

A woman with voluminous, curly, reddish-brown hair is seated at a desk, looking off to the side with a thoughtful expression. She is wearing a light blue t-shirt under a textured, olive-green V-neck sweater. In front of her is a silver laptop. The background features a white cabinet with glass doors containing blue dishes. The lighting is soft and focused on the woman.

How to make remote work work for everyone



THE ADECCO GROUP



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How to make Remote Work; Work for Everyone

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Executive summary

The COVID-19 pandemic has disrupted the way companies organise work and by now data suggests that remote work or hybrid forms of work (i.e. combination of remote work and office work) is here to stay. The survey conducted by The Adecco Group among 8'000 office-based workers shows that 74% would like a mix of office-based and remote work in the future¹ and that the willingness to implement these alternative models of work is shared on the management side².

The long-term implementation of remote work and hybrid forms of work in a post-Covid era does not come without challenges, both from an organizational and regulatory point of view – those are tackled in the first part of this Paper. The main obstacles identified are as follows:



Inequalities

If unregulated, remote work could worsen inequalities, as not all workers enjoy the same access to this model. Inequalities may also arise between workers who decide to return to the workplace.



Productivity

To ensure that remote work goes hand in hand with an increased productivity, a strong focus should be put on workers' physical and mental well-being.



Cost, wages and taxes

Working remotely implies new costs, and potentially new ways of calculating wages and taxes. On the company level, employers should make clear which costs are incumbent to who and governments should adapt the tax system to this new way of working.



Cybersecurity and IT tools

The spread of the remote work model has made businesses even more vulnerable to cyberattacks and investments in IT tools are needed, as well as re- and upskilling of the workforce to enable employees to embrace the full potential of the remote work model.

The Paper further describes the regulatory environment and presents the relevant ILO (International Labour Organization) and EU directives, as well as countries that already have legislation on remote work in place. The Paper offers an extensive comparative overview of what the national legislations on remote work entail.

A set of policy recommendations to make remote work; work for everyone round off the Paper. Those recommendations are addressed to both employers and governments as we urge them to take actions now, to ensure an inclusive, sustainable and secured implementation of the remote work model.

Recommendations

More precisely, **we urge Governments to:**

• **Provide a legislative framework** for remote work.

The framework should answer the following questions:

- **Contractual obligations:** What are the conditions for remote work? Are they given by contract or on a voluntary basis? And can they be reversed? Does the framework allow for employees to request a remote work arrangement? If needed, can employers deny such a request and under which criteria?
- **Employees' right and obligations:** What are the employees' right and obligations? Do they have a Right to request remote work? Should the country introduce a Right to disconnect? Is there equality of Rights?
- **Employers' rights and obligations:** What are the employers' rights and obligations? Can they request from employees to work remotely?
- **Equipment:** who should provide /pay/install/maintain equipment necessary to the practice of remote work?
- **Cost:** who should bear the cost associated with remote work (rent, Wi-Fi, electricity etc)?

• **Surveillance:** to what extent can employers make use of surveillance software to monitor employees' activity?

• **OHS:** are employers responsible for the compliance to OHS standards in the remote place of work?

• **Insurance:** do employers have to cover for accidents occurring while working remotely? What are the locations and hours covered?

• **Address inequalities:** promote remote work for underprivileged groups and underserved populations

• **Invest in the right infrastructures:** invest in infrastructure to close the connectivity-divide between urban and rural areas

• **Adapt the tax system:** engage in tax negotiations with other countries to avoid a double tax burden for remote workers and adapt the tax system and what can be deducted from earning to account for the new work-related costs remote workers have to pay (rent, heating, electricity, food etc.)

• **Support re- and upskilling:** support and contribute to companies' endeavour to re/upskill the workforce by introducing tax incentives or direct subsidies



And we urge employers to:

- **Address inequalities:** break out the different tasks that need to be accomplished within a job and to redesign as many of them in such ways that enable employees to work from the location of their choosing. Moreover, design new jobs and new opportunities that embed the remote work model
- **Invest in the right infrastructures:** invest in ICT infrastructure to enable workers to efficiently work

remotely and rethink the office space to embrace the hybrid model and put a focus on collaborative areas.

• **Re- and upskill:** determine the digital skill gap of their workforce and upskill

• **Adapt Leadership:** promote a management based on empathy, agility and creativity

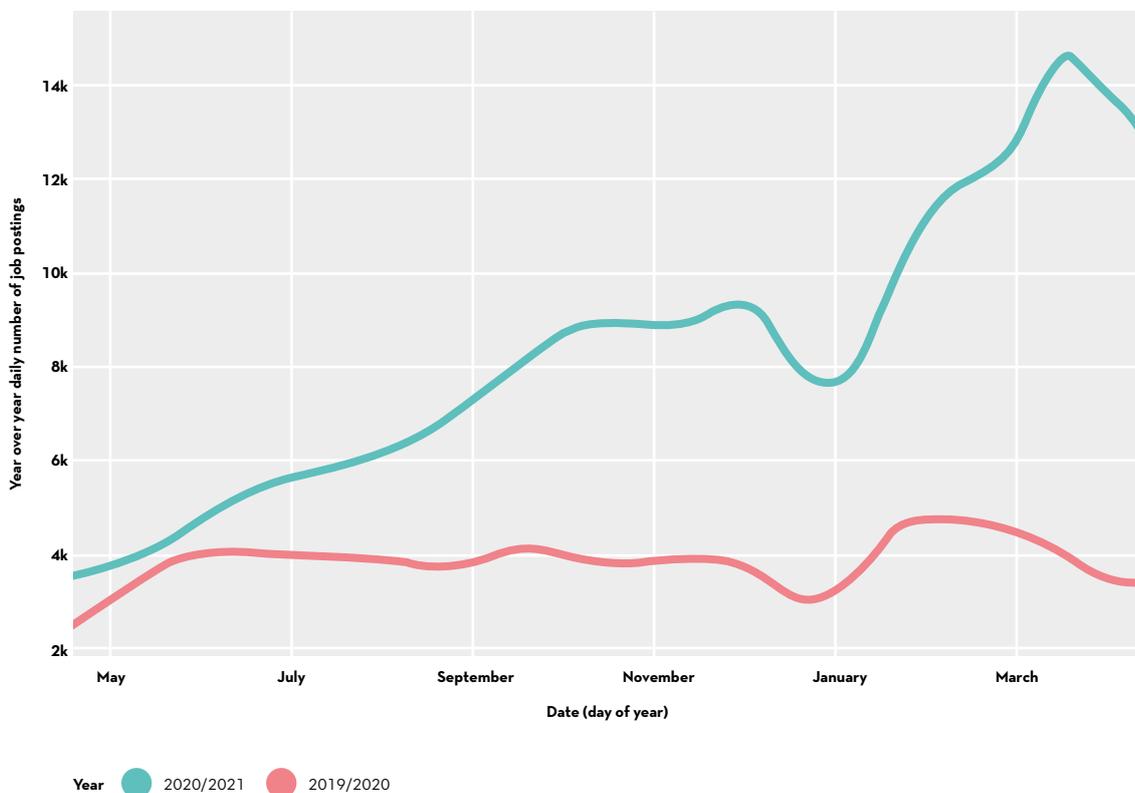
Introduction

Being able to perform work, or part of the work, remotely was an ongoing trend in the previous years. Yet, the COVID-19 pandemic has accelerated the phenomenon by forcing a large part of the workforce to stay away from the workplace, which for many meant being at home. This large-scale social experiment of remote working has demonstrated that numerous tasks could actually be carried out outside of offices premises.

Today, the majority of employees calls for hybrid ways of working, which include more flexibility, work at home and collaborative work in the office. A survey conducted by The Adecco Group among 8'000 office-based workers shows that 74% of them would like a mix of office-based and remote work in the future. The results indicate that this desire for a long-term implementation of this model is shared across generations, gender, and parental status³.

