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LE TRAVAIL SOUS LE PRISME DES ÉVOLUTIONS TECHNOLOGIQUES ET ORGANISATIONNELLES DU XXIÈME SIÈCLE

Changer l'état des choses est aisé,
l'améliorer est très difficile
ERASME

Diffusion strictement limitée aux personnels des Institutions européennes

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Introduction

In the preceding issue (Graspe n°48), our general reflection focused on the evolution of work and management methods and the issue of occupational health. The former are long-standing themes, as we recalled the transformations of the European public service following the introduction of "New Public Management" and its detrimental consequences, leading to increased complexity that is difficult to manage due to the fragmentation of the European administration, a lack of clarity in the organisational system, the proliferation of specialised agencies, and consequently, a growing difficulty in coordinating increasingly diverse organisations. Concurrently, we also sought to identify innovative changes that were difficult to grasp in the 2000s and have now become a reality.

Indeed, we observe a weakening of collectivism in favour of the individualisation of tasks and functions, further reinforced by the near-generalisation of "hot-desking" methods and the marginalisation of cooperative practices and the use of external expertise. This has undermined the coherence of the European integration project, the common interest, collegial responsibility, the entirety of European values and norms, and the community method that the Commission is intended to uphold, and even extend to other areas of community policies.

It therefore seemed appropriate to dedicate a special issue to the issue of telework, its challenges, and the transformative perspectives it entails within public and private organisations, particularly within the European public service.

Since the 2020-22 pandemic, employers and employees have sought to adapt to a new mode of work where telework and hybrid work hold a predominant position. Now that the implementation of work is no longer mandatory for public health reasons, many are questioning the future of this work mode. The European agency responsible for working conditions, Eurofound (whose conference text for Graspe we reproduce here), has examined the trends inherent in telework in Europe. Preliminary research results show, as was predictable, that the pandemic led to a significant increase in telework in both the public and private sectors. Today, over 20% of the European working population is affected by this form of work, and this situation persists, leading to the conclusion that telework will become a significant norm[1]. However, this phenomenon has been accompanied by an intensification of work, as working hours have lengthened due to hyper-connectivity and the disruption of the work-life balance. Furthermore, there is a certain mobility of employees towards tasks that can be performed remotely.

Beyond obvious benefits such as reduced commute time and environmental impact, its widespread adoption also raises questions, particularly regarding worker disengagement, soaring absenteeism rates, and the managerial difficulties it generates.

In this issue, sociologist F. Lederlin conducted in-depth reflections on the transformations of work – from the individualisation of work relationships to what she calls the "taskification" of work, which leads to a de-

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[1] According to a recent study, in 2023, **work from home** accounted for 28% of paid workdays among the American active population. This represents a major societal shift compared to the pre-COVID situation, when this rate was only 7%. Source: Barrero J.M, Bloom N., Davis S.J. (2023), *The evolution of work from home*, Working Paper 31686, National Bureau of Economic Research.

responsibilisation of workers. She views telework or remote work as "a tool of alienation and atomisation" that denies the collective dimension of work. It is clear that the generalisation of telework can only occur through a hybridisation between telework and in-person work to facilitate informal exchanges and the socialisation of work collectives.

Concurrently, new "dualisations" are emerging: for example, between those with a fixed office where they can establish themselves and take ownership of space and work, and those who work in open-plan offices or even hot-desk. However, it is primarily structural cleavages that are appearing, and even strengthening, between categories of workers. There was hope that with the *force majeure* constituted by the pandemic, existing inequalities between socio-professional groups and job types would diminish. Unfortunately, the recent assessment is much more mixed. For instance, employees with technical or administrative support tasks have less access to telework than executives or managers, who nonetheless have greater opportunities to work outside their offices. Similarly, there is an exacerbation of wage and employment disparities between more qualified and less qualified workers, as telework primarily concerns better-paid and more skilled jobs, thereby creating inequalities between workers with and without access to telework.[2]

Questions also arise concerning health law aspects. Loic Lerouge reminds us that telework can be a source of psychosocial risks and other pathological factors, such as cardiovascular risks. These aspects are often neglected in collective negotiations, even though teleworking employees enjoy the same social and protection rights as non-teleworking employees. Given that health issues fall under a collective approach, telework is a subject for social dialogue and should be legally regulated. There are indeed, as shown by the Eurofound study cited, differences between Member States regarding telework and the right to disconnect. Furthermore, it is known that the implementation of existing provisions is often non-binding, leading to inconsistencies in the application of administrative sanctions for employers in cases of non-compliance with these standards. In the areas of telework and the right to disconnect, many aspects still warrant further exploration, specifically the issue of workload, the question of private life, and aspects related to data protection.

Telework presents positive aspects, particularly in terms of individual well-being, meaning comfort, autonomy, and potentially a better work-life balance. Claudia Senik, an economist and professor at PSE (Paris School of Economics), shares her reflections on well-being based on field-experience studies.

According to a 2023 study conducted in 34 different countries, 56% of respondents wish to telework at least one day per week, extending to two days for 19% of them, and even three days for 17%.[3] Similarly, in a 2017 study of 7,000 American employees, Alexandre Mas and Amanda Pallais[4] found that workers were willing to accept an average of 8% lower salary if the job offered telework. According to these same authors, a determining factor in the choice of telework is the reduction of commute time between work and home. Thus, workers face genuine choices: for example, women with young

[2] Petropoulos, G. and T.Schraepen (2021) 'Remote work, EU labour markets and wage inequality', Bruegel Blog, 14 September

[3] Cevat Giray Aksoy, Jose Maria Barrero, Nicholas Bloom, Steven J. Davis, Mathias Dolls, and Pablo Zarate Working from Home Around the World, NBER Working Paper No. 30446, September 2022

[4] Mas A., Pallais A. (2020) Valuing alternative work arrangements, American Economic Review 2017, 107(12): 3722–3759 https://doi.org/10.1257/aer.20161500

children are willing to sacrifice part of their salary in exchange for the possibility of working from home. For some workers, telework is therefore associated with a monetary value. This can thus be interpreted as an indirect measure of well-being, as respondents express an individual preference for telework.

However, according to studies conducted before the COVID-19 epidemic, teleworking does not necessarily make people happier. Indeed, Sabrina Pabilonia and Victoria Vernon[5], in a 2022 analysis focusing solely on American employees, point out that telework does not always allow them to spend more time with family, attend to household chores, or sleep longer.

This dichotomy between what workers desire and the effects of telework once implemented appears to be the crux of the problem. The often forced experience of telework during COVID-19 exacerbated this tension. Studies conducted in the United Kingdom and Germany before and during COVID-19 show that telework during this period proved detrimental to the health of those practicing it. Households studied, still largely rooted in a traditional division of household tasks, a legacy of patriarchal society, often saw women suffering the most from telework during the epidemic. This was notably due to children attending school at home, which constituted an additional burden unequally distributed within households. It should be noted, however, that COVID-19 and the successive lockdowns/de-confinements related to this period significantly altered the nature of telework. Many families, especially from the most precarious backgrounds, found themselves confined to often cramped housing and no longer had a social life outside the family circle. Furthermore, consider isolated students, often having lost the temporary jobs that allowed them to pay rent, or the explosion of violence against women and children during this period. All of this makes it difficult to isolate the variables that would definitively prove telework was harmful to employees from other factors specific to COVID-19. The negative elements advanced by studies conducted in Germany and the United Kingdom, such as the loss of social contacts and flexibility, are equally attributable to telework and to the epidemic management measures deployed by governments.

Following these reflections, it can be argued that hybrid work would be a good compromise for the majority of workers. A survey conducted by Aksoy and colleagues reveals the most frequently cited advantages of telework: "No commute," "Less time to prepare for work," "Flexible work schedule," "Quiet," and "More time with friends and family." For on-site work, the advantages cited are: "Face-to-face collaboration," "Socialisation," "Boundaries between work and personal life," "Better equipment," "Face-to-face with my manager," and "Tranquillity." This demonstrates that telework is valued not because it increases well-being or work efficiency but because it allows for better time management and greater reconciliation between professional and private life. However, it should not be forgotten that many remote monitoring methods have been implemented by employers, with some not hesitating to overburden their employees more than usual for fear they would work less. Conversely, on-site work is valued for the social relationships it facilitates. For these two aspects to be reconcilable, hybrid work needs to be coordinated within the organisations that practice it, to avoid situations where people coming to the office for human contact find themselves in front of empty desks. One could envisage, as is already done in some companies or national administrations, imposing one or two fixed days of mandatory

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[5] Pabilonia S., Vernon V. (2023), Who is doing the chores and childcare in dual-earner couples during the COVID-19 era of working from home, Rev Econ Household (2023) 21:519–565

presence. Unfortunately, this type of solution is rendered impossible at the European Commission due to restrictive building management policies. The drastic reduction in the number of office spaces will only allow 50-60% of staff to be present on-site simultaneously. Furthermore, it should be recalled that the essence of human contact is not found solely in the accomplishment of work-related tasks, in meetings, or even in ad-hoc events, but also in what surrounds these activities, which could be called "corridor socialisation."

Finally, and more closely aligned with our concerns, telework is a significant issue for the future of the European public service. The rules adopted regarding working hours and hybrid work are subject to rigorous joint oversight and monitoring. It raises a series of questions about the exercise of the profession, opportunities and constraints, rights and obligations, implications related to the nature of work, and potential psycho-cognitive risks. It also represents a delicate balance between the desire to ensure well-being at work, increased efficiency, and the interest of the service. We are aware of these challenges and the perspectives opened for a modern, independent, and effective public service to assist the Commission in navigating the turbulences of the contemporary world.

The rise in telework in the EU: what impact on working conditions and regulations?

Conference with Oscar Vargas and Tina Weber from Eurofound on 26 January 2023 The text was originally published in GRASPE n°47 July 2023.

Georges VLANDAS

Welcome. Thank you for accepting our invitation. GRASPE was founded by a group of EU officials in 2000 with the aim of understanding the context in which the EU civil service operates. We have been organising conferences on various topics of interest to EU officials on a regular basis. We publish our findings three times a year, and our publications are read by an estimated 30,000 people. In addition, our website receives 3,000 visits per month. Today, we have the opportunity to present the findings of Eurofound's report on the rise of telework and the impact of regulations on working conditions in the Member States, in both public and private sectors. We have much to learn from the experience gained, as we have little evidence at our disposal to inform policy decisions. The Commission approved its implementing decision for hybrid work in March 2022, and ongoing discussions are taking place on the draft guidelines issued by DG HR to clarify the legal provisions contained in the decision. This decision will be renegotiated in September, based on ongoing evaluations. As we confront a new hybrid working environment, there are multiple issues and challenges that need to be addressed, particularly in the areas of organising working time delays, working outside the place of employment, the nature of work and equal opportunities, as well as health and security issues that may arise with the

intensification of telework in our institution. Having said that, I would like to introduce the two speakers for today's conference: Oscar VARGAS, research manager at Eurofound, and Tina WEBER, also research manager at Eurofound. After these two colleagues' presentation, we will have a round of questions and answers with the audience. The debate will be moderated by Andrea MAIRATE, a member of the GRASPE team and a former senior advisor in DG ECFIN. The floor is yours, Oscar.

Oscar VARGAS

Thank you very much for inviting Eurofound to share our findings on telework. Our research on this area started prior to the pandemic, and we have already held a number of public sessions on the topic. However, today we will be discussing some of our most recent findings which can be found in a report titled '[The rise of telework and the impact on working conditions and regulations](#)' on our website. I will be presenting a selection of findings from the report. Firstly, it is important to clarify the terminology we will be using. The Commission's regulation is called 'hybrid work and working time', while our findings relate specifically to telework. When I speak about teleworking in general, it also includes hybrid work. If I want to mention something specifically related to hybrid work, I will say hybrid work. I will talk first about the number of teleworkers in the European Union. I have to mention that before the pandemic, there were already around 11–12 % of employees teleworking in the European Union. We can also say that there was an upward trend, the number of employees teleworking in the European union was already increasing before the pandemic. However, with the pandemic, the process accelerated, and in 2021, we saw an average of around 22% of employees teleworking in the European Union. If it were not for the pandemic, we would not have reached these figures until 2027. So we are talking about more than one in five employees in the European Union teleworking in 2021. It is important to differentiate between the different frequencies with which workers telework, because it will have an impact on working conditions. In our European working conditions survey, carried out by telephone in 2021 due to the pandemic, we found that about 25% of employees telework full-time from home, and about 34% so about one in three, work in a hybrid mode, and a slightly smaller number work only occasionally from home. Already during the pandemic, most of the employees teleworking were doing that in a hybrid mode. Before the pandemic, we had two main groups: those who telework only occasionally and those who telework in a hybrid mode. This is still the most prevalent form of telework. Differences between countries are also significant. Around 22% of employees were teleworking in 2021, but these figures varied greatly between countries. For example, in the Netherlands, up to half of the workforce teleworked in 2021, with different frequencies, including hybrid work and working only from home. On the other hand, in countries like Bulgaria, only 6% of employees teleworked in 2021. So, there is a huge difference between the different Member States when it comes to teleworking and the number of employees working remotely. It is a big issue, some countries have a high number of employees teleworking and others – mainly eastern Member States –, this number is still very low. An important question that arises was whether teleworking will continue even after the pandemic was over. Before the pandemic, the number of employees teleworking in the European Union was around 12%. While reading newspapers from different countries, I came across an article where employers were asking their employees to come back to work in the office. The following day, I read another article about new agreements of companies on telework. There is contradictory information in the media, so it is important to look at the figures, data, and statistics to really understand what is

happening. At the EU level, data from 2022 is not yet available, which makes it difficult to compare countries. Therefore, I looked at some countries data for a quarter, such as what happened in Spain in 2022. In 2021, only 12% of employees telework, compared to 22% in the European Union. In 2018, around 4% of employees were teleworking, and this figure jumped to around 18% in the second quarter of 2020, during the strict lockdown. Then the number of employees teleworking began to decline until the summer of 2021. 10–12% of employees were teleworking, and this figure has not changed until now. We found that still today, there is around 10% teleworking, it has been the same number every quarter since summer 2021. This leads to the conclusion that teleworking is here to stay. It has more than doubled since before the pandemic. However, it is unlikely that the number of teleworkers will be at the same level as during the strict lockdowns experienced in all countries. My prediction is that in the European Union, we may have around one in five employees still teleworking, which is a significant number. The European labour force survey divides employees according to certain categories, and one category includes extraterritorial organisations, such as the European Commission, UN officers, diplomatic services, etc. In 2020, over 50% of employees telework in this sector. It is the sector with the highest number of employees teleworking. This work environment allows for jobs to be carried out remotely more than in other sectors, with the number of employees who can work remotely in our sector increasing by around 20–27% more than before the pandemic. Now, I will discuss some risks of teleworking. One of the main risks is the possibility of working long hours, as the means of work is always at your disposal, making it more likely for individuals to work anytime and anywhere. This is influenced by factors such as the culture of work, levels of workload, work organisation, and competition, and cannot solely be blamed 32% of workers at the EU level reports working more than the agreed hours. However, in the case of teleworkers, up to 43% report working overtime, which is 10% more than the EU level average. This trend is present in most countries, as seen through various research studies. Despite the risks, telework also has positive aspects, such as eliminating the need to commute and facilitating worker autonomy in terms of organising working time. Some evidence shows that teleworking has helped improve work-life balance for workers both during and before the pandemic. We compare figures at the EU level and find that almost 20% of employees who do not telework report work-life balance problems, compared to around 13% of employees teleworking. The conclusion is that telework has a huge potential to improve work-life balance significantly. Organising time well can greatly improve work-life balance. I will mention some aspects that could be relevant. The culture of work related to telework and the attitudes and preferences of employees, employers, and managers are significant factors. Before the pandemic, the barriers to teleworking were related to the attitudes of employees and employers toward it. They did not like telework because they thought they could not control the performance levels of their workers. However, this has changed to some extent during the pandemic, but cultural changes take time. Some employers are still reluctant to facilitate telework, but many managers are happy with it. Surveys show that there has not been a reduction in productivity for most employees and managers who telework. Nowadays, we can confirm that, in general, telework has not had a negative impact on productivity, although this may depend on the sector. Of course, the impact of teleworking on work-life balance depends on various factors such as the economic activity and the way work is organised. This statement is preliminary and heavily influenced by the sector. Another issue I want to mention is the 'always on culture', where workers are expected to be available all the time, even outside working hours. This culture is difficult to change and is driven not only by employers

and practices, but also sometimes by employees. Before the pandemic, teleworking was mostly done on an occasional basis, without a formal company agreement, and was not well regulated. The pandemic changed this, and teleworking became more regulated. Our pre-pandemic research also found that telework had pros and cons, such as possibilities for promotion and career prospects. One problem is the lack of visibility, that has an impact on the career progression for some workers. This is an issue mostly when the employee telework full time. Employees that telework on a hybrid mode had even a better relation with managers and were more engaged to the workplace, and did not experience lower career prospects. Our conclusion are that there are risks for career prospects for employees who telework fulltime and never go to the office, but this is not a problematic in a hybrid mode. In terms of regulation of telework, we see that some Member States, mainly in Western Europe, rely on legislation and have strong collective bargaining, social dialog, about telework. I will highlight the level of social dialog about telework in France, Belgium, Netherlands, and Austria, for example. Mainly in the southern and western countries, have those two sources of regulation: general high-level legislation, and company-level agreements on the terms of telework. In eastern Member States, there are very few company level agreements, and when telework is regulated it is legislation at a national level. In Scandinavian countries, company-level and sectoral agreements are well developed, but they lack national-level legislation. This highlights the differences between Member States that have implications for working conditions. It is worth noting that most countries have a regulatory framework on telework, many of them follow the social partners' framework agreement signed in 2002. After the pandemic, 12 Member States updated or passed new national level regulations on telework, including Austria, Spain, Greece, Latvia, Portugal, Romania, and Slovakia, and France and Luxembourg implemented new national-level collective agreements that include provisions related to telework. During the pandemic, several countries such as Germany, Luxembourg, Iceland, and the Netherlands discussed new legislation. In my final remarks, I will mention some of the topics that have been included in the new regulation after the pandemic. One important aspect that has been regulated is the access to telework, specifically the right to request telework for the employee. This is only available in a few Member States, around 4 or 6 such as Netherlands, or Ireland. Another important aspect that has been addressed is the organisation of working time, with Western Southern countries allowing more flexibility for teleworkers while central Member States rely on existing working time legislation, they think there is no need for further new flexibility, whereas it is some of these countries like in Germany, this aspect of flexible working time is addressed at company level through agreements. Pay and costs coverage of telework is also being addressed, with some countries offering tax reductions while others provide the necessary tools or compensation for energy bills. Finally, I want to highlight the right to disconnect, the ability to stop working out of working hours, which was only found in four countries before the pandemic. France was the first country to implement this, followed by Spain, Italy, and Belgium. During the pandemic, Greece, Portugal, Slovakia, and Ireland also adopted regulations related to telework, either through legislation or a code of conduct as in Ireland. I will now pass the floor to my colleague Tina, who will discuss the right to disconnect in more detail.

Tina WEBER

As Oscar mentioned in his presentation, people who telework or work in a hybrid model are more likely to work overtime, longer hours, and during their free time. This has led to a discussion around the need for a right to

disconnect, which is reflected in the European Parliament's initiative requesting the European Commission to propose legislation on this issue. Regarding the right to disconnect and teleworking, the current position is that the European social partners are currently negotiating the framework agreement on telework that was negotiated in 2002, to see how it needs to be updated and potentially include the right to disconnect in some form. As Oscar mentioned, there are several countries that had put in place legislation on the right to disconnect prior to the pandemic, and others that introduced it during the pandemic. When looking at this national legislation, it is important to consider who would apply to it and how it is implemented. What happens if the social partners do not reach an agreement? In Belgium, for example, there were some provisions on the right to disconnect prior to the pandemic, which tasked the health and safety committee at company-level in companies with more than 50 employees to talk about this issue, but there was no fallback if the health and safety committees did not negotiate or reach an agreement on this issue. Whereas in France, if no agreement was reached within the social dialogue, the company was required to prepare a policy on the right to disconnect. Belgium's legislation has since changed, requiring social partners to negotiate on this issue, even in smaller companies. What is quite interesting about the countries that have newly adopted legislation is that, for example, in Portugal, the requirement is turned around. The provision says that the employer must not contact the employee outside of working hours if they don't want to risk incurring an administrative fine. This is another kind of approach which has been adopted. Our monitoring of legislation in this area shows that other countries are also considering introducing a right to disconnect. I want to use the remaining few minutes to talk about how the right to disconnect is implemented at the company level. We did a small-scale study looking at several companies that already have agreements on the right to disconnect at the company level. In the commission decisions on hybrid working, there is a decision which states that there is a right not to be connected within a certain 'disconnection corridor'. There were two key approaches to implementing the right to disconnect that we called the hard and the soft implementation. The hard implementation relates to approaches where the connection to the server or the delivery of messages is essentially blocked for a certain period, usually overnight between 7:00 PM to 7:00 AM. In some companies ,messages delivered during an employee's holiday are deleted with a message saying the employee is not available and the message needs to be resent later, when the employee returns from leave. However, it is argued that such an approach could be challenging in companies where employees are collaborating across borders with different time zones. The most common approach relies on awareness raising and encouragement not to send messages during certain hours. For example, a message could say that employees do not have to reply to such communications outside of working hours. This kind of standard message, indicating that in an individual's email footer, with IT tools now available, for a message sending to be delayed. What is interesting in the agreements that we see at the company level is that they tend to be different texts, based on collective agreements, policies, or guidelines. Depending on the nature of this type of text, it has an impact on enforcement and monitoring. There were different kinds of monitoring to see if the right to disconnect was actually being respected. Some companies monitor out-of-hours email traffic, to the extent that they can even see how many messages were responded to, obviously in an anonymized way, and having meetings at a team level, they discuss why there is a high degree of traffic and a high number of messages being responded to. Other ways of monitoring include monitoring of working hours, the possibility to make complaints, and staff surveys to indicate whether having this policy is having an impact on working hours and well-

being. What we currently don't yet know much about from our research is precisely this final point: What is the impact of having a specific right to disconnect at an organisational level? What is the impact of that on working time and well-being? Our most recent piece of work on this involved running surveys within organisations with and without a right to disconnect, and we are expecting the results soon, which will hopefully give an indication of the power of a right to disconnect policy at the company level. Does it make a difference? That's what I would say for now. But, obviously, Oscar and I are happy to answer any questions that you might have.

Andrea MAIRATE

First, I would like to thank Oscar and Tina for their thoughtful and stimulating presentation. It is important to use data as evidence to inform policy decisions, so this report is very welcome. Let me start with a few remarks before opening the discussion to the participants. There are already some questions in the chat, we will come back to those later. My first reaction is that it is not surprising to see a general trend showing the rise in telework in all countries. However, the degree of variation differs across countries, with some intensifying telework more than others. It would be interesting to understand the driving factors. For example, you showed the case of Spain where the percentage is relatively low, although it has increased substantially. But there is some resistance to telework in some countries. Consistent with other findings, this rise in teleworking is associated with working longer hours, which means a higher workload. This may be because we have more meetings than before, with less face-to-face interaction and more online meetings. This raises a lot of questions about whether this should be encouraged and whether it is desirable. While there are benefits, such as reducing commuting and potentially improving work-life balance, we also know that there are risks, such as burnout and other serious health and security risks. Your report didn't show evidence of these risks, but there are some inherent risks in terms of well-being and health. My second point is about practices and differences across countries and sectors. You highlighted some sectoral variations, with extraterritorial organisations and the IT sector being more prone to telework than others. It would be interesting to see if there are notable differences between the private and public sectors. Finally, I found your discussion of regulation very interesting. You showed that countries regulate to varying degrees, with some countries being more regulated than others. I wonder if this has something to do with trust and social capital, which was a concept used a decade or two ago. We see, for example, that Nordic and Scandinavian countries are less regulated. This is an open question. Telework should be based on trust, both in the public and private sectors. Trust and flexibility go hand in hand. My final comment is about the right to disconnect, which is stricter in some countries than others. In some countries, employers are not allowed to contact employees outside working hours, but some people in the chat mentioned pressure from management to be available. This is an issue being discussed within the Commission, as it is referenced in the decision on hybrid work. We talked about hard versus soft implementation and ways of monitoring. These are important issues, and my colleagues are sensitive to them as well. However, my final question is whether telework is a right. For example, in the Commission's decision, the right to telework is defined as 20%, or two days per week. Above that threshold, it needs to be agreed upon with line managers.

Questions & Answers

Regarding the impact of telework on office building policy: does it lead to more open spaces? Are there any acoustic measures in place to facilitate work done mainly to reduce costs?

In general, is Eurofound involved or consulted in the commission's preparation of new work modalities? Is hybrid work an acceptable alternative to office presence?

Does 'teleworking' mean 100% telework, or is it an option when necessary? This is a question about clarifying the difference between telework and hybrid work.

Oscar VARGAS

I will start with the last one, as it is important to clarify the point. In our research, telework means that the employee works remotely. It can be full-time from home, or sometimes from home and sometimes from the office, which is called hybrid work. When I say telework, it includes hybrid work because it has an impact on working conditions. The phenomenon of telework covers all forms of remote work. Regarding the question of whether Eurofound has been consulted on preparing new work modalities, I don't know if they have been consulted or if our reports are available. I cannot answer this question. Regarding the impact of telework on office building policy, we have not researched this specifically, but we are aware that companies are implementing policies such as sharing spaces or selling buildings because of teleworking policies. Unfortunately, we have not studied these aspects in detail yet, but we may in the future. As for why some companies implement telework while others don't, and why some managers are reluctant to allow teleworking, I think private companies and multinationals are implementing telework because they know it is good for the overall performance of the company. Telecom companies and banks are among those implementing telework policies because they know it will benefit the company's output. I will now give the floor to Tina to answer some of the other questions, and I will continue later.

Tina WEBER

I am also on the staff committee at Eurofound, and here the staff committees are consulted in relation to the original decisions, and that goes for all the agencies and the representative of EU staff, obviously not specifically in relation to our research, we do use this opportunity to draw on our research findings when giving feedback. Eurofound is consulted by the Commission, and we have also discussed our findings with social partners at the kick-off of their negotiations. We try to bring in the findings from our research into all pertinent discussions. There was a question about the right to disconnect and the importance of organisational culture. I completely agree with this. Our company case studies also found that having a right to disconnect doesn't necessarily make everything perfect. At the time of our research, we didn't have any results related to how this impacted work-life balance or working hours. Most of the representatives acknowledged an impact on company culture, particularly when the management had a high level of buy-in and regularly reiterated the message that the right to disconnect exists at the company level. Managers themselves set a good example by not sending messages overnight, reiterating during team meeting that this is the approach, and more important than anything: do not contact employees

outside of working hours, and also making sure that workloads are commensurate with the number of working hours, which is another very important factor. When all these factors are in place and all managers are on board, it can have a positive impact on company culture. However, employees also have a role to play in considering their own health and safety and not working too much outside of their working hours. It's a two-way street, but there is an unequal power relationship that needs to be addressed. Maybe just a few more words regarding the legislation and the different Member States. What we found in countries where there are already some provisions on the right to disconnect is that there is over time, and an increase in collective agreements. Even as in the case of Portugal, where the employer should not contact the employee, in other systems, there is still an increase in collective agreements. This trend permeates across different sectors and at the company level. Our argument is that if there is legislation, it tends to encourage social partners and companies to negotiate and formulate policies on this issue. There was a question about trust-based management and the link with flexibility. When working remotely, what is required in terms of management principles is moving from a presence-based management system to an output-based management system. This may be more challenging when producing not widgets but intellectual output, as many of us are. This requires innovative management styles. Our research emphasizes for the projects in the years to come the importance of training managers on the new skills they need to acquire to manage a remote workforce and an output-based management system.

Oscar VARGAS

I took notes about your question regarding the differences between countries and what factors have increased or not. I would say that these differences existed before the pandemic, and we saw a geographical pattern of higher levels of teleworking in the Nordic countries, and some in the west of Europe, such as France, Belgium, and the Netherlands.

Teleworking has increased in all countries, but some of the Eastern Member States started at a very low level. There are no big differences in terms of the increased rate. However, when you start from a very low level, the result is not the same. Basically, I think that the main factors are the following. The economic structure, which determines whether teleworking is feasible for certain jobs in certain countries. For example, in Spain, it is very difficult to have some jobs in the tourist sector working remotely. A waiter or someone in the service industry cannot work remotely, there are limitations based on the type of work. Cultural differences in how we work varies by region. Scandinavian countries were more used to flexible working arrangements before the pandemic, while countries in southern Europe were less so. For example, Scandinavian countries may not need as developed legislation for remote work because they were less accustomed to it before the pandemic, and because there is a certain culture of trust whereas in Southern Europe, we try to legislate on everything. The two main factors affecting teleworking are the number of jobs that can be done remotely and the cultural attitudes toward work. Additionally, regulations can facilitate or not flexible working arrangements. Andrea mentioned working longer, and I think that the technical aspect of remote work can facilitate longer work hours because people can work from anywhere, at any time. However, the driver of working longer is also related to values and attitudes toward work. There are several authors who talk about self-exploitation. It comes from the fact that some workers want to compete, to be high achievers. It is complicated to develop here about the reasons behind, but this type of work is such that they try to

work anytime, anywhere, etc. Also, the organisation of work, the level of workload, their demands, it is not that easy. It is easier to organise physical labour, like putting bricks to build a house, for example we can decide to put no more than five bricks in five minutes; but analytical work is different, it is very difficult to organise. When there are sudden high levels of workload, it is the role of management to ensure that the level of workload does not go beyond the working hours.

Is the employer required to ensure that both sets of guidance and legislation are followed if staff telework from two different Member States with different rules?

What about staff coming back from abroad after the pandemic, and being authorised for only ten days of telework abroad per year?

Regarding the distance issue, the commission document defines telework distance as being compatible with work, but an agency defines it as a distance of 130 kilometres from the main office. This decision limits commuters to regularly travelling long distances from Monday to Friday.

