on the Regulation of Telework in the General State Administration was an important step in the implementation of telework in Spain. Following the discussion of the draft decree within the Spanish Economic and Social Committee, the draft decree, sketched in the spirit of the European framework agreement, was agreed by the main trade unions (Confederación Sindical de Comisiones Obreras, Unión General de Trabajadores, Central Trade Union Independiente y de Funcionarios, Confederación Intertradeunionista) in May 2007. The decree did not apply to all public sector workers, which is applicable to civil servants and public employees in the central government system.

Although, until the Royal Decree-Law No.28/2020, telework was regulated in Spain only for the public sector, Batina (2012) identifies an increase in the percentage of teleworkers in the total labour force, from 2.81% in 1999 to 8.4% in 2005 (of which 6.9% at least a quarter of working time and 1.5% almost all working time). Meanwhile a permanent increase was recorded, given that in 2002 it was at a value of around 5%, similar values being recorded in Germany and France (Implementation of the European framework agreement on telework). However, in the last decade telework has seen a slower growth rate in Spain compared with the European average. Anghel, Cozzolino and Aitor (2020), using information provided by Eurostat (Labour Force Survey, 2018), pointed out that, at the moment of the report, Spain was 6% below the European average, recording a telework value of 7.5%, while France reached 20.8% and Germany 11.6%. On the other hand, considering the figures for 2005 reported by Batina (2012, p. 3), figures also found in the report Telework in the European Union published in 2010 by the European

Foundation for the Improvement of Living and Working Conditions and the figures relating to 2009 reported by Anghel, Cozzolino & Aitor (2020), we can conclude that between 2005-2009 the percentage of teleworkers in Spain decreased from 8.4% to less than 6%.

Discussions

In the research carried out, we identified the specificities of each country with regard to the national implementation of telework and teleworker concepts, the way in which the principles of the European framework agreement, signed on 16 July 2002, in Brussels, were taken over.

We have been able to find that a number of states have taken over the provisions of the European framework agreement in nationals' law, some of which consider that including those provisions the text of a law is sufficient and others amending the Labour Code.

Other states considered that it was not necessary to implement these principles within the framework of national legislation, the principles being taken up and applied on the basis of agreements signed by trade unions at national level, or even on the basis of agreements signed at sectoral, regional or even enterprise level.

There are still states which use only the terms of remote work or even that of work-from-home, considering that employees who carry out this form of work benefit from all the rights granted by nationals' law to the employees who usually work in the employer's premises. That is why it does not consider it necessary to introduce references to telework in national law.

On the other hand, there are states which, although they had implemented the term of telework in national law, decided, following the situation created by the COVID-19 pandemic, that there was the possibility of returning to the title of remote work,

considering it more flexible in terms of the possibility of application.

Conclusions

We note that at present there are a multitude of variants in which different EU states have understood to implement the provisions of the European Framework Agreement on Telework, signed on 16 July 2002, in Brussels. This situation can affect the human resources activity and policy of companies operating in several European countries, not being able to adopt a uniform practice regarding telework.

We consider that in this moment it is still necessary to clarify the notions of telework, remote work, work-from-home and adopting a unitary title, given that, in some states, although they have implemented the provisions of the European framework agreement, they have done so under the title of remote work. Work-from home should remain only what was initially, a benefit in the salary package of employees who work in a normal working regime.

The legislation on telework should be a very flexible one, so as to allow the very operative transition from a normal work regime to telework, in order to avoid situations arising in some states at the onset of the COVID-19 pandemic, states where companies have been prevented by national legislation from moving urgently to the telework regime.

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