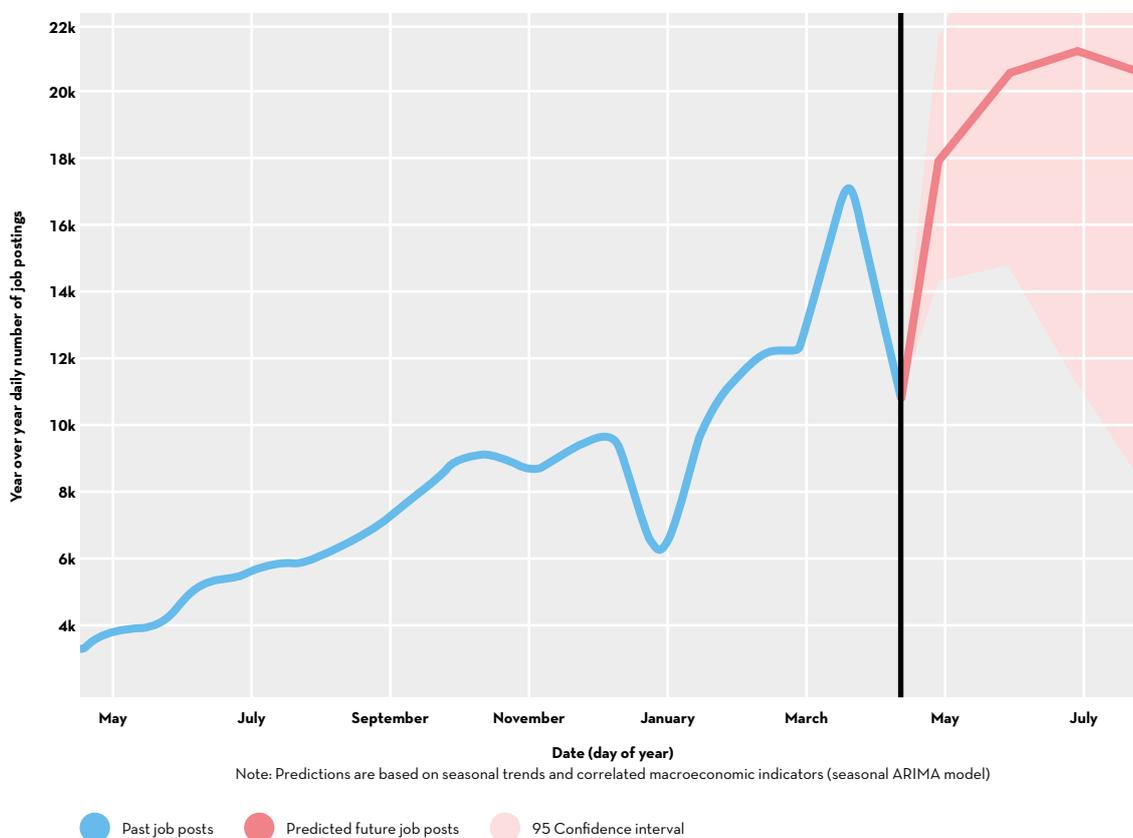
On top of that, we observe a significant increase of job postings for remote work⁴. As the charts below suggests, the number of job offerings in 2021 that include remote work has soared compared to 2019 and according to our predictions, depicted in the second graph, this trend is expected to increase.

Year-on-year daily number of job postings involving remote work



Source: Jobfeed by Textkernel. Data extracted on April 2021

Job forecasts involving remote work



Source: Skill Predict by the Adecco Group, Data extracted on April 2021.

On the management side, remote work is deemed to be beneficial as 89% of business executives interviewed expect hybrid working to become the norm after the pandemic⁴ and 79% of C-Suite leaders believe that business will benefit from allowing increased flexibility⁵. As our data on job offers and the results from numerous surveys suggest, remote work is likely one of the major legacies of this Pandemic.

This Paper focuses on the long-term implementation of remote work and hybrid forms of work in a with-Covid era. We define remote work as an arrangement between the employee and the employer that allows the employee to perform his/her duties from a different location than the default place of work, within the

confinement of the borders in which he/she is employed. While the primary focus is on office-based employees, we also mention how other workers could benefit from remote work. Thus, should employees or employers want to shift to this new model of work, there are some organizational and regulatory challenges to be addressed. The aim of the Paper is to present them and to suggest solutions. The first part looks at the likely and potential organizational obstacles of remote work. In a second part, the regulatory environment is described and countries that already have legislation in place are presented, as well as the relevant ILO and EU directives. Finally, a set of policy recommendations to make remote work; work for everyone round up the thinking.

A few definitions

The ILO's Guidance for Labour Statistics⁶ suggests clear definitions to differentiate between remote work, telework, work at home and home-based work that we present below. Our Paper mainly focuses on remote work, including telework.

Remote work

Remote work refers to an arrangement between the employee and the employer that allows the employee to perform his/her duties from a different location than the default place of work. There are numerous locations where the employee could perform work from, such as coworking area, public space or home.

Telework

Telework can be described as a sub-section of remote work in which the employee works remotely and makes use of Information and Communication Technology (ICT) to perform the tasks. Telework is a unique category as it implies the need for personal electronic devices.

Work at home

Work at home means that the employee is working remotely from his/her own residence.

Home-based work

Home-based workers are defined as “workers whose main place of work is their own home”⁷, or whose default place of work is home. This category mostly involves home-based manufacturing.

Current challenges

While there are many advantages to working remotely both for the worker and the employer (or another type of contracting authority), the objective of this Paper is to recognize that there is a series of challenges and open questions that relate to the implementation of remote work in the long run. At a moment where the world of work is likely to tilt towards a new organisation of work, we believe that the following issues require attention – and resolution:

- The rise of inequalities due to remote work
- The impact of remote work on productivity
- Cost, wage and tax implications of remote work
- Cybersecurity and tools



Remote and telework can offer exciting opportunities, among them greater autonomy for workers in organizing their tasks, greater inclusion, and environmental gains from the reduction in CO₂ emissions from commuting. Yet digital labour platforms also bring their own challenges, which at times includes the blurring of boundaries between work and private life with workers expected to be constantly available. As we shape our path out of the pandemic, we now need more than ever a human-centered approach to the world of work as advocated in the ILO's Centenary Declaration.”

Sangheon Lee

Director of the Employment Policy Department of the ILO



The rise of inequalities due to Remote Work

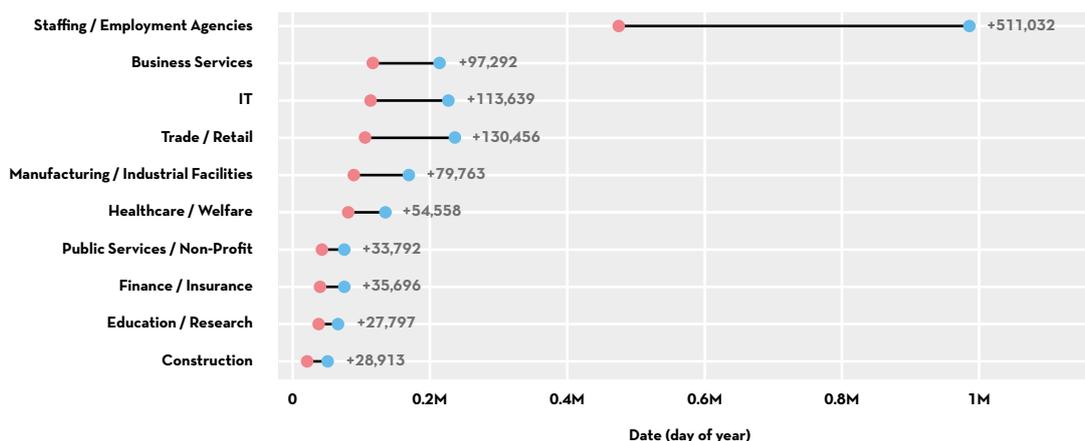
The ability to perform work remotely is uneven among workers. We observe divides based on diverse factors, such as the sector of activity, the digital divide and the willingness to work remotely.