Oscar VARGAS

There is only one country, Luxembourg, where this has been regulated before the pandemic and developed after. Luxembourg has agreements with neighbouring countries such as France, the Netherlands, and Germany. These agreements regulate the amount of taxes that have to be paid in one country, etc., when you work remotely. Apart from Luxembourg, we have not seen any national-level regulation tackling the issue of working abroad. However, some companies are practising this, and it is an issue that has not been solved yet. At the EU level, there is some legislation on cross border mobility and work, but it does not fit perfectly in the context of telework because it provides a lot of flexibility. So far, I would say that we should always apply the regulation of the country where the employer is based because this is what is happening in practice. This applies not only to the commission but also to the private sector. This is an issue that we may research in the future, in conjunction with the European Labour Authority Agency. At the moment, this is what I can say from our research. Regarding the distance: we have not done extensive research on this yet, but from common sense, we can say that there is an advantage to reducing commuting. For example, people who commute from 100 kilometres away can save a lot of time and effort. Teleworking is a huge advantage. However, it is important to note that this may differ based on government regulations and family circumstances. From my knowledge of telework, it doesn't make sense to limit all workers to telework because there are legal limitations that need to be considered. When it comes to teleworking from abroad, the question of which regulations apply is not yet solved. However, when it comes to teleworking within the same country, it doesn't matter where you work from as long as you are based in the same location. For example, in big countries like France, teleworking is still considered work whether you work from Paris, Toulouse, or Bordeaux. Unless your job requires you to be physically present in the office for specific tasks, teleworking is a viable option.

Tina WEBER

I agree with the last point you made – the extent to which teleworking is suitable depending on the nature of the job. Ideally, there should be an agreement between the employee and their line manager about the amount

of teleworking that can be done, as well as which days of the week are best suited for teleworking. However, each organisation may have a different approach to this. In cases where there is an emergency or some other unforeseen circumstance, it may be necessary for an employee to work from the office. However, for most jobs that do not require physical presence in the workplace, such situations are likely to be rare. Regarding the ten days of teleworking from abroad, I know that this is a lively topic of discussion in many agencies. The limiting factor, to my understanding, is the coefficient. This is a barrier that may prevent employees from spending more time working in another country. As for what can be done to address this issue, I do not have a clear answer now.

Andrea MAIRATE

To put it in a slightly different way: does it really matter where we work from, or is it more important how we work? Because it seems that what really matters is innovation, experimentation of new ways of working, and new types of collaborative work, relationships with the workplace. Of course, it depends on the job, and there may be regulatory constraints when it comes to teleworking from abroad, meaning outside of one's place of employment and outside the city where one lives. Managers may prefer people to be in the office, or working from home, because they can be reached more easily if needed to come to the office. There are some good reasons for that, but the problem is how to organise it within the office, with colleagues and people you are working with. It is the 'how', rather than the 'where', that really matters in the end.

Oscar VARGAS

The type of job, activity, and workers need to be defined. There may be instances where face-to-face interaction is necessary for certain activities or organisational methods, but in general, working from your place of employment or another EU country should not impact performance for institutions and agencies. However, it's important to understand the different units, roles, and activities within an organisation, as there may be some meetings or tasks that require in-person attendance. Nonetheless, with today's transportation options, workers can travel to their place of employment if necessary. There was an agreement of 10 days working abroad; why 10? I am expressing my opinion, based on what I know about teleworking.

Regarding the work-life balance: you seem to say that telework potentially improve work-life balance. However, there is also the possibility of discrimination or unfair treatment. Do you have any evidence from that in your study?

Oscar VARGAS

I conducted a study on the impact of teleworking on work-life balance before the pandemic. We controlled for gender differences and occupations in our statistical analysis, and our conclusion is that teleworking does contribute to better balance and more time for activities that one may not have had time for previously due to commuting, such as caring for family or personal issues. During the pandemic, we found that teleworking was good for both men and women, but women benefited less due to societal values and gender roles. Although progress has been made in this area, women still tend to do more caring work in many countries. This is a caveat that policymakers need to

consider, but it is not a problem with telework itself. In terms of work-life balance, teleworking has the potential to improve it, but it depends on the work context, the employee, and the manager. Teleworking can be used for other work-related activities or for personal matters, so it is important to manage time effectively and avoid working long hours. There are different perspectives on teleworking, but in principle, it is a good option for occasional use, such as when there is a need to attend to personal matters. This is my answer to your question.

Andrea MAIRATE

My question was more general. Is there any trade-off between efficiency and flexibility? While there are certainly benefits, there are also downsides. For example, working extra hours could impact work-life balance, increased pressure, and it could affect health and well-being. I wonder how to reconcile these different aspects. Perhaps this goes beyond the scope of your studies.

Oscar VARGAS

My answer is based on the existence of a working time legislation in the European Union, called the Working Time Directive, which was last modified in 2003. However, this legislation seems inadequate in preventing negative impacts on health and safety caused by patterns of remote work, as it was created before the widespread use of technology and teleworking. Remote work can lead to higher levels of stress, anxiety, headaches, and eyestrain, particularly among teleworkers who work alone. We must find ways to improve work organisation and implement the right to disconnect to solve these issues. Although teleworking is a stable trend that will continue to grow, we must understand the risks it poses, such as blurred boundaries between work and personal life and long working hours, which can compromise health and safety. Policies and discussions are underway at the EU level to address these issues, including proposals for a right to disconnect. The Working Time Directive is insufficient to address all issues related to teleworking, and negotiations are underway to develop new regulations and legislation to ensure that remote work does not negatively impact employees' well-being. The right to disconnect is one important aspect that needs to be addressed to improve work-life balance for employees.

Do you think that telework could be a driver for a working culture change? Is telework driven by cultural factors or other factors, and will it have an impact in terms of cultural change? More practical question, directed toward agencies: should the expatriation allowance be proportionate to the amount of telework time?

Tina WEBER

Regarding the expatriation allowance, this is above our pay grade, and it is not within our remit to decide it. Ultimately, it might make sense, but it is not for us to decide. Regarding the cultural change question, before Oscar shares his thoughts, I wanted to make a quick remark. We had some amount of telework before the pandemic, but what really driven cultural change was the pandemic itself. The pandemic triggered a huge increase in teleworking and a greater acceptance of this approach by organisations and managers. The next step that needs to happen is a shift in the way work is assessed and managed. As Oscar mentioned earlier, some managers are saying that we should go back to the workplace, but I do not believe that is the way to go. We are still in a situation where there are shortages in the labour market, and the

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workers and potential recruits are in a stronger position to choose a job rather than another because it offers them more flexibility. This helps to drive cultural change currently, but it remains to be seen if the labour market situation will ever change and if the power of management to require presence will become more prominent again. I would argue that going back to full-time work in the office for knowledge-based workers like us would be misguided. The last two years have proven that we can work in this way. However, we do need to work on better ways of ensuring corporate culture and culture of innovation, of passing on information in an effective way, are maintained; but maybe most importantly make sure that new members of staff are brought on board in a nice way so that they feel part of the organisation. These are the kinds of cultural hurdles that we have to overcome now. I don't think going back to full-time work in the office is a viable option, and I'm sure Oscar will not disagree with me on this.

Oscar VARGAS

I believe that the pandemic has caused a cultural shift, beyond just the adoption of teleworking. We have experienced the full impact of the pandemic, including difficult situations. However, we have also seen the potential for working more efficiently and some cultural changes already in the management positions. This cultural shift has been observed not only in companies, but also in public administration, not only the commission, for instance the Spanish public administration, there is this hybrid mode for example allowing for more teleworking. Telework is only a tool, but it has driven a cultural change. To fully realise these benefits, we need a more radical cultural change, both in companies and in society in general. We need to revise our vision of equality between men and women, etc. Without this cultural change, we will face more barriers in the adoption of teleworking. Despite the advantages of telework, there is still a need for face to-face communication and contact between people. Remote work can help to bridge this gap, but it depends on how specific organisations and companies handle their work, and hybrid work is a way to solve this.

Andrea MAIRATE

Thank you very much for this insightful presentation. I think we have covered quite a lot of ground with the questions. Some may not be fully answered, but this is something new we are facing, each of us. I think the important lesson is that telework is here to stay. It is important to rely on evidence and data to inform policy decisions or maybe review some of the policies in both public and private sectors. The more we go deeper into those questions, the more we see the complexity of the issues. This is a multidimensional phenomenon. This is why it is important to have the possibility to rely on the work that you are doing. We look forward to your future studies and research.

Mans MARTENSSON

Keep an eye on our work, you can follow it on our website. If you subscribe to some of our newsletters, we will keep you inform of our work. Thank you for this opportunity to allow us to come and bring our research to you. Hopefully, there will be more opportunities to do that. It is equally important for us to communicate what we find and bring our experts to the floor, but also to listen and to hear. There were plenty of questions here that indicate where the concerns are, and we are all facing them.

From Open-Plan to Telework (1/4): Atomisation, Externalisation, Nomadisation: a Small Inventory of Neo-Work

GRASPE N°42 - May 2021 Fanny Lederlin

In this first session, we will not directly discuss telework, but rather the entirety of the transformations that have concerned work over the past forty years. I propose we address the three main modalities of work that are ours today, at the beginning of the 21st century: firstly, the **individualisation of work**, leading to an "atomisation of workers and society"; secondly, the **new dualisations of work**, the issue of "nomadisation," but also the development of **subcontracting**, which creates new inequalities at work; and finally, the third major modality: the extension of **"taskification"** in work, which, in my opinion, leads to a dangerous de-responsibilisation of workers.

The Individualisation of Work

The individualisation of social relationships extends far beyond the workplace and actually dates back to the modern era, where individual liberty—to be subject only to laws, to dispose of one's property, to choose one's profession—took precedence over the "liberty of the ancients," of the Greeks and Romans: a political liberty, exercised collectively and directly, that of the free citizen of Athens.

For a long time now, over 200 years, each of us has perceived ourselves as an individual dissociated from the rest of society, rather than as someone belonging to a master like the serf to his lord, or to his family, or to his guild. We are individuals free to exercise our conscience, to earn our living as we see fit, to enjoy our possessions and our movements (when the Covid epidemic allows us). We are dissociated individuals long before belonging to a collective (nation, society, family, etc.). This **primacy of the individual over the collective** is now also evident in workplaces, which were previously dedicated to collective action: factories, offices, but also hospitals, for example. This phenomenon of individualisation also affects other places of collective action, such as schools or universities, but what interests us today is the question of work.

Within companies, this phenomenon of individualisation of work relationships results from a very clear managerial will identified by numerous historians. I am thinking in particular of *The Ungovernable Society*, a very important book by Grégoire Chamayou published in 2019. He conducts extremely detailed research on the entire American managerial literature from the 1970s to the present day. I am also thinking of the work of Danièle Linhart, a French sociologist, who published *Working Without Others* in 2009, and *The Human Comedy of Work* in 2015. All these researchers, all these sociologists, have shown that since the 1980s in companies within our neoliberal capitalist world, there has been a **conscious decision and the implementation of deliberate strategies to individualise work methods.**

Why this decision, this strategy? Firstly, to **break the collectives** which, in the 1970s, had put employees in a strong position within companies. The

power dynamics between unions and employers at that time were much more to the advantage of employees and unions, which is why the years 1950-60 up to the mid-1970s were years of gains in terms of social action. Managerial logic therefore acted to break these power dynamics, which was partly achieved through this desire to individualise work relationships. Behind this was also an **ideology specific to "neo-management,"** this new mode of management that is still at work today, the armed wing of our contemporary form of capitalism which can be called neoliberalism. This neo-management's imperative and values include the notions of **independence, autonomy, adaptation, and individual competition.** I think these terms will not surprise you. These are terms we hear a lot in companies, organisations, and also in public bodies.

How does this phenomenon of individualisation in work translate concretely? For example, through the **generalisation of individual salary negotiations**: previously, these were subject to collective negotiations and are now increasingly individual negotiations; the **competition among workers**, not only globally, of course, that is globalisation, but also within companies themselves. I am thinking in particular of the "people to watch" system, which consists of identifying talents to design specific careers for them by encouraging them to distinguish themselves from their colleagues; the **personalisation of careers**, the personalisation of hierarchical relationships: today it is becoming increasingly common to have annual one-on-one meetings with one's hierarchical superior, and, more broadly, the **progressive disappearance of collective representation** in favour of a direct, individualised relationship between employee and employer.

It is on the basis of this individualisation that the values of **independence, autonomy, adaptation, and competition among workers** have been imposed on them, that they have fully integrated these imperatives, and that another characteristic phenomenon of 21st-century work has emerged: the **rise of so-called "independent" work**. Independent work obviously concerns the form of work long practised by liberal professions, doctors, lawyers, notaries, etc. However, for several decades, workers from all types of professions have been added to these liberal professions: intellectual professions such as creative individuals in agencies establish themselves as freelancers, consultants, experts; but also professions that are not intellectual, such as drivers, delivery personnel, all those who work in personal services and are now established as so-called "independent" workers. To give you some figures – I imagine you will have more telling European figures perhaps –: **in 2016 in France, there were over 3 million independent workers**. This phenomenon has been strongly encouraged by the creation of the auto-entrepreneur status: **already in 2016, there were one million auto-entrepreneurs, and this has only increased over the past 4 years.**

Built on this foundation of the individualisation of work relationships, this independent work is obviously driven by the economic model of **"digital platforms."** These digital "Pure Players," like Uber or Deliveroo, contribute to making this lifestyle attractive, seen as "cool" and "sexy," and encourage the idea that being one's own boss, autonomous in the organisation of one's work and day, is a kind of panacea for the worker. We all obviously know that in reality things are more nuanced, but these are the values, these aspirations, that undoubtedly most affect young people today and are hegemonic in society.

What problems do this individualisation of work and the rise of independent work pose? I have identified at least two main ones. The first is that independent work **challenges the concept of salaried employment**, upon which the social protection model in France and many European countries relies. This does not mean that this question should not be asked: it is clear that more and more workers currently reject salaried employment, but in that case, what future for companies and social protection? How can social contributions be reorganised, for example? And are we not heading towards a **two-speed or multi-speed labour law**? In other words: how can these work relationships be regulated at national and European levels? These are obviously questions that must be extremely familiar to you, and we know very well that these platforms currently benefit from a legal ambiguity to precisely use the work of undeclared employees, thereby circumventing the legislation in force in the countries where they operate. That is the first point. The second goes beyond the issue of work; it is more political in the broader sense of the term. With this individualisation of work, one of the essential functions of work is disappearing: contributing to **"making society."** Making society around a company project, but also through collective actions and solidarity, and why not collective struggles? Collective struggles, organised in a workplace, in the factory, strikes, etc., have until now contributed to creating social bonds. If this disappears, if even at work it is "everyone for themselves," then one of the essential places through which individuals could feel they belong to a larger group disappears. During the next session, we will have to examine the role of telework in this, because telework risks reinforcing this atomisation, this fragmentation of workers. How can we avoid the fragmentation of society, its unravelling, and the social atomisation observed today by most sociologists, philosophers, and politicians, almost everywhere in the world, and reflected in the rise of communitarianism and the rise of populism, for example, in liberal democracies? The purpose of this first session is not to answer these questions, but to raise them.

The Emergence of New Dualisations

I now propose to move on to the second major modality of work in the 21st century: the emergence of **new dualisations that produce new inequalities at work.**

The first dualisation separates those who **have a fixed office from those who do not.** This topic is not as anecdotal as it seems and raises rather profound questions about the relationship to work. The paradox currently is that at a time when work relationships are individualising, we are witnessing the disappearance or at least the scarcity in companies of what we can call "one's own office." For several decades, they have been replaced by **open-plan offices or their even more contemporary version: flex offices**. An open-plan office is an open floor plan where workspaces and desks are no longer separated by partitions; a flex office is exactly the same, but without fixed furniture. In a flex office, you arrive at your company in the morning and do not know where you will plug in your computer; it will depend on the available space. All of this is presented as favouring collective work, reinforcing creativity, and allowing for the hybridisation of skills; all this neo-managerial discourse has surrounded these developments. For information, **flex offices concerned 6% of French workers in 2017**. I imagine this figure was slightly higher in Great Britain and probably in Germany; for Europe, it is probably around **10%**.

Obviously, the pandemic will challenge this type of office, which is a good thing: it is an opportunity for us to reflect on how they can evolve. Beyond the

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discourses that insisted on their promotion of exchanges and creativity, we have observed that in an open-plan office or a flex office, one becomes a **nomad of work**. This is what I address when discussing the issue of **"nomadisation" of work**. I refer you to a very short, fascinating article in *Le Monde*, published on March 14, 2019, by Nicolas Santolaria: *The New Employee, a Tuareg of the Tertiary Sector in Perpetual Transhumance*. The article clearly describes this reversal, whereby in a "collective place" like an open-plan office, and *a fortiori* a flex office, the worker ultimately finds themselves **alone with others, and the others are even nuisances that force them to constantly seek quiet places, meeting rooms, to be able to concentrate.** This is the context in which telework emerged at the time of the pandemic: this frustration that open-plan and flex office work could generate, and this inequality between those who had a good office to concentrate and those who were in the midst of their colleagues and perhaps found it more difficult to do so; this undoubtedly explains the success that telework encountered, at least at the beginning when it emerged in the lives of workers. Things were not going so well, and the comfort of work was not satisfactory: that is undoubtedly why it was good to be at home to telework; but we will return to this in the next session.

The second dualisation I would like to address is more structural: **subcontracting**. Here too, I refer to a very interesting book that I recommend reading, *Platform Capitalism* by Nick Srnicek, published in 2018, which discusses the fact that as early as the 1980s, the quest for greater profitability led companies to **outsource a growing proportion of tasks considered not to belong to their core activity – in fact, not being profitable.** Concretely, these tasks include office cleaning, vehicle fleet management, IT installations, concierge services, general services, but also the repair of damage caused by companies, for example, the cleaning of rivers for a polluting company, tasks entrusted to local associations rather than to the company itself. This **externalisation of non-productive activities** is becoming increasingly widespread and leads companies to entrust them to subcontractors.

The problem is that this **delegation of low value-added work gives rise to a category of "sub-workers"**: cleaning staff (very often women, racialised, and sometimes undocumented, sometimes without rights), IT personnel, general services managers, receptionists, certain hospital staff or EHPAD (nursing home) staff who are increasingly employed by subcontracting companies, or even municipal agents or association volunteers, who are not paid at all. All these workers are those we called in France the **"front lines"** during the first lockdown. We started applauding at 8 p.m. in the evening for the "front lines," these people who are responsible for life itself: cleaning, caring, tidying, repairing – all essential tasks for life, but which are indeed not profitable. Most of the time, they are employed by subcontracting companies, are poorly paid, because these subcontracting companies themselves are put into competition by the companies that employ them and pass on to their employees' wages the commercial efforts they are forced to make to be selected to clean offices or manage an IT fleet. They are also very often invisible because they work very early in the morning or late at night so as not to disturb other workers who carry out profitable activities. They are often unrecognised, sometimes despised, and sometimes do not even have rights, to the extent that they work in conditions that bring them close to the category of work identified by the International Labour Organisation as **"non-decent."** As if, in our Western societies where labour law is extremely regulated, a widespread **"non-decent" sub-work** still exists, once again due to the effect of this subcontracting.

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The existence of this peripheral, low value-added economy, of this sub-work, obviously establishes **new inequalities that are absolutely unacceptable for our societies.** How can we remedy this? This is one of the questions that I hope we will have the opportunity to discuss together.

The Taskification of Work

Let's address the third major modality of work in the 21st century that I identify: the **extension of the taskification of work, which leads to a de-responsibilisation of workers.** Taskification is a degradation of the worker that occurs when they work on a task basis, in other words, when they perform fragmented, ultra-controlled missions over a short period and without an overall vision of what they are producing. This was the working condition of factory workers for most of the 20th century. It is now extending to more and more professions and more and more functions within companies, including employee functions and even managers whom neo-management makes execute missions conceived, decomposed, and planned by others. "Others" can be a manager, but increasingly also an algorithm. This is certainly the case for an Uber driver, for example, whose in-car application not only tells them where to go to find their client, but also how to get there to avoid traffic jams: they no longer even need to think about the route they will take. This application controls their work and will ask their clients to rate them: the Uber driver is a "tâcheron" (task-worker), insofar as they execute a series of micro-tasks dictated by a computer program. This task-based work, along with independent work, is the other work modality upon which platform capitalism, this new modality of capitalism that is emerging, relies. Here again, platforms did not invent it: **digital work has only radicalised a form of fragmented, discontinuous, numerically commanded work.** This is where the intervention of platforms in our professional lives is always ambiguous. They present this as an innovation, as something pleasant in the minds of workers: studies carried out notably on Uber drivers or Deliveroo delivery personnel show that most of them absolutely do not feel that they are suffering from this taskification.

One might think that I am describing a phenomenon that concerns only app workers, but this is not the case. If we refer, for example, to a study conducted by Danièle Linhart on Pôle Emploi (French unemployment agency) employees, we see that a Pôle Emploi employee is now dictated an interview protocol to manage their relationship with job seekers. They have on their computer an extremely codified protocol and must follow step by step all the directives given by their protocol. The interview is no longer free; it used to be. A marketing agent, for example, must follow the steps of a form to respond to a customer request. We experience this when calling Orange or Netflix when we encounter a problem with the use of these tools: we are faced with something extremely formatted and we even wonder if we are not talking to a machine. This **taskification of work** is not, in my opinion, anecdotal and, on the contrary, is part of a much broader logic, the logic of calculation that Alain Supiot calls **"governance by numbers."** This logic leads to quantifying missions, breaking them down, programming them, and dispossessing workers of responsibility for what they do.

This **de-responsibilising logic degrades the interest of work** by leading to a loss of creativity, expression, and singular know-how. The notion of improvisation in work is gradually disappearing, and it can also lead to a **loss of judgment** on what one does, since the main quality demanded of a taskified worker is not to have a critical opinion on the task they are asked to execute, but to adapt.

So, can telework help us remedy this? This is another question that I hope we can try to consider, if not answer, during the next session.

I therefore come to my conclusion. I realise that I have painted a very bleak picture of contemporary work modalities, but much like Pierre Soulages' paintings, its purpose may be to bring out some light, to help us at least try to find it, since the question we can ask ourselves together is: **how to fight against this neo-work that reinforces social atomisation by excessively individualising work relationships, exacerbates work inequalities by creating new dualisations, and champions a logic of calculation that impoverishes the interest of work and de-responsibilises workers?** Is another kind of work possible? Before we see next week if telework can help us answer these questions, I invite your reactions and perhaps your critique of this work. Thank you.

Georges VLANDAS

One might think that in the European public service we are far from the developments you highlight; in fact, we are following them with a time lag.

We see this **individualisation of work in regulatory agencies**, such as the European Union Intellectual Property Office (EUIPO) in Alicante, where a large number of **individual expert workers with individual contracts** work alongside **800 statutory staff** – whether temporary contractual agents or civil servants; or at Fusion For Energy in Barcelona. In the last social dialogue, we deplored the ratio between statutory staff (who are about 450) and non-statutory staff like individual experts. Colleagues highlighted the risk of losing internal know-how for a number of professional elements. Language teachers, for example, were internalised in the last century and could develop a fairly broad training. Our linguistic practice is not abstract but adapted to our profession, yet now these teachers are **poorly paid individual workers, €25 per hour, including social security, despite preparation time…** if their child falls ill, they either find another worker to replace them, or the firm using them asks them not only to reimburse the €25, but also the profit this firm makes on their backs, which is often **€50**.

Regarding the **dualisation of work**, we have, for example, an extraordinary increase in **contractual contracts**, fixed-term or indefinite, with great precariousness. We also have the creation of offices where **taskification appears**, such as the executive agencies, which will now number around **3,000**, with people whose salary progression is much lower than that of us civil servants and is based on a very segmented professional practice, with 20-point checklists, etc. **Subcontracting** also exists here, obviously, for cleaning, canteens that were previously internalised – with better staff satisfaction, especially for the Berlaymont where the canteen is internalised – and the helpdesk: **50 independent workers in a room where we would have two or three colleagues**. In the Loi 51 building, for example, an entire floor was filled with individual workers dealing with the IT service of DG RTD with a mixed toilet for 100 people. All of this is at work today, as is the questioning of status and working conditions. Without painting too bleak a picture, because we are indeed still at an advantage compared to the rest of society – both contractual and external staff – let us be aware that we are undergoing, even with a time lag, the same evolutions. The 2004 reform primarily aimed to bring into line a mission-oriented public service – that of the European Commission, colleagues who had freedom of speech, etc. All the measures put in place since then, such as mandatory rotation (hierarchical staff rotate), lead to a **loss of know-how**. For example, when Mingasson, the Director

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General for Budget, went to Parliament, everyone paid attention to him because he knew his subject inside out. I am not saying that his successors do not know the subject, nor am I saying that mobility is not necessary, but there is a whole series of developments implemented that tend to **dispossess civil servants of a know-how that was the glory of the institution**, as happened at the research level.

All this to say that Fanny, from a different experience with a different background, is talking about things that are also at work here, even with a time lag, and perhaps this will intensify with the extension of telework and the individualisation it will entail.

QUESTIONS

Are we only addressing the negative aspects of the subject here? Are there not also positive points we could discuss?

Fanny LEDERLIN

The picture painted primarily evoked the negative aspects related to these three major modalities: **individualisation, dualisation, and taskification of work**. One might be concerned that we are only approaching the issue of telework from a negative angle. This is, of course, not the objective.

I was the first to be surprised, when writing *Les dépossédés de l'open-space* (The Dispossessed of the Open-Plan Office), to develop such a critical vision of our working conditions. However, in a final chapter, I already explore ways in which we could remedy these trends, and that will truly be the objective of the upcoming sessions, especially the last one, which will be devoted solely to **avenues for progress, to the ways and means by which we could indeed rediscover collectivity, solidarity, interest, creativity, and subjectivation**, because we haven't discussed it yet, but work is truly an essential place for self-expression. This is, in fact, the focal point of our collective reflection. It must be said that currently, it is quite complicated to find the positive points.

Is this process of individuation you mentioned irreversible?

Fanny LEDERLIN

I have the impression that it is an **irreversible process**. My answer may seem a bit boldly decisive, but it is not for nothing that I traced the process of individuation back to the modern era. A tremendously profound historical movement goes back to modernity – that is, roughly the 17th or 18th century – : the **appearance of the individual**. The individual who asserts their freedom to think, their freedom to enjoy their possessions, their freedom to depend only on the law, and rejects any collective body from which they cannot dissociate themselves. A very famous text by Benjamin Constant, *The Liberty of Ancients Compared with that of Moderns*, sets the scene and, already in 1819, declares this movement irreversible.

We are no longer going to dissolve into the collective; we no longer want to. To reflect on our working conditions and, more broadly, our social conditions today, I think we must start from this observation: **individuals feel increasingly unique; we are moving towards a narcissistic process**, many works are currently being published on this narcissism, which is the prolongation of individualism: even more ego, even more "me," etc., this is

the world we live in. Fortunately, this does not mean that it is impossible in this context to assert more fulfilling values of solidarity, collectivity, cooperation, and that is the whole challenge of our reflection, but these are values, principles, that are extremely minority in the neoliberal era in which we live.

What strikes me when we talk about telework is that the angle from which people often talk about their experience is that of **well-being**: for example, "I gained more comfort, it's more pleasant to work at home, it allows me to take better care of my children whom I can pick up from school more easily, to alternate work and leisure...", etc. These are all undeniable advantages, which are real individual progress, but which do not take into account the collective dimension through which we must truly judge work.

Does telework not have a drying effect, at the risk of cutting us off from the collective? How can a company function without a collective?

Fanny LEDERLIN

Telework has a drying effect; I would even say it leads to an **impoverishment, a narrowing of the horizon**, if only the spatial horizon. One of the essential questions we will ask ourselves together is: **how can we recreate a collective through work**, whether through telework or by returning to the office when we can? I think this is truly the most pressing question for work in 2020. All questions converge towards this one, whether they are legal, philosophical, existential, or even productive, because even bosses are asking themselves these questions: how to recreate a collective, adherence to the company project, a bond between workers, how to ensure that teams function correctly, that there is a desire for a vision, etc.? All of this is being questioned today.

Georges VLANDAS

I would like to point out that the individualistic aspiration emerged at the end of the economic growth cycle through a collective social movement – in France, I am referring to 1968 –: a collective demand for more individual autonomy. There is sometimes a mistake about what is called individualism. The current aspiration is an aspiration for **freedom and autonomy**; it is a universal aspiration, but the individualism that our societies' production apparatus is implementing is **individualism of enslavement, not emancipation.**

Fanny LEDERLIN

You are right to return to the question of **individualisation, which is not an evil in itself**. The challenge is to **articulate individual liberty and the desire for collectivity**. There is obviously no question of going back on the gains of liberalism, of liberal Anglo-Saxon thought: these are extremely emancipatory elements.

What do you think of this "chic," "luxury" aspect proposed with this new "nomadisation" of work?

Fanny LEDERLIN

A cultural battle is currently being waged through managerial techniques, particularly **neo-management**, the armed wing of contemporary capitalism, which relies heavily on a theology, dogmas, and values that are now imposing themselves as **hegemonic**, to use a Gramscian term. Hegemonic in the literal sense of the term indeed: I mentioned the issues of autonomy, independence, the issues of healthy competition between people; values that seem obvious today – few people would say they prefer dependence to independence – yet these are extremely questionable values. **Nomadisation is surrounded by a "chic," a "luxury"**: companies like Google or all trendy companies show extremely appealing images of large campuses where one can travel by bicycle, with foosball tables, ball pits... An entire decorum accompanies this organisation, this office design, and aims to make other ways of working seem outdated. The panacea is to be fluid, to adapt, to change desks every day, with this idea that the more uprooted we are, the happier we will be. We know very well, and this is a point I have tried to develop here, that **workers (and indeed all human beings) need a form of rootedness.** It is, of course, important to adapt to new technologies; I am not advocating a return to the Stone Age, but simply to work correctly, to be able to deploy proper thought and actions, one needs time, a space of one's own, a certain form of regularity, even rituals.

All of this must be reflected upon today; we must try not to take at face value all this extremely trendy, attractive discourse accompanying all the managerial innovations emerging at present; telework is no exception to the rule. That is why I find it important to take the time to reflect on it and, behind all this decorum of technologies, of the gift of ubiquity that we would all have, of CO2 savings, of time, simply to return to common sense, to critical thinking, and each time to question, to ask whether it really is progress or if it is a facade, an illusion, a PR stunt?

A testimony. These tools provide, from experience, great versatility and allow for very efficient meetings, sometimes with many people across the world. However, they do not bring the richness of human relationships; they must be used appropriately and should not become a tool for "policing" employees.

With telework, are we not masking a dysfunction by proposing innovation when there is a factor of psychosocial risks for colleagues; and is this not in contradiction with the values of solidarity of the European Union?

Fanny LEDERLIN

The health crisis occurred in the context of this malaise that existed at work, which we have discussed, in open-plan offices, in offices, whether in the public or private sector. I think this malaise was very significant, which is one of the reasons why telework was experienced by many as a relief.

