

CEC European Managers Response to European Commission's

Consultation on Telework and the Right to Disconnect

CEC European Managers appreciates the opportunity to contribute to the European Commission's consultation on telework and the right to disconnect.

After a thorough review, we offer the following comprehensive response, incorporating insights from our diverse member organisations.

I. Do you consider that the Commission has correctly and sufficiently identified the opportunities and challenges related to telework and the right to disconnect?

If not, what challenges or opportunities have been incorrectly or insufficiently identified, or what other challenges and opportunities could be considered?

CEC European Managers stresses the need for comprehensive and harmonized teleworking policies prioritizing health and safety, cybersecurity, managerial support, equal treatment, and sectoral flexibility. By addressing these critical areas, the European Commission can effectively support a balanced and sustainable telework approach, benefiting employers and employees across the EU.

Health and Safety

Telework introduces significant risks, including poor workstation ergonomics, sedentary lifestyles, visual fatigue, and psychosocial stress. It is crucial to implement safeguards to mitigate these risks and enshrine the right to disconnect as a fundamental condition for telework.

Recommendations:

- Establish clear guidelines for ergonomic home workstations.
- Implement mandatory training programs addressing health and safety for teleworkers.
- Ensure access to mental health resources and support mechanisms.
- Define and enforce the right to disconnect to prevent burnout and maintain work-life balance.

Cybersecurity

The shift to telework requires robust security measures to protect data and systems accessed remotely. Enhancing employee awareness of cybersecurity threats and strategies is essential, alongside regular cybersecurity assessments and monitoring.

Recommendations:

- Develop comprehensive cybersecurity training for all teleworkers.
- Conduct regular security assessments and penetration testing.
- Establish clear protocols for secure remote access and data handling.

Managerial Challenges and Continuous Operations

Managers, especially in sectors requiring continuous operations like healthcare, face difficulties exercising the right to disconnect. Urgent decisions must often be made outside regular working hours, necessitating clear guidelines on exceptional circumstances. Additionally, there is a need for clarity on employers' rights and obligations regarding employee monitoring during remote work.

Recommendations:

- Define exceptions to the right to disconnect for critical and emergency situations.
- Provide guidelines on ethical employee monitoring to balance productivity and privacy.
- Support managers with training on handling hybrid teams and maintaining boundaries.

Equal Treatment and Non-Discrimination

Ensuring fair treatment and non-discrimination in telework is vital. Teleworking can promote gender equality and offer opportunities to various marginalized groups, but it should not be viewed as a standalone solution to labor market inequalities. There must be targeted public policies to address pre-existing disparities.

Recommendations:

- Harmonize telework regulations across the EU to prevent disparities in worker protection.
- Implement targeted policies to support underrepresented groups in the labor market.
- Ensure that telework arrangements are voluntary and include financial compensation.

Legal and Organisational Framework

The rise of digital nomads and cross-border teleworking necessitates a uniform legal framework to address organization, health and safety responsibilities, taxes, and labor laws across Member States.

Recommendations:

- Develop an EU-wide legal framework for cross-border teleworking and digital nomads.
- Standardize health and safety regulations for teleworkers across the EU.
- Provide clear guidelines on tax obligations and labor laws for remote workers and employers.

Sector-Specific Considerations and Flexibility

Different sectors have unique needs that must be addressed in telework policies. Telework should be negotiated at sectoral or company levels with employee representatives to ensure that specific concerns are met. Teleworking arrangements must remain flexible and adaptable to the unique requirements of each sector.

Recommendations:

- Promote sector-specific bargaining to tailor telework arrangements.
- Involve worker representatives in telework negotiations.
- Ensure telework policies are adaptable to the evolving needs of different sectors.

II. Do you consider that EU action is needed to address any of the identified issues?

If so, what should be the direction of that action?

What should be the precise scope of that action – namely, should it cover telework, the right to disconnect, or both; and should it address all identified aspects of those topics, or only certain subsets thereof?

There is a clear necessity for EU-level intervention to address the fragmented landscape of telework and the right to disconnect across Member States. The diversity of national regulations creates inconsistencies that can undermine both employers' and workers' interests. Harmonized action at the EU level can establish a consistent and fair framework, ensuring that teleworkers receive equitable treatment and protection regardless of their location.

Scope of EU Action

EU action should comprehensively cover both telework and the right to disconnect, addressing all identified aspects to create a robust and inclusive framework.

A. Clear Rights and Protections for Teleworkers:

- **Right to Disconnect:** Establish an EU directive that enshrines the right to disconnect, ensuring workers are not obliged to engage in work-related activities outside of designated working hours. This is crucial for maintaining work-life balance and preventing burnout.
- **Non-Discrimination:** Implement measures to protect teleworkers from negative treatment or discrimination for exercising their rights.