More precisely, we observe that high-skilled individuals are more likely to obtain remote work arrangements, especially in the following sectors: information and communication (61% of workers in the sector had a remote work arrangement before Covid), professional and scientific activities (55%), financial and insurance services (44%), real estate activities (44%), and public administration (30%)⁸.

Moreover, we observe a digital divide that might hamper the access to remote work. On the one hand, this digital divide is caused by an unequal access to ICT infrastructures, whose stability differs among countries and between rural and urban areas. On the other hand, there is a gap in digital skills between workers, as some of them are not proficient in using ICT tools.

Furthermore, while some employees would like to fully embrace the remote work or hybrid work model and would struggle coming back to the office every day as they have gotten used to working in those new settings, some others do not have the adequate working

Top growing industries that shifted to remote work



Source: Jobfeed by Textkernel. Data Extracted on April, 2021.

environment at home and would prefer working from the company's premises. The gender dimension of these preferences should not be forgotten, as women who traditionally might be facing home care duties would potentially be opting more for remote working where men would return more to the office environment. As such, it is essential to find an inclusive modus operandi, making sure that no one is left behind nor impaired.

Important to point out is the fact that the ability to perform work remotely does not depend on the form of contract. Namely, workers in different forms of working contract, from directly employed to self-employed to agency workers or platform workers can carry out work remotely, as long as the activity allows for it. At the height of the Covid-pandemic, The Adecco Group has placed up to 40.000 associates in remote working positions, illustrating that workers in flexible placement can certainly be granted remote work arrangements. As a matter of fact, data suggest that the staffing industry experienced the greatest shift to remote work, compared to other industries, as illustrated in the graph above.

Assignments or projects with shorter lengths might however raise questions on responsibilities to provide workers with adequate IT equipment. This requires not only a clear regulatory framework, but also a continuous dialogue between agencies, client companies and workers.

How to address these inequalities

In short, not all workers have the same possibility to work remotely. One way to address it is by rethinking and redesigning the way we perform work.

It is estimated that around 36% of jobs can be fully done remotely⁹. For the other 64% of jobs, a hybrid arrangement can be put in place and it is important to highlight here that such an arrangement can also be made available for manufacturing workers or non-knowledge-intensive service workers. While those industries may require the physical presence of employees for the major part of the working time, certain workers in those industries must also carry out some tasks, for example administrative matters, that could be done remotely. Enabling some parts of the work to be carried out remotely, however small those parts may be, is in the employers' interests as it does not only address inequality issues, it also makes the job more appealing, which, in turn, addresses the talent scarcity of some industries. In other words, while 36% of jobs can be fully performed remotely, a certain number of hours of a priori "non-remote" jobs could be done away from the company's premises.

Additionally, when designing new jobs and new contracts, the possibility of working remotely should be embedded, even if partially. New technologies will create new jobs and we should take this opportunity to design those in a "remote workable" way and thus, to make the future work for everyone.

In sum, today the option of remote work is not available to all workers. To avoid the rise of inequalities between workers, and in employers' interest, there is a need to break out the different tasks that need to be accomplished within a job and to redesign as many of them in such ways that enable workers to work from the location of their choosing. Furthermore, hybrid forms of working must be embedded in the design of new jobs, alongside the remote work options.

Trailblazer in Remote Work: Ireland

Ireland is the first country to have published a **Strategy for remote work** whose aim is clearly to promote and enable the widespread adoption of this model. The strategy includes an action plan to accompany the transition toward a hybrid model of work.

This action plan explicitly programmes:

- Investments in new infrastructures to improve the connectivity in rural areas: development of high-speed broadband in the whole country and creation of remote work network in remote areas;
- Tax arrangements to promote remote work;
- A Fund to re- and upskill the workforce to the skills needed for remote work: the strategy acknowledges that new skills are needed to embrace this transition and plan to put in place a skilling Fund.

Finally, Irish workers will be granted the right to request a remote work arrangement.

Impact of remote work on productivity

If working remotely (partially or fully) is to become the norm in the long-term, we need to rethink the way we measure performance and the way we manage teams. We should shift from an approach that conflates performance with presenteeism to an approach that values outputs. This shift does not go without obstacles and needs to be accompanied by appropriate policies to ensure that remote work goes hand in hand with higher productivity and better management.



Adopting a continuously changing mindset towards employees' well-being (which in itself is important for productivity), working time and productivity, is extremely critical for success. Productivity should be measured based on outcomes rather than on working hours.

Mthunzi Mdwaba

Former IOE Vice-President to the ILO & ILO Vice-Chairman

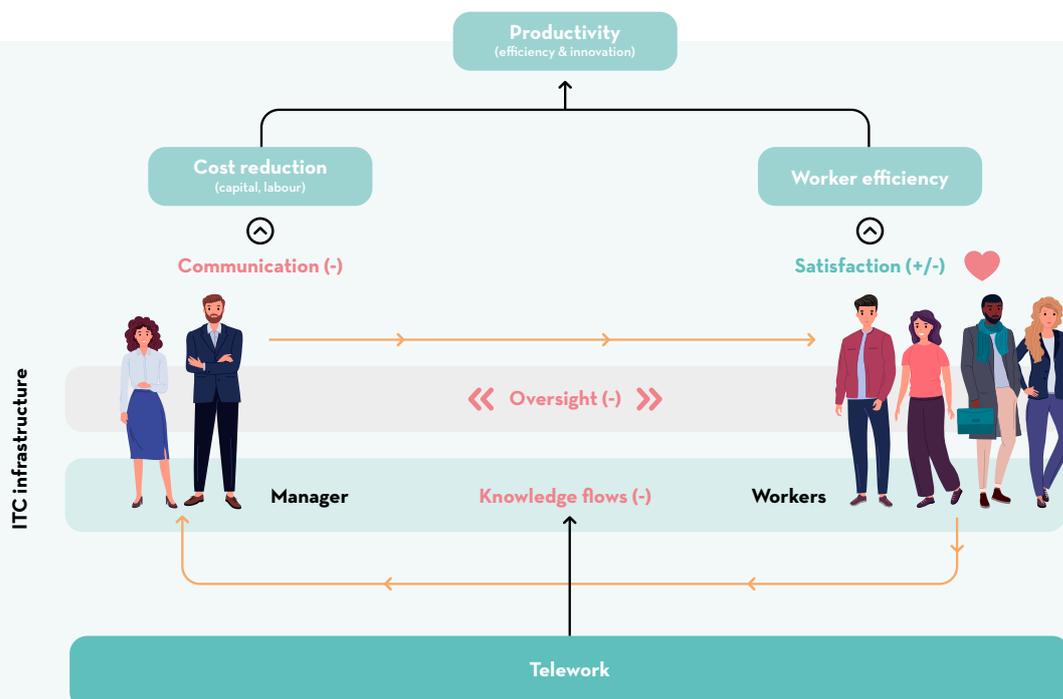


We identify three channels through which remote work impacts productivity:

- Employee satisfaction and well-being
- Reduction of knowledge-flows and interactions
- Managerial skills for remote work

This illustration below is inspired from the OECD model on telework¹⁰, and as it suggests, on the one side productivity can be impacted by the reduction of interactions between co-workers and the consequent reduction of knowledge-flows and sense of belonging. This latter point is particularly important when it comes to newcomers who are not properly onboarded into

the company due to the lack of contacts and for junior positions who lack the opportunity to learn from their peers. On the other side, productivity is impacted by the workers' satisfaction. For some, working from home can increase their satisfaction and motivation by reducing commuting time, enabling a better work-life balance etc., which in turn translates into higher productivity. For others however, working from home can result in a sense of loneliness, higher stress and therefore, a loss of productivity. On top of that, the manager's ability to lead a remote team is a crucial determinant of a company's productivity. In other words, the worker's well-being and satisfaction is the determinant factor to make remote work, work.