While telework was absolutely not carried out under sustainable conditions last March or April – since children were at home, etc., with this concern about the future of economic activity – all studies conducted on workers' opinions on telework are extremely favourable nonetheless. I truly believe that one of the key explanations is this **malaise that pre-existed the health crisis.** The whole challenge today, of course, is to think not only about telework, but also about returning to in-person work based on this, so as not to reproduce what was already creating ill-being at work. This relief that

comes from telework, that is, from the fact that it removes the ill-being we could feel in open-plan offices, must not mask the fact that there are **psychosocial risks in telework**, but also broader health risks. Obviously, there are also positive effects; we will see all of that next time. Regarding the contradiction with the values of the European Union, it's a very good question, I may not be the most legitimate person to answer it here, but it is a major line of thought on the subject, in my opinion.

Georges VLANDAS

As for whether there is an enthusiasm for telework or not in the public service: we must distinguish between the particular context of the epidemic and finding an advantage to a certain extent in the generalisation, or in the rigid "4 days out of 5" system. This still needs to be considered, because **many people suffer from isolation; there are even health risks.**

Work also had an emancipatory notion, particularly for women, not to mention the means provided for childcare, after-school care, etc.; telework ultimately emphasises the home with little separation between home and profession, and it is a way of bringing work back to a place that is not necessarily emancipatory, even if to a certain extent one benefits from it because travel times can be reduced, etc.

One should be careful with opinion surveys. Firstly, are they conducted with representative samples? Secondly, perhaps they are overdetermined by the political and psychological context of the moment the question is asked, but precisely in social sciences there is not the same certainty as in hard sciences, and a question asked at a given moment does not have the same answer two days later.

This conference reported on the broader societal context, the evolution of work that we are experiencing in the 21st century, a context that overdetermines all other questions that will be addressed on telework, open-plan offices, and ways to respond to them collectively.

From Open-Plan to Telework (2/4): Telework, Work Remote from the World

Conference with Fanny LEDERLIN GRASPE N°43 - November 2021

Georges VLANDAS

Today's conference is titled: **Telework, Work Remote from the World**. We will discuss this with **Fanny Lederlin**, a university lecturer at the University of Paris I and author of the book *Les Dépossédés de l'open-space, une critique écologique du travail* (The Dispossessed of the Open-Plan Office, an Ecological Critique of Work). Today, due to the pandemic, we are compelled to telework for obvious health reasons, perhaps sometimes excessively, but there is strong legitimation for it. This telework raises questions about connections, dual screens, chairs, tables, and all that, but there are also more fundamental problems. This evolution in work forms is not solely due to

the health crisis; it is articulated on things that were already underway, and there are quite a few disadvantages and critical dimensions to consider.

To define a position as a social body, as the European public service, it is in our interest to understand the different reflections that exist on the subject so as to define, when the time comes, a position corresponding to our interests.

Fanny LEDERLIN

As Georges Vlandas reminded us, this second session is part of a cycle of four conferences dedicated to the evolutions of work at the beginning of the 21st century. We discussed the transformations of work that were not precisely those of telework, but other transformations that, in my opinion, prepared the evolutions we will observe today around telework. I proposed **three major trends** related to what I call "**neo-work**," this work modality linked to neoliberalism and neo-management.

The **individualisation of work and work relationships**, with employees being put into competition with each other through numerous mechanisms, notably leading to the possibility of **independent work**, is a form of work that has been developing increasingly for several years and, in a way, competes with salaried employment.

The **new dualisations in work**: the first opposes those who have a **fixed office** in which they can establish themselves and take possession of the space and work, and others who work in **open-plan offices**, or even **flex offices** (open-plan offices where one no longer even has one's own furniture, changing desks every morning). For me, this presents a danger of **uprooting in work**; the second, much more structural, separates **classic workers from subcontracted workers**. For several decades, companies have increasingly decided to outsource all activities that are not directly profitable, leading to the massive appearance of **subcontracted work** concerning cleaning staff, IT services, concierge services, etc., essentially care workers, and constitutes a "**sub-work**" parallel to traditional work.

Finally, the third major transformation: the **extension of a taskification logic to work**. I developed with you the idea of this utilitarian rationality, this logic of calculation, which governs our forms of work today in companies as it once did in factories, transforming executives and employees into "**task-workers**" in a way, by condemning them to execute microtasks decided by others than themselves.

This time, we will get to the heart of the matter concerning telework and address its cross-cutting issues. I will try to broadly outline the **existential, social, and political transformations linked to telework**, which will allow us to establish a framework for reflection.

Many of us experienced telework for the first time during the first lockdown. It is obviously important to remember that this experience was an **unusual telework experience**, as most of us were teleworking 100% of the time, and many with children at home. It is obviously not in this form that telework should become widespread in the future. However, there is a strong likelihood that it will become widespread – in forms that remain, of course, to be negotiated – essentially because this work modality is **highly favoured by employees themselves.** Of course, Georges was right to point out last time that surveys could be biased; nevertheless, numerous studies converge and show that the vast majority of workers welcome telework and see it as an

improvement in their working conditions, some even considering it a full-fledged right today.

Union agreements emerged this week in France, between all unions except the CGT and the MEDEF, to define a general framework within which negotiations will now take place, within companies for the implementation of this telework, at a pace and according to modalities that will be discussed each time. The essential difficulty posed by reflection on telework is that it is an **extremely heterogeneous phenomenon**. An employee will not have the same telework experience if they do it one or two days a week or 100% of their working time, if they live in a small apartment or work in a family home or a coworking space, if their company is or is not near their home, if their managers give them autonomy or, on the contrary, control them; and then we could add differences related to age, training or lack thereof, sex, since women do not have the same telework experience as men (for a large part of them, they are still obliged to combine telework and domestic tasks), and physical ability, since the issue of work for disabled people arises (sign language is very complicated in video conferencing). We clearly see that telework is not a homogeneous phenomenon, but on the contrary extremely diverse, multiple, and we will have to take this into account.

For now, I propose we try to **untangle what, in what is presented today quite massively as an innovation, is fantasy or reality, benefit or degradation, progress or regression**, both on personal levels, of course, but also collective, social, political, and even existential levels. We will approach this through three main parts: Is telework ultimately such a recent innovation? Does telework allow for a better work-life balance? Is it ecological - knowing that I use the term ecology in its very broad, almost existential sense, which means both viable, sustainable, but also existentially valid?

Is Telework a Recent Innovation?

When we went into lockdown, telework may have been perceived by each of us as an **innovative and even miraculous solution**, since it was a technological solution allowing us to address the problem of maintaining economic activity during this pandemic, which obviously no one had foreseen, while ensuring health safety. So, we all experienced it as a kind of miracle solution that fell from the sky.

However, first some figures to put the scale of the phenomenon into perspective: according to the International Labour Office, only **18% of workers worldwide** currently perform teleworkable activities. There are obviously more in Europe, an average of 30% depending on the country, and it should be noted that **70% of teleworkers are executives**. These figures allow us to take a step back and reduce the perceived scale of this phenomenon on the world of work as a whole. The people who cannot telework are care workers: doctors, nurses, nursing assistants, cleaning staff, cashiers, farmers, masons, we could mention factory workers, lathe operators, truck drivers, canteen workers, drivers, delivery people, etc., all these trades are not teleworkable. This is a first point. There is a **prism in the media today**, linked to the fact that journalism is a teleworkable activity, most office workers can now telework, and there is an overrepresentation in the media. This is to put things into perspective.

Furthermore, is telework really a novelty? Here again, some figures: **in Europe, telework was already practiced before lockdown**, it was a much

more widespread modality in the north, with **12% of teleworkers in Germany** for example, **27% in the United Kingdom, 37% in Sweden, 37% in the Netherlands**. In contrast, telework was less widespread in the south with only **5% in Italy, 9% in Spain**, and in France it oscillated between 3 and 7%. Currently, in most European countries, we are moving towards about **30% telework**.

Beyond telework strictly speaking, we were already used to working from home before lockdown. For a long time, executives and office workers had gotten into the habit of checking their emails – if only with their smartphone or by bringing their PC home – working in the evening after returning from the office to finish a presentation or check emails, or on weekends to get ahead for the week. We had already gotten into the habit of working from home; we didn't call it telework, but it was nevertheless the same kind of modality. It is precisely because we had adopted this habit and because the **tendency towards the individualisation of work**, which I already discussed last week, existed that the **status of independent worker** was able to be established and become an extremely massive work modality.

Finally, the last telework modality that already existed: **micro-work**. Antonio Casili, a sociologist and author of *En attendant les robots* (Waiting for Robots), is interested in digital work and distinguishes micro-work among digital jobs. This form of work allows internet users to earn a few cents from home per micro-task, for example, selecting images, translating small videos, etc. Amazon or Facebook are major providers of online tasks, and this pre-existed the health crisis.

Telework as **work from home** is ultimately part of the work modalities that have emerged over recent decades, particularly under the influence of technological and managerial transformations. From this, we can imagine that it may ultimately **reinforce the trends we have observed**, particularly those of the **individualisation of work and workers**, thus strengthening the **social atomisation** at work in our societies.

Are there ways to restore collectivity to work, even remotely? That's what I propose we look at next week, although, of course, after my presentation, we can already open the debate on the subject. The question of **disconnection from the work collective** is just as vital for addressing the issue of telework as, for example, the right to disconnect.

Telework: A Better Balance Between Professional and Private Life?

It is a common belief, supported by numerous employee testimonies, that since they started teleworking, they have been able to **better manage both aspects of their lives.**

Specifically, I would just like us to remember how the telework experience unfolds: the principle is that the **teleworker lends their home to their employer**. In other words, they divest themselves, for the benefit of their employer, of part of the use of their property – whether they own their home or not is irrelevant. It seems to me that today a subject is too rarely discussed, especially in the negotiations that have taken place in France between the various unions and the MEDEF: the question of **counterparts to be provided by the employer in exchange for this loan**. One could very well imagine that the employer contributes to rent costs, heating costs, and so on. For now, I have looked a bit, and I have not found any trace of this type of discussion.

Beyond this material aspect, what is ultimately at stake when one opens one's home to one's work is much more **existential**: what happens when work enters one's home? What happens when what belonged to the public, professional sphere enters the private sphere? The danger, in my opinion, is that with telework, what was once extremely compartmentalised, no longer is, and that by opening our homes to work, we end up **giving it access to the entirety of our lives.** Of course, one can object to this concern by saying that precisely when teleworking, one has the possibility to arrange private moments during the day, even during working hours. I am thinking of testimonies from workers who report being able to isolate themselves for two hours to play video games, watch Netflix, take care of children, pick them up from school, even have associative activities... Certainly, this possibility exists in telework. However, these unproductive moments, these "micro-indisciplines" that Michel de Certeau discussed in *The Practice of Everyday Life*, where he identifies all the small daily "poaching" activities through which individuals create small bits of freedom within the structure that holds them – are therefore salvific from an existential point of view.

The problem for me is that the **micro-indisciplines** experienced in telework remain strictly private and individual practices, when they are not, moreover, reduced to consumption practices: buying online, watching series, watching TV – all of this ultimately resembles consumption practices (consumption, production, which I take in a broad sense). Ultimately, whether it's gardening, baking bread, taking care of one's children, or watching one's favourite series, these micro-indisciplines alone will not be able to acquire a sufficiently subjective and structuring dimension to constitute a **rampart against the invasion of work into life.**

The question I would like to ask you, and which will remain open today, is: **by what means could we succeed in further regulating telework to restore a more watertight partition between what pertains to work and what pertains to private life?** The question of the **articulation of connection times and disconnection times** must be considered, but obviously the pitfall behind the quantification of these times is perhaps an **over-control of workers** that does not at all align with the logic of telework, which is based more on an idea of autonomy. I do not have the answer to this question today; I just wanted to address it, but it is perhaps more complex than it might have seemed at first.

Furthermore, the practices I have just evoked, which mix work and leisure, participate in a process – also prior to telework – of **indifferentiation between what pertains to work and what pertains to leisure.** An indifferentiation that has the consequence of making work invisible. This indifferentiation is notably highlighted by Antonio Casili, who discusses the model of digital platforms such as YouTube, Instagram, etc., which use users' hobbies (Instagrammers passionate about fashion, makeup, travel..., YouTubers willing to make films spending an enormous amount of time on each of their videos to be able to post them...) and play on this notion of hobbies: initially, it is not work, of course it can become remunerative after a certain number of followers, but initially it is a hobby and, in the minds of the producers who create this online content (from which YouTube, Instagram, etc., ultimately make money), it is not a full-fledged job. I make this small digression simply to show you that we are already in a **logic of indifferentiation between leisure and work, of invisibilisation of work** in favour of an impression that we are always more or less practicing a hobby while working. This invisibilisation risks not leading to the liberation of workers, but rather to **greater exploitation of the latter**: how to measure

work when the boundary between leisure and work is so tenuous? How to count, to account for work as precisely as possible, to remunerate it fairly? How to regulate it? Telework fits into this logic of indifferentiation that was already at work and risks making these issues even more blurred, making work even more invisible, all at the expense of workers. So much for this second point.

Is Telework Ecological?

This is another argument very often made in favour of telework: by reducing our travel, telework would **reduce CO2 emissions** that cause global warming, so telework is ecological. Mark Zuckerberg, who misses nothing, made a statement to this effect last May. He declared that he wished to generalise **full remote telework** in his company, Facebook, with the following argument: "In 2020, it's easier to move bytes than atoms, so I prefer our employees to teleport via video or virtual reality rather than being stuck in traffic polluting the environment." I will not dwell on this rhetoric, which is quite characteristic of Silicon Valley: a mixture of techno-language and futuristic vision, all wrapped in good intentions and environmental goodwill. Indeed, stated like that, it is irrefutable. However, I would like to offer two remarks.

The first: the **carbon footprint of digital technologies is far from neutral**, and it is time to measure it. This is a current movement today, with more and more observers trying to measure this carbon footprint. We can easily imagine that the multiplication of equipment, the consumption of energy and raw materials they require, the production of waste related to these same equipments..., are not environmentally neutral.

The second remark: the question of the **ecological impact of work is absolutely not limited to the calculation of CO2 emissions**, to a strict accounting angle, but must in fact take into account a much broader dimension, an **existential dimension**. To the question: is telework ecological? We must answer by integrating not only the question of the impact of telework on nature, but also on what the philosopher André Gorz calls "**the lived world**," that is, our ways of life, our relationships, our values, our human interactions, etc. So, to know if telework is ecological, it is necessary, in my opinion, to ask ourselves if it is **viable, in other words sustainable, but also valuable.** Does it have value from an existential point of view?

This question leads us to a point that is perhaps the most "philosophical" point of the demonstration I wanted to offer you today, and which forces us to return to what **work is**. It is not simply the most efficient, least boring, most comfortable way to earn a living. Firstly, **work shapes our human condition**, simply because it is through work that we metabolise nature, that we enter into relationship with it and transform it. Secondly, **work shapes our relationship with others**, since it is through work that our social bonds are organised: when we work, we must conform to a certain number of rules, a culture, a civilisation, and, moreover, we enter into relationship with strangers who practice the same work as us, are in the same workplace. Thirdly, **work shapes our relationship with ourselves**, since it allows us to exercise skills and talents and to imprint a singular action on the world. If we want to think seriously about telework and its consequences on our lives, we must ask ourselves what this new work modality changes in our relationship to nature, to others, to ourselves, to the world.

We have seen that in terms of **social relations, it reinforced individualisation and social atomisation**; in terms of our relationship with ourselves, it risks reinforcing the grip of work on our lives, what could be called a form of **alienation** – these points are not definitive, they are risks that I am pointing out with you. What about our relationship with nature? Does telework allow us to escape **productivism**? Productivism is the way the relationship between our work and nature has been exercised for hundreds of years, since modernity; it is the idea that the unlimited quest for maximum production would be the ultimate goal of economic activity. Does telework go against this idea? This idea is detrimental to the environment, since this pursuit of unlimited and maximum production leads, as you can well imagine, to an **exploitation of the planet**, which we no longer merely metabolise, but which we are destroying.

So, does telework allow us to go against this? Firstly, as we mentioned earlier, this is the flip side of the coin: by maintaining economic activity, telework has, in a way, prevented us from reflecting more deeply on our relationship with nature, with productivism, with the way we wish to work. We can say that it has been a very comfortable and salutary solution for everyone's well-being, but that it has, in a way, prevented a deep reflection on productivism. Furthermore, telework risks reinforcing this **unlimited quest for maximum production**, as studies show: when teleworking, people work much longer hours, the time slots are much longer, there is a kind of **call for performance** linked to telework.

To conclude, I first wanted to lay the groundwork for a more existential questioning to go beyond the perceived and stated advantages of this work modality, presented as innovative and fashionable, and whose consequences on our lives, I insist, can be much more complex than one might initially believe.

Georges VLANDAS

Thank you, Fanny. At the Commission and in the institutions, we already know telework, as we had variable telework. With the pandemic, we are starting to see assessments; for example, in a large Directorate-General, a third of the staff find that current working conditions result in a **very significant deterioration**, only 10% believe there is an improvement, and a large majority think it is **worse than before**. This also allows for an **increase in productivity**, but this is not always perceived as a positive evolution.

One question concerns the **breakdown of individual contacts**, or the "**digital workload**." There are also technical problems, because look today: we have a public meeting with colleagues, and ultimately I don't see them, I see black screens with their initials, which is necessary to be able to hear you. In other words, there are also technical constraints that are not always obvious.

Last point, it's the more fundamental question concerning **professions that do not support telework**, in relation to the question of the collective, how do work collectives function? These are questions we will return to today and in future sessions.

QUESTIONS

A testimony: *Suffering from a slight disability that led me to work at 80%, telework allowed me to find a new balance and return to 100%.*

Telework has allowed us to regain a comfort we did not have at the office, to avoid the stress of commuting, and we can also rediscover human relationships virtually, exchanging with each other in a new way.

Fanny LEDERLIN

Indeed, according to studies and numerous testimonies, it is quite largely the case: the individual experience that workers have of telework is a **positive experience**, you are absolutely right. It is an experience of comfort, of a feeling of better balance, the impression of being more productive. This idea of **well-being in telework** appears quite regularly, and I am fully aware that it is a real experience.

I believe that work in general should not be solely viewed, observed, or judged from the perspective of the **individual well-being** it might provide. In recent years, the managerial trend in particular has been to study the individual well-being of employees in the office, to achieve better personal fulfillment: the proliferation of coaching in companies reflects this trend. This is the prism through which we think about work today. As a researcher on the subject, I believe it would be a mistake to forget in passing that work, before being the subject of personal fulfillment, must be that of a **collective accomplishment that goes beyond the question of personal experience.**

If we only look at personal experience, we miss one of the big issues related to telework: the **arbitrariness of situations.** If you feel good at home, it may already be because your home is good. You have a sufficiently pleasant home to feel good there. The question of teleworking, which will become widespread, must now be **regulated by labour law** and must, in a way, **compensate for the inequalities that already existed among workers.** If we only take into account positive experiences, experienced by people who are in a position to have a positive experience – already trained, mastering their professions unlike young people who would need training and would find themselves alone at home without benefiting from the help of their hierarchical superiors or more experienced people; who live in a sufficiently pleasant place to feel good, etc. – then we fall into a form of **randomness and arbitrariness** which, for me, does not lead to social progress.

When thinking about work and thus telework, we must think **collectively**; think about progress that leads to a **reduction of inequalities or difficulties** that various individuals might encounter. That is my point; I do not deny the benefits that individuals may feel personally, I point out the **risks that could be linked to this new modality, including the dilution between the private and professional spheres.**

Regarding this indifferentiation between work and private life, could you also discuss self-exploitation? People often find it difficult to admit that they work at home in addition to the office, to consider it as additional work, such as checking emails on weekends, for example.

Fanny LEDERLIN

The contemporary German philosopher Byung-Chun Han has conceptualised what he calls "**the performance society**." His idea is as follows: we used to live in a **society of discipline**, that is, modern society, where we were all more or less little Kantian subjects who responded to the categorical imperative "you must"; the "you must" monitored by rulers, leaders, etc. We have moved from this society of discipline to a **society of performance** where the categorical imperative is no longer "you must," but "**I can, therefore I must**." We are augmented by technology, our smartphones, artificial intelligence: we have completely multiplied capacities, so we are capable of much more than before. Knowing this, according to this philosopher, we set out to be ever more performant. In telework, being able to spend the whole day without interruption, without being disturbed by colleagues or by children when they are at school, we have started to work much more, and moreover, further studies are needed to support this, but the **productivity of telework seems quite exceptional.**

No longer having limits to our work, possessing extremely efficient technological tools (our PC), the danger is that we might **confuse ourselves with the artificial intelligence that helps us** and that we might become **ultra-performant teleworkers who constantly self-exploit** to the limits of their working capacity. This danger was already lurking in the office; I remind you that the illness of **burnout**, which has just been classified by the ILO among occupational diseases, according to reports from psychologists and psychiatrists in the world of work, is linked to the **"little inner boss" that we have within us**; generally, there is no moral harassment behind burnout, it is linked to this personal injunction we give ourselves to work ever more. I think that telework effectively **increases the risk of this mechanism.**

Another point to return to the dangers of this dilution between leisure and work: if we no longer distinguish between hobby and work, then companies can **exploit content creators** (for example, online videos or social media content), and **exploit free labour for their own benefit.** The long-term danger is that this free labour will compete with paid work and thus, in a way, create a form of **social dumping** in the labour market. These producers of free content believe they are doing a favour by agreeing not to be paid for what they produce, in order to be valued and popular, and this creates **unfair competition** with paid workers and thus, in the long term, perhaps even creates more unemployment.

*Currently, telework is more imposed than chosen, yet people have to equip themselves. The **intrusion into private life is not negligible**: with telework, we no longer know whether we are working at home or living at work.*

Georges VLANDAS

At the European Parliament, they started paying staff for internet connection costs last March. At the Commission, computers, even a screen, a chair, are now made available... but we are told: if you have this at home, you cannot expect to have an individual office on the institution's premises; at best, it will be an office in an open-plan space.

One might think that **modernity is flexibility**: combining morning meetings that start with telework because you need to connect with people who are not in Brussels, for example, and then returning to the office. We are offered three options; the first: we continue as before; obviously a significant portion

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of the staff will refuse, finding that there are still improvements with telework; the second: we only do telework, but that's a bit too much; or the third solution: half or two-thirds of the week. This will ultimately be decided at the decentralised level of unit heads.

Regarding the pandemic period, the feedback we are receiving is that there is **a lot of frustration**, because telework also corresponds to **remote schooling** with gender differences; we used to say that women have a double workday, now that they telework they are at home and can pick up children, etc. This **lack of separation between private and professional life creates oppressive situations.** We also have too much professional dimension at home and perhaps not enough interpersonal work relationships, which creates dynamics that are not controlled.

What essentially concerns me is that we approach this debate primarily with the **fear of the epidemic**. People say to themselves: "At least I'm saving my life, despite the problems I have being isolated." Under the pressure of the epidemic, we are put into a situation that we get used to, and subsequently, things will gradually be imposed on us because we need to save money. We will be led to telework more massively, without having been able to assess the **psychosocial risks, the inequalities, and the correlation between work and telework**, because some jobs can be teleworked, for example, the reimbursement of medical expenses – but what kind of life for the colleague who does that? – but being a childcare worker in a nursery, for example, cannot be teleworked.

The nature of our institutions as well: we are a political institution in principle, so we must see each other. A differentiation is already at work between executive agencies that telework and an "elite" of administrators, designers, who will continue to meet, while the bulk of the staff will telework. Even if some say: "I prefer to work from Greece and my island," even if we might lose the 16% of expatriation, or the corrective coefficient, it will still be better. But it will be a public service where **two-thirds of the staff will be dispersed across the territory of the Union**. How then to form a cohesive body?

Important issues are not being foreseen today, so instead of moving forward as quickly as we seem to be, I think we should take the time after the lockdown for reflection, to reflect on both the positives and the dangers, and to ask ourselves how to confront them.

Fanny LEDERLIN

Of course, the experience we are currently having with telework is **not generalisable, and it is not desirable that it should be**, since it is taking place under emergency health conditions, meaning constraints on one hand, and full remote work – that is, 100% telework – on the other. It now seems obvious to all stakeholders serving employers, unions, teleworkers, etc., and politicians, that the **generalisation of telework must take the form of a hybridisation between telework time and in-person work time in the office.** This is a first point, and if we are to fight on a common ground, it seems to me that this is the most important one.

After that, what kind of articulation, how much time should be teleworked at home, how much time in-person at the office? All of this needs to be refined, but I truly believe that we must share this observation: **only a hybridisation between telework and in-person work is desirable today**, because

otherwise all the problems related to telework, which we will revisit in detail next week, would only intensify.

There will now be **mandatory telework to save money.** *This is a massive tool of* **alienation, of atomisation**; *by isolating workers at home, they are prevented from unionising, from having a collective consciousness. Do we want a world in 30 years where most people telework, don't know each other, no longer exchange informally? What is a society without informality, what is work without collectivity and without informality?* **It is collective and informal discussions that create innovative ideas.**

Fanny LEDERLIN

One of the essential points of telework is the **loss of these informal moments**, whether it's discussions at the coffee machine, but also the young person in the open space who asks for help and to whom a colleague will lend a hand without even having a hierarchical responsibility towards them. It's the question of **solidarities that are forged at work and collective struggles**: there is a political dimension to work that does not necessarily take the form of a strike or social revolt, but simply of collective actions, of forms parallel to work that simply concern collective life, solidarities among workers, this bond that can be called informal and that obviously disappears in a telework situation. Perhaps we will imagine new applications to maintain them, to keep them alive. This seems very complicated to me today, because even if it's a more or less festive video call or one with the aim of team building, it still remains an extremely formalised framework that does not allow precisely everything that these small exchanges, around a corner or in front of the company, allowed.

This issue of **loss of creativity, solidarity, and simply social connection**, linked to the fact that workers are no longer on their site, seems to me a crucial subject. In France, a labour law lawyer, Pascal Lokiec, has raised the question of the **right to reconnection**, drawing a parallel between the right to disconnect, currently discussed by most unions, which would precisely allow for a better articulation of private and professional life, and this "right to reconnection" which would promote the maintenance of these informal exchanges.

And finally, last points, the idea I tried to argue with you today is that **there is no society without informality**, and that today, if telework is imposed, we risk leading to **alienation, an atomisation of workers.** In the agreement that has just been signed in France, the idea that telework must be accepted by both the employer and the employee has been evoked. So, outside of emergency situations like the one we are currently experiencing with this pandemic, telework should not be able to be imposed, in France at least, but I imagine other countries will reflect in this direction.

What constitutes the pride of the teleworker, since one no longer goes to work in a nice suit?

Fanny LEDERLIN

Indeed, when you go to work, you become a **public person**; you dress up, you prepare yourself, you embrace your role, and you become the professional you are; you embody your profession in a certain way. All of this disappears when you are teleworking, where we know people telework in tracksuits, in socks, and for me, this does not lead to liberation. Commentators say it's a

way of freeing oneself from social constraints, etc., but in my opinion, it's an **illusion**, and what we call "social constraints" is simply this **public sphere that allows us to be someone other than ourselves, someone we decide to be, a public person, precisely, enriched by their profession, their status, the relationships they maintain with others**, and I therefore indeed think that this disappearance of public space would ultimately be detrimental to each of us.

You mentioned Facebook. Does telework not perfectly align with this ideal of American West Coast transhumanists, based, in fact, on the disappearance of the body, as well as the abolition of temporal and spatial boundaries?

Fanny LEDERLIN

I wrote an article on telework published in the journal *Études*, which some of you may know, in which I specifically develop the point you are raising, which I found a bit too abstract to mention here, regarding the **disappearance of bodies.**

I draw a parallel between the worker in *Modern Times*, who merges with the machine and becomes a kind of crazy automaton from tirelessly repeating their Taylorian movements – at the time of the second industrial revolution, the model was the machine, and the worker himself became a machine, as we see in many accounts from that era of factory workers who experienced this automaton condition – and us, teleworkers, facing the danger of **not becoming machines** because that is not the tool we use, but rather **abstract, disembodied artificial intelligences, with unlimited power, with totally augmented capacity.**

Indeed, the danger is to see temporal and spatial relationships completely dissolve: when we telework, we have the **gift of ubiquity**, we talk to each other from the four corners of the world, and if we are not called to order by children or people we live with – many teleworkers live alone – we can **lose track of time** and realise that we have been in front of our screen for 12 hours. This **disappearance of bodies** is a very real experience. There is a considerable danger that the **high-performing individuals we are** – endowed with a "little inner boss" urging us to work better and more, seeing all limits disappear – will end up **constantly self-exploiting**, and I think this can lead to serious psychological and general health problems.

We are witnessing the **disappearance of collective spaces** and an **indifferentiation between times, places, work or leisure**; in short, the phenomenon in which telework is embedded is truly this **indifferentiation and abstraction**.

What about inequalities between those who can and cannot telework, but also among teleworkers?

Fanny LEDERLIN

Indeed, there are **new inequalities**: between teleworkers and non-teleworkers, inequality between telework performed in good conditions and that done in poor conditions. Women, who had found a path to liberation precisely by allowing themselves to leave their homes, are now once again confined to their homes – I am very surprised not to see feminists more offended by this; I have not yet seen the issue emerge, but I think they would do well to seize upon it. I insist on **intergenerational inequalities**: I think that

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perhaps the greatest inequality in telework is the one that separates a young active person entering professional life, who has everything to learn about their profession, has not yet been noticed by their hierarchical superiors, and is forced to work from home, without recognition, without the possibility of accelerating their career through their social skills, their flair, all that goes beyond work competencies, and above all, without the possibility of training, because remote training has nothing to do with the informal training one can get by asking a colleague in the office for information.

All these subjects support the fact that telework risks reinforcing the three major trends I discussed with you in the previous session, namely the **individualisation and atomisation of workers, dualisation with all the inequalities it will provoke and the new inequalities that telework will open up, and taskification with this disappearance of the body that makes us become pure spirits exploitable at will.**

Georges VLANDAS

Thank you very much. You are right to insist on the **gender and generational dimensions**, because especially during the pandemic, it was necessary to simultaneously telework, tele-domesticate, and tele-educate, which was very difficult and very oppressive.

Has the issue of workplace violence, particularly harassment, been investigated? Is it reduced with telework, or does it continue in other forms?

Fanny LEDERLIN

I don't know if we have enough hindsight today to evaluate the evolution of this question. It's a very complicated information gathering process, as you can imagine, to know whether telework decreases or, on the contrary, increases this issue of harassment. I think it's a very good question, but I confess that I don't have enough elements to answer it.