B. Decent Working Conditions:

- **Equipment and Resources:** Mandate that employers provide necessary equipment and resources for telework, including ergonomic furniture and access to required software and tools. Employers should also reimburse teleworkers for additional expenses incurred while working remotely.
- **Monitoring and Transparency:** Ensure transparency in performance monitoring and protect teleworkers from unfair practices.

C. Safeguarding Health and Safety:

- **Risk Assessments:** Require employers to conduct risk assessments of teleworkers' home offices to identify and mitigate potential hazards, such as ergonomic issues or inadequate lighting.
- **Health Support:** Provide guidelines for ergonomic setups and training on maintaining health and well-being while working remotely.

D. Involvement of Social Partners:

Social Dialogue: Foster active involvement of social partners, including trade unions and employer organizations, in developing and implementing telework-related measures. This collaborative approach ensures that the interests of both workers and employers are addressed, promoting sustainable telework practices.

Recommendations for Specific Actions

A. Binding Legislative Initiative:

Introduce a directive that sets minimum standards for telework and the right to disconnect across the EU. This directive should be flexible enough to accommodate the specific conditions of different Member States and sectors while establishing a common normative foundation.

B. Framework for Cross-Border Telework:

Develop an EU-wide legal framework for digital nomads and cross-border teleworkers, addressing organizational, health and safety, tax, and labor law challenges.

C. Support for Managers :

Provide guidelines and training for managers to handle hybrid teams and maintain boundaries, ensuring that they can effectively exercise their right to disconnect even in continuous operation sectors.

D. Public Policies for Equality:

Implement targeted public policies to support underrepresented groups in the labor market, ensuring that telework contributes to reducing inequalities rather than reinforcing them.

E. Best Practices and Flexibility:

Encourage the adoption of best practices for telework through sector-specific bargaining and involvement of worker representatives. Ensure that telework arrangements are adaptable to the evolving needs of different sectors.

III. Do the potential areas for EU action set out in Section 7 of this document present a comprehensive overview of the action needed?

If not, what actions should not be pursued, or what other action could be considered?

The potential areas for EU action identified in Section 7 generally cover a broad and relevant range of issues related to telework and the right to disconnect. However, there are additional considerations and enhancements necessary to ensure the effectiveness and inclusivity of these actions.

Additional Considerations for EU Action**A. Hybrid International Work:**

The current document does not sufficiently address the complexities of hybrid international work, which involves working across different Member States. This requires special attention due to constraints related to employment contracts, social security, retirement, health and welfare, taxation, and unemployment compensation. A dedicated legislative initiative should be considered to manage these transnational issues effectively.

B. Cybersecurity:

Measures to enhance cybersecurity awareness and prevention for remote workers are crucial. The EU should implement initiatives to improve understanding of cybersecurity threats and establish protocols to protect sensitive information. Clear guidelines and training for employees on cybersecurity best practices should be an integral part of telework policies.

C. Right to Disconnect:

While establishing the right to disconnect is important, it must be implemented in a way that accommodates the diverse roles and responsibilities of different workers. Particularly for managerial roles, a rigid disconnection requirement might add stress. Therefore, this right should be tailored through social dialogue to reflect the varying needs across sectors and roles.

D. Enforcement Mechanisms:

Robust enforcement mechanisms are essential to ensure compliance with telework regulations. The creation of a dedicated Telework Compliance Agency could help monitor adherence, investigate complaints, and provide guidance. This agency would play a crucial role in enforcing telework laws and supporting both employers and employees.

E. Support for Small and Micro Enterprises:

Small and micro enterprises often face unique challenges in implementing telework. EU action should include targeted support for these businesses, such as financial assistance, training, and access to technological infrastructure. A Telework Support Fund could be established to help small businesses adopt telework practices effectively.

F. Promotion of Flexibility and Adaptability:

Telework policies should emphasize flexibility to accommodate diverse needs. The EU could develop guidelines promoting flexible work schedules, hybrid telework models, and personalized approaches to meet individual and sector-specific requirements. These guidelines would help tailor telework arrangements to different contexts.

G. Integration with Digital Transformation Strategies:

Telework should be integrated with broader digital transformation efforts. This involves enhancing digital literacy, supporting the adoption of digital collaboration tools, and investing in digital infrastructure. Aligning telework policies with digital strategies can foster innovation and sustainability in remote work practices.

Actions to Be Considered or Avoided

A. Avoid Overregulation:

It's important not to overregulate telework and the right to disconnect. Excessive regulation can stifle flexibility and innovation. Therefore, the EU should focus on setting minimum standards and providing guidance, while allowing Member States and social partners to adapt these frameworks to local contexts.

B. Focus on Social Dialogue:

Emphasize the role of social partners in negotiating and implementing telework agreements. Social dialogue is crucial for finding balanced solutions that reflect the interests of both workers and employers.