Employee satisfaction and well-being

While working remotely can increase employees' productivity by boosting their satisfaction, it can also have a counterproductive effect if their mental and physical health and safety is not guaranteed¹¹.

Employees' physical health can be jeopardized if the working environment outside of the office is inappropriate. These ad hoc remote offices, as well as the ICT tools might not meet the required ergonomic standards which, according to a Eurofound report¹², could lead to increased physical problems, the most prevalent one being musculoskeletal disorders.

Furthermore, remote work can highly impact the mental health of employees. Research suggests that during the pandemic remote workers who do not benefit from support could be likely to work overtime, to skip breaks, and consequently to suffer from stress, anxiety, sleeping disorders, depression and burn-out. In addition, the fusing of private and work life can have harmful effects on the family and social equilibrium of employees, independently of their marital status or whether there are care situations to consider¹³.

Thus, workers' well-being should be at the core of the implementation strategy of remote work in the long run. It should however be noted that the impact of remote work on the physical and mental health of workers will not be the same during the pandemic and after the pandemic and they should not be confounded. Indeed, when the lockdown measures will be lifted, some of the challenges remote workers experienced during the pandemic, such as home schooling or the lack of social interactions, will no longer be. Hence, the focus should be on a long-term, sustainable and inclusive implementation of the remote work model.



We need to look ahead and seize the opportunities to transform our culture and business practices to continue to successfully compete in this new environment. With this in mind, we have created a set of principles to help colleagues and managers navigate through this shifting landscape and place the emphasis on how we prioritise key activities to drive business performance and manage the well-being of our most valuable assets – our people.

Gordana Landen
Chief HR Officer at The Adecco Group



In sum, by working from home, employees no longer have the same access to the infrastructure in the office aimed at enhancing their well-being, mental and physical health, such as ergonomic desk and chairs, healthy lunch or social areas. Those infrastructures therefore need to be recreated in the remote place of work. At The Adecco Group, we believe it to be in the employers' interest to foster a working culture where employees are encouraged to invest in their well-being, and where management also takes responsibility for their workers' physical and mental health. To achieve this goal, we think it is important to keep an open dialogue between workers and management and between social partners.

Mylia: the partner you need to improve Organizational Wellness

Mylia, part of the Italian Adecco Training business, offers consultancy services to improve companies' organizational wellness.

Recent events have emphasised the need for a company to invest in its employees' well-being and more importantly, it has been demonstrated that this investment leverages growth and innovation. Indeed, happy employees are 13% more productive!

Mylia is a human centric brand that aims to understand how people and the organisation interact with each other, so as to improve the Organizational Wellness of companies. By working on the following four areas, the employees' productivity can be enhanced:

- Working Environment & Safety: the mental and physical space people work in;

- Work processes: the way work and activities are organised, and aligned with the strategy;
- People Appreciation & Coexistence: the way people treat, communicate and value each other;
- Innovation: the degree of openness to embrace change and technological evolution.

The pandemic has made clear that we need to rethink our relationship with the organisation and that we need emotionally intelligent leaders. Mylia can help pinpointing the needs of the firms and address the problems to yield a satisfied and productive workforce.

The Adecco Group Foundation and the Workforce Vitality Innovation project

The Adecco Group Foundation's Innovation Lab designs holistic projects and solutions that have the potential to change the World of Work. As employees' well-being has never been more critical, the Workforce Vitality Innovation project aims to create a new paradigm to help businesses make the global workforce holistically healthy and fit for purpose. It is not an app, not a platform, but a combination of policy, practice, culture, environment, technology & tools to create stickiness.

This unique and straightforward framework unites both the top-down management and bottom-up feedback. Furthermore, the Workforce vitality model is clear and simple in that it hinges on a set of four elements of well-being: physical, mental, social and purpose. Thanks to the model being holistic in that it incorporates all elements and enablers of well-being, it can be used in various environments and can help any organisation

develop or improve its policies based on the real needs of the employees.

The Social Innovation project methodology has been codified, training materials developed, and a virtual version of the design sprint created, providing the blueprint for all future Social Innovation Lab projects.

Management style

Managing a team working remotely demands a whole new set of skills. Not only does it require to be able to guide and monitor workers, but it also requires creating a team spirit and a business culture virtually.

For the first aspect, managers need to be proficient in all relevant IT tools. For the second one; being able to virtually be inclusive and create a team spirit, they need to display emotional intelligence. As the Covid crisis has unveiled, employees want their managers to exhibit social and interpersonal skills. A survey conducted by The Adecco Group among 8'000 office-based workers has shown striking results: "74% of employees want their managers to demonstrate a leadership style focussed on empathy and a supportive attitude"¹⁴. Leadership needs reinvention and emotional intelligence is the new gold standard, but managers are currently not well-equipped.



The so-called STEM-pathy skills will be critical. There is a need for more empathy, more creativity, and more collaboration going forward¹⁵.

Alain Dehaze
CEO of The Adecco Group



To equip managers with the right soft and hard skills, companies should do two things. First, they should work on their communication strategy and on their onboarding principles to be able to integrate remote newcomers into the team as well as to keep experienced employees "onboard". Second, they should invest in both employees' and managers' re- and upskilling to make sure that they all master the necessary IT tools and to enable managers to lead a remote team.

Moreover, remote work has completely disrupted the way management exerts control and supervision over employees. Some companies have relied on tracking software that measure remote workers' online activity. As the value and effects of such tools are still to be determined, at The Adecco Group, we believe that an empathetic management style that drives employee satisfaction is a better warrant of employees' productivity and better suited to ensure employees' privacy rights.

The implementation of remote work can be a starting point to rethink management practices; instead of considering the hours as proxy for productivity, managers should consider looking at the output produced. Companies and policymakers should start thinking more creatively about control and productivity. Hours will still remain an important measure to track however, if only to avoid excessive hours for employees. In the context of hiring contingent workers, we might see some shift towards more contracting for an outcome (outsourcing to a provider), but hourly based options such as agency work will also remain relevant.

In this context, the regulatory framework should ensure that data privacy concerns are addressed when it comes to employee tracking, but also that innovative ways of driving employee engagement are not hindered.

The Adecco Group Action Plan: what we did, are doing and will do to support our People working remotely

At The Adecco Group, we are eager to embrace the New World of Work and endeavour to make it work for everyone; our partners, our associates, our stakeholders, and of course, our employees.

Hence, to ease the transition towards hybrid working models, we have put in place within The Group new resources and new guidelines: The Online Support Portal and The New World Working Guide.

The Online Support Portal

This portal accessible to all our People offers tools and resources around remote work. Ranging from tricks to enhance productivity to programmes promoting physical exercises, the portal aims at offering a holistic approach to remote work. To illustrate, here are some of the resources included, among many others:

- Advice to efficiently manage a remote team
- Upskilling and development opportunities
- Free access to well-being Apps
- Free access to Home workouts videos
- Emotional support line

The New World Working Guide

In the New World Working Guide, we outline five principles that will steer the way we operate in the New World of Work. Those five principles are:

- Hybrid working: a balance between office and remote work is to be found, acknowledging that some activities are better done in person. For example, establishing and developing new relationships, team collaboration, on boarding and training of new colleagues.
- Well-being: we take deliberate and accountable action to drive well-being – for ourselves and others.
- Agile working: we prioritise customer and candidate centricity and role model behaviour that drive agile and value add ways of working. We provide ongoing training and development opportunities to adapt to new ways of leading and delivering in a virtual way.

- Delivering results – objectives: we drive clarity around KPIs, frequency of measures of productivity, efficiency and focus to empower mutual trust.
- Smart planning: we engage in “smart planning” to determine the location of work – i.e. we enable employees to better plan their office time by indicating which other colleagues will be present as well. We respect The Adecco Group “business operating hours” to continue to drive connectivity, business continuity and collaboration in a volatile landscape while acknowledging the need, at times, for flexibility in working hours (due to personal circumstance, client needs etc.)