Instinctively, a lead comes to mind that I will try to explore for next time: perhaps it's **other forms**, meaning all forms of verbal, discursive, quite direct harassment, that are likely to disappear or be reduced since they are part of these informal exchanges we mentioned earlier, even if it's the hidden and quite detrimental side of these exchanges; on the other hand, perhaps another form of harassment might emerge, linked to what is called "**placardisation**": the act of being able to leave employees in their corner, not inviting them to meetings, to video conferences, not trying to find out how they are doing. Perhaps a new form of harassment could appear, consisting of isolating people, which can cause great suffering. So, I see this small point of vigilance to have, and I will try to find out if studies have been conducted on this subject.

Georges VLANDAS

There are indeed contradictory phenomena, but the technology as we use it today is not neutral, as I said last time: it contains its own logic and today **individualises relationships**. Some techniques allow for the creation of small work groups, but these are not widely propagated or taught. On questions related to workplace violence, the victim also loses the **"corridor solidarities."** On the subject of harassment, on which we also held a conference and which the institution will revisit, the question of prevention and organisational culture is very important.

Relationships between geographically distant individuals are certainly easier, but I have much more difficulty contacting colleagues whom I used to find by crossing a corridor. **Telework also imposes rigidities.** What also emerges as a global image after six or seven months of telework is that **we don't know how to telework**. We don't know when to take breaks, what the rules are. For example, I insist on seeing people's faces. Is that a good rule? We were thrown into the deep end urgently, as often happens in institutions, people are just thrown in because they are supposed to be very competent, and we see what happens. **We need to revisit the subject of how to telework.**

The Law of Telework in Question

GRASPE N°48 – Conference of June 13, 2023

With Loïc Lerouge, Research Director at CNRS specialising in occupational health issues in social law, International Chair of Comparative Studies on Occupational Health at the University of Bordeaux.

Loïc LEROUGE

Hello everyone. Thank you for this new invitation. I am always very happy to exchange with you because we are dealing with the very question and notion of the **circulation of ideas and practices**.

The notion of the circulation of ideas and practices is very important. This clearly relates to the notion of citizenship. I believe that discussing telework in this context is important because we knew about telework before the pandemic, but it has developed considerably, at least in France and other European Union countries, since the health crisis we have experienced, bringing new practices, new ways of working, but also **questioning work collectives**. This will be a recurring question.

Therefore, when we titled this presentation "The Law of Telework in Question," it is indeed about reflecting, particularly in the discussion, on the parallel between telework and on-site work, on the application of a specific law to telework or not, and how labour law also extends to the home, with very specific issues, such as **privacy concerns**, which we will return to.

The question of the development of telework, as we currently know it, is quite recent. Regarding litigation, it is not as enormous as it seems, but there are still some avenues I will discuss shortly. And above all, it is true that with these new working methods, we have new problems that are not so simple to solve. All these questions will punctuate the developments I am about to share with you.

First, I will start from French telework law to explain how it works, with a definition in the Labour Code, in article L1222-9. *It is any form of work organisation in which work could also have been performed on the employer's premises, which is performed by an employee **outside these premises, voluntarily, using information and communication technologies.*** So, we have a very restricted definition of telework.

And then we have a qualification of the teleworker. What is a teleworker? A teleworker is any employee of the company who performs telework either from the moment of hiring or subsequently. Here, we are talking about employees. Therefore, the Labour Code does not ultimately address the public service, which has its own mode of operation. So, here, I will elaborate on labour law.

However, in the Labour Code, Part 4 relating to **health and safety at work also applies to the public service**. So, ultimately, we have a part of telework law that will apply to both employees and public service agents.

This telework is implemented either **within the framework of a collective agreement** or when the employer draws up a **charter** after consulting the social and economic committee. What is the social and economic committee? It is the collective representation of staff in companies with 20 or more employees. If there is no collective agreement or charter, the employee and the employer can agree to use telework and can formalise an agreement by any means. It is not specified whether this must be in writing, moreover. But we see that in some telework laws, like in Portugal, for example, the law specifies that the agreement must be in writing.

Furthermore, a telework request can also be made by a **disabled worker or a family caregiver**. It is important to mention that these are principles of work accommodation that allow any worker to access work. If the employer refuses the request, they must provide reasons, but the employer has the right to refuse. This is not necessarily the case in other laws, such as Portuguese law. Indeed, in Portugal, a telework law was recently adopted that is very interesting and well-developed, whereas in French law, the question of telework modalities is truly referred to a collective agreement or a charter. The problem with the charter is that it **does not have executive value**. Also, the problem with the collective agreement, and we will discuss this in the questions of the right to disconnect, is that there are **no specific sanctions** provided for.

Speaking of contemplating something, regarding the conditions for switching to telework, the Labour Code mentions the episodes of return to contract performance without telework, the employee's acceptance conditions for telework implementation, working time modalities, workload regulation, modalities for disabled workers' access to telework organisation, and the determination of **time slots during which the employer can contact the employee.** All of this is not determined by law, but by collective agreement or charter, or by individual agreement between an employee and an employer, if there is no CSE, for example.

The teleworker has the **same rights as an employee who performs their work on the premises.** An employer who refuses telework to an eligible employee must provide reasons for their response. An employee's refusal to accept a telework position is not a ground for termination of the employment contract. Here, we are talking about working conditions, not essential elements of the employment contract, so an employee can normally refuse to accept a telework position without sanction. Any accident that occurs during the exercise of telework, at the place of telework, is presumed to be a telework accident.

Furthermore, the employer is subject to a number of obligations. To inform about all principles of restriction, the use of computer equipment or tools, and sanctions in case of non-compliance with these restrictions. For

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example, computer tools provided by the employer must not be used for personal purposes after working hours. The employer must give priority to teleworking employees to occupy or resume a non-teleworking position. They must also inform an employee who requests to return to on-site work of any open non-teleworking positions. So, one can request to telework, but one can also request to return to work. The employer can hardly refuse, and we will see that there is case law on this. Finally, at a minimum, the employer must organise an annual interview covering the employee's activity conditions and workload. But **one interview per year is very little.** So much can happen in 12 months, especially in terms of workload, personal life, and isolation. The French Labour Code does not mention issues of isolated work in relation to telework. So, all of this is up to the stakeholders to imagine. For example, imagining partial telework, rebuilding collectives by not being 100% teleworking. This raises questions in terms of collective representation, and we will also discuss this later. Finally, in exceptional circumstances, particularly in case of an epidemic threat, the employer must ensure that the implementation of telework can be considered a **workplace adjustment to ensure business continuity and guarantee employee protection.**

Here, this is an important point, obviously, which has been added recently, but it is an important point because I feel here that there is an **amalgam between telework and remote or home-based work**. And we saw it earlier in the definition. This is one of the questions that can be dealt with, moreover, during our discussion. It is a question that can be put to the judge. Are there geographical, physical boundaries concerning telework sites? Is telework only a sanctified place, at home, equipped for it and which respects ergonomic safety standards for teleworking? Or can it be the living room, the kitchen, respecting working hours? Or is it on a train, in a boarding lounge, etc. We do not necessarily find this nuance in the definition, in any case, which is given to us by the legislator.

The social partners concluded a **national interprofessional agreement** on November 26, 2020, for the successful implementation of telework. It was important to show that they were mobilised during the pandemic and that it was necessary to refine this telework law. It was also necessary to transpose the **European agreement on the digitisation of work, of June 22, 2020**, which raises the question of the application of European Union law, which is often progressive and provides protections, within your institutions.

This agreement of November 26, 2020, also follows another agreement from 2005 in France, which itself follows the **European framework agreement of 2002 on telework**, but it does not necessarily bring many novelties. However, the goal is to mark progress for the **protection of workers' health in telework**. We were in an exceptional context, that of the massive use of telework. But the agreement is still relevant since there are more telework requests, and it has even sometimes become a condition of employment, either to attract employees or employees who set their conditions for being hired.

But telework cannot be implemented under any conditions. It can also be a source of **psychosocial risks, musculoskeletal disorders, as well as other pathologies**. It can increase cardiovascular risks, because we don't move much, we are sitting behind our screen all day, we have less physical exercise, we have more pain in the trapezoids, etc. So **public health issues** also arise.

It is also recalled that telework is a subject of **social dialogue**, which is not new, but that it can be negotiated and renegotiated in France each year through questions of quality of life at work, now called quality of life and working conditions. What is it about? According to the French Agency for the Improvement of Working Conditions, **quality of life and working conditions** refers to and encompasses actions that make it possible to reconcile both the improvement of working conditions for employees and the overall performance of companies. And this also refers to the notion of well-being at work. And very often, it also refers to the notion of well-being at work through individual perception and the individual relationship to work. This is another question. It is true that here, in terms of occupational health, it is also important to consider a **collective approach**. So, our national interprofessional agreement offers a framework that will encourage companies to negotiate more on telework, but the social partners have full latitude to define, adapt the measures to the realities of the company and notably during negotiations on the quality of life at work.

Few agreements are ultimately innovative with genuinely new provisions to organise telework. And is it really useful to reiterate labour time law, which already applies through the labour code? Is it really useful to reiterate that telework must be included in the single document for professional risk assessment? It is also useful to recall that teleworking employees benefit from the **same health and safety at work protections as other employees**. However, this agreement truly brings a limitation in this area, meaning it specifies that the benefit of health and safety at work protection must take into account the fact that the employer cannot have complete control over the place where telework is performed and the environment that belongs to the private sphere.

Furthermore, this is not the case for Portuguese law, which advocates a complete transposition of health and safety at work law to the personal workplace, with practical limitations, but which goes further than our own system in France.

The agreement of November 26, 2001, also reiterates the terms of article L 1222-9 of the Labour Code, which I mentioned. I nevertheless recall fundamental principles of maintaining the **link of subordination between employer and employee, working hours, rest time, working time control, respect for the right to disconnect and privacy**, that the use of digital equipment must be supervised by the employer, as well as the coverage of professional expenses and the right to training. And obviously, the expenses incurred in the context of the performance of the telework contract are, in some way, applied to all work situations here.

The modalities for covering incurred expenses are precisely a subject of social dialogue within the company, particularly concerning the **lump-sum allowance** that will be paid and exempt from contribution in a limit fixed by law, so it is a tax advantage, it is a lump-sum allowance to equip oneself, to pay for equipment, to pay for Internet connection, etc. Portuguese law, on the other hand, considers that **it is up to the employer to fully cover the equipment and connection costs of teleworkers.**

Telework also changes the way a **work community, a collective, is managed**, and therefore there are managerial practices that must be adapted to telework. Management as it is understood and represented in the workplace is not necessarily the same in telework and must be adapted. It is exercised differently depending on the number of people teleworking, the

frequency of telework, so a clear framework must be set so that each employee can evolve as autonomously as possible with objective setting, workload distribution that must take into account the telework situation and adapt these management methods to communication methods in remote exchanges. We see very often, it is not as reliable as direct communication, it is not the same way of communicating and also there are sometimes a number of technical problems. The training of managers, of employees is a key element that must be taken into account in these new situations as well as particular situations notably concerning the **integration of new employees into the telework collective**. The same applies to alternating workers with the training establishment. It is therefore essential to **avoid the loss of social ties**, to build a social tie with the teleworker, to set up alert procedures for feelings of isolation and to propose solutions to remedy these problems.

Next, there is the issue of **over-connection, of workload**, which must also be a subject of caution with devices for monitoring overload and over-connection. This therefore refers to the **right to disconnect**, that is, to benefit from and set with the employer time slots during which the employee cannot be contacted in coherence with working hours. According to a ruling by the Court of Cassation of November 14, 2018, before the pandemic and still valid today, the employee can claim payment for **overtime**, hours worked outside of scheduled hours if they were forced to work to achieve their objective. I would also like to recall a **ruling by the Court of Justice of the European Union of May 14, 2019**, which states that in order to ensure the effective application of the rights conferred by the Working Time Directive and the Charter, **Member States must impose on employers the obligation to set up an objective, reliable, and accessible system enabling the duration of daily working time performed by each worker to be measured.** This also applies to teleworkers. Member States must define the concrete modalities for implementing such a system, in particular the form it must take, etc. It must take into account the specificities of each sector of activity, the specificities and size of certain companies. So here, indeed, the employer must take into account the issue of telework in managing working time.

There is also the question of **controlling telework activity and working time**. The employer, in these circumstances, will want to control whether the employee respects their working hours and does not impose an excessive workload on themselves, and I will discuss this shortly. But this control must be **justified by the nature of the task to be performed, proportionate to the desired goal**, and the condition of consulting representative staff bodies must also be respected, and employees and teleworkers must be informed in advance of the control mechanisms.

Telework is also a tool that can be considered a **social tool**. We saw it in the terms of article L 1222-9 of the Labour Code; it is also a way to **combat professional disinsertion** of certain employees with disabilities, or suffering from a chronic illness. Today, we talk about disability, but very little about chronic illness, whereas medical advancements allow people to live better with a chronic illness and continue to work. Telework can be mobilised here to support a person with a chronic illness in a disability situation, or to support family caregivers and employees in vulnerable situations. This is an important point because, indeed, in the measures taken by the opinions given by the occupational doctor, telework can be a recourse to support the worker in continuing their work.

There is also an important **duty of vigilance**, in the national interprofessional agreement of November 26, 2020, regarding the preservation of **equality between women and men concerning access to telework**, meaning that equality must be preserved in terms of career management, job management, and skills management. Social dialogue must continue, even in telework situations, respecting the rules of social dialogue. It is even possible to adapt this social dialogue by using digital tools to organise remote meetings or the establishment of a **digital trade union office**, for example, which is recognised by the national interprofessional agreement.

Finally, through this agreement, it is concluded that **business continuity must be guaranteed in exceptional circumstances**, provided that the implementation of telework is anticipated. We see an awareness among French social partners of the difference between telework and remote telework, because indeed, the conditions for implementing telework today, with the knowledge we have of it, must be anticipated to truly guarantee the most adequate telework possible, and not just "patch it up" as we may have done in some respects, in any case. Sometimes, it was even "wild" remote work. So now, today, we have a legal framework that is much more regulated, much easier to read.

Regarding staff representation within the framework of telework or telework implementation during exceptional circumstances, **staff representatives must always have the freedom to contact employees.** So it is true that telework can be a hindrance when it comes to collective relations, with the question of the fragmentation of these work collectives. Therefore, in this context, the question is whether or not to recommend total telework. In the context of the expression of collective relations, total telework is not necessarily recommended because being at a distance means there are not the same social relations as one might have in person. So, inevitably, for the expression of collective relations, it is important to be able, from time to time, to have a real presence. There is also the question of the **reversibility of telework**, which I briefly mentioned earlier.

Regarding **recent case law in France**, the Lyon Court of Appeal in December 2021 ruled on the case of an employee who, upon returning from maternity leave, had signed an addendum allowing her to telework. But this addendum to her employment contract stipulated that this use of telework was granted exceptionally for her to work from home. Ultimately, her company asked her to return to work on-site within one month, because the company considered that telework was no longer feasible in terms of efficiency and control of her working hours. The employee did not reintegrate her in-person position after the notice period; she refused. The company granted her a new deadline, but the employee refused again and was dismissed for disciplinary reasons, which she contested. The Lyon Court of Appeal confirmed that the **dismissal was without real and serious cause**, that the employer's motivation was not lawful, because the employer itself in its addendum had not provided precision as to the conditions for exercising telework. For example, it had not specified the duration of telework, when it should be terminated, etc. The fact of talking about exceptional telework following maternity leave does not mean that the parties decided to confer a temporary character, with a deadline, to the telework activity. This means that the employer cannot modify the conditions agreed in a telework agreement without the prior and express consent of the employee to terminate the telework contract. This is also seen in a ruling by the Court of Cassation of October 2, 2001. Before, long before the pandemic, an insurance company had ordered an employee to install a professional phone at their personal home, and for the Court of

Cassation, this constituted a **unilateral modification of the employment contract** which authorised the employee to take note of the termination of the employment contract, obviously at the employer's expense.

We have a recent ruling from the Social Chamber of March 29, 2023, according to which **it is the employer's responsibility to offer employees, taking into account the recommendations and indications of the occupational physician, another suitable job appropriate to their capacities, which is as comparable as possible to the previously held job.** Among these measures, there is, of course, transfer, transformation of the existing position, adjustment of working hours, but also **the implementation of telework**. The employer must not forget that in the context of reclassification, the possibility of considering telework options should be explored, even if telework is not already in place in the company.

Regarding the **respect for private life and employee monitoring**, there is obviously everything related to Internet usage, etc. It is up to the employer to regulate it and to inform their employees how they have regulated Internet usage. But there are also questions of **recording an employee** who performs their activity. There is a ruling from June 23, 2021, concerning the recording of a meeting where an employee was in their kitchen and was subjected to constant camera surveillance. The Court ruled that the installation of the camera was an **infringement of their personal life**, and was not proportionate to the legitimate goal pursued by the employer regarding the safety of people and property. Therefore, recordings are **not admissible against employees.**

Most legal claims concerning the non-respect of the **right to disconnect** are based on the employer's failure to respect the obligation to **preserve the employee's health and safety.** This ultimately circles back to the concept of workload. Thus, to find rulings on the right to disconnect, these are rulings on health and safety at work. We do not necessarily have rulings that are specific to the right to disconnect. Nevertheless, with a certain severity from French jurisdictions regarding evidence of non-respect of the right to disconnect, for example, on July 27, 2021, the Agen Court of Appeal criticised an employee for not proving the requirement of a permanent connection. This employee claimed that he had to remain connected for 2 consecutive weeks, including on-call weekends, and was thus deprived, according to him, of his right to weekly rest. But the Court of Appeal ruled that during these on-call weekends, the employee was ultimately very rarely solicited, very rarely disturbed, so there was no reason to consider that he was connected for 2 consecutive weeks.

In another ruling from March 1, 2022, the Court of Appeal considered that the employee did not demonstrate that it was the employer who required a permanent connection, but on the contrary, it was the employees who took the initiative to telework outside working hours, and therefore the employer only responded, "laconically," to the employee's solicitations by SMS or email. Thus, this also raises the question of the employer's awareness regarding the connection of these employees.

Finally, the Nancy Court of Appeal, in a ruling of September 9, 2021, considered that emails sent by an employer on Sunday did not constitute a non-observance of an employee's right to disconnect, because it served to clarify the roadmap for the upcoming week. Therefore, there was no obligation to respond, no task to do, and so on.

Regarding **video conferences**, can the employer demand screen presence? I will also discuss this in the conclusion, but the first answer, according to the National Commission for Informatics and Liberties (CNIL), is **no**, because these practices are assimilated to a video that would permanently film agents at their workstation, thus constituting excessive and disproportionate surveillance. Because sometimes, telework can be a pretext for implementing excessive and disproportionate surveillance. So indeed, the employer is not likely to demand permanent screen presence.

In conclusion, these questions largely refer to the **right to disconnect**, which is relatively weak in France, as its implementation is not binding, unlike Portuguese law, which indirectly addresses the right to disconnect in its telework law. This law provides for significant administrative sanctions for employers in case of contact outside working hours, except in cases of force majeure.

The real question therefore lies in **enforcement**, particularly during exceptional periods such as the one we experienced with the COVID-19 pandemic. In such cases, real questions arose as to whether exceptions ultimately become the norm. Furthermore, jurisdictions attach great importance to the **evidence provided by the employee**. It is therefore essential to demonstrate that the right to disconnect is not respected by the employer. Indeed, an employer who has implemented a charter on disconnection can easily argue that it is the employee's fault if they connect constantly, without even having considered mechanisms to regulate the connection.

There is also the question of **executives who are subjected to pressure in terms of objectives and performance**, which can push them to remain connected. Sometimes, there is a **culture of connection outside working hours**, even during holidays. Executives wonder how they will be perceived if they are not connected, which creates real pressure and raises questions concerning connection among executives.

In terms of telework and disconnection, the question of **workload is truly central, as is the question of privacy.** During telework, neither the power of direction nor the disciplinary power prevails, but the **right to respect for privacy**. The home represents a sanctuary, and this fundamental right takes precedence over the employer's power of direction.

The National Commission for Informatics and Liberties (CNIL) specifies that the employer can monitor the employee's activity, but they cannot place them under permanent surveillance, except in exceptional cases justified by the nature of the task, respecting the principle of proportionality. **Constant surveillance by means of video devices such as webcams or audio recording is not compatible with these principles.**

An employer's request for an employee to be on video conference throughout their working time raises the question of whether the employer can oblige an employee to activate their camera during a meeting. This can facilitate fluid communication and meeting conviviality, but it also raises questions of **personal data processing** governed by the General Data Protection Regulation (GDPR). This can lead to the revelation of intimate information. The CNIL encourages employers to prioritise video conferencing solutions that allow users to blur the background or choose not to appear in the video conference, thus avoiding the dissemination of images of their home or third parties present in the camera's field of view.

Placing employees in telework does not neutralise the employer's power of direction, who remains free to organise remote meetings, provided they are scheduled during agreed time slots and respect the fundamental principle of privacy. If video conferencing is not indispensable for the exercise of the activity and the employee refuses to turn on their camera invoking respect for their privacy, they should not be sanctioned. This is in accordance with **Article 5.1 of the General Data Protection Regulation**, which stipulates that participation in meetings via microphone alone is generally sufficient and that it is not necessary to systematically add a camera.

QUESTIONS

Georges VLANDAS

Firstly, there is a **contradiction between private life and working conditions** that arises when telework is performed from home. During work meetings, it is important to be able to exchange effectively, to understand if participants are attentive and engaged, to perceive nuances of language and facial expressions, which is not always possible. This can, for example, pose challenges for interpreters who need to see the room closely to interpret well. In addition, the quality of home internet connections can vary, which can lead to difficulties during professional exchanges. Some employers may suggest that employees go to the office if home connections are not good enough. This raises the question of **equity in working conditions**. It is essential to find solutions that guarantee quality connections and optimal working conditions, while respecting the private nature of the home.

And the other question that concerns me is that of the **freedom to contact employees**. Normally, one could contact people at the office, but recently, during a mobilisation, we had 3,500 leaflets corresponding to 3,500 people to distribute, while there were only 2,000 workstations available. Moreover, we do not know if all colleagues were present on Monday, so on Tuesday, it is not certain that we can reach all of them. If we use emails, these are perceived as **personal communications** and are therefore subject to regulations aimed at protecting private life. Thus, we are faced with a **double impossibility**, both physical because office capacity is limited, and also because if telework were not mandatory, a much more generous ratio between the number of workstations and the number of people would have to be established. In reality, all these new practices are being used to serve a **budgetary savings policy**, particularly within the European Commission and other institutions. Imagine that if the Commission sells half of these buildings, it certainly "gains" 750 million euros and can thus meet its obligations when Member States do not provide additional funds, but at what cost and inconvenience.

These contradictions are numerous and raise many questions. I would also be curious, and I will conclude here, about the **learning process of this type of work**. With the pandemic, we had to improvise and quickly learn this type of work, especially during crisis periods. What are the lessons learned from all these experiences?

Christian

I had exactly the same concern. In the long term, institutions and employers have their infrastructure in place and cannot necessarily accommodate all changes with the desired flexibility. I completely agree with Georges on this point.

There was also a question addressed during the presentation concerning the **monitoring of working time**. I wondered if telework could not be an opportunity to **improve work organisation**. Rather than focusing on working time, we could focus on the **tasks to be accomplished**. If we focus more on the results achieved by an employee rather than on the time they spend at their desk, it might be relevant to consider rules or legislation where the employer must be able to demonstrate that they are requesting results achievable under normal conditions.

Thus, we would detach ourselves from the question of whether the employee worked 2, 3, or 5 hours, but rather whether the work was accomplished. As long as that is the case, the employer would be satisfied. Before the pandemic, being in the office for 40 hours a week guaranteed nothing in terms of employee productivity.

Loïc LEROUGE

The transition to telework requires genuine support from the employer. It is obviously complicated for there to be continuous, genuine support without infringing on private life. However, when looking at the **Portuguese example** here, we realise that network quality differs for everyone. According to Portuguese law, the **employer must cover all additional expenses** directly incurred by the worker due to the acquisition and use of computer equipment necessary for the performance of their work. This includes additional energy costs, network fees installed at the workplace meeting communication requirements, as well as equipment maintenance costs. It is also important to mention the issue of document confidentiality. **Confidential documents must not be intercepted, and security must be ensured by the employer, not the employee.**

I therefore advocate for real support from the employer, as well as for the **arrangement of the space where telework will take place.** I have serious questions about **equality in terms of working conditions** between employees who have chosen telework and have a dedicated space at home, and those who do not and work in their living room, or even in a corner of their cellar. This raises real health and safety issues, issues of adapting work and working conditions, as well as adapting to personal life, especially with teenagers returning home at variable hours. It is essential to take this into account, as there is no real equality in terms of telework conditions. This therefore puts teleworkers in very different situations in terms of performance. Some teleworkers will be more productive, others less so, which raises a real question of support and adaptation. I fully agree with you on objectives, workload, and the training of managers responsible for implementing telework organisation. There is a **real paradigm shift in terms of performance and productivity evaluation** when transitioning to telework. It is necessary to consider evaluating this performance not based on working time, but rather on workload and what is accomplished during working time.

This means that there is a **legal working time**, and the time actually dedicated to professional tasks must be in line with telework, so as to avoid situations where attempts are made to circumvent rules by continuing to work by downloading files without being connected. This raises real questions in terms of professional inadequacy, but it is essential that everyone is trained and that there is an **intelligent relationship between workload and telework duration**. The employee should not be forced to continue working outside connection hours to complete their tasks.

Furthermore, in terms of health, telework can lead to **new pathologies or worsen existing ones**. We have mentioned cardiovascular risks, weight gain due to decreased physical activity, the onset of pain, etc. All of this must be taken into account. This once again refers to the workload and the learning derived from this situation, because telework is not identical to in-person work.

One last important question concerns the **freedom to contact employees**, for example, by using emails. Perceptions can vary depending on institutions and practices. Certainly, an email can be considered a personal space, but it is also a professional tool through which professional information and collective relations are disseminated. It is a real question whether the employer authorises or not the distribution of trade union leaflets, for example, via email addresses. This can be authorised on an ad-hoc basis, for example, during an election campaign, where freedom of expression is guaranteed to allow candidates to make themselves known and to have the same chances of being elected within staff representative bodies. It is therefore necessary to ask how to **recreate collective expression with telework.**

It is also interesting to mention the original aspect of a **digital trade union office** in the French national interprofessional agreement. However, this also raises the question of working in telework permanently or not, which again refers to the question of premises. If we look at scientific works, we realise that **permanent telework is not necessarily an ideal solution**. Indeed, it can lead to **specific pathologies related to telework, a risk of isolation, the rupture of collective work relations, and problems of collective representation.** Thus, permanent telework challenges this work rhythm and raises concerns to be taken into account.

Ideally, **permanent telework is not advisable**. One should be able to meet again at ad-hoc meetings or be present once or twice a week, because there is a collective life at work and a collective representation that cannot be broken by switching to telework. This therefore implies **maintaining adapted premises**. Even when we are in the office, we telework with others who are not. For example, here, we have a large screen that allows us to be both in the room and with others.

Josef NEJEDLY

Hello and thank you. I have been almost permanently teleworking for 3 years, for professional and personal reasons. I would like to share some thoughts.

Regarding health, it is difficult to measure the impact of regular and permanent telework on physical and mental health. Eyes, brain, and concentration in front of screens are aspects to consider. It is **not recommended to look at screens for long periods**, as this can have negative consequences on sleep and its quality. There is a tension between the imperative to be constantly connected and the idea that one must work 8 hours a day, being connected most of the time, with only a lunch break. There is also the **right to disconnect**, and I have discussed it with doctors. They explained to me that it is recommended to disconnect from certain applications when concentrating on a file, to avoid the stress associated with calls from the employer or hierarchical superiors. However, this raises questions about availability. It is necessary to define clear and precise rules so that employees in the Union know what they can do during their working hours. There is a tension between medical recommendations and the reality

of telework. Each institution may have different realities, but it is essential to establish rules to answer these questions. For example, is the actual working time in the office 8 hours a day? Is it necessary to remain connected for the remaining 2 hours, even if there is nothing to do? So, there are many questions to consider, such as the right to disconnect or the right not to be reachable when working efficiently. Some employers have expressed the need to implement control systems, such as the use of cameras in kitchens, to check the presence of employees. However, it is important to find practical solutions that take into account the balance between employee needs and the reality of work. The health of employees must also be taken into account.

Georges VLANDAS

There is also a phenomenon related to the **relative decrease in staff numbers**, and therefore, indeed, **work pressure increases**, and what changes most is **work intensity**. What happened yesterday, for example, to the group here, is that we finished, for instance, a public meeting, and a minute later, we fell into a social dialogue on harassment, and here we will finish this meeting to immediately go into a social dialogue on the new rules concerning temporary agents. Before, when we went to Barcelona, there was a mission. We would arrive in the evening, have a meal, prepare ourselves in the morning at breakfast time, get ready, and then there would be two hours of meeting, and afterwards there was a breathing space. This **breathing space no longer exists today.**

The external pressure is very important for us trade unionists. When we have colleagues with individual cases, they cannot wait for us to disconnect; it must be done. And so, there is an **intensification of work**. The time we have to finally spend at work is a very intense time without breathing room, and therefore it can pose health problems.

Alexandre

Even in all emergencies, it is possible to say: "Listen, for the next hour, I will not respond to emails, I will not respond to phone calls, except in exceptional circumstances, and at that time, you can contact me on my private number." And generally, this is very well respected. Others also generally show patience for another 30 to 40 minutes. I would say yes, I completely agree that we should take legislation as an example, but in cases where we are in conflict, we must protect ourselves. We cannot rely on legal protection, because it is almost non-existent. I have already taken the step and tried to appeal to justice, but my chances were almost nil. **Access to the right to defence for civil servants and other agents against administrative decisions is almost non-existent.** So, that's why I reacted by saying that we cannot really rely on that. We do not have the strength to demand even what is granted to us.

Georges VLANDAS

Before I give the floor to you, Loïc, I'd like to return to the **freedom to contact employees.** From the moment we define the workspace as a private space, and emails as not exclusively professional but also private, there's a **contradiction between the consumer-citizen's free choice to receive or not receive advertisements, and trade union freedom**, which should be strengthened according to treaties and fundamental rights, and even according to the Commission's own recommendations in the European Pillar of Social Rights. The Commission itself advocates for increasing the capacity

of staff representation. There's a kind of contradiction, as if there wasn't a hierarchy established at the legal level, and everything was on the same plane.

Loïc LEROUGE

Thank you very much. Quickly, because we are at the end of our meeting: you find yourselves in a paradox where ultimately you are **implementing European Union law that provides progressive rights on these issues**. There is even a European directive on telework in progress, which you yourselves do not necessarily have the same guarantees to implement. So, it's a real paradox, and it's true that with Joseph, the question of the mediator really arises here. But in any case, on the question of **establishing clear rules**, it is essential to frame the reference to telework, the use of telework, the recourse to telework, the relationship to telework, and the implementation of telework. And this cannot simply be done top-down; the parties must meet, and the true conditions of telework, the reality of telework, must be known so that this reality meets the people in charge of decisions regarding telework. Otherwise, we are disconnected from that reality. So, this is an important point.

Then, there are still questions, well, legal mechanisms that you can seize upon. I don't know all the institutions represented here, but at a minimum, there is a **right to working time with a maximum duration, a right to rest**, but there is also the question of connection time, screen usage, for example, **visual fatigue** that recommends taking breaks every 2 hours, for instance. There are things you can take action on. And also the **right to protection against harassment**, because we must not forget the issues of harassment, of a new form of incivility that arises from these new work relationships, from telework. So, indeed, there are still mechanisms on which we can clearly rely to better regulate telework or establish good practice guides.

Furthermore, it seems to me that in the draft directive on telework, the question of **connection and disconnection is envisaged, the right to disconnect.** So, I refer you to the provisions on working time, working hours, and the right to rest, because it is also the application of that right. Ultimately, is connection a right or a duty to try to disconnect to also protect one's health in certain respects? There, we are opening up to new questions again, I'm sorry, but that's also what makes this subject so rich.

We haven't answered the person in the chat who mentioned work as a **conciliation of private and professional life.** Of course, it's a very important topic. In practice, it can sometimes be difficult depending on how one is set up, depending on the country, the organisation, etc., especially with schools. So, it needs to be well framed, well organised. After that, there's no reason why it shouldn't work. It can be an aid to work-life balance. But the question of permanent telework versus partial telework is also a real question.

From Open-Plan to Telework (3/4): Telework, Work Remote from the World

GRASPE N°44 - December 2021

Fanny LEDERLIN

As telework is set to become a permanent feature, unions, employers, legal experts, and politicians are now considering how to frame this new form of work.

Employers aim to maintain, or even increase if possible, productivity at work, as well as their employees' connection to the company.

Legal experts must ensure that the same rights are guaranteed for all, whether employees are on-site or teleworking, but also to evolve labour law while maintaining what can be called its "spirit." Alain Supiot, in his book *L'esprit de Philadelphie* (The Spirit of Philadelphia), recalled that the 1944 agreements of the International Labour Organization embodied the idea of both worker protection and support for social progress. We can say that today, labour law specialists still keep this dual objective in mind.

Unions aim to obtain framework agreements that will enable union delegates in each company to negotiate under the best possible conditions, as well as to maintain social gains achieved in the past and potentially secure new rights.

As for **politicians**, it obviously depends on their political leanings, but their common objectives include encouraging growth, which is essential; reducing unemployment, or at least preventing it from increasing (and during the current crisis, that is unfortunately likely the outlook we face); but also, for many, in the neoliberal societies in which we live, **reducing public investment**, and telework can, of course, be a means to achieve this objective, considering what it can represent in universities or other public infrastructures.

The starting point of our reflection will be to ask ourselves what our objectives are as teleworkers. I have identified three that are obviously very broad and which we can, of course, revisit in the discussion that follows. The first comes up quite regularly when telework is mentioned: it's the question of **well-being, comfort, personal balance, and more broadly, personal fulfillment at work.**

The second is broader: that of the **collective accomplishment of the company's project**, notably by raising questions around maintaining connections among teleworkers. Beyond that, the question of **maintaining solidarities and actions, or even collective struggles at work**, can also be raised, with the ultimate goal of progress or emancipation, which are always an horizon of work that we can have, whether we are unionised or activists or not.

Finally, the last objective, each time I broaden the focus: that of a **just society**. As citizens, we are workers, but that is only one facet of our lives as citizens. We will address the question of **maintaining social ties, a certain form of equality or at least the fight against the multiplication of inequalities, the question of freedom** that would arise from over-control, and then more broadly the question of **ecology, the viability of our work**, and thus how telework can contribute or not to this viability.

What I propose now is to delve into each of these major objectives. We will first see how telework can contribute to the **fulfillment of teleworkers, their well-being, comfort, and personal balance**; secondly, we will see how telework can contribute to **collective life and social progress**; finally, we will ask ourselves how telework can contribute to **building a more just and ecological society**. I will always evoke the challenge we face, the problems

raised by telework, and I will try to suggest some solutions, which we can revisit at the end of the presentation. The objective of this session is for it to be as interactive as possible.

Telework and Worker Fulfillment

We have seen that telework has positive aspects, particularly in terms of **individual well-being**, as it can provide some with more comfort, autonomy, and perhaps even a better balance between private and personal life.

Let's start with the question of **comfort**: indeed, when you work in ugly, uncomfortable, or even uprooting offices, as we've seen open spaces or flex offices can be, then you might be better off at home. Similarly, telework can be experienced as a way to **reduce stress related to time spent in traffic jams or trying to manage sometimes conflictual relationships with colleagues.** These are the desirable positive aspects of telework.

However, I identify perhaps two problems I'd like to share with you: the first is the **inequality of homes**. We don't all have the same home; some benefit from space, tranquillity, and calm, while others, on the contrary, live in smaller spaces. This raises a question of **inequality among teleworkers**, simply due to differences in their homes.

The second problem I identify is more a question of principle: when we talk about the pleasure that not having conflicts with colleagues at work might represent, we still raise a question: **what is a social life devoid of conflicts?** Are conflicts not, on the contrary, part of social life, and what is work that is no longer "disturbed" by others? Is one of the interests of work not precisely in being disturbed, surprised, contradicted? Does creativity at work not depend on these contradictions, which can sometimes be conflictual but are rarely insurmountable? Is being exempt from these conflicts truly progress in itself? This question deserves to be asked.

Some leads, some solutions: we will try to identify behind each problem some answers, a form of positivity to counterbalance the negativity of the first two sessions.

Concerning the issue of **office inequalities**: it is already being discussed in ongoing agreements between different economic actors that telework must be on a **voluntary basis**. It is quite clear, I think, and this is probably valid for the entire European Union, that **workers who absolutely do not wish to work from home for various reasons** – such as their home not being a comfortable place where they want to spend the day – **will be able to refuse to telework**; at least that is the meaning of the agreements concluded in France between the various unions. On the other hand, telework has become permanent, and once the pandemic is over, it will not be **full remote but hybrid**, which will still counterbalance this problem of inequality that we mentioned. We could also imagine that as open-plan offices gradually disappear, **new workspaces could open up in the form of coworking spaces**, which could, why not, be financed by several companies that would pool their funding but also their workers, or simply by public authorities. We can very well imagine that public authorities could open public spaces near each teleworker, why not free of charge, in which they could telework away from home; this is a hypothesis I am presenting to you.

So much for the question of comfort; next, we can discuss the question of **autonomy**. Remote work would give us greater control over our time, the

possibility of arranging the articulation between our private and professional lives in a more balanced way, thus making us more autonomous. At this stage, I would just like to make a very short digression on the **origin of the word autonomy**, which, as you certainly know, comes from the association of the words *auto* and *nomos*, meaning: "*auto*" to myself, and "*nomos*" the law; autonomy is the act of giving oneself one's own law. It is the key word of modernity, since around the 18th century – indeed this word appeared at that time – and in our democratic societies, in our rule of law states, it goes without saying that we no longer accept top-down laws, which would come from outside: whether they come from God, from nature, or even from our tradition, and sometimes we even question the authority of our own managers. This notion of autonomy is our ideal today and probably the word that best describes our era and what we want to be. It is in the name of this value, this term, **autonomy**, that telework has been experienced by many as extremely profitable, since it would allow us to increase our autonomy. Regarding the articulation between private life and personal life, it may not be so obvious, as we have already seen, but I would now like to raise other problems related to this question of autonomy if we understand it as a synonym for freedom.

The first problem is that with telework, we risk witnessing a **new form of work control**. This aspect has been very little discussed until now, but the new technologies we use for teleworking allow for extremely close monitoring of workers: **software includes spy tools** to verify that the teleworker is physically present, but also to see how they manipulate their mouse, and even to see which sites they visit... very little will be able to be hidden from employers in the future when working in this way. All of this is regulated, public authorities notably verify respect for private life, but there is no clear connection between the generalisation of telework and greater autonomy for teleworkers due to these very means of control contained in the technology we use for teleworking. Furthermore, more broadly, in France it is a certainty – it is perhaps a French problem –: **managerial culture is not entirely mature enough to allow more autonomy to teleworkers.** The notion of trust between employers and employees is still complex; managerial culture will probably need to evolve, and all of this will involve training and a kind of small cultural revolution to allow managers to give teleworkers more leeway, to leave them a little more in control of their missions from home.

All of this will face an additional difficulty, directly linked to the pandemic but which I wanted to share with you because it is not without problems: in France at least - I don't know about the rest of the European countries - the pandemic went hand in hand with the **extension of the employer's right of surveillance**, who, I remind you, is responsible for the health and psychosocial risks of their employees at work. This was already the case on-site, where there is an obligation to ensure the health well-being of employees, and it is maintained remotely. This raises the question for the employer: how to guarantee this responsibility? If they are responsible, they will indeed have to monitor their teleworking employees and ensure, in particular, that they have good hygiene, good posture, but this can go as far as questions such as: **do they consume psychotropic substances in their home?** This can go very far and would not stem from a desire for control on the part of managers but simply from labour law which makes the employer responsible for the physical and mental health of their employees.

This autonomy, which we believe could be fostered by telework, actually risks confronting these difficulties of increased surveillance and control, for various reasons that I have just mentioned. Of course, here too, solutions

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exist to avoid falling into excessive control. Firstly, **regulatory authorities, in France it is the CNIL**, will ensure respect for workers' private lives, perhaps also the establishment of a **right to disconnect** which would allow the worker to no longer be monitored by their employer at a certain time of day. This will involve training managers. But beyond that, perhaps what will ultimately be called into question will be the notion of **subordination**, which in French labour law is essential to define the relationship between an employer and their employee. Are we moving towards a **redefinition of salaried employment**, with the implementation of central advantages of the notion of autonomy; are we going to see the notion of subordination disappear? In this case, how to avoid abuses, how to prevent a kind of discounted labour law from emerging? All these questions are debated within the community of legal experts and labour law specialists throughout the European Union, but they are not minor, and the link between telework and autonomy is therefore not self-evident.

I come to the third point, concerning our first part on personal fulfillment related to telework: will telework lead to a **better articulation between private and personal life**? We have already discussed all the existential, almost philosophical, problems that telework could pose, particularly regarding this **indifferentiation between the notions of leisure and work**, and this indifferentiation of life times that risked being entirely invaded by work. One of you said something that I noted and that clearly identifies the subject: "**I don't know if I'm working at home or living at work.**" This is the experience we are all facing today and will continue to face if telework becomes widespread. So, how can we ensure that telework always remains visible to regain a form of watertightness between professional and personal life? How, too, can we measure telework? This is a real question since it will be necessary to count this work to be able to pay for it fairly, and how to also avoid a form of **self-exploitation**, since we have seen that we have become high-performing subjects no longer responding to the imperative of "you must" but to the much more tyrannical imperative of "I can, therefore I must"?

I propose a few avenues: of course, the **right to disconnect** is again a very important element to compartmentalise these times of life; unions are currently discussing it. I still see a pitfall with this right to disconnect: the risk that we may be led to **chop up the day into extremely tight little compartments**, and that ultimately we negotiate with our employer the right to disconnect between 11:30 and 12:00, then between 14:00 and 15:00, in short, that we have extremely programmed time slots, which risk leading to an **aggravation of taskification**, which we have seen proceeds from a logic of calculation. This relationship to time, compartmentalised, planned, and programmed in advance, does not necessarily lead to better fulfillment at work. This is perhaps the only solution today to avoid this dilution between professional and private life. Also, why not **train teleworkers in the dangers of self-exploitation.** We receive a lot of ancillary training to our skills in our professions; this has notably developed a lot in terms of soft skills in recent years. It seems to me that the **fight against self-exploitation** is part of the soft skills of a worker in this 21st century. Beyond training, the question will also arise of maintaining a **critical spirit** in workers, so that at a given moment they know when to stop, consider that they have done their time, and that their task can eventually be postponed until the next day.

Telework and Social Progress

All these questions lead us to the broader issue of work as social progress and, ultimately, to this second part: **how can telework contribute to social**

progress and collective life? This question is not simple. We have discussed today all the difficulties related to work in general which, through a tendency towards individualisation, go against collectives in work. This involves new dualisations, particularly the question of the disappearance of solidarities at work.

How can we avoid new inequalities and new dualisations of work linked to this new modality that is telework? It seems to me that the **main dualisation generated by telework is the distinction between those who can telework and those who cannot.** We have seen that telework concerned around **30% of the active population in the European Union**. So, this is a significant but minority figure: if we consider telework as a new right, a new social gain, then the question of social justice arises since **70% of the active population will not be able to benefit from it.** It seems to me that this question deserves to be addressed to public authorities, and that perhaps this new right should be counterbalanced by a right for non-teleworkable activities – cleaning staff, cashiers, shopkeepers, etc. – such as the **right to a day at home, which could be a day for training or rest, for cultural or sports activities**... This duality is not the only one generated by telework. I have identified others: we may forget it, but it is primarily a **reinforcement of inequalities at the global level**. In the same way that the last industrial revolution – not the first, but the one we called globalisation – generated inequalities between workers who benefited from labour law that increased their wages and those who did not, thus creating zones of social dumping, today telework will allow some unscrupulous employers to practice a form of social dumping. The head of Facebook has clearly expressed that telework will allow him to **hire engineers in India and pay them according to India's purchasing power, rather than that of Silicon Valley.** A **new global competition** will be generated by this generalised access to telework. How to fight against this? This is undoubtedly played out at the level of the International Labour Organization; the most effective way is already to **prohibit 100% telework**; I know this is not yet on the agenda but it seems to me to be the simplest way to avoid this social dumping: **to oblige hybrid work between telework and in-person work.**

The second type of inequality: **social inequalities**, as we have just seen, depending on the workers' homes. We could perhaps reduce this inequality by proposing an **employer contribution to employees' general expenses**, perhaps inversely proportional to salary, for example.

Third inequality, **generational inequalities**: not only are there social differences between generations, since when you are younger you earn less, so generally you live in a less comfortable apartment, but behind that there are also all the inequalities related to **training, supervision, and the question of recognition**. How do you expect a young person teleworking to be noticed by their employer? They can be, but it is much more difficult than in person, where one also notices a personality, a way of expressing oneself, agility, vivacity. All of this is much more complicated when teleworking, so will this not slow down young people's careers? This is still a question. We could therefore perhaps imagine a **reinforced mentoring system** with this new telework modality.

Next, **sexual inequalities**. Here too, we mentioned it quite quickly during the last session: **women combine, studies show, professional and domestic tasks.** How can we prevent "work from home" from becoming synonymous with "return to the home" for women? Work has been one of the great achievements of the feminist cause; it would be a shame if, under the pretext

of technological innovation, women's rights were to regress. Here too, we will have to show inventiveness; perhaps we can imagine **household vouchers, childcare vouchers** based on the model of meal vouchers, which would be distributed to women or men who are in charge of their children in single-parent families. This is an avenue to explore.

Finally, the last type of inequality I identify – you may see others –: the **difficulty of practicing telework in a disability situation**. This has been mentioned in a few articles; telework is difficult to reconcile, for example, with **sign language**, which is not only about sight as one might believe, but also about a kind of energy, a physical presence, and people who practice sign language currently report great difficulties in being able to follow video conferences.

Beyond all this, the question of **solitude, addictions, new forms of harassment** arises: to date, I have not found serious scientific work on the question, but obviously, perhaps **dismissal by Zoom**, which is a practice already explored by some employers, as surprising as it may seem, can be considered a form of harassment. Imagine what it is like to connect to a video conference and learn on that occasion that you are being dismissed. I think labour law will take hold of this, and that would be very good, but we clearly see that beyond that, there is also perhaps the question of **occupational medicine** which could, why not, come to the home to check that everything is going well, that one is suffering neither from harassment nor from solitude from one's home.

We come to the next question we can ask ourselves, which is: **how to maintain the connection to the company and the collective project?** This question concerns not only teleworkers but also employers a lot. One answer here too is to **obligatorily articulate telework and in-person work**. I know that team video conferencing experiences are being explored today, in a convivial mode, and not necessarily only work meetings. Perhaps we could also generalise **in-person seminars**, and not just for executives, to strengthen team cohesion, and also all that already began to exist before the generalisation of telework, such as **mentoring**: this form of relationship between a senior and a junior that is not based on a hierarchical relationship but rather on an exchange of skills and that allows, in informal exchanges, to accompany both, the junior can also teach a lot to the senior.

Last point for this second part: **how to maintain formal links and solidarity essential for social progress?** Here, I confess I don't know. I don't know how this will happen with telework, except that we could perhaps ask companies to **make their premises available**, much like they do with meeting rooms for works councils, so that once a month or once every two months, employees who wish to can meet to discuss their working conditions and potentially formulate demands or requests to their employer.

Telework for Building a More Just and Ecological Society

We arrive at our last question before we can open the debate, which is the objective of this session: **how can telework contribute to building a more just and ecological society?**

A vast question that largely extends beyond telework. We will have the opportunity next week to explore it further with work in the broader sense, but we have already seen that everything rests on the question of **productivism**, a work modality today hegemonic in our societies, which consists of the

unlimited quest for maximum production. This idea would be the ultimate goal of economic activity and even of human society, and fundamentally the cause of the deterioration of our relationship with nature. We have moved from a "harmonious" metabolisation, when we transformed nature while respecting its cycle, to a form of **exploitation and exhaustion** that we all know is not sustainable. By adopting work modalities that are more respectful of nature, of oneself, of others, of the world, we could perhaps change the production relationship, the relationship to productivism, and reconnect with something wiser.

Can telework help us with this? We have already seen that telework **reduces our climate-damaging commutes**, which is a first step. Beyond that, telework should lead us to **break free from this self-exploitation**, this unlimited relationship to work, and instead lead us to **stop over-obeying** and try to practice work that allows for **micro-indisciplines**, small acts of "poaching" to fight against this subjective precarisation which we had seen contributed to a dispossession of self caused by overly invasive work: a number of studies show that in telework, people work for **excessively long hours, too late at night, too long**. How to resist this? This certainly involves education but also perhaps introspection, or even the opening of a societal debate on the society we want to build, the relationship to work we wish to have. Perhaps we need to revisit this "existential" relationship that we have seen is central to work, question the way we want work to condition our human nature, and therefore not ignore these questions in the reflection on telework.

Last point before my conclusion: can the technological tools we have help us ask ourselves these questions? I don't know. Perhaps innovations are underway today, but what is certain is that the organisation of work via Zoom, for example, or the shared calendar on Outlook, does not lead to liberation but rather to **taskification**, insofar as we are witnessing this **compartmentalisation of time**, this **pre-programming**, and thus this **dispossession of one's own subjective time**, which telework risks accelerating.

Behind all these questions lies that of work in a broader sense, and two cross-cutting themes emerge: the **question of the relationship to time** induced by our work, and also the **question of our relationship to language**. These are the two subjects we will explore next week as our final session.

QUESTIONS

What do you think of "hot desking," which emerged before the pandemic in the European quarter, allowing employees from several companies to meet in common offices provided the company pays a subscription?

Fanny LEDERLIN

That's very interesting; it aligns with the idea I had in mind regarding the principle of **coworking spaces**, which, like public theatres, village halls, or cultural venues, could become part of our urban landscape of tomorrow, and part of the public service mission that the town hall or prefecture could have, or that we can perfectly imagine being based on a **public/private partnership** with companies contributing to the financing of these spaces.

We can move towards a modification of urban space that would integrate telework through these spaces open to all teleworkers. This could be a very good way to **avoid staying at home** – which is indeed impoverishing – to **smooth out inequalities** since it would be a bit like being back in the office, while retaining that more free, more autonomous dimension of being able to decide to go to this or that coworking space on a given day, or to stay at home on another day. We would maintain a kind of **"à la carte" dimension** that would not be uninteresting, so I have the impression that there is something to explore there.

It is stated in a 1989 European Union directive that employers are responsible for all aspects of workers' health and safety. This was not at all designed for telework; does this not create a legal insecurity today that is favourable to employers?

Fanny LEDERLIN

Legal insecurity is one part of the problem, but it leads to the risk of **excessive surveillance**. In France today, a number of discussions are taking place among legal experts, labour law specialists, unions, and employers to **fill this legal insecurity and move towards an extension of employers' responsibility and right to surveillance**. This is not happening at the request of employers, but at the request of legal experts, precisely to avoid this legal insecurity. From my point of view, the problem is that this extension of the right to surveillance raises difficulties regarding the **respect for private life** and broader questions, such as: **how far is the employer responsible for the health of their employee?** Let me explain: if, when working from home, people consume psychotropic substances – which studies seem to indicate very widely: teleworkers smoke more cannabis, use more drugs at home than at the office, and this seems logical, they are not subject to the gaze of their colleagues – can the employer go so far as to install a chip in software to monitor their employee from their computer and, if necessary, order them to stop consuming these substances at home? This also aligns with the idea of the **invasion of the professional domain into the private domain**: where does work stop, where does private life begin? Legal insecurity is not desirable either, but the trend, in France at least, is to respond to this legal insecurity by an **increase in employer surveillance and a reinforcement of employer responsibility right into the teleworker's home.**

What will become of the informal aspect, which allowed personal conversations and solidarities to emerge in the workplace that cannot exist in a framework where everything is calculated and reserved in advance?

Fanny LEDERLIN

This question of the **disappearance of the informal is fundamental**, because it relates to the **loss of spontaneity at work**, the **loss of the unexpected emergence**, which is what occurs in the public space and what Hannah Arendt identifies as freedom. With telework, the workspace disappears, where the unexpected, the spontaneous, the inopportune could emerge; inopportune means "that goes beyond time." This relationship to subjective time, which is not a quantitative but a qualitative relationship to time, means that sometimes in five minutes, you will unblock someone's

problem at work, you will find them the solution, or sometimes you will discuss for hours, remake the world, and start talking about solidarity issues, much broader issues, citizen issues, while still at work. I think that beyond the whole question of the comfort of the personal experience one can have in telework, there is the question of having to go through tools that quantify our time, that spatially cut it up, because using Outlook or any shared calendar consists of reserving time slots in advance to do such and such a task. Indeed, now if we want to discuss the weather with a colleague, we will block off the fifteen minutes in our Outlook calendar that we would have taken spontaneously if we had been in person. This is not neutral; this **segmentation automates us, makes us live the day even before it has happened.** This segmentation prevents, indeed, the emergence of the unexpected, and I think it goes against an experience of freedom essential to social life, to politics. I'm sorry but I agree with you and I have no solution.

Is the coworking space not a remote open-plan office, in a way?

Fanny LEDERLIN

This question will allow us to try to distinguish one from the other.

You are right, it can be a danger, where the coworking space transforms into a kind of "**poor man's**" or discounted open-plan office, essentially used by teleworkers who do not have sufficient comfort at home to telework there. I see it differently, and I think that the question of **financing, of the articulation with urban planning, with city policy**, can be decisive for it to be otherwise. What I have in mind, but perhaps it is a utopia, is the idea that **these spaces are not designed by employers but by public authorities**; in the same way that when designing a city, one thinks of public benches, bus stops, public theatres, youth and cultural centres, football fields that allow young people to expend energy... in short: that it be integrated into a reflection on **city policy**.

The other idea I have in mind is that **many, and small, are needed.** So it's not about recreating impersonal open spaces where workers will be asked for maximum performance during the day, but on the contrary, to have spaces designed primarily with the objective of **maintaining conviviality, social connection, with a public vision goal.** Companies could be asked to contribute simply because they have the money and they will benefit if their employees who do not have satisfactory homes can work there. I see it in a more **political than economic logic**, and I think that having this objective in mind can make it a very different place from the open space. The specifications, for me, are totally different.

Having teleworked for several months, we have reached a certain level of availability and workload that leads to permanent stress; the collateral effects are very perverse and insidious. A very high level must be maintained constantly, and even more is demanded of us.

Fanny LEDERLIN

Your testimony doesn't surprise me; I start from the same observation, and it's supported by studies. **Productivity in telework is indeed good; employers have no reason to complain about it.** This effectively comes through an **over-investment by teleworkers**, linked to what I discussed with you in previous sessions: this **performance society** where our own inner boss gives us the injunction to work more in front of our computer, even

forgetting our bodies and the passage of time. When we telework, we are in a universe that has no surprises to offer us, so we are completely concentrated on our task with extremely tiring attention, especially in video conferencing: **following a 2-hour meeting in video conference is much more tiring than in person.** The issue of stress is also very significant, if only because there is this compartmentalised agenda where you have to make appointments even for very small subjects of fifteen or twenty minutes, whereas in person, these are subjects that can be resolved on their own, with a glance, a word, an informal point at the coffee machine. We have discussed all this, and it is part of the experience and dangers of telework.

Is this desk sharing not an indirect way of forcing people to telework from home, because between a bad solution and an even worse one, we choose the least bad?

Fanny LEDERLIN

The suggestion concerning coworking spaces, which would allow for a slightly different experience, would only be a **patch to avoid falling into the excesses** we have just discussed; I do not consider it a magic wand and the solution to all problems. We all, including employers, must look for a way to remedy this.

For me, the most effective way not to fall into this stress or even burnout that this over-investment in work could generate is twofold: first, **not to resign oneself to 100% telework**; this is essential, and to **negotiate with one's employer a telework time that suits us** – this can be one day a week, two, three days; it will depend on the individuals, but one must choose the telework time that corresponds to one's nature. And then, to **develop a spirit of resistance**, at some point to tell oneself to stop, or to tell one's employer: "It's 6:30 p.m., I'm stopping. If I were at the office, I would leave to take public transport; I'm not at the office, so I'm stopping." I'm not saying it's easy; we are always in complicated power relationships with our employer, but it seems to me that we must have this personal responsibility as teleworkers to **resist the injunction we give ourselves to always be more performant.**

What is your position regarding telework from another country?

Fanny LEDERLIN

Firstly, one must keep in mind the issue of **social dumping**, which arises at the global level. Will telework **generalise a form of precarisation for white-collar workers?** In the same way that workers were sought in countries with lower labour rights, will we witness a massive phenomenon where companies seek intellectual talent in countries with less protective labour laws? This risks posing serious problems in our Western societies where labour rights are more robust. This will lead to **globalised competition**; it already is, but it will be facilitated and streamlined by the use of telework, which could potentially not lead to greater well-being for workers and even **unfairly increase unemployment** in certain geographical areas.

Secondly, a more theoretical point: in recent years, we have seen the phenomenon of the **flight of the wealthiest social classes to the sunniest regions of the world**, Barcelona or Lisbon for Europe, etc. This is a **migration movement of the most affluent classes**, where people who can afford it go to live in pleasant regions to work remotely in various professions; many of

them are self-employed. Telework will undoubtedly encourage this, and it seems to me that this will **exacerbate inequalities**: not only will we have the rich-poor inequalities we already know, but the rich will benefit from an even more pleasant living environment, and we may witness a kind of **migration of the affluent classes**. I have no preconceived judgment on this, but I believe we must take it into account, and it is not necessarily positive in terms of global justice, which can be one of the horizons against which we think.

Georges VLANDAS

Another question is: **how can we continue to form a cohesive body if someone is in Dubai, another in Japan, and a third in South America?** Let's not forget that we are a public service, and our status requires us to be within 50km of our workplace. These questions arose in the context of enlargement. The Commission at one point wanted to recruit colleagues who spoke Gaelic or Finnish, etc., and wanted them to work from their country of origin, without the corrective coefficient, the 16%. But it abandoned this idea.

One could create offices that would be scattered everywhere, and we would have interlocutors, as we sometimes do for certain telephone services where people are clearly in Morocco or elsewhere. Here, we must be careful about the **double inequalities that would be established**: not just the richest going to sunny places, but also the difference between a **salaried elite** who would remain at the seat of power and the others, scattered and atomised.

Fanny said: "you can resist if someone asks you to work beyond 6:30 PM." "You can resist," for us, as a union, means rather: "**we can resist collectively**." It is always more difficult to resist individually. The question is: as a social body, do we have a common conception of our profession, of the demands regarding its execution? We advocate working under conditions that allow for activity, because telework can also mean tasks given with control; people forget that one could say: "you're on payments, you must process 20 reimbursements per day. If you do 22, you'll be better rated." We must not ignore this dimension. What worries me most is that due to the pandemic, we are on a forced march towards **massive telework** without being able to reflect, without being able to say how we will have access to buildings. This is the case in Brussels, but in other institutions too; we are told, "from now on, there are buildings that will only be able to accommodate 6 out of 10 employees," which means de facto that if I want to go to the office and the spot is occupied, I will find myself like in Belliard with Wework, a building where there are 3,000 subscribers for 800 places; you arrive in the morning and have to queue...

Many questions remain. It is undeniable that telework allows for advances, this meeting for example, which allows people to be elsewhere than in Brussels. We also organise our organisational meetings or the GRASPE editorial committee this way; if someone is in Italy, we do it by video conference. But if there are advantages, its **generalisation poses problems**, and we need to master it. Our experience is telework just before the pandemic, that of executives, and we are not aware of the office-related or psychosocial risks, nor how it will affect our work. That is why we advocate for an approach that would consist of reflecting on work, and discussing it once we are out of the pandemic before continuing.

Today, many colleagues are afraid and might be content to work from home, with a screen offered; simply in a degraded budgetary context where budget heading 7 (human resources) is 2.5 billion less, if they give us more, they will

take it from us somewhere else; they will take it from the buildings, without us having chosen it, without us being consulted on how we will be accommodated. I am not against "open spaces" *a priori*, but it must be a choice, it must correspond to a work logic, and it must be an improvement in terms of well-being at work.

All these questions are open, which is why we took the initiative to hold these seminars and return more precisely to the question asked. We obtained **fifteen days of telework from the employer for quarantine**, and already the press, for example *Libération*, criticised us for being able to leave our homes and telework in our home country at Christmas, thus spreading the virus, while the Commission recommended self-isolation. We are in a populist context, and since we are in the spotlight, we must, as a body, be careful to defend the public service and European construction, because the detractors of European construction attack the public service and attack us. We must, in a way, be exemplary; this is an additional dimension.

The generalisation of telework raises a territorial question, of migration to the suburbs of large European cities or the countryside, or even to other countries in Europe: for the cost of a 30m^2 in Paris, one can have a 300m^2 in southern Italy. I believe we must have the fantasy and the political strength to find legal solutions so as not to miss the opportunity to use telework to strengthen cohesion within Europe.

Georges VLANDAS

Telework will **save money on missions**, but it will not eliminate all of them, because nothing will replace the appeal of going on-site, seeing people, discussing with them, and being their formal supervisors.