What we will do next:

To foster those principles, we will undertake new measures:

- Transforming our offices: we will redesign our real estate to be more in line with hybrid working models. With a focus on in-person collaboration work, 70% of our space will be changed into meeting rooms and collaborative areas.
- Investing in technology: we want to broaden our offer of technological tools to enhance experiences of hybrid working models.
- Re- and upskilling our workforce: with The Adecco Group University, we want to upskill and reskill our people with a focussed pillar on NWW behaviours, such as empathetic leadership, creativity and agile thinking.

Cost, wage and tax implications of remote work

Employing a workforce that performs remotely has consequences on the way wages and taxes are to be calculated. Yet the consequences differ depending on whether the workforce is fully remote, or only partially.

Working remotely comes with recurrent costs (Wi-Fi, rent, electricity, heating etc.) as well as costs to set up a remote office (chair, screen, software etc.). Policies should thus be set up, in line with the regulation of the country the work is being performed in, making clear which costs are incumbent upon the employer or the worker and which costs can be supported by the Government, for example via tax incentives. Moreover, employers' and employees' insurance policies need to be adapted to account for the fact that workers are performing outside of the firm's offices.

In the case of a fully remote workforce, the market for talent would instantly become global, likely providing remedy to the talent scarcity observed in many countries, assuming that the set of skills required can

simply be sourced in another country. With that access to a globalized talent pool, businesses may be able to build their workforce needs based on a set of criteria, which may also – but not only – include access to talent based in low income countries.

In the case of a workforce that adopts a hybrid model (i.e. that only partially works remotely), the tax systems should account for these arrangements and avoid a double-tax burden for employees. This is especially relevant for cross-border workers, i.e. workers who work for a company based in a specific country but live in another. Governments should therefore engage in bi- or multilateral negotiations to clear this double-taxation problem and to ensure social security provisions are met appropriately. Such agreements should also set clear rules that take into account the increased ease of mobility. In some cases, work may be done in a different jurisdiction in the morning than in the afternoon. Tax systems may not be agile enough for this new reality.

Cybersecurity and tools

The Covid-crisis has unveiled the importance of having the right (IT) infrastructure and back-office to carry out the work remotely or in a hybrid way. With the right IT tools, technology can ease the process and execution of numerous tasks. Companies must however remain highly vigilant to cyberattacks; the spread of the remote work model has made businesses even more vulnerable, as remote workers and teleworkers may access sensitive data through remote networks. Thus, if remote work is to stay in the long term, securing the companies' files is of prior importance and doing so requires investing in additional IT security tools and training employees to raise their awareness.

Key points

In sum, if - and as - remote work is to remain, we need to ensure that this model is implemented in an inclusive, sustainable and secured way, which demands new investments and new policies. The investments include purchasing new ICT tools for teleworkers, setting up a working environment at home, changing the insurance policies to account for work accidents occurring at home, and most importantly, re- and upskilling the workforce. As mentioned, employees and managers need to acquire new skills, especially in the areas of IT, management and cybersecurity. We categorize the aspects that need a regulatory response as follows:



Inequalities

If unregulated, remote work could worsen inequalities, as not all workers enjoy the same access to this model. Inequalities may also arise between workers who decide to return to the workplace.



Productivity

To ensure that remote work goes hand in hand with an increased productivity, a strong focus should be put on workers' physical and mental well-being.



Cost, wages and taxes

Working remotely implies new costs, and potentially new ways of calculating wages and taxes. On the company level, employers should make clear which costs are incumbent to who and governments should adapt the tax system to this new way of working.



Cybersecurity and IT tools

The spread of the remote work model has made businesses even more vulnerable to cyberattacks and investments in IT tools are needed, as well as re- and upskilling of the workforce to enable employees to embrace the full potential of the remote work model.

Existing legislation

Key International Conventions and legislations have been set up for many years framing the working conditions (such as importantly working time and occupational health and safety of workers) at global, regional level and in most countries around the world.

International Frameworks

At the global level, the following Conventions and Declarations apply in the context of remote work:

ILO Standards on Working Time (1919-1994)¹⁶:

The ILO standards on working time encompass various instruments, that have been implemented from 1919 to 1994 and that safeguard workers' physical and mental health, while ensuring high productivity. These standards concern hours of work, daily and weekly rest periods, and annual holidays.

ILO Recommendation 97 on Protection of Workers' health (1953)¹⁷:

This Recommendation states that it should be the employer's responsibility to ensure that the conditions in places of employment provide adequate protection to the health of workers.

ILO Convention 155 - Occupational Safety and Health Convention (1981)¹⁸:

This Convention declares that Member States should implement and periodically review national policies on occupational safety, occupational health and the working environment. In this Convention, the workplace is understood in its broader term and includes all places where workers have to carry out tasks.

ILO Declaration on Fundamental Principles and Rights at Work (1998)¹⁹:

Through this Declaration, Member States are committed to respect and promote i) freedom of association and the effective recognition of the right to collective bargaining ii) elimination of forced or compulsory labour iii) abolition of child labour iv) elimination of discrimination in respect of employment and occupation, whether or not they have ratified the respective Conventions.

European level

On the European level, the following Directives and Agreements are relevant in the context of remote work:

Framework Directive on Occupational Safety and Health (OSH - 1989)²⁰

Council Directive on the minimum safety and health requirements for work with display screen equipment (1990)²¹

The European Framework Agreement on Telework (2002)²²

The European Working Time Directive (2003)²³

The Work-Life Balance Directive (2019)²⁴

The Transparent and Predictable Working Conditions Directive (2019)²⁵

European Social Partners Framework Agreement on Digitalisation (2020)²⁶

European Parliament Motion for a directive on the right to disconnect (2021)²⁷

With those Directives and Agreements, some dimensions of remote work are regulated. Namely, the employee's working time and workplace(s) are known in advance and are stipulated in the contract. Furthermore, the directive on OSH assigns to the employer the responsibility to ensure a safe and ergonomic workplace and finally, the modalities for connecting and disconnecting are set out.

In January 2021, the European Parliament called for a Directive to the Right to Disconnect. The motion highlights that the adoption of the remote work model, if unregulated, has some harmful effects. It mentions the rise of overtime, the "always on culture", fatigue and the resulting increase of stress, anxiety and burnout as one of the negative effects remote work has on the mental health. To address that, the Parliament wants to grant workers the right to disconnect, without facing repercussions and wants to implement minimal requirements for remote work. In addition, the motion touches upon the risks of non-ergonomic home offices to the physical health of employees.

At The Adecco Group, we share the analysis that digitalization, especially accelerated by the Covid pandemic, raises important questions about workers' physical and mental health. In our mission to protect workers, we should however not lose sight of the benefits that the new opportunities bring to workers

and employers alike. In our view, a European Right to Disconnect risks being too rigid, and overlooks a number of existing tools that could first be further developed. Not only is the ergonomic aspect of remote work already covered for in the OSH Framework Directive, but the modalities around the right to disconnect have already been agreed upon between the European Social Partners within the "European Social Partners Framework Agreement on Digitalisation", while the Working Time Directive sets out clear rules on working and rest time. Therefore, more than a European Directive, we encourage and foster an open dialogue between workers and management, both in individual cases as well as through formalized social dialogue.

What is mainly overlooked in the current debate, is the topic of remote work for agency workers and other workers in diverse forms of work. As The Adecco Group has shown in 2020, when set up in the right way, agency workers can also benefit from remote work. This may however require additional guidance for employers.

In sum, remote work, if unregulated, could have hazardous consequences and the existing legislations do not encompass all aspects of remote work as we experience it today coming out of a year of pandemic-related experiences. We thus see the following gaps in the current legislation:



Issues to be addressed	Our position
Right and duty to remote work arrangement	<p>The Work-Life Balance Directive ensures that “flexible working arrangements” can be requested by working parents and carers but this right is not guaranteed for other workers. That gap deserves to be addressed, although we do not believe such a right can be unilateral.</p> <p>The Adecco Group believes that remote work arrangements must be the result of a mutual agreement between the employer and the worker.</p>
Occasional telework	<p>While a framework on telework exists, it only covers ‘full time telework’ and does not cover remote work performed on an occasional basis.</p> <p>As The Adecco Group is working toward enabling hybrids forms of work, we believe that occasional telework should be covered.</p>
Costs / wage / tax	<p>Who should bear the costs related to remote work (electricity, heating, rent etc.), the wage and tax implications of remote work are not covered by the existing legislations. This matter is further complicated when looking at occasional telework.</p> <p>The Adecco Group fully complies with the national legislations and would urge government to engage in tax negotiations to avoid a double fiscal burden for workers working remotely across different jurisdictions.</p>
Surveillance tools and privacy	<p>The use of surveillance tools to monitor remote workers is a highly sensitive issue that needs to also be treated in the context of Data Privacy and Data Protection.</p>

Focus on the Right to Disconnect in Europe

While the EU Motion for the Right to Disconnect might be considered as not fit for purpose in some countries, others, such as **France, Spain** and **Italy** have already adopted it.

In **France**, it has been made compulsory to discuss the issue of the right to disconnect and the work/life balance since 2017. In this sense, employers must implement mechanisms to regulate the use of digital tools.

Spain implemented a right to digitally disconnect in 2018, expanding on the European Data Protection legislation. It is expressly mentioned that this right applies in cases of remote work and homeworking. The implementation of the law must be done by collective bargaining at sector or company level.

In **Italy**, since 2017 employees can request a “smart-working” arrangement that allows them to manage their working time and location flexibly. Those smart agreements include a right to disconnect.

National level

Some countries already have some legislations or framework regulating the remote work model. Since the outbreak of the COVID-19 pandemic, many countries are in the process of legislating on and framing remote work. This is for example the case of Germany and Hungary where new legislations are expected in the course of 2021.

We present 16 countries that have in recent months put in place some regulations to frame remote work²⁸. While some countries have made amendment to their law as a response to the Covid-19 pandemic, others had anticipated this change before and we offer a comparative overview of those regulations. We expand on the employees' and employers' obligations and duties in the countries with accessible data.

A comparative analysis

We can see that out of the 16 countries considered, remote work arrangements are the result of a mutual agreement between the employer and the employee for 13 of them, and that this arrangement must be formalised in a written contract in all countries, with the exception of **Argentina, Austria, Chile** and **Mexico**. Moreover, 6 countries give employees the right to request such an arrangement to the employer and the employer has the duty to consider it and must give a justified answer within a specific time range. Noteworthy, there are ongoing discussions in the **UK** to make the flexible arrangement the default option.

In **Mexico, Italy, Netherlands, Poland, Portugal** and **Spain**, the conditions for the reversibility of this arrangement have been clearly enshrined in the law, while other countries rely on the remote work contract or on collective agreements.

By updating their legislation to remote work, five countries (**Italy, Spain, Argentina, Chile** and **Mexico**) have included the right to disconnect for employees without facing repercussions and 8 countries have specified that remote workers must be able to enjoy the same rights and opportunities as other workers in terms of wage, training, career advancements, access to information etc.

Regarding the provision, installation and maintenance of the necessary equipment to remote workers, 7 countries have explicitly assigned the responsibility to employers and only 5 countries have stated that employers must bear the costs related to remote working. For the other countries, those aspects must be clarified in the remote work contract or by collective agreement.

Belgium and **Italy** are the only countries in which the Law clearly stipulates that employers must provide workers performing remotely an insurance. The **UK** enshrined this matter in the legislation as well but assigned to employees the responsibility to ensure that their insurance covers remote work.

In **Mexico, Romania** and **Spain**, the new legislation covers the matter of surveillance and Privacy Rights. Those countries allow the use of surveillance technology (video-surveillance and/or audio-surveillance) to monitor employees' activity. Those countries highlight that it must be done in the respect of employees' Privacy Rights and Dignity. Other countries leave it to the employer to include this aspect in the remote work contract or to the social partners.

3 Governments (**Austria, Ireland** and the **Netherlands**) have implemented tax incentives and subsidies to accompany the transition toward a hybrid work model and to promote the adoption of remote work. Ireland also included an investment plan to improve the infrastructures needed for remote work (development of high-speed broadband in the whole country and creation of remote work network in remote areas). In fact, Ireland is the first country to have published a Strategy for remote work whose aim is clearly to promote and enable the widespread adoption of this model.

Finally, the **United States** and **Japan** are the two countries that did not implement any legislation around remote work on a national level. In the case of the **United States**, remote work is mainly regulated on a State level, whereas for Japan, the government did not make any amend as remote work is still relatively rare, even after the pandemic.

Comparative overview of countries that have put in place legislation on remote work

	Conditions for remote work		Employee's rights/obligations			Employers' rights/obligations					Government's actions	
	Contract ^A	Voluntarily basis ^B	Right to request ^C	Right to disconnect	Equality of rights ^D	Costs ^E	Equipment ^F	OSH ^G	Insurance ^H	Surveillance ^I	Tax incentive	Subsidy/ investments
Argentina		X		X	X	X	X		X			Argentina
Austria		X				X					X	Austria
Belgium	X	X				X	X		X			Belgium
Chile		X		X	X		X					Chile
Denmark	X	X						X				Denmark
Ireland	X		X								X	Ireland
Italy	X	X	X	X	X			X	X			Italy
Japan												Japan
Mexico		X		X		X	X		X			Mexico
Netherlands	X	X	X		X		X	X			X	Netherlands
Poland	X	X	X		X	X	X	X				Poland
Portugal	X	X	X		X			X				Portugal
Romania	X	X					X		X			Romania
Spain	X	X	X	X	X	X	X	X		X		Spain
UK	X	(x) ^J			X							UK
USA					X		X					USA

A) x = the Law obliges a remote work contract to be signed between the employer and the employee

B) x = the adoption of a remote work arrangement must be voluntarily and mutually agreed

C) x = employees have the right to request a remote work arrangement that the employer has the duty to consider. The conditions of eligibility to request a remote work arrangement may vary across countries

D) x = the Law explicitly stipulates that remote workers enjoy the same rights as other employees in terms of training, career opportunities etc.

E) x = the Law explicitly obliges employer to reimburse cost related to telework (Wi-Fi, electricity, etc.). For the other countries, the cost reimbursement must be agreed upon in the remote work contract.

F) x = the Law explicitly obliges employer to provide equipment (computer, software etc.), to install and maintain it.

G) x = the Law explicitly stipulates that employer must ensure the same health and safety requirements in the remote location as the rest of the company

H) x = the Law explicitly stipulates that employers must cover for accidents occurring at the designated place of remote work and during specified working hours

I) x = the Law explicitly allows employer to use ICT to control and to monitor remote working employee's activity

J) Discussions are ongoing to make the flexible work the default option

Policy Recommendations & Conclusion

The Covid-crisis has expedited a shift that has been in the making in past years, as technology has evolved. Today, data suggest that on average both employers and employees would favour a hybrid work model that mixes remote work with in-person collaboration. However, if unregulated, the implementation of remote work in the long term could have negative consequences.

To fully embrace this new world of work, we urge Governments and employers to take actions to frame remote work and to accompany the transition towards this new model.

Recommendations

More precisely, we urge Governments to:

• **Provide a legislative framework** for remote work.