Fanny LEDERLIN

I propose an answer that opens to the next session and will also serve as a conclusion: you are right to mention the **ecological and territorial aspect** that telework represents; it is a very important subject, and it is also through this lens that telework must be considered. I simply offer you this question, and then we will try to explore it further next time: can the improvement of the ambient environment – the natural environment that would thus be preserved by the reduction of our transport, our air travel, by a better balance between city and countryside – be achieved at the expense of the improvement of our lived experience or even in exchange for a degradation of our lived world? I distinguish **ambient environment and lived world**: the lived world is our existential experience, our relationship to nature, to others, to ourselves, and to the world.

If the challenge of telework consists in allowing a **fragmentation of humanity across the planet** that would run counter to these current agglomerations in megalopolises – whose limitations we all see, and which are in any case not sustainably viable – then what types of existences will we experience, what types of cooperation will we be able to implement, what type of civilisation will we create? This may sound a bit lofty as an answer, but it is the line of sight we can keep in mind when reflecting on these questions.

I do not propose to close questions and opportunities, but in reflecting on them, to always keep in mind where they can lead us and to hold as a cornerstone the idea that **work should not simply be the most pleasant, comfortable, and satisfying way to earn a living, but the way to achieve**

collective fulfillment, in connection with others, to build works, to create a common world, to cooperate with our fellow beings, and ultimately to create a society, or societies. This is just to put this question of ecology into perspective, by saying that in ecology we must have in mind both the question of the ambient environment and that of the lived world, and therefore the existential experience we have through our work.

From Open-Plan to Telework (4/4): In Search of the Collective: Avenues for Rediscovering the Social Dimension of Work

GRASPE N°46 - February 2023

Fanny LEDERLIN

[...] This session is prospective; we will reflect on the search for **another kind of work**, which I might call **eco-work**, the opposite of neo-work: work that is both ecological, in the sense that it would break with the productivism at work today, and which we know is the cause of the degradation of our relationship with nature, but also in a broader, more existential sense. This eco-work would allow for a better relationship with our lived world, with others, with ourselves, and with the world.

As a reminder, **neo-work**, on the other hand, leads to the **social atomisation of workers** – we have discussed nomadisation, but also subcontracting – produces new inequalities at work – particularly sexual and generational – and results in the **"taskification" of workers**. All of this is part of the societal context of a **performance society** where the high-performing individual almost no longer needs a boss to be exploited, but becomes their own little inner boss, their own little tyrant who leads them to multiply pre-programmed tasks and never stop working, including in their domestic sphere, as we have seen with telework.

How can we ensure that work – which can take different forms, including telework – does not prevent us from caring about the **common world**, made up of both our relationship with nature and our relationship with others, with ourselves? How would these work modalities allow us to care about this common world and to flourish in a much more viable and sustainable way?

To do this, I propose we tackle two questions: how can we **restore the collective to work**? We have seen that it was essentially this collective that was damaged and challenged by new work modalities, especially telework; and how can we concretely **experience ecological work in the broad sense**, preserving both the ambient environment and the lived world?

Restoring the Collective to Work

More deeply, we can ask ourselves: **what is a collective? What is a social organisation?**

Let's start from the observation of the **rise of independent work**. We have seen that this independent work can be more or less instrumentalised, masked, and used, notably by new economic actors such as digital platforms. Nevertheless, there is today a growing number of employees with a **desire to establish themselves as independent**, to emancipate themselves from the salaried relationship, to regain control over their schedule, their hierarchy, their activity itself, and therefore to work independently. Of course, one could say that this desire is part of this societal trend towards "zapping": in the same way that one may wish to become independent at work, one may also desire much less durable, less institutionalised, more free social and romantic relationships; there is a form of **consumerisation of work** just as there is a form of it in social life. Rather than contesting this phenomenon, we can take it into account as our current reality and ask ourselves what are the problems, the issues, that the rise of this independent work will pose.

Will this independent work challenge the very notion of the **company, of salaried employment**, and therefore also the **social protection system** inherited from the liberation – which relies on these companies, on this salaried employment, and on the employee and employer contributions it allows to collect?

This question is not entirely current today, insofar as **salaried employment still concerns 9 out of 10 active people in France** – in the same order of magnitude for all European countries. I am therefore addressing a **minority trend**, but one that is interesting to identify in a prospective session, because it seems to me that it is likely to become quite quickly a majority trend. The status of independent worker should normally allow the worker to develop their own clientele, to allocate their working time as they see fit, etc. We know that an independent worker at Deliveroo or Uber does not dispose of their time as they should as an independent worker; there is therefore a **misappropriation of this status**. Legal experts are currently working on rethinking this status and perhaps reclassifying it in the form of **"portage" (umbrella company contracting)**, for example, or **temporary work**, which could be a way to clarify these functions of independence.

Assuming the independent status continues to develop: once this status is protected, how can it be re-articulated with the notion of the **collective at work**? The first possible avenue is already a reality for some workers: the **grouping of independent "galaxies."** These conglomerates allow several independent workers to share a space or work tools, but sometimes also resources, particularly legal ones, to better defend their rights. This is a first step, and we could say that in the future, if the goal is to defend social protection as it exists today and is structured around companies, we could imagine that in the future, it would be within the framework of these conglomerates that taxes and social contributions could be collected, which would then give rise to collective protection.

The second avenue would be the **creation of public coworking spaces integrated into the urban fabric**, which could become new work units in which equipment would be shared, but also a common social project among workers who could organise new solidarities.

These avenues of reflection do not allow for a complete reconfiguration of a collective workplace, and the place of a social organisation of work rather than simply production. Production can be collectivised by independent workers in a coworking space, but how can the idea of **solidarity, organisation, and collective social action** emerge again from workers in these potential spaces? I do not have the answer to this question today, except that it seems to me that it can become a challenge in terms of **design**: if, after the pandemic, we are led to rethink workspaces so that employees – if they remain so, or independent workers if they decide to collectivise their workplaces – can work together, the challenge will undoubtedly be less to generate well-being or to create a kind of recreational space (this is the GAFAM approach) than to **design places for socialisation.**

How can we design places where collective action can emerge, places thought of more as **public spaces**, perhaps, than as private companies? This is a line of thought; I suspect it will raise questions, but it seems to me today that it could be extremely fertile.

A cross-cutting question to what we have discussed so far is that of the **meaning of work**. A social organisation only fully exists if it provides meaning. However, the big problem that has appeared in companies over the last few decades, long before the emergence of telework – which would be hard pressed to answer it alone today – is this question of the **exhaustion of meaning at work**. It can arise from a lack of meaning – numerous studies have shown that workers no longer found interest in their daily tasks – but also from the **saturation of meaning at work**, a very interesting point made by sociologist Danièle Linhart.

By constantly asking workers to commit body and soul to their company, to show initiative, to go beyond simply providing their know-how to also offer their soft skills, in other words their whole person, by **over-soliciting, over-humanising management at work**, Danièle Linhart observes that companies have ultimately **saturated meaning within the company and wrung it dry**, which would explain this loss of meaning, of bearings, and this feeling of uselessness that so many workers feel today, particularly office workers.

In France, for the past one or two years, it has been possible for companies to express their **purpose beyond their economic reasons**. They can present themselves as "**mission-driven companies**," that's the legal term, meaning that alongside their economic objectives, they propose to pursue a societal mission. This is the case for a company like Danone, which last year became a mission-driven company, its mission being to "nourish the world," which ultimately resembles a political project. This mode of operation goes hand in hand with a management that solicits workers by asking them to commit in the name of this mission as a citizen might do; so they are asked to go much further in their loyalty to the company than simply doing their job well: they must also embrace this mission of the company. It happens that Danone announced two weeks ago the **massive dismissal of thousands of employees in France**, following the Covid epidemic.

These two pieces of information, placed side by side – the establishment for Danone of mission-driven company status and just behind it the announcement of massive employee dismissals – can lead us to ask what the stakes are, the result of this **over-solicitation of meaning at work, of its over-proclamation**, and what effect this can have on workers who have been asked for years to commit to a great cause (indeed, companies almost use the rhetoric of associations), only to then realise that the company has an

economic logic that largely predominates over that of societal issues. We will not be able to find how to restore the collective to work if we do not commit to reflecting on this **disappearance of meaning at work**, whether through its dilution or its saturation.

To restore meaning to work, it would also be good to give employees **more autonomy**. We have seen with telework that we might have the opportunity to give employees more autonomy, but we have also seen that telework carries a danger: that of **control not by presence, but by task**, notably through the development of technologies allowing the placement of sensors, of spy tools in the software used by workers. Autonomy is certainly a way to restore meaning (and thus the collective) to work, but it is not without pitfalls.

Finally, the last way to restore meaning to work and create the conditions for the organisation to take on meaning and for the notion of the collective to re-emerge: perhaps to **cease having only quantitative criteria for evaluating work** – this logic of calculation, these numerical indicators that are at work today, "taskify" workers and completely undo the connection they can have with the meaning of their work – to propose **more qualitative criteria**.

Before concluding on this question of meaning, perhaps today we could also reflect on the **question of language in the workplace**. It may seem abstract to move from the collective to meaning, and then from meaning to language: for me, these three options are extremely linked. There cannot be a feeling of belonging to a company, a feeling of participating in a common project, if the question of meaning is not obvious to workers, and the question of meaning is intimately linked to language, to the way we address subjects in the company. A sentence by Montaigne illustrates this idea: "**We are linked, we hold to one another, only by language.**"

Language is much more than a means of communication, much more than simply the formal aspect through which we transmit information; it is the **way through which we give meaning and can eventually bring about collectives at work.** However, this language is considerably damaged by contemporary work modalities. There is an increasing emergence today of a kind of **managerial language, an absolutely abstruse corporate jargon**, made up of semantic sleights of hand.

For several decades, for example, the word "worker" has been replaced by "operator" or "installation pilot," or even "automation driver." Similarly, the word "qualification," which was widely used to describe professional skills, has been replaced by the term "potential." The term "collective" itself is replaced by the idea of "unit" or "cell." **How can we claim to restore the collective to work if we cannot even use the term "collective"** and if, when we are part of a work team, we consider ourselves part of a "cell" or "unit," terms that bring us back to this logic of calculation or an atomised idea of work, insofar as the cells would have nothing to do with each other? The notion of "boss" also, which implies a power relationship existing at work as in all human structures, is replaced by the notion of "facilitator" or "n+1." Even **layoff plans are no longer called such, but "social plans," or "job safeguarding plans."**

Through the emergence of this managerial, corporate jargon, we are witnessing a kind of **dilution of meaning behind terms that aim to minimise power relationships** when they exist, or to **make unpleasant situations invisible**. We are also witnessing the emergence of an **abstract, technocratic language**, for example, the use of English terms in French-

speaking societies. The France Télécom company had a very important trial last summer essentially highlighting this question of the degradation of neo-managerial language. In the company, the program that aimed to lay off thousands of employees was called "Next" or "Time to move"; these terms sound quite "sexy" to French ears and avoid clearly addressing the subject of the program in question.

The use of **"bullshit"** is also a very particular distortion of language that does not consist of lying, but of **superimposing words on situations that have no relation to them**. When using "bullshit," it is not reality that matters, but what the discourse says about the speaker. We see this a lot in political discourse; it is also a form of language degradation that has been considerably established in companies for decades.

There will be no renewal of collectives at work, of meaning at work, if we do not first address **how we speak at work**. It is up to each of us to take up this subject by refusing precisely to speak a stereotyped jargon that sometimes we ourselves do not understand, to ask for it to be reformulated when someone gives us a mission in that language. By **reclaiming a subjective language**, we have the means to begin establishing another relationship to work, another form of work, and that is the first step towards eco-work.

Eco-work

If we were to summarise what eco-work would be, it would be **non-productivist work**, in the sense that it would no longer exhaust nature, but also **responsible work**: an existentially satisfying work.

How to fight against productivism? We are not going to engage among ourselves in a revolutionary reflection on uprising against capitalism, which can obviously be a way to fight against productivism, but that is not our objective today. If we are not in a revolutionary perspective, it seems to me that there are two ways to try to reflect on non-productivist work: the first is to reflect on the **question of time**, the way we allocate our time to work; the second is to ask the **question of the "oeuvre" (work of art/creation)**, and here I will return to a point of definition to distinguish the oeuvre from the commodity.

Let's first take the question of **time**: in the same way that we have seen that the question of meaning at work was a kind of "meta-question" encompassing all those we have addressed so far, the question of time seems central in everything we have been able to evoke concerning the different modalities of work in the 21st century. The common point ultimately between all care jobs (cashiers, cleaning staff, all these non-teleworkable professions), but also click-based jobs (micro-work, digital work, platform work, and telework), is the **quantitative division of time transformed into space**. When, as a bicycle delivery person, one experiences the algorithmic orders given by the application through which one works; when a cleaning agent is ordered to finish the room she is cleaning within the time allotted by the algorithm, which calls her to order if she takes too long for her work; or when, as a teleworker, we organise ourselves with a shared calendar like Outlook or Google, by dividing our telework day into micro-meetings, checkpoints, video conferences, etc., we have a **spatial relationship to time**. This time is divided, pre-programmed, by others when it comes to algorithms dictating working time, and by ourselves when we are teleworkers: we are obliged, to have a checkpoint with our colleague, to have scheduled a 30-minute meeting in the calendar in advance, since, not being in person, we

cannot know if they are available at that moment. This is the same mechanism of "**taskification**," of pre-programming our time and dividing time into two dimensions, which makes us miss this much more subjective, dilating, much more existential third dimension that we can experience in other situations. The great danger of new work modalities, including telework, and which rely notably on technologies that allow time to be organised, is the **disappearance of subjective time and its substitution by programming that automates our days and is a form of alienation for workers.**

How to overcome this? I confess that today, I have few leads. Apart from the micro-indisciplines mentioned in previous sessions, the question of "flânerie" (aimless strolling) that could be re-actualised today, I have identified a notion that legal experts are working on: the idea of **personal life**, which would be a kind of reserve of employee autonomy, including within the framework of a subordinate relationship with their employer. But how can this personal life be lived when we know that the working day is dictated by the agenda filled in advance or by the algorithm that explains to the worker how to do their tasks? The question remains unanswered. All this is linked to productivism because the more time is segmented, "taskified," programmed, the more productivist it is, in the sense that it is part of this quantitative logic of relationship to nature and work.

Second point: the **question of the "œuvre" (work/creation).** Hannah Arendt, in *The Human Condition*, distinguishes what she calls "labour" (work, in the sense of a commodity), from "work" (the oeuvre). What she calls "work" (oeuvre) are the activities through which humans literally build the world, by producing artefacts: a dwelling, a house, a road, etc. All these elements allow us to build a world more durable than ourselves, in which we can do something other than survive; this is what distinguishes the world from nature.

The "oeuvre," according to her, opposes "labour": a cyclical activity consisting of eating, cleaning one's house, taking care of one's children, etc. We could say today that care workers are more aligned with the idea of "labour," and artisans, engineers, are more aligned with a logic of "oeuvre."

It seems to me that today we all (public sector, private sector, service, industry workers) are part of the dimension of **"labour," and that we have lost contact with the "oeuvre."** Our work being dictated, "taskified," atomised, it no longer has the durability, it no longer allows us the mastery that the notion of "oeuvre" implies. If we wanted to bring about another kind of work, we would have to reconnect with it. How can we find the "oeuvre" in work?

The Path of "Bricolage"

To conclude, one path seems promising to me, for now it is only a sketch on which I will continue to work: **"bricolage" (tinkering), in a metaphorical sense.** It is not about making all work manual labour, but about trying to understand how, within the logic of tinkering, one could move from a task-based work relationship to a relationship of **trial and error, of respect for the materials around us, but also for the people around us, for our own organism, for our own relationship with time.**

Bricolage presents itself as a concrete way through which we could transform both our production processes, our organizational modes, our way of apprehending matter, and even our way of considering work and the workers

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we are part of. Unlike the process specific to productivism that sets an end and means to achieve it – all that concerns the logic of programming the division into micro-tasks from Taylor to the present day – **bricolage would allow a free action to emerge**, where the intended goal as a predictable effect would always open the possibility in circumstances to divert the worker from this goal; unlike a process with a defined beginning, a production plan, and a fixed end. This is characteristic of productivism and commodities: such an object, presenting such characteristics, produced in such quantity, at such a pace. **Bricolage would allow us to pay attention and assemble existing elements to create new and sometimes unexpected forms**, in other words, it would leave room for a form of spontaneity at work.

Bricolage, in my opinion, presents itself as a mode of production and organisation that would allow us to **move away from the relationship of mastery and exploitation of nature by humans and replace it with a relationship of coexistence and free association.** To tinker would be to prefer trial and error to task-based work, cooperation that always allows for discussion and debate over the execution of numerical orders in a logic of calculation, and creative improvisation over abstract programming. This may seem utopian today, and obviously we cannot just show up at the office tomorrow or decide from home to work as a tinker, but it is a theoretical concept today that seems to me to be able to constitute the basis for future reflection to review our relationship to work organisation, to work modalities, and to try to invent an alternative path to the one we have seen has many pitfalls.

To conclude, I would just like to quote a phrase I really like from Seneca in one of his Letters to Lucilius: "**It is not because things are difficult that we do not dare, it is because we do not dare that they are difficult.**"

Georges VLANDAS

For utopia not to be just an elsewhere, disconnected from reality, it must present itself as a concrete response to the problems that arise today.

QUESTIONS

The sectors of living together (canteens, nurseries, etc.) are now in the hands of service providers, agencies, or under auto-entrepreneur status, even in our public institutions where these positions were previously held by civil servants enjoying job security and the benefits of salaried employment. All the current jargon is a strategy that, through deception, presents a concept of atomisation and stripping workers of their rights in a better light.

Fanny LEDERLIN

This is the concept of **subcontracting**, where service providers are indeed multiplying within organisations. This is part of a structural movement of capitalism – very clearly studied and demonstrated by a number of economists, sociologists, and philosophers of work – consisting of **outsourcing activities that are not directly productive or profitable.**

This movement affects all businesses, all organizations: activities such as **cleaning (the primary outsourced activity in organizations), canteens, concierge services, but increasingly IT services**, and more broadly all externalities that the organization produces and for which it does not want to

bear the cost. For example, when a company pollutes, it entrusts others – public authorities, local resident associations – with the task of cleaning up what it has damaged. All of this, in my opinion, participates in the same movement that the contemporary sociologist Grégoire Chamayou calls: the "**economy of the dump.**"

Today, the subcontracting of cleaning activities, for example, the use of service providers, is completely in line with this idea of a **dumping economy** where organizations shirk responsibility for everything that is not directly profitable and has no direct value. The crux of the phenomenon is that service provider companies will ask the workers employed in this framework – the **subcontractors who belong to this invisible, lower-paid, less-protected "sub-work"** – to establish themselves as **auto-entrepreneurs**. It is not uncommon for a cleaning lady, a maintenance worker, to be asked to establish themselves as an auto-entrepreneur; as if they were an independent worker and could claim to be their own boss, even though they are performing a task dictated by an employer, and moreover, they are poorly paid for it. This mechanism hides a form of scandal; beyond the dualisation of work, many injustices exist through this phenomenon; for me, this is one of the very big issues of contemporary work.

The logic of **neo-managerial language, this "bullshit" Newspeak or wooden language**, aims to subjugate workers and establish a rhetoric of obfuscation to **make power relationships invisible**, but also to mask the fact that labor law will be manipulated, not to say clearly that the company will operate a drastic reduction in its payroll when it actually does.

This language aims to deceive, which is why it is very important that every worker, each of us daily, strives not to accept it, not to speak this jargon, because it happens to everyone in a company to catch themselves using this language that is not their own, to use these words in meetings, because it is a habit, it sounds serious, expert. **Not speaking this language is an act of resistance**; it is a daily effort that I encourage.

The internationalisation of work poses new problematic relationships: we do not all have the same managerial culture. What is a job? What is a company? How does it organise itself not in a localised structure, but in a larger globalised whole between managers who have neither the same language nor the same culture as the people they work with?

Fanny LEDERLIN

Beyond this Newspeak, there is a kind of confusion or imprecise relationship to language when working in different languages. Companies have tried to identify the notion of the collective from the perspective of **uniformity**. Through many mechanisms, such as this stereotyped jargon or the highly codified allocation of work meetings, an attempt is made to foster a **uniform collective**, in the idea of unity. Perhaps a way to work differently would be, rather than seeking this uniformity in the collective, to seek the **plurality of points of view and even of language**: workers, even in foreign languages, could use a unique language by clarifying what they mean by such and such a term.

This takes time and is not part of a productivist logic, but a **tinkering logic** that consists precisely in playing around with words that exist, are strange, sometimes have multiple meanings, and which need to be shared, translated, all these exchanges that disappear as they are smoothed out by

work modalities, a language, a stereotyped, smoothed, uniformised relationship to time, i.e., "taskified," a word that corresponds to all these phenomena. **Reflecting on this plurality as a place of the collective rather than seeking the collective in unity and standardisation** is another avenue for bringing about eco-work, which is not degrading but on the contrary enriching; seeking this in the desire for independence could be an opportunity to seize to bring about this plurality.

To move away from a logic of calculation, from this way of measuring work by purely quantitative numerical indicators, what would be the more qualitative indicators?

Fanny LEDERLIN

It's much more intangible, but it's about everything that allows us to move away from a "taskified" relationship to work, what we have just mentioned (like the question of the relationship to language, the ability to foster plurality within the collective) could all be **qualitative indicators of work**.

It's not easy to formalise, to measure that a meeting was much richer because we took the time to debate words, to agree, to discuss, rather than immediately looking at the agenda and checking off all the tasks we had to do together in that meeting.

Georges VLANDAS

I have a few observations. First, the question of **worker independence**. We must consider the context. Initially, there was worker independence, where the worker chose their own way of working, according to their own criteria, the scope of the work, the area covered. Then, work gradually became destined for a market that progressively imposed its own logic of competition. This is the historical movement where we move from the artisan to the increasingly less independent home worker who is led to work in factories.

From the moment today's teleworker does not necessarily have a work tool, does not sell goods or services, but works for a company, an entity, the **purposes of work and the way of working are imposed by this external entity**, with the **illusion that they still choose themselves**: it is a **lure**; in fact, **external constraint determines their choices.**

On the question of **outsourcing**, there are two types in the public service: that of cleaning and canteens – most of ours are outsourced, but not all – which are not done because they are not profitable internally, but because they are not maximally profitable. Outsourcing introduces the rationality of **efficiency and productivism** that are imposed on the worker from the outside. The client determines, and we adapt to the clients' desires, because we have no choice; the client is king, the market is king. There are **budgetary constraints**, even in the public service – it does not impose them on itself: Member States have just decided that there will be nearly 3 billion euros in savings over 7 years in terms of management. Outsourcing does not create profit where there was none before, but it creates more profit.

Another externality is not private, but public: **executive agencies**, or even some regulatory agencies. Entities external to the core system are created, precisely because public agents can be employed there, with **degraded, less permanent contracts and lower remuneration scales**. Following external constraints and the problems the Commission had in the last century, linked

to uncontrolled private outsourcing, we began to **internalise outsourcing**, both to make savings by creating categories under other remuneration scales, such as those of contractual agents, and we **flexibilise work by multiplying fixed-term contracts**. I would also like to return to another dimension: all of this is done in a context of **rigour** – not to use other words, Orwell reminds us that we should call things by their true names – a context of **austerity and changes in the way we work.**

European institutions were, by excellence, **mission-driven institutions**: this was evident in the way we worked, the very fact that we participated in the development of development projects financed by structural funds where additionality, partnership, etc., were guaranteed, and we were in the decision-making process not to decide on behalf of external entities what they should do, what was best for them, but to ensure that, for example, environmental or social objectives were integrated.

Little by little, we have moved towards **management institutions**; the missions are still there. From the moment there are management companies, the question of **efficiency, standardisation, checklists** that our colleagues in executive agencies know, where it is no longer necessarily about reflecting on the content of the work but rather about seeing if the money has been spent, including in detail, is gaining momentum. This type of evolution in the profession also corresponds to the possibility of teleworking more massively, and from the moment there is telework, there is also control, and tasks can be divided, "**taskified**."

Personally, what I take away from telework is the **possibility of freedom**. From the moment telework is not structural – therefore mandatory with all that entails in terms of control, "taskification," etc. – it can be significant, based on projects and at times decided by a work team, in a common logic, where we discuss and meet. If telework is used more massively in the context of flexibility closer to the realities of work, it can be extremely positive. We experience it here by having colleagues whom it is easier to see now than before when it was difficult to be in person. The future will see a **combination, flexibility, and mixity, hybrid forms.**

Structural telework has consequences in terms of control, "taskification." We will not be left free at home; it will have consequences such as the **disappearance of the separation between private and professional life**. Forms of control and "taskification" will necessarily be offered to us, and the consequences will follow: there will no longer be the possibility of returning to offices – even without individual offices; in our union, for example, we decided to permanently favour hybrid work: workstations in a large meeting room to bring people together; it is a collective decision, and we have kept individual offices for those who wished them. The pandemic will result in, for example, **six workspaces for ten people due to economic constraints**. Everything that is happening at the moment is not disembodied; all this arises at determined historical moments, in a political, budgetary context, and if telework develops and the employer offers a computer at home, they will not also offer an office at work.

We must also question certain tendencies we have, independently of the pandemic, to **neglect the collective**, to consider the mission of work as secondary, solely for the task: "I have to process 10 reimbursements a day, it's useful, I do it and I leave; from Greece, from Bucharest, from Paris, it doesn't matter: the faster I get rid of it, the better." But where is the mission, the meaning of work? What is the purpose of work, and how can we, as a

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public service, claim to benefit from a status and creativity when ultimately we may be led to desire more degraded work? This is the challenge I see today. The discussion must continue; it is a mid-term reflection.

To move towards this eco-work, do we not need to change our economic paradigm? We are in a "war economy" paradigm: the system sets everyone against everyone, collaboration is only possible to shoot at the same enemy. Humanity is in conflict with all others, but also with the entire Earth, all other species and resources.

Fanny LEDERLIN

This is a strategic question: how to break free from this **"war economic paradigm"** – I subscribe to your image – to which we can add the idea of **competition**. It is truly the current neoliberal paradigm: a war of all against all, the competition among workers, a deprivation of nature. I have two elements of response.

The first is that humanity is at a crossroads; the ecological crisis today is taking on dramatic proportions, and what seemed like a futuristic prospect just thirty years ago now appears as a short-term prospect. **Within one to three decades, global warming will have exceeded 2°C; we know that we are significantly destroying biodiversity.** By force of circumstances, the capitalist system as it exists today will be called into question. This system has extremely powerful resources and has demonstrated in the past an ability to transform, to metamorphose in the face of each challenge that history has posed to it: with each new industrial era, it has transformed its organizational model, its working modalities. We can therefore say that this productivist capitalism will know how to adapt; this is all that is currently being reflected upon at the level of the green economy, of green technologies that claim to be solutions that, in my opinion, do not challenge the paradigm you evoke.

Will the difficulties and the ecological crisis be violent enough to bring down the system as it exists? I don't know; my voice is not revolutionary in the sense of 20th-century revolutions; I am not calling for a global revolution, and I do not believe that the historical conditions are met for it.

On the other hand, I strongly believe in the **power of the multitude**, so each of us can undoubtedly resist at our own level, by deciding **not to speak corporate jargon anymore**, to **break free from the temporal segmentation** imposed by our electronic calendars, to have a much broader relationship to our mission than that of a micro-task, and thus by **resisting the injunction to multiply tasks**, by granting ourselves moments of **micro-indiscipline**, moments to **question our hierarchy about the meaning of our work.**

Occupational Health and Psychosocial Risks in the Context of Teleworking

Conference with Loïc LEROUGE, Research Director at CNRS, Member of the Centre for Comparative Labour Law and Social Security, 19 December 2023

Georges VLANDAS

Today's conference addresses the theme of **occupational health and psychosocial risks**. We are joined by **Loïc Lerouge**, a speaker we already know and who has previously led conferences on other subjects. Loïc Lerouge is a Research Director at the CNRS and a member of the Centre for Comparative Labour Law and Social Security. He is also the author of numerous articles and books.

We are grateful for Loïc's presence today. **Occupational health** is a subject of great importance to us. It is a theme that is sometimes **underestimated**, particularly in the context of **teleworking**, where some of our rules leave this question unresolved.

Teleworking involves a digital approach to work, but for us, it also encompasses the performance of tasks at home. I now hand over to Loïc for this conference, which will be followed by a discussion session.

Loïc LEROUGE

Today marks the third conference, forming a thematic cycle. We began by addressing **fundamental rights**, exploring **labour health and safety law**, with a particular focus on **psychosocial risks**. Subsequently, we delved further into **teleworking**. Today, our approach is even more targeted, focusing on **jurisprudence related to psychosocial risks and teleworking**, a sphere of particular importance to all of you.

We will adopt a **jurisprudential approach**, starting with the **European context**, and then we will focus on **French jurisprudence**.

Since we are in a conference cycle, allow me to reiterate some points addressed previously. It is crucial to understand that **health and work form an interacting system**. Thus, caring for occupational health means caring for work, and vice versa. This system operates within a complex environment, composed of multiple interacting spheres, forming an environment in crisis; these include societal, economic, social, climatic, health, migratory, demographic, geopolitical, and digital spheres.

Understanding this environment gives it meaning. **Law can play a crucial role in attributing meaning to occupational health** within this environment. This leads us to adopt a **holistic approach**, taking into account all components of health within these interconnected spheres, in order to influence the health-work system. A macro-holistic, overarching approach is essential for action. I raise **ethical questions**, because ethics compels us to question the fundamental points of occupational health and safety today, and to reflect on building progressively on these foundations.

Regarding our topic today, **psychosocial risks can be accentuated by the practice of home-based teleworking**. Rest periods are sometimes not

clearly defined, and workload constitutes a major concern: how to calibrate the workload to prevent professional life from encroaching on personal and family life? The overflow of working hours can be facilitated by telework activity.

Teleworking also calls into question the **limits and boundaries of the workspace**. There is no true definition of the workspace. How does one define a workspace at home? How does one define a workspace between home and the workplace? Are all these environments inherently workplaces? Many questions arise. Legally, defining these aspects proves complex. We operate in various workspaces and various temporary spaces, raising the question of working time.

It is important to remember that the **European social partners** initiated a joint work programme for 2022-2024 through a conference to reach an agreement on a **European directive regulating teleworking**. The objective is to **harmonise the practice of teleworking at a European level**, building on the European Framework Agreement on Telework of 16 July 2002, while preserving the principle of voluntarism. The **responsibility of employers regarding health and safety at work in the context of teleworking** must also be clearly defined, as must the issue of **disconnection** and the **provision of connection equipment when working from home**.