The framework should answer the following questions:

- **Contractual obligations:** What are the conditions for remote work? Are they given by contract or on a voluntary basis? And can they be reversed? Does the framework allow for employees to request a remote work arrangement? If needed, can employers deny such a request and under which criteria?
- **Employees' right and obligations:** What are the employees' right and obligations? Do they have a Right to request remote work? Should the country introduce a Right to disconnect? Is there equality of Rights?
- **Employers' rights and obligations:** What are the employers' rights and obligations? Can they request from employees to work remotely?
- **Equipment:** who should provide /pay/install/ maintain equipment necessary to the practice of remote work?
- **Cost:** who should bear the cost associated with remote work (rent, Wi-Fi, electricity etc)?
- **Surveillance:** to what extent can employers make use of surveillance software to monitor employees' activity?
- **OHS:** are employers responsible for the compliance to OHS standards in the remote place of work?
- **Insurance:** do employers have to cover for accidents occurring while working remotely? What are the locations and hours covered?
- **Address inequalities:** promote remote work for underprivileged groups and underserved populations
- **Invest in the right infrastructures:** invest in infrastructure to close the connectivity-divide between urban and rural areas
- **Adapt the tax system:** engage in tax negotiations with other countries to avoid a double tax burden for remote workers and adapt the tax system and what can be deduced from earning to account for the new work-related costs remote workers have to pay (rent, heating, electricity, food etc.)
- **Support re- and upskilling:** support and contribute to companies' endeavour to re/upskill the workforce by introducing tax incentives or direct subsidies

And we urge employers to:

- **Address inequalities:** break out the different tasks that need to be accomplished within a job and to redesign as many of them in such ways that enable employees to work from the location of their choosing. Moreover, design new jobs and new opportunities that embed the remote work model
- **Invest in the right infrastructures:** invest in ICT infrastructure to enable workers to efficiently work

remotely and rethink the office space to embrace the hybrid model and put a focus on collaborative areas.

- **Re- and upskill:** determine the digital skill gap of their workforce and upskill
- **Adapt Leadership:** promote a management based on empathy, agility and creativity



Remote work has increased exponentially during the COVID-19 crisis – in Europe, it rose from a mere 5% of individuals regularly working from home to 39% in the first wave of the pandemic. Teleworking has allowed many companies and workers to continue their activities during the often strict confinement periods. Its longer-term potential benefits have become clear – easier and more flexible access to work, reduced commuting among others -- but so have the challenges. Not only are there concerns about wellbeing, but access to teleworking during the pandemic has been highly uneven: twice as many high-skilled workers were able to work from home as those with lower skills who often lacked basic equipment (a broadband or even a tablet or computer) or the minimum digital skills. Remote working is probably here to stay even if not to same extend seen during the pandemic: policymakers and social partners must work together to make telework accessible wherever possible and beneficial for workers and employers alike.

Stefano Scarpetta

Director, Employment, Labour and Social Affairs, OECD



Remote work could be a turning point in the World of Work. With the adequate policies in place, its long-term implementation will boost productivity, foster a better work-life balance and address the talent scarcity. For that, it is crucial to accompany the transition to make it inclusive, fair and profitable. The Adecco Group is committed to make the future work for everyone, remotely or not, and as such we prompt social partners to engage in the topic.



Annex

Insight on countries that have introduced specific legislation on remote work, in alphabetical order:

Argentina

In August 2020, Argentina adopted new Laws regulating remote working, including working hours, the employer's responsibility to provide equipment, the employee's right to be reimbursed for expenses, and the right to disconnect.

Moreover, the Law specifies that the remote work arrangement is agreed upon on a voluntary basis and unlike other countries, it is the worker who is granted the right to request a return to an in-office work model. Remote employees are to be granted the same rights and obligations as employees performing their duties in person, and that their remuneration may not be lower than what an employee working on-site receives. Training on remote working will be required. Besides, the law prohibits the use of surveillance and monitoring software that might violate the worker's privacy.

- The frequency of telework,
- The time during which the remote worker should be reachable and;
- The place(s) the teleworker will perform from.

On top of that, the employer provides all the necessary equipment and must cover the cost related to remote work (f. ex. communication and connection costs). Relatedly, if an accident occurs at the designated place of telework and during the specified working hours, it is then presumed to be a work-related accident. Finally, the employer must ensure that the teleworker keeps the same rights and opportunities as other workers.

Austria

In January 2021, Austria implemented a directive on remote working which also includes a tax incentive. The directive specifies that remote work arrangement must be mutually agreed by the employer and the employee. In terms of costs, the directive attributes to the employers the obligation to reimburse the cost related to telework, such as digital resources, computer, telephones and Wi-Fi access. For the employee, the directive allows to deduce from the taxes the part of the electricity and heating cost that is attributed to the remote work, as well as the purchase of office furniture.

Denmark

In spite of the fact that occasional telework was relatively widespread in Denmark before the pandemic (30% of Danish people worked remotely on occasion), this model is mainly regulated by individual agreement or company level agreement, thus, terms and conditions vary across sector. Yet, the voluntary nature of remote work is clearly enshrined in the Law.

Belgium

Since 2008, regular telework is regulated by a collective agreement. It specifies that telework must be carried out on a voluntary basis and must be formalised in a written agreement between the employee and the employer. Notably, the agreement has to include the following elements:

Chile

In March 2020, Chile also introduced a Law regulating some aspects of remote working. The law ensures that remote work must be mutually agreed upon and that the employer must provide, install and maintain the working tools.

It is also mentioned that the employee can still access the company's facilities to participate in any collective activity. Moreover, while the law offers flexibility in terms of working hours and working location, a right to disconnect and a resting period of 12 continuous hours per day must be respected.

Ireland

Ireland is the first country to have published a Strategy for remote work whose aim is clearly to promote and enable the widespread adoption of this model. The National Remote Work Strategy; “Making Remote Work” issued in January 2021 plans to adopt new legislations and to introduce a code of practice.

Irish workers will then be granted the right to request remote work arrangement. When it comes to the costs associated with remote working, the strategy specifically outlines that there is no legislation governing how, and who should bear them. In a remote working agreement, the parties must agree on the way to process and reimburse costs.

A tax arrangement will be implemented for both employers and employees so as to promote remote work.

Furthermore, to enable remote work, the strategy also includes actions to improve the infrastructures (development of high-speed broadband in the whole country and creation of remote work network in remote areas) and it envisages a tax arrangement for both employers and employees so as to promote remote work. Ultimately, Ireland aims to move 20% of Public Institutions workforce to remote work.

Finally, the strategy points out that re- and upskilling will be needed to carry out remote work efficiently and acknowledges that public policies will be necessary to address the new skills requirements.

Italy

In 2017, Italy introduced a new Law, called “smart working”, that poses a legal framework to allow more independency and flexibility to employees, both in terms of working hours and location. Telework is covered by its provisions.

Those “smart work” agreements, whose aim is to better reconcile private and professional life, are put in place on a voluntary basis, and by individual agreement between the employer and employee. The individual agreement must cover the following elements:

- the tasks to be carried out outside company premises

- the conditions governing the use of computers and mobile devices
- right to disconnect during which the employer may not contact the employee
- working hours
- surveillance: the agreement should outline how the employee’s activity will be monitored

Additionally, overtime is forbidden, as it is in full contradiction with the “smart working” principles. Comparably to Belgium, employees are covered against accidents occurring outside the office premises during working time and workers making use of the “smart working” have access to the same opportunities, treatment and pay as other workers.

Furthermore, due to the Covid-19 pandemic a series of law decrees have been passed in order to allow public administrations to implement telework or ‘agile work’ even in the absence of individual agreements required by current legislation. In 2020 the Italian government created the national observatory of agile work in Public Administrations and the Organizational plan of agile work (POLA) that elaborate regulatory and technical proposals as well as studies and analysis activities to support the elaboration of proposals for the implementation of agile work in public administrations, also taking into account successful national and international best practices including in the private sector.

Japan

Remote work and telework arrangements are not common in Japan as the recognition of employees’ competences is tightly tied to the number of hours spent in the office. While the number of teleworkers did increase during the covid-19 pandemic, there was no surge in that form of work, as the State of Emergency, put in place in May 2020, was not binding for businesses. As such, there is no legislation framing remote work on a national level.

Mexico

Remote work and telework is now specifically regulated by the Mexico’s Federal Labour Law (FLL) for employees who perform remotely for at least 40% of the working time.