As a further reminder, regarding the **fundamental international legal framework**: when we talk about **occupational health**, we are part of the **human right to health**, a right to the protection of physical and mental health, and social health at work. It is a rich, coherent right that is a vector of social justice. Every working individual has a fundamental right to have their health protected, regardless of their workplace, the size of an undertaking, or their status. This obviously refers to declarations such as the **Declaration of Philadelphia**, concerning the aims and objectives of the ILO, within which the ILO and the various Member States commit to implementing programmes designed to provide adequate protection of life and health at work in all occupations. The **ILO Constitution** also specifies the need to improve working conditions and to make work more humane. This fundamental international framework applies to teleworking and to the Member States of the European Union and to the European Union; we will return to this later.

Furthermore, **occupational health has become a fundamental right**. According to the amended ILO Declaration on Fundamental Principles and Rights at Work (2022), the right to a **safe and healthy working environment** has become a fundamental right, like the prohibition of child labour, the prohibition of discrimination, and the recognition of the right to organise and collective bargaining. One could even — this is a thought — consider linking the fundamental right to a safe and healthy working environment with the fundamental right to collective bargaining to work on this subject and advance it.

Next, **Conventions 155 on Occupational Safety and Health** and **Convention 187 on the Promotional Framework for Occupational Safety and Health** and the development of a culture of health and health prevention at work also have a fundamental character and are binding on all Member States, with the recognition of physical and mental health, the consideration of prevention as early as possible, etc. This obviously applies to teleworking.

There are other important conventions not covered by the ILO Declaration of 1998, but which are significant: **Convention 161 on Occupational Health**

Services, **Convention 190 on Violence and Harassment in the World of Work**, which concern occupational health and necessarily also apply to teleworking, because teleworking *is* work. When we telework, we transform the room in which we operate into a workplace. Therefore, occupational health law applies. And Convention 190, aiming at the elimination of violence and harassment in the world of work, is very important concerning teleworking, because we realise there is the issue of **cyber-harassment** to address, as well as workload, psychosocial risks, but also **domestic violence** and **intimate partner violence**. The rise in intimate partner violence during the Covid period, linked to confinement constraints and the necessity of working from home, unfortunately highlights the crucial importance of Convention 190 in our context.

Regarding the **current legal framework of the European Union**, I will first mention the **Community Charter of the Fundamental Social Rights of Workers of 1989**. This Charter includes a title dedicated to the protection of safety and health in the workplace, emphasising the importance of living and working conditions, and health and safety in the workplace to improve the social field and facilitate free movement. The free movement of workers is conditioned by respect for living and working conditions, with the guarantee that every worker must benefit from satisfactory conditions of protection of their health and safety in their workplace. Although dating from 1989, this Charter, initially focused on the traditional workplace, is now equally applicable to the telework environment.

The **Charter of Fundamental Rights of the European Union of 7 December 2000** is also of great importance, particularly its **Article 3**, which affirms the **right to the integrity of the person**, recognising to every individual the right to their physical and mental integrity. This applies not only to the traditional workplace but also to all workspaces, including teleworking. **Article 31**, emphasising the right of every worker to working conditions which respect his or her health, safety and dignity, is also an essential point that we will address later.

Finally, the **European Court of Auditors**, in its third report dating from 2003, highlights a feeling of frustration in the working environment among the staff of the European institutions, noting that some retire early for health reasons, and that **psychological disorders represent approximately half of the pathologies causing invalidity at the European Commission**. This report, although dating from 2003, remains relevant, particularly concerning civil servants of the European institutions, especially the Commission.

The **Directive of 12 June 1989**, focused on the improvement of working conditions, merits mention. Its **Article 2** recalls that the right to the protection of health at work applies to all sectors of activity, whether private or public. **Article 5, paragraph 1**, imposes a general obligation of safety and prevention on the employer, covering all aspects related to work. A first element of jurisprudence is linked to this article: a judgment of the Court of Justice of the European Communities, today the Court of Justice of the European Union, dated **15 November 2001, in the case *Commission v. Italy***, in which the CJCE ruled that the enumeration of risks in the framework directive is not exhaustive and is not limited to what is explicitly mentioned therein. The framework directive imposes a general safety obligation, based on general principles of prevention, which means that the assessment and prevention of risks must cover all risks present in the workplace.

Next, among the **daughter directives of the 1989 framework directive**, an important directive concerning teleworking relates to the **minimum health and safety requirements for work with display screen equipment**. The definition, elements, rights, and duties set out in this directive remain highly relevant, and it is always instructive to refer to them. In its definition, this directive covers any equipment incorporating a display screen. It specifies that a workstation encompasses screen equipment, potentially a keyboard, data input devices, software acting as a human-machine interface, accessories, etc. These elements are all present in the context of teleworking and teleworking workstations.

Article 3 of the directive imposes the obligation to **analyse workstations using display screens and to assess the associated exposure factors**. Thus, employers must conduct a workstation analysis to evaluate the safety and health conditions for workers, particularly concerning risks related to eyesight, physical problems, and mental workload. It should be noted that this is one of the rare European directives that explicitly addresses **mental workload or mental health**. This approach is also found in the directive concerning pregnant and breastfeeding women, where issues of mental workload and mental health are also taken into consideration. This approach, capable of distinguishing physical health from mental health, is crucial, because in the practice of labour law and occupational health, physical health is often predominant. Thus, it is essential to include the **mental dimension of health** in texts, in accordance with the perspective of the World Health Organization (WHO), which considers that there is no health without mental health. Subsequently, employers, in accordance with **Article 3 of the 1990 directive**, are required to take appropriate measures to remedy the risks identified by the assessment, taking into account the combined impact of these risks.

Article 6 concerns worker information. Workers must receive information on all aspects related to safety and health concerning their workstation, including their teleworking workstations related to display screens. They must be informed of all safety and health measures in this context, and each worker must receive **training on operating procedures** before starting this type of work. It is entirely conceivable to organise **pre-telework training** to acquire the necessary skills to manage work, understand relations with the employer, manage working time and workspace, etc. This could include information on workstation organisation.

Regarding the **daily course of work**, the employer must design the worker's activity so that daily screen work is **periodically interrupted by breaks or changes in activity** to reduce the screen workload. Unfortunately, this notion is often neglected nowadays, and it is important to remember that it is beneficial to take regular breaks, for example, every 2 hours, to rest the eyes and alleviate the cognitive load associated with screen work. Working by video conference, as is common today, represents a different investment compared to in-person work in a meeting room. The lighting is artificial, and the signals from interlocutors, gestures, may not be perceived in the same way. It is a different way of working. It is also essential that workers and worker representatives are consulted. Their feedback is important to highlight the real problems of work activity, as the design of work, including telework, can sometimes differ from practical reality, which can be more complex.

Regarding the **protection of workers' eyes and eyesight**, workers must benefit from an appropriate eye examination before starting screen work, and at regular intervals thereafter. In case of visual disturbances related to screen

work, workers must have access to an ophthalmological examination if the results of previous examinations make it necessary. This is a set of precautionary and preventive measures often neglected nowadays. Furthermore, workers must receive **corrective devices related to screen work**, and these measures must not constitute a financial burden for them.

Finally, **point 5**: regarding the **protection of workers' eyes and eyesight**, it is important to link these aspects to national health systems or social security systems. Work accident and occupational disease branches, for example, could cover these preventive measures. This is an aspect that is not always considered, but which deserves particular attention.

Next, a directive that, although not a daughter directive, also relates to **health and safety at work**, concerns the issue of **working time and work time arrangement**. **Article 6 of Directive 2003/88** stipulates that working hours and rest periods must be adapted according to the requirements of protecting workers' safety and health. This provision is particularly relevant concerning teleworking, as teleworking time is not necessarily equivalent to traditional working time. Telework arrangements may differ, and it is crucial to consider various aspects in this context.

Finally, it is important to recall the **thirteenth recital of Directive 89** and the **fourth recital of the preamble to Directive 2003/88**. These provisions underline that the improvement of workers' safety, hygiene, and health at work is an objective that should not be subordinated to purely economic considerations. This notion will be examined in more detail as the jurisprudence is studied. The decision to implement teleworking, to bring workers back to the office, or to take similar measures should not be guided solely by economic considerations. It is essential to take into account social, family, work comfort factors, and many others, in these decisions.

Regarding the issue of **psychosocial risks**, there is currently no specific directive on psychosocial risks within the European Union. It is possible that a draft directive on psychosocial risks may be developed in the future, but this remains an unresolved question. However, there are phenomena, elements, and issues, closely or distantly related to psychosocial risks.

The first consideration concerns **equal treatment in employment and work**, as well as the concept of **discrimination**. Directive 1078 addresses **harassment**, which genuinely falls within the scope of psychosocial risks, referring to a form of discrimination. Harassment is defined as behaviour based on a motive whose purpose or effect is to violate a person's dignity, creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Directive 2006/54 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is also relevant. Its sixth recital refers to **harassment or sexual harassment** as contrary to the principle of equal treatment between men and women, constituting sex discrimination. These forms of discrimination manifest in the workplace, but also during access to employment, training, and professional promotion. They are prohibited and must be subject to sanctions.

To explore the **jurisprudence of the Civil Service Tribunal in the European Union regarding harassment**, there is a specific directory for the civil service, providing a comprehensive overview of case law on psychological

harassment. A detailed analysis of all jurisprudence is not possible here for reasons of brevity.

Finally, there is the issue of the **European Union's strategy on occupational health and safety for the period 2021-2027**, where the Commission invites the social partners to find solutions to the challenges posed by teleworking, the digitalisation of work, and the right to disconnect, particularly by drawing on the framework agreements that European social partners can put in place, notably the one on digitalisation from 2020, which I will discuss later.

Directive 2006/54 also defines the concepts of harassment. Here, we find the issue of **unwanted behaviour related to a person's sex**, which occurs with the purpose or effect of violating dignity, creating an intimidating, hostile, degrading, or offensive environment. The same applies to **sexual harassment** and also to any less favourable treatment based on the rejection of such behaviour by the person concerned. Obviously, this applies to teleworking, because teleworking should be considered as work. There is no inherent reason, in absolute terms at least, for a legal difference in treatment between work and telework on issues of psychosocial risks, psychological harassment, sexual harassment, etc.

To continue the overview of the legal landscape related to psychosocial risks, but also teleworking, we find the **European Framework Agreement on Work-Related Stress** and the **European Framework Agreement on Harassment and Violence at Work**. Here, we are in the context of psychosocial risks. On the teleworking side, we find the **2002 European Framework Agreement on Telework** and the **2020 European Framework Agreement on the Digitalisation of Businesses**, including the modalities of connection and disconnection that we discussed earlier. European framework agreements are a kind of consensus among European social partners that provide guidance and directions for prevention. This fully applies to teleworking and psychosocial risks.

I now turn to **jurisprudence in the European Union**. There is not much, with the exception of matters concerning **psychological harassment** for civil servants of European institutions.

A judgment of the **Civil Service Tribunal of the European Union of 12 May 2009** has an interesting peculiarity. It concerns a case where a civil servant and his wife were murdered in front of their children by a burglar in a house rented by the Commission as part of a mission representing the EU outside the European Union. The central question was whether the Commission had an **occupational health and safety obligation towards its civil servants, even on mission abroad**, especially since, in this case, it was a house rented by the Commission to accommodate its civil servants.

According to **point 126 of the Tribunal's decision**, it is important to note that as early as 2011, the Tribunal considered that, regarding the safety of its staff's working conditions, for any public or private employer, **the Commission has an obligation to act**. Thus, the Commission's staff can invoke a **right to working conditions respecting their health, safety, and dignity**, as stipulated in **Article 31, paragraph 1, of the Charter of Fundamental Rights of the European Union**.

Point 127 is also very interesting because the Civil Service Tribunal considers that there are indeed several European directives that apply to health and safety at work, notably the **1989 framework directive**, that the employer is

obliged to ensure the safety and health of its staff in all aspects related to work — and this also refers to teleworking — and that the employer has the obligation to ensure a safe working environment for workers and teleworkers, respecting in particular the general principles of prevention, **Article 6**, and all other daughter directives. The Commission, which is the guardian of the treaties, is committed to a strict interpretation of the obligations set for employers.

Finally, **point 130 of the judgment** specifies that this obligation to ensure the safety of its staff cannot extend to imposing an **absolute obligation of result**. It is therefore an **obligation of means**, to implement all possible measures to prevent or avoid the realisation of the risk, but as this point implies: "no one is bound to do the impossible". There is still a limit here. The judgment *Commission v. United Kingdom* concerned the scope of the safety obligation under **Article 5, paragraph 1 of the 1989 directive**, and particularly in connection with the French conception of making it an obligation of safety of result, which has not been the case since 2015 in France. But it was still an important point.

Then, there is another, more recent judgment, which I wanted to share with you here, it is the judgment of the **CJEU delivered in Grand Chamber on 9 March 2001**, according to which it follows from **Article 5, paragraph 1 and Article 6 of the 1989 directive**, which I mentioned earlier, that **employers are obliged to evaluate and prevent risks to the safety and health of workers related to their working environment**. Among these risks, the Court cites **psychosocial risks through stress or burnout**. This judgment concerns issues of constant connection with work, not necessarily digital connection, but on-call duties that can make the working day and duration very long, sometimes with frequent intervals. The Court considers that this can lead to a difficult psychological burden for workers, referring to on-call services during night work. One can also think of teleworkers working with colleagues in other time zones, implying the need to be connected at all hours of the day or night. The importance of protecting workers against psychosocial risks is emphasised, and the idea of providing rest and disconnection periods is mentioned.

We will now focus on **French jurisprudence**. The notion of **psychosocial risks** can sometimes be difficult to define clearly in decisions, even if they are increasingly mentioned. I would like to particularly emphasise the **link with work organisation**, as this is the point of talking about psychosocial risks: what is the impact of work organisation on the physical and mental health of workers? We could speak of "psycho-organisational risks."

On **28 November 2007, the French Court of Cassation** ruled that the renewal of annual professional evaluation policies had to be submitted for consultation to the **Committee on Hygiene, Safety and Working Conditions (CHSCT)**. This Committee, as a collective and representative body within the company, specialised in matters of working conditions, safety, and health at work, played an essential role. Today, there is no longer a CHSCT in France since employee representative bodies have been pooled, merged, into a single Social and Economic Committee, where health at work issues do not have the same prominence as in a CHSCT; but at the time, this decision indicated a strengthening of this collective representation in occupational health matters through the CHSCT and the organisational measures for annual evaluation of workers and employees. It could be considered that the stakes and modalities of these interviews were likely to generate

psychological pressure leading to repercussions on working conditions, but also on occupational health.

This is a judgment I wish to highlight, an often-neglected aspect. Indeed, in France, it would be entirely conceivable that new annual evaluation policies that the employer wishes to introduce be submitted for examination by the **Social and Economic Committee (CSE)**, provided that it is considered a significant change in the organisation of the company.

It is relevant to point out two judgments of **10 November 2009**, marking a first turning point in the approach to psychosocial risks. France was the first country to define **psychological harassment at work**, as early as the Social Modernisation Law of **17 January 2002**. This resulted in focusing debates on work organisation and psychosocial risks, primarily linked to psychological harassment. This orientation somewhat restricted the consideration of physical and mental health in an individual relationship. In France, beyond the definition of psychological harassment, legal provisions have been established to combat this phenomenon, notably the inclusion of the recognition of physical and mental health in the employer's safety obligation, in the right of alert of employee representatives (today staff representatives), as well as in the competencies of the occupational doctor and the CHSCT.

Among these two judgments, the first recognises the existence of **psychological harassment at work without malicious intent**, thus indicating that such a situation can occur without an explicit desire to harm.

The second judgment addresses the **management methods adopted by a hierarchical superior or manager towards their subordinates**, qualified as psychological harassment at work. This particular aspect is often referred to in France as "**managerial harassment**." These are repeated acts directed against a specific employee, thus falling under an individual approach, whose effects degrade working conditions, undermine dignity, alter physical or mental health, or even compromise the professional future of the employee concerned.

The second significant turning point I wish to quickly mention is the **France Télécom case**, which had international repercussions. This public company was privatised, and its CEO was tasked with making the company performant, notably by divesting a large part of its 120,000 employees. The objective was to shed 22,000 employees, 10,000 through transfer or voluntary departure, and for the rest: "a solution had to be found," according to the CEO: "through the door or through the window."

The **France Télécom judgment**, first in the lower court and then in the court of appeal, led to considering a type of harassment of a much greater magnitude than that resulting from individual pressures. This form of harassment targets a **collective organisational personnel management strategy**, adopted by the company's management. This situation is referred to as **institutional psychological harassment**, implying the employer's criminal liability. In this context, the suffering engendered can be so intense that suicide becomes the only response to this unbearable impasse. It is crucial to note that this suffering stems from the implementation of the work organisation and not from pre-existing fragility or psychological flaws of the individuals who committed or attempted suicide. Certain forms of organisation can push individuals towards an extreme act, particularly the most committed.

The **Paris Criminal Court** established a link between an institutionalised personnel management policy in a company and the harm to the physical and mental integrity of employees. The **Paris Court of Appeal**, with a more legal decision, while reducing the sentences of the accused, nevertheless considered that organisational decisions taken in a professional context can, in a particular context, generate permanent insecurity for all staff and become harassing for certain employees. Thus, **institutional harassment** is characterised by a cascading, trickle-down effect, regardless of the absence of a direct hierarchical link between the defendant — the one who decided the organisation — and the victim. This approach finds echoes in certain reforms sometimes forcefully conducted within our public institutions.

Furthermore, a decision by the **Court of Cassation** is in preparation, likely in plenary assembly, to determine whether the legal notion of **institutional psychological harassment** will be maintained. The labour inspectorate and trade unions, which initiated legal proceedings against France Télécom, lean more towards charging the company with **endangering the lives of others**. This approach suggests that the organisational decision taken by the company would have jeopardised the physical and mental health, and the lives of employees who attempted or committed suicide, rather than resorting to the notion of psychological harassment.

Moreover, the employer's **general safety obligation**, derived from the 1989 directive integrated into the French Labour Code, requires the employer to protect the **physical and mental health of workers**. This includes the implementation of preventive measures by professionals, information and training actions, and specific provisions for teleworking.

The employer must also ensure that these measures are adapted to changing circumstances and aim to improve existing situations, including in the context of teleworking. France has ratified **ILO Convention 190**, which aims to eliminate situations of violence and harassment at work. The safety obligation also extends to the content of Convention 190, encompassing cyber-harassment and all forms of working conditions.

Finally, **Article L. 4121-2 of the Labour Code**, concerning general prevention obligations, emphasises that the employer's safety obligation is assessed by the judge based on the **implementation of general prevention principles**. This involves avoiding risks, evaluating unavoidable risks, combating risks at the source, adapting work to the individual (especially in the design of workstations or telework), and choosing appropriate equipment and working methods. These principles apply directly to teleworking and aim to reduce its effects on health, while taking into account technological evolution, planning prevention coherently with technology, work organisation, working conditions, social relations, and the influence of environmental factors.

Prevention obligations also extend to teleworking, including protection against the risks of psychological harassment, sexual harassment, and sexist behaviour. It is recommended to prioritise **collective protection measures** over individual measures and to provide consistent instructions to workers, an approach that also applies to teleworking.

Regarding jurisprudence, the judgment of **5 March 2008** deserves mention. In France, we no longer speak of an obligation of safety and result, but rather of a **reinforced obligation of means** or an **obligation of safety and prevention**. This judgment concerns a work organisation project that could be pathogenic, endangering the health of workers in a company or

establishment. It highlights the possibility for the judge to interfere with the employer's managerial power to suspend such a project in the name of health. The employer's organisational choices can be considered responsible for the rise of stress and suffering at work. Thus, in the name of the right to health, the judge can intervene in managerial practices as soon as the causes of suffering and psychosocial risks can be identified. The employer's responsibility is engaged when mental health disorders originate from a clear dysfunction of the company, involving an excessive workload due to service disorganisation, relational difficulties, or inter-individual conflicts that the employer would have allowed to develop.

From a judgment of **8 June 2020**, the **Tribunal des Conflits** — which decides on jurisdiction between legal/judicial and administrative law — confirmed the possibility for the labour inspectorate to verify that **job protection plans** related to restructurings, particularly for economic reasons, take into account **psychosocial risks**. Subsequent decisions show that from now on, in job protection plans, psychosocial risks must be taken into account, particularly with regard to those who remain and must work after a company has separated from part of its employees.

Concerning **teleworking more specifically**: **Article L. 1222-9 of the Labour Code** defines teleworking as a **voluntary form of work** — it cannot be imposed — carried out outside the employer's premises using information and communication technologies. This teleworking is implemented within the framework of a **collective agreement**. If there is no possibility of establishing a collective agreement, the employer draws up a charter submitted for the opinion of the social and economic committee. In the absence of a collective agreement and no charter, the employee and the employer can resort to teleworking by formalising it through a formal agreement between these two parties. The request for teleworking can also be made by a disabled worker or a caregiver of a person with a disability. If the employer refuses the teleworking request, they are required to provide a valid reason for their decision.

The second part of **Article 1222-9 of the Labour Code** concerns the collective agreement, the charter drawn up by the employer, or the document established between the employer and the employee. These documents must address the conditions for switching to teleworking in case of pollution, or environmental change, as well as the modalities for returning to a non-teleworking employment contract. The **principle of reversibility** is inherent to teleworking, leaving the choice to opt for teleworking or to return to work, whether at the request of the employer or the employee. The collective agreement must specify the modalities for accepting the conditions for implementing teleworking, as well as the modalities for controlling working time and regulating workload, determining the time slots during which the employer can contact the teleworking employee, the modalities for disabled workers to access a teleworking arrangement, and the modalities for pregnant employees to access a teleworking arrangement.

Article L. 1222-10 of the Labour Code sets out the **employer's obligations towards the teleworking employee**. This includes the obligation to inform the employee of all restrictions related to the use of IT equipment or tools, communication services, as well as sanctions for non-compliance with these restrictions. Furthermore, the employer must give priority to the employee to occupy or resume a non-teleworking position, in accordance with the principle of reversibility, based on their qualifications and professional skills, and inform them of the availability of all such positions. Annually, an

interview must be organised to discuss the employee's activity conditions and their workload. It should be noted that these minimum conditions include only one annual interview, which can be considered insufficient given the rapid possibility of changes in living and working conditions.

Moreover, **Article L. 1222-11 of the Labour Code** deals with **exceptional measures for implementing teleworking** to ensure the continuity of the company's activity and to guarantee the protection of employees in the event of a pandemic. It is important to distinguish between **teleworking** and **home-based work**, the latter being organised urgently to protect public health and occupational health, as mentioned in the agreements concluded. Teleworking takes place in a dedicated workspace, set up as such at the employee's home. How to establish clear boundaries between the workplace at home and the rest of the employee's personal space? How to ensure respect for the boundaries between the professional and personal life of the employee, the home worker? These are sharp, complex questions. It is important to be able to answer them in the context of implementing agreements.

The **National Interprofessional Agreement of 26 November 2020** provides important guidelines for successful telework implementation. It reiterates the terms of the Labour Code, the fundamental principles to be respected in legal and conventional provisions, particularly emphasising the **maintenance of the subordinate link between the employer and the employee**, with the question of the challenge to this subordinate link, which is not necessarily the same in the context of teleworking. Working hours, rest periods, control of working time, respect for the right to disconnect, protection of privacy, necessary equipment, the employer's regulated use of digital tools, coverage of professional expenses, and the right to training in teleworking are all essential points addressed in this agreement.

The agreement of **26 November 2020** also covers the **employer's responsibility for expenses incurred within the framework of the employment contract**, which must apply to all work situations. This concerns the question of the **lump-sum allowance** that will be paid, exempt from social contributions, and the **respect for specific managerial practices in teleworking**. This highlights the need to support employees and managers in the practice of teleworking due to its specificities.

Some legal decisions deserve to be noted, particularly concerning the employer's request to **cease teleworking**. Teleworking and its conditions are considered an essential part of the work. The **reversibility of teleworking constitutes a modification of the employment contract, requiring the employee's agreement**. If the employee refuses, no sanction can be imposed on them.

A judgment of **15 April 2018** highlights that the employee is entitled to compensation for the occupation of their home for professional purposes, and compensation for expenses incurred by this activity, provided that no professional telework premises are made available to them.

A judgment of **14 December 2022 by the Court of Cassation** specifies that it is up to the employer to prove compliance with maximum working hours and minimum rest periods, even in the case of teleworking.

Furthermore, a judgment of **29 March 2023** underlines the employer's obligation to implement **reclassification** if the occupational doctor deems

an employee unable to work at the usual workplace, but able to occupy a home-based position with adjustments.

Finally, a mention of the article of **31 May 2006** raises the question of **reversibility**, particularly in the case of a pregnant employee who had requested to telework during her pregnancy and did not wish to return to the office after her maternity leave. In the absence of clear modalities for returning to work and with the employee's refusal of her return-to-work conditions, the employer could not dismiss her for refusing to return to work and wishing to maintain her teleworker status.

The issue of **reversibility is very important**. A judgment of the **Lyon Court of Appeal of 10 September 2021** confirmed a dismissal without real and serious cause based on this type of fact, where the employer had not provided details in the addendum to the employment contract regarding the conditions of telework, its duration, or the modalities of cessation.

The judgment of the **Orléans Court of Appeal of 7 December 2021** highlights the importance of the **reversibility clause in the context of teleworking**. In the absence of such a clause in the employment contract, the employer cannot unilaterally terminate teleworking, especially if it has a significant impact on the employee's personal life.

In conclusion, some questions still require answers; we are trying to provide some clarification during this presentation. This implies an **adaptation of regulations related to hygiene, safety, and work**. It is crucial to start by making a **clear distinction between teleworking and home-based work**, which should remain exceptional, while genuinely adjusting workstations, solving the problem of controlling working conditions at home, and protecting private life. The question of the **legal definition of workspace** is closely linked to this first problem. Spanish law, for example, distinguishes teleworking from remote work: teleworking as arranged at home, and remote work encompassing all other forms of remote work. The **right to refuse and the right to reversibility** are essential, as is the need to maintain contact with work collectives. It is equally important to preserve the **boundary between personal, family, and professional life**, to combat discrimination, and to clearly define the use of working time. The issues of **connection and disconnection, mental workload, and workload** are also crucial points to consider.

Thank you very much for your attention, and I am now ready to answer your questions.

Georges VLANDAS

Many thanks, Loïc, for this very comprehensive conference. It is clear that the subject is vast and constantly evolving, but it is encouraging to think that we will have the opportunity to meet again. Allow me to share my first impressions.

Let's first address the issue of **nuisances**. You rightly mentioned **visual nuisances**, highlighting the common underestimation, particularly regarding the need to consult ophthalmologists. In interpretation professions, the issue of **noise nuisances** is also a concern. Many colleagues have experienced auditory trauma due to microphone failures or unsatisfactory sound quality, requiring particular attention.

Moreover, the profession of interpretation has evolved, from an approach where speakers were visible in the room to **interpretation via screen**. This evolution makes interpretation work more complex. We encounter several such cases, with significant resistance from employers to take these aspects into account, particularly noise nuisances.

At the **European Parliament**, a conflict erupted following the filing of a strike notice. This notion of conflict is of particular importance because it highlights the contradiction between the operational imperatives of companies, in a given context, and the working conditions of employees. At the Parliament, social dialogue could be established, but this approach is currently less easy at the Commission, where budgetary considerations also come into play. Unlike Member States who can run budget deficits, the European Commission must maintain the financial balance of the Union's budget. Thus, when there are unexpected expenses, the margin for manoeuvre is limited. The Council and Member States are often reluctant to allocate additional resources, which can pose problems in certain situations, as is currently the case. So there is a problem with sound issues, that's a first question.

The question of **risk** is also an essential aspect. The texts you presented stipulate certain measures in specific cases, but how does one genuinely **detect a problem**, and what mechanisms are in place to establish that there is a health risk? Currently, this seems to be handled on a case-by-case basis, and although safeguards are present, there appears to be a lack of systematic mechanisms to assess and diagnose risks. This gap represents a true grey area.

Furthermore, you provided a definition of teleworking as work using information and communication technologies. However, in practice, teleworking within European institutions involves constant use of these technologies, whether at home or in the office. For example, even if we are currently 5 to 6 people in the room, our eyes are glued to our screens, equipped with headsets for good sound, and we are constantly focused on our screens. It is obvious that the proposal to disconnect every 2 hours seems like a joke, because we are subject to imperatives, especially, for example, during humanitarian crises or to unlock funds; we cannot disconnect.

I also want to comment on the notion of **voluntary teleworking**. We negotiated clauses on teleworking highlighting its voluntary, reversible, flexible, and variable nature. However, in reality, the **reversibility of teleworking is called into question**, because even when working in an open space with colleagues from other units, we constantly use information and communication technologies. Thus, in practice, teleworking is not always reversible.

Moreover, at the Commission, during the pandemic, the institution seized this opportunity to **reorganise workspaces** based on the observation of empty cafeterias, company restaurants, nurseries, and offices. Consequently, the number of offices in a building has been significantly reduced; for example, we will go from 55 buildings to 20-25. The idea of everyone voluntarily returning to work could become a challenge, because there simply wouldn't be enough space to accommodate everyone in the workplace. Parking spaces need to be booked in advance, meals ordered in advance, even offices...

Regarding **voluntary teleworking**, the reality is more complex. Work processes increasingly involve the intensive use of information and communication technology, which calls into question the genuine voluntarism of teleworking.

Furthermore, the crucial questions you have addressed, although valuable, are not fully or are incompletely raised in practice. Teleworking is gradually becoming the norm, accompanied by a tendency among some staff to relativise the place of work in their lives and to prefer a certain distance from the workplace. Commuting time is perceived as a loss. The time when factories were next to working-class neighbourhoods is long gone, indeed. Since then, we have seen the phenomenon we know, with the development of cities. There is now a phenomenon of the generalisation of teleworking. The institution seems to rely on this non-presence in the office to promote teleworking as the dominant mode, without resolving the problems related to psychosocial risks, health risks, and without evaluating the impacts of this work done by individuals separated from each other on cooperation, team spirit; and the use of available technological means to facilitate collaboration between individuals working remotely.

Annabelle Menendez

You raise an important issue related to **technological evolution in the context of teleworking**. Indeed, it's no longer just about having headphones and a PC: communication tools are multiplying. The use of various communication tools and the ability to be contacted on multiple platforms, including personal mobile phones, indeed creates a **dichotomy between theory and practice**, a blurred boundary between professional and private life. This constant intrusion can lead to difficulties in separating these two spheres, thus affecting the **work-life balance**.