The Law stipulates that remote work should be voluntary and reversible by both parties. It also precises that employers bear the telework-related costs, including a “proportionate amount of electricity”. The right to disconnect “at the end of the working day” is specified but no mention is explicitly made of rest periods.

Finally, Mexico allows the video-surveillance and audio-surveillance of employees “on an exceptional basis” and while respecting employees’ privacy.

The Netherlands

In the Netherlands, employees have the right to apply for a telework agreement that employers have the duty to consider.

This agreement must frame telework and address practical issues such as the availability of the teleworker, the costs and reimbursement, data security and privacy, the conditions for termination etc. The teleworkers must enjoy the same rights and opportunities as other employees. Moreover, it is the employer’s responsibility to provide an ergonomic working environment to the teleworker and to this end, the employer is obliged to visit the worker’s home and ensure that it complies with OSH standards.

The Netherlands have some additional legislative framework that specify telework rights for Public Institutions. Furthermore, the Dutch government endeavours to promote telework by offering subsidies, such as a subsidy for household computer equipment, and by implementing favourable tax policies.

Poland

In Poland, employees have the right to apply for a telework agreement that employers have the duty to consider.

This agreement must frame telework and address practical issues such as the availability of the teleworker, the costs and reimbursement, data security and privacy, the conditions for termination etc. The teleworkers must enjoy the same rights and opportunities as other employees. Moreover, it is the employer’s responsibility to provide an ergonomic working environment to the teleworker and can, to this end, visit the worker’s home.

Poland is one of the few countries that explicitly gives employers the right to submit a request for remote work to employees.

Portugal

In Portugal, employees have the right to apply for a telework agreement that employers have the duty to consider.

This agreement must frame telework and address practical issues such as the availability of the teleworker, the costs and reimbursement, data security and privacy, the conditions for termination etc. The teleworkers must enjoy the same rights and opportunities as other employees. Moreover, it is the employer’s responsibility to provide an ergonomic working environment to the teleworker and can, to this end, visit the worker’s home.

Romania

In Romania, employees have the right to apply for a telework agreement that employers have the duty to consider.

This agreement must frame telework and address practical issues such as the availability of the teleworker, the costs and reimbursement, data security and privacy, the conditions for termination etc. The teleworkers must enjoy the same rights and opportunities as other employees. Moreover, it is the employer’s responsibility to provide an ergonomic working environment to the teleworker and can, to this end, visit the worker’s home.

Spain

In September 2020, Spain enacted a decree-law on remote work for employees performing tasks remotely for more than 30% of the working time, and for a period of at least three months.

The law stipulates that the telework arrangement must be voluntary and reversible. The company must sign an individual agreement with the teleworker which addresses the practicalities of remote work, including equipment, working hours, conditions of reversibility, workplace, monitoring tools, costs, etc.

The conditions around the employee's availability can possibly be made explicit, knowing that the decree has repeated the rights to digitally disconnect, guaranteeing the respect of rest time. Besides, the obligations to keep record of the working time also applies to the telework arrangement.

In terms of costs, the employer must bear the expenses for equipment, tools and other costs related to telework.

Finally, the decree precises that the privacy and dignity must be preserved while monitoring the activity of the teleworker.

United Kingdom

Similarly to The Netherlands, Poland, Portugal and Romania, workers in the UK can apply for a telework arrangement that employers have the duty to consider. This agreement must frame telework and address practical issues such as the availability of the teleworker, the costs and reimbursement, data security and privacy, the conditions for termination etc. The teleworkers must enjoy the same rights and opportunities as other employees.

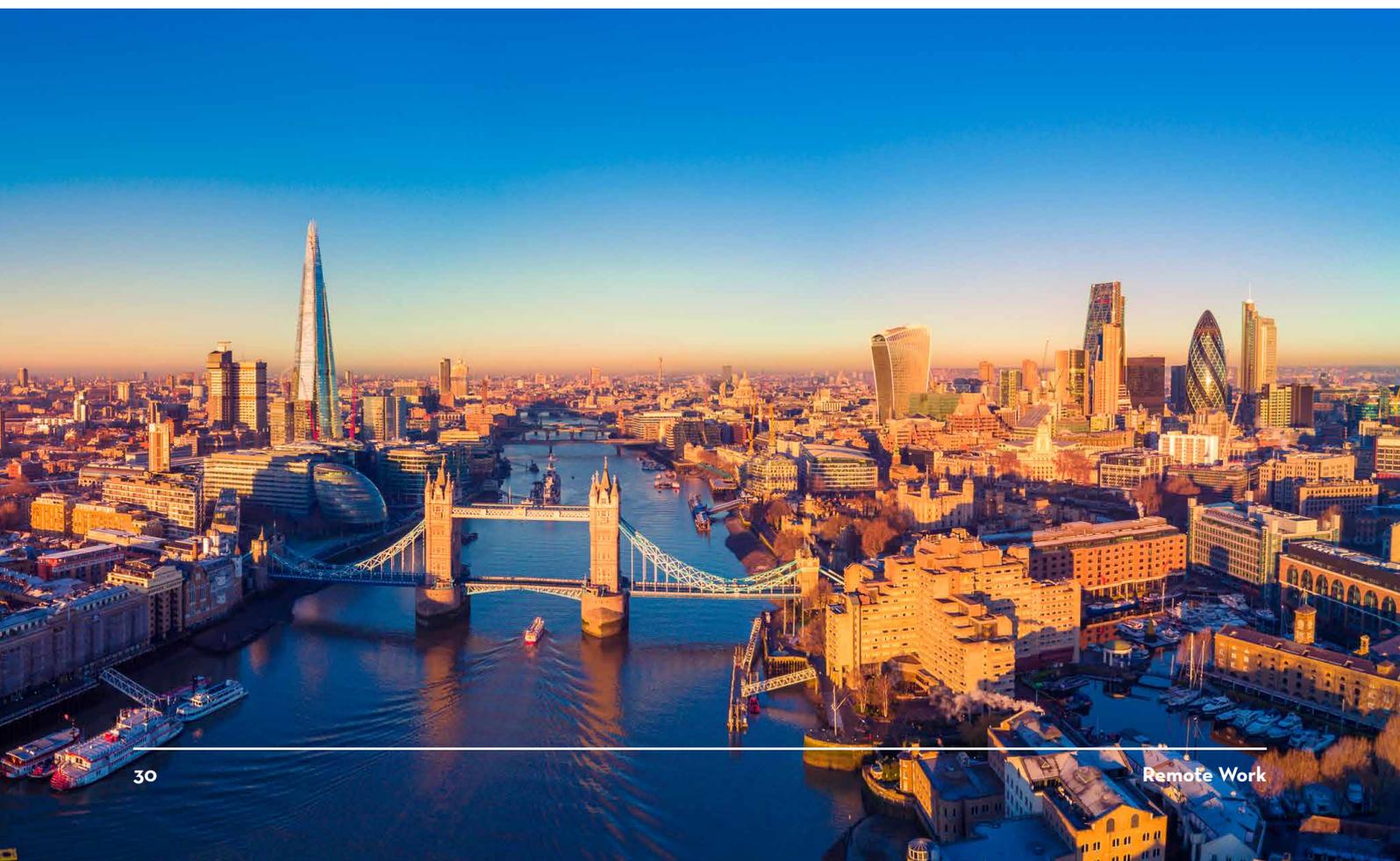
However, in contrast to the other countries, in the UK it is the employee's responsibility to make sure with the lender, landlord, and insurance company that she/he may work from home and that damages caused by professional equipment are insured.

Discussion are ongoing to make flexible working the default option.

United States

The United States did not implement a framework on remote work at a federal level. However, it has been made clear that some federal labour law also applies to remote workers. This in the case, for example, for the employer's obligation to ensure a safe and healthy work environment to employees and to insure them in case of work-related accidents, as well as the duty to ensure that remote workers and office-based workers benefit from the same opportunities.

In case a remote worker is performing tasks from another State than the State in which the business is located, the law of the State where the employee is located is applicable.



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