The idea of stricter regulation of communication tools, with particular attention to their appropriate use, is an interesting avenue for reflection to explore, in addition to the support you mentioned, which seems indispensable to me.

Andrea Mairate

I would like to return to **European legislation**. You mentioned the framework agreement on teleworking, an important text for several countries. However, with Covid, legislation has accelerated in various countries. A major report from **Eurofound**, a foundation dealing with working conditions, drew up an inventory of regulations in different countries and made recommendations on telework regulation.

In 2021, the **European Parliament** also adopted an important text on the **right to disconnect**. My question is: should we consider a **broader European directive on teleworking**, covering new aspects not covered by the framework agreement? Do we need more regulation, or should we leave this to European social dialogue? A social summit is planned for late January; it will be the second after the one held under Jacques Delors, it will take place in late January, where questions will be raised on subjects such as artificial intelligence, but also on teleworking.

Loïc LEROUGE

Thank you, Georges, for that pertinent summary. There are many questions to address, and I will try to answer them transversally.

The question of the **interpreter's profession** is indeed crucial, especially in international institutions, with specific conditions for this profession, particularly concerning the **regulation of environmental factors**, with noise being the primary challenge. When this function is performed from home, it becomes more complex, as not all cabins available at the workplace are present. In this context, I would be inclined to say that the employer must provide the necessary equipment for professions according to their specificities. It is not up to the interpreter to seek the necessary equipment to work in optimal conditions, taking into account noise likely to disturb their interpretation. This also increases their **mental and cognitive load** to ensure the quality of the service provided. This is a point of great importance.

Regarding the **mechanisms for establishing whether there are health problems**, particularly related to teleworking, various stakeholders play a crucial role. The **occupational physician** remains an essential actor in this context. Furthermore, **staff representatives**, possibly supported by specialised referents, can contribute to setting up diagnoses or detecting health problems. There are also legal provisions, such as the **right to alert**, related to working conditions that may infringe fundamental freedoms, physical and mental health, dignity, as well as all essential rights, including the prevention of discrimination, particularly those related to harassment.

Thus, it is possible to activate different mechanisms, although their presence may vary from one institution to another. Addressing the topic of teleworking and its conditions perhaps offers the opportunity to restructure the issues in order to **improve the effectiveness of tools related to the prevention of occupational health problems**, particularly those likely to signal a deterioration of working conditions due to teleworking.

Next, the question of **training and information** arises, particularly the ability to use communication and information tools. We are all equipped, we can all be reached by various means, but it is crucial today to define the **limits to this**. Concerning **private life**, the question of the legitimacy of the employer being able to contact an employee on their personal phone arises. Is this acceptable and, if so, should it be restricted to working hours, or can it extend beyond? The obvious answer is to limit it to working hours, or to grant the worker the right not to respond to employer solicitations outside working hours without fear of retaliation.

The fundamental issue of the **right to disconnect** lies in the possibility of not responding to professional solicitations outside working hours. Certainly, there may be times of crisis requiring constant connection, as Georges mentioned, but this should be temporary. It is essential to be able to disconnect and recover, because permanent connection is neither realistic nor desirable.

Georges VLANDAS

It's permanent. The workload is such that it cannot be temporary. There is less turnover when you are a European civil servant, but mobility is possible. When it's too difficult, people move. You can move from one directorate to another, and even then, in a limited way. There is an **intensification of work**

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that we discussed with Serge Volkoff, which is accompanied and developed by teleworking.

Loïc LEROUGE

Teleworking contributes to the **intensification of work**, accentuated by the increasing use of technologies. Therefore, it is crucial to ask **ethical questions about the choices related to the use of these technologies**. What impact does this have on the work collective?

To address the various questions raised transversally, there are several principles to respect or encourage, particularly concerning **work collectives**: preserving social support and maintaining collective representation. This is one of the great challenges of the transition to teleworking, as it creates empty spaces where direct interactions are reduced, thus complicating collective representation. It is therefore essential to rebuild these elements through teleworking without eliminating physical meetings.

This is a different perspective on work, but also a distinct approach to human relationships in the context of teleworking, while preserving work collectives. Finding this balance is necessary, although it may take time. On these issues, it is crucial to take the necessary time to discuss rather than seeking hasty solutions. It is essential to address various aspects such as respect for privacy, maintaining social support, being able to have mechanisms to assess the impact of teleworking on health, alert mechanisms in case of problems, mechanisms for adapting teleworking to the peculiarities of certain professions, and defining a workspace, all while preserving work collectives.

Should we adopt teleworking permanently or rather favour a **part-time approach to maintain interactions**? Too often today, we observe a dynamic where some work in person, others remotely, and rotations between the two modes create an environment where interactions are limited. It is crucial to re-establish a true work collective by promoting a more balanced approach.

Regarding the possibility of a **European directive on teleworking**, several scenarios are conceivable. It might be advisable to integrate a specific **daughter directive** within the framework of the 1989 directive, which would also reform the 1990 directive on the use of display screens mentioned previously. The objective would be to harmonise minimum protection standards for teleworking in EU Member States in terms of rights, duties, and protection. Another option would be to include teleworking in a more general directive dealing with issues related to **artificial intelligence, digitalisation of work, teleworking, as well as connection and disconnection aspects**. However, this would lead to a substantial and potentially complex text to interpret.

Regarding **psychosocial risks**, a global approach seems more appropriate. Rather than including psychosocial risks in a teleworking directive, it would be more suitable to consider a **specific framework directive dealing with psychosocial risks in the general context of work**, integrated into the 1989 directive, for example. This approach would avoid shifting the debate on psychosocial risks towards teleworking, thus ensuring the specificity of a text dedicated to these risks that affect work in general, whether performed in person or remotely.

Furthermore, **social dialogue**, particularly at the European level, offers interesting guidelines and avenues for addressing these issues. However, it is regrettable that it lacks effectiveness. Nevertheless, these exchanges constitute important sources for drafting more in-depth legislative texts.

Georges VLANDAS

Thank you for these observations. A question was raised in the chat concerning the **lump-sum allowance**.

Our internal rules indeed allow for this to be considered, particularly for colleagues working from home, who see their expenses related to electricity, heating, or even furniture increase. This possibility exists, but it faces **budgetary constraints**. Unfortunately, unlike some Member States who can face budget deficits, we are unable to do so. Thus, even if we recognise the necessity of this allowance, we are somewhat limited by budgetary availability. Some think it is not serious because we are "privileged". It is crucial not to rejoice in the deterioration of working conditions for "privileged" employees, because this degradation affects all levels, including those less well-off. We must collectively fear these reductions, because when the conditions of leading employees are affected, it effectively diminishes the hope of improvement for all staff.

Is Telework Good for Employees?

Conference on 26 September 2023 with Claudia Senik

Georges Vlandas: Claudia Senik's conference will be published in GRASPE number 49. Without further ado, I pass the floor to you for your presentation.

Claudia Senik: Thank you very much for inviting me to present my research on what I know about telework. The question we are asking today is: does telework have a positive influence on the well-being of workers? Telework is something that employees have been requesting for a very long time and which employers viewed with reluctance, as there were doubts about the productivity or effort of remote workers not under direct control. As we know from the shock of Covid and lockdown, all those whose professions allowed it teleworked from home. Today, we have approximately **35% telework**, compared to 3% to 5% previously. Everyone agrees that there will not be a complete return to the status quo. For most companies, offering their employees one or more days of telework has become a *sine qua non* condition for recruiting and retaining staff.

I will begin by presenting the current situation, where we stand, and then outline the research work, the methods we use to determine if telework is beneficial for employee morale and well-being.

The best source of information on the current state of telework comes from policy briefs, regular studies conducted by a group of researchers named Cevat Aksoy, José Maria Barrero, Nicholas Bloom, Steven Davis, Matthias Döll, and Pablo Zarate.

Nicholas Bloom is truly the leading author who worked on this subject before Covid, conducting an experiment on telework to ascertain if it was beneficial for workers and for productivity. Since then, he and his co-authors have been

regularly surveying American and international workers to understand their practices, desires, and expectations. These studies showed that **office occupancy rates in the United States today (October 2023) are at 50% of their February 2020 levels**. Thus, on average, only half of office spaces are occupied on any given day. However, it is interesting to note that today, employers are attempting to reverse this trend. Particularly in Silicon Valley, remote work is driven by the digitalisation of work, by its technological feasibility. After Covid, we thought that Silicon Valley firms—at the forefront of technology—would naturally be the first to decide that work would henceforth be done remotely, potentially abolishing offices. This is what they did. But now, we observe that these same Silicon Valley companies are trying to bring their employees back to the offices—because, ultimately, telework does have some drawbacks. Thus, we have seen Elon Musk at Tesla, JP Morgan, Goldman Sachs, etc., trying to get their employees to return, and most paradoxically, Zoom itself, the largest provider of remote communication, has decided that all employees living within 80 km of their office must now return to work in the office at least twice a week.

We observe a tension between what employees want or do, and what employers desire. These authors conduct a global survey on working conditions, the "Global Survey of Working Conditions." This is an online survey conducted in 34 countries worldwide. This survey is carried out among full-time employees aged 20 to 64 who hold a degree. The latest wave for which there is a publication was conducted in April-May 2023.

What do we observe in this wave?

Among all working days in these 34 countries, a quarter of working days are done remotely, meaning one in four days is remote. From the workers' perspective, one third of workers work remotely from home, either full-time or part-time. More precisely, **67% of people still work five days a week on company premises**. There are **26% who have a hybrid arrangement**, meaning some days at home, some days in the office, and **8% who are full-time at home**, never going to the office. In total, this makes up **34% of full-time or hybrid teleworkers**.

However, this varies by country. The level of home-based work is higher in English-speaking countries. When we look at the number of days, it's one and a half days in Australia, Canada, whereas it's lower in European countries, averaging **0.8 days teleworked per week**. In France, it's even lower, at 0.6. Nevertheless, whatever happens, since this survey questions both workers and employers, on average, **employees worldwide would like to work remotely two days a week**, and on average, **employers would like to allow workers to work remotely one day a week**. In all countries, there is a one-day gap between what workers and employers would like.

Thus, there are differences across countries. In this survey, workers are asked about the main advantages of working on employer premises, what the benefits of going to the office are. What people say is **socialisation with colleagues**—two-thirds of people say this. This also includes face-to-face collaboration, clearer boundaries between work time and personal time, and better equipment.

What are the advantages of working from home? No commute, savings on fuel costs and meals, greater flexibility regarding when to work—so one can better arrange different episodes of the day, less time to prepare for work, quiet time, spending time with family and friends... These are essentially

advantages related to **self-organisation and life in general**, but not so much to work itself. Thus, we may see why, ultimately, there is this difference between what employees want and what employers want.

This saving in commute time will be evaluated using data from 27 countries. On average, the commute time saved is **one hour and fifteen minutes**. What do people do with this time? Those who are at home, what do they do with this gained time? For 40% of this time, they work more. **34% of this gained time is dedicated to leisure**, and **11% to care activities**, meaning they look after someone else, their children, or their parents.

So, ultimately, do people work more or less? The authors note that on days when people are at home, they work fewer hours. They work, on average, **80 minutes less** on days they are at home. However, they work more hours on days they are in the office, and they also work on weekends. They work more on other days and weekends, and less on days they are at home—30 minutes more on weekends and other days.

What do they say? People who work and benefit from this possibility say it's practical because they can go to dentist appointments, pick up their children from school, do sports, etc. The main argument is the commute. Avoiding commutes is therefore essential.

The last thing these authors note is that teleworkers continue, even when they are in the office, to communicate more via individual messaging, group video calls, as we are doing now, even when they are in the office. So, in fact, telework has accustomed people to a **synchronous communication style**, meaning I send a message when it suits me, I reply to a message when it suits me. We are no longer constantly talking synchronously, as when we are in the same place. These are truly persistent changes that have been introduced by telework.

I spoke about this in a book I edited. There was a chapter on the practices of teachers and professors, who became accustomed during Covid to creating WhatsApp groups for sharing information and online documents during Covid, during the lockdown, and who continued to do so afterwards. We see that practices related to telework are becoming permanent.

Now, what elements does research provide on the link between telework and well-being? First, I will discuss several methods, essentially two. The first involves **choice experiments**. To determine if, assuming people are rational, they want something that is good for them. So, to know if telework is good for employees, one way to proceed is to ask if they want it and how much they value this possibility. To find out, researchers put people in situations where they choose between different types of jobs, for example, on a recruitment platform.

Thus, some job offers propose the possibility of working remotely with a certain salary level. Then another offer does not propose this possibility, with a different salary level. The people facing these choices are chosen randomly. It is important that this is random, so that the choice situation faced by the person is not correlated with their own characteristics. Afterwards, we look at what people do, meaning what they choose. And so we can see how much, to what extent, what percentage of salary or remuneration people are willing to give up to have the possibility of teleworking one or two or three days a week.

Whether these are choices on platforms, real choices, or choices posed to people in surveys, everything leads to the same estimation of what can be called the **"willingness to pay" of workers for the possibility of telework**. Already before Covid, two authors introduced a choice experiment into an American survey in 2017. They estimated that the choices people made revealed that the willingness of workers to pay for the possibility of partial home-based work was equivalent to **8.4% of the average salary**. Obviously, this changes depending on the person; for example, people who had a longer commute for another job were willing to give up a larger part of their salary to be able to telework.

Subsequently, other authors introduced an identical choice experiment in another American survey and found similar results. Here too there are differences; for example, they found that women, white people, and more educated individuals were willing to give up a larger portion of their salary to be able to work from home.

An identical choice experiment was conducted in Poland and yielded the same result. The first real survey conducted was a large-scale recruitment campaign for an American call centre. Here, people were put in a situation to choose between two jobs. One with a very classic time organisation, 5 or 6 PM on-site. And then there were many other options, including telework. Once again, the result was that, on average, people were willing to accept an **8% lower salary** to have the possibility of teleworking. It was this option, above all, that was particularly popular, much more so than the others. In fact, among all the flexibility options offered in the experiment, it was truly working from home a few days a week that interested people.

Once again, there was a certain heterogeneity. Women were even more willing to give up salary to be able to telework, especially those with young children. Then, a quarter of workers were even more motivated; they were willing to give up 14% of their salary for it. But what is also interesting is that there were also 20% of employees who never chose to telework. So, what we must remember is that in these experiments, or even in all studies, there are always averages.

But afterwards, there are differences between people, and these must always be highlighted, because in fact, people are different: they have different housing conditions, they don't have the same families around them... Some like interaction with others, others are completely autonomous and solitary. So, it's important to emphasise that in all these experiences, there are differences between people.

Another experiment of the same type, meaning a real choice experiment, was conducted on a large online job posting site in China. This is a huge recruitment platform that offers tens of millions of jobs each year, visited by over 100 million job seekers. These are skilled jobs, white-collar jobs for educated individuals, such as Java engineer positions, financial director, human resources director, marketing director, etc., and job categories like software, finance, human resources, marketing, sales management, and so on.

Similarly, some offers provide workplace flexibility and other types of flexibility, and it is the former that attract other applicants with higher remuneration. So, this is a fairly general phenomenon. It is not something found only in the United States or OECD countries; it works everywhere. Thus,

these are choice experiments that lead to estimating workers' willingness to pay for access to this possibility.

So, to go a bit further, the economists I mentioned said, "Okay, fine, instead of estimating it ourselves, we'll ask them." So, in one of their global surveys, they asked 30,000 American employees after COVID if they wanted to continue working from home 2 or 3 days a week. To those who answered "yes," they asked a second question: "What percentage increase in your current salary would be equivalent for you to the possibility of working from home 2 or 3 days a week?" They were offered choices: is it equivalent to a 5% salary increase, or a 10 to 15%, 15 to 25%, 25 to 35%, etc.?

The result is that the vast majority of people would like to work from home at least one day a week. And the interval people most frequently choose, on average, is **7%**. So, if they are offered this possibility to continue working from home, for them, it's like having their salary increased by 7%.

And more than that, in fact. **40% of those who already practice remote work one or more days a week state that if their employer wants them to return fully on-site, to the office, they will quit their job**. So, there is a strong demand, and visibly, the valuation of telework by workers is quite high.

Subsequently, the same authors extended these same questions from their global survey to 27 countries. And they found similar results. The valuation of telework 3 days a week is, on average, **5% of salary** for people. It's as if they had received a 5% pay rise. With higher valuations for women, for people with children, for highly qualified individuals, and for people with longer commutes. It is interesting, in fact, how these are qualified people. Perhaps it is because they have work that is more naturally achievable remotely. Or perhaps it is because they are more accustomed to self-organising. For example, managers do not clock in, so they are already used to managing their time.

From the perspective of a potential obligation to return completely to the office, a **quarter of employees worldwide** among those who already telework say they would quit their job if their employer forced them to return to the office 5 days a week.

So, that's where we stand.

There was also an experiment conducted in a call centre of a major Chinese travel agency. This is a field experiment. We are no longer talking about choice experiments. So, a second type of method.

Until now, I have discussed choice experiments—either actual ones on platforms or hypothetical ones in surveys. Next, there are field experiments, which involve conducting **randomised controlled trials**. What is the idea? It is to place people in situations they have not chosen themselves, randomly.

So, there's a group of people, and they are randomly divided into two. Some in one group, others in another. And then we see what happens, to establish causality. It's the same here. It's a randomised experiment, we can say, in a call centre of a major Chinese travel agency conducted by the same authors Bloom and Tal in 2015. Then, people are asked, "Are you willing to work remotely, meaning from home, a few days a week?" People respond, and among those who said yes, a random draw is made to divide them into two groups.

One half, the **control group**, is told: "To summarise, you stay in the office, and you can work from home later." The other half, the **treatment group**, is told: "You can work from home." And so, their job satisfaction and behaviour are measured over a 9-month period.

What are the conclusions?

The conclusion is that **self-reported well-being at work** during this period is much higher and increased for those who teleworked compared to the other group, and the **resignation rate was halved**. When people are allowed to work from home, it increases their well-being and their retention potential.

But I want to insist once again on **heterogeneity**. Since this experiment worked well from the point of view of well-being and productivity, this company extended the possibility of working from home to all its employees, and in fact, **only half of the people chose to stay at home all the time**. So, this means that not everyone appreciates this possibility in the same way.

There is another field experiment, conducted after Covid, in a global travel agency listed on Nasdaq, which employs 35,000 people and is based in Charm Guy. These are engineers and marketing and finance employees. To create a random experiment, people's birth dates are looked at, and those born on an odd day—meaning the first, third, or fifth day of the month—are offered the possibility of teleworking on Wednesdays and Fridays, while the others continue to come to the office full-time. The result: in the group of those who had the possibility to work in a hybrid manner, i.e., partially from home, **resignations decreased by 35%**, and **job satisfaction increased** compared to the control group who continued to come to the office. **Productivity did not decrease**. So, after conducting this experiment, the company generalised the hybrid work proposal to the entire company.

Ultimately, does telework make people happy? It's very difficult to establish causality, but let's first consider the channels through which telework can make people happy. Among the sources of well-being at work, there are several, but we can distinguish **autonomy**. We know that freedom is a favourable factor for well-being at work; people are generally happier in small units, or at least when the hierarchical chain is shorter, when they can decide more how they do things.

So, from the point of view of autonomy, is telework a good thing? A priori, it can be, since one is at home, and thus one can arrange the sequences of the day as desired. Ultimately, one is less under someone's control, so one is more autonomous, except for those for whom there is electronic monitoring.

Secondly, there is the **balance between private and professional life**. A priori, telework is good, as it allows one to pick up children from school, etc. But in fact, we have realised that it concretely creates a porosity between professional and private life, which was a source of tension. One is in a sequence of family life, and then an email or message arrives, etc. So, this also creates tensions, and we have seen that it was especially for women that Covid and working from home was not a factor in increasing well-being.

The third source of well-being at work is **social capital**, meaning the quality of relationships within the collective. So, can I ask someone for a favour, who can ask me for information, do we have exchanges, cooperative services over time? It's not necessarily bilateral; it can also be multilateral. People help each other, and we also call this social capital because it is something that

builds up over time, like investing in capital. It takes time for it to be created, for trust to be established, for there to be a return in terms of trust, cooperative behaviour among colleagues, and also information. It is when we work together, when we see and know each other, that we much more easily anticipate people's reactions in unforeseen situations. We don't need to send millions of messages; we know that in such a situation, this is how it goes, this is how we react.

It's true that for some, when social relationships at work are unpleasant or bad, remote work alleviates tensions. Here again, it can go both ways.

The penultimate channel of well-being is linked to **career progression prospects**. We know that people live with their anticipations of what will happen in the future. We are not completely fixed on the present. Within the company, career progression prospects in terms of responsibilities, salary, etc., when one is remote, one is further from the decision-making centre, so one understands the company's prospects less well, which is not necessarily a very good thing.

The last thing is the **question of meaning**, as in a direction, the significance of work. Does what I do have meaning? Is the company's impact good and do I like it? Is there a congruence of values between mine and those of the company? Is my work identity strong? Not being on-site reduces work identity a bit. You know, it's the joke we always tell, that when you're teleworking, you can be dressed for the screen, but otherwise in pyjamas under the table, and in fact, that's not at all good for work identity, for playing the role, if you think of life as a succession of theatrical scenes, as sociologist Erving Goffman does. We need a setting, costumes, a script. This happens when we are physically present with each other.

So, all this to say that all these channels can be activated or deactivated in a positive way.

Next, there are the risks of ill-being, the **psychosocial risks**. The elimination of commutes is certainly a good thing, but remote work can lead to longer, less synchronised working hours, which can be a destabilising factor. There is also less support from colleagues. So, this whole blend of private and professional life has led to the emergence of the term "**technostress**," meaning an overload of work, the ambiguity of the moment—where one doesn't know if one is working or not working—and ultimately one may never escape this demand exerted by work, which can lead to a certain tension and stress.

So, the third method: identifying the impact of telework on well-being through surveys, using the Covid experience as a **natural experiment**. There are surveys, notably the English and German surveys, which have questioned thousands or tens of thousands of people for decades and which, during Covid, shortened the periods, and thus questioned them every two or three months. By questioning the same people, one can try to causally identify the impact of telework on well-being thanks to this Covid episode, which is a natural experiment, meaning it happens without people wanting it, as if nature intended it. Nature, in the sense of everything we do not control.

So, the idea is to distinguish between people who have a teleworkable job and others, because they did not experience Covid in the same way. Then, among those who have a teleworkable job, there are times when they are in the office and others when they are at home, due to lockdown or

confinement. We observe, for the same person, the alternation of times when they are in the office and at home. We can therefore look at the impact of telework, see how people feel depending on whether they are in the office or at home. Or neutralise the effect of Covid, the periods of confinement. The fact that people were forced to telework by the government or their employer avoids the self-selection effect, meaning that these are not the same people.

Otherwise, if today I conducted a survey to see if teleworkers are happier, if, for example, I saw that those who telework are happier, it could be because they telework, but also because they are not the same people. For example, teleworkers may be more qualified, more autonomous... So there may be characteristics that relate to the person and not to the practice of telework or not. These are idiosyncratic characteristics, also known as individual heterogeneity, the unobserved differences between people. We especially do not want to confuse the effect of telework and the effect of people's personalities. That is why the natural experiment of Covid allows us to identify causality: to know if it is the act of teleworking that makes people happy or unhappy.

So, how do we measure happiness or unhappiness? The standard question is that of **life satisfaction**, meaning whether the person is generally satisfied at the moment, with a response placed on a gradual scale. "Completely satisfied" would be 10, for example, and "completely dissatisfied" would be 0. There is also a standard mental health questionnaire, the **General Health Questionnaire**, with its twelve questions, which is asked in the English and German surveys. These questions ask people how they have felt in the last four weeks, if they have felt unfocused, if they have lost sleep, if they feel they are not playing a role, if they can make decisions, if they are often stressed, if they enjoy daily activities, if they can cope with problems... Each person responds, and a mental health score is calculated.

The result is that **lockdown, which put people into full telework, had a negative shock on people's life satisfaction and mental health**. Notably, difficulty concentrating, feeling useless, and especially mothers of school-aged children. Generally, we therefore observe a negative effect on these two fronts. I did not expect these results at all. However, there was no effect on people who were in partial telework. So, it is really the **full-time aspect that is harmful**. This means that there are positive and negative aspects to telework, since when one is teleworking all the time, one feels less well.

When researchers ask about the advantages of home-based work and office work, we have seen that the sources of well-being at work are on the office side, and the sources of balance are on the home side. So, we lose something of office life when we stay at home. What could that be? It would be **social capital**. Interactions with others, the feeling of belonging to a cooperative collective, and being aware of all the information circulating...

The economist **Paul Krugman**, who received the Nobel Prize in Economics for his work on geographical economics, rediscovers the importance of geographical space. He explains why Silicon Valley is located where it is. The question is "history" or "expectations"; is it by chance that the Valley is there, or does it respond to "expectations"—is it something that has good rational reasons for having taken place? The answer is "history," that it began and therefore there were companies and industries, and then their employees and universities that located there. And so it forms what is sometimes called a "cluster" of people who are employees, engineers, researchers, etc., within which people's ideas circulate. And all this takes place on-site, and it is both

useful for feeling part of a living universe and, from the point of view of efficiency, since the circulation of innovation occurs in one place.

This might be why, when we are at home all the time, we feel destabilised and out of touch with work, at least for those who are not used to it.

Finally, and I am reaching the end of my remarks, we see that **workers want telework at least part-time**. Employers would prefer to give them a little less. But when they are **fully teleworking, employees are unhappy**. We have seen that this is due to the advantages and disadvantages, with the latter potentially taking precedence.

That is, what is the ideal and optimal solution? We would have all the advantages of autonomy, etc., and all the advantages of real interaction with the collective. This indeed seems to be a good solution, and from an individual perspective, it is ideal. I come to work when I want, and when I come, I can see people, participate in seminars, etc. But we must still remember that individual actions aggregate and that there is a coordination phenomenon such that when I come to the office, there might be no one there. And then, that's a failure.

How can employees be coordinated so that they are present at the same time? Otherwise, it will be of no interest, unless it concerns logistics and material comfort, if the home is less suitable than the office. Companies will have to find solutions to manage these coordination problems. If a company has a large workforce with teams, it can decide that on certain days, the entire team must be there. But if the company is smaller, that means that on some days the company will be empty, which raises the question of premises... Or else, a rotation must be put in place. We must also consider whether people should be allowed to decide the days they come.

All these questions that are being asked, we must pay attention to them. We are navigating between different pitfalls. These open questions fall to managers, but it is also up to us to have these ideas.

Last point, then, about **women**. Women are always more demanding of telework than men. The burden of family still rests on them. All studies show that when they work from home, there is a **negative effect on their mental health**. Women are not right to want to telework more than men. Unless telework acts as a revealer of the division of tasks between men and women, and if both get used to teleworking from home, attitudes will change regarding tasks and children. But we are still in a utopian scenario there.

This is the overview I wanted to provide, in the absence of macro elements.

For example, regarding **space**: if offices are reduced, perhaps that creates more housing and lowers prices. Or perhaps individuals return to their hometowns, which impacts the spatial economy. Furthermore, if people switch to full telework, there isn't much difference between a French or European worker and a worker from a different culture, who would work from abroad, like India. This is already the case in IT, which introduces generalised competition among everyone, potentially lowering the incomes of workers in OECD countries.

Georges Vlandas: Regarding the questions you raise at the end, things can also happen differently. We do not necessarily see a reduction in offices. At the European Parliament, it was decided to work only two days a week from

home, whereas previously, it was the opposite. They can do this because the offices have not been reduced. But at the Commission, offices have been halved, from 55 to 25. The possibility of meeting together has thus been reduced, not to mention the fact that everyone now reserves their space. We thus find ourselves in a room with people who are not even part of the same team. This leads to ridiculous sessions, as it is well known that human contact is still necessary, and that informality at work can increase productivity. However, this is still perceived as a waste of time, as there is a fictitious socialisation. Then, this is complemented by what you said: even when in the office, we work in the same way (with headsets, in front of a screen...). This raises many other questions.

Finally, we talk about well-being, which is very important. But we must question this well-being; that is, sometimes this well-being at home reflects a rejection of work as bothersome. On the other hand, the question for institutional employees, like at the Commission with the right of initiative, challenges work efficiency. Is work efficiency not greater in a context of staff reduction when working from home? This is not just an employer's question; the fact that the Commission performs its functions—even at the cost of increasing precariousness—is essential for it to secure its place and role.

I think it's time to give the floor to colleagues.

Marie: It was very interesting to see that this confirms what I personally feel as a woman and a mother. There is a very strong contradictory injunction towards women and work; it's like an invisible hand of patriarchy. We are told that we have the choice of telework, and we do it, precisely through this "invisible hand," and in fact, I have seen many women reach the point where they thought they would gain only an hour and a quarter of free time per day and therefore took up telework. On the contrary, this increases their maternal burden regarding children and presents a major psychosocial risk. So my question is: have certain companies considered the issue of parity in telework, meaning that telework is not chosen, and that men take as much telework time as women? I am frankly very worried. The emancipation of women has taken place through work, and this work initially came from home, which is essential for everyone, and especially for women.

Moreover, why are Silicon Valley companies bringing their employees back? What have they lost – creativity and innovation? What have they described as a net loss? Because these are precisely the questions we, as an institution, must ask ourselves: what could we lose, not so much in our efficiency, but in our capacity for reflection and understanding of challenges, for critical and collective thought?

And finally, I wanted to know if there were statistics on flexi-desk and telework. You asked if telework eventually became a forced option once flexi-desk was imposed. Have workers been asked this question, to know if the implementation of flexi-desk introduced this constraint of telework, somewhat "by default"? People end up coming for two hours just to "clock in," but then leave immediately because the flexi-desk is unbearable.

Claudia: Regarding companies, couples are often not in the same company, and therefore extremely generalised parity measures would be needed to reach the situation you describe. Furthermore, regarding labour regulation, telework is still voluntary today, to my knowledge; it is something that is offered and not imposed.

Claudia: I believe there are companies that, at the time of hiring, directly indicate that there are no premises, and therefore telework is imposed. But in other cases, it remains voluntary. Since telework is possible, women will be strongly encouraged to take it up when children are at home. That is why my advice is never to take telework on Wednesdays, to avoid this overload, as there will be this contradictory tension.

At work, when you cross the office door, you leave home behind, so you no longer think about those matters. It's a commitment mechanism: I decide to be in another sphere of activity. Staying at home means being in two universes at once.

There was a study by American authors that showed that sometimes people choose devices that are not good for them at all, but to force themselves to learn something new. The example was Indian workers who had absolutely tedious tasks and were paid either 10 euros per hour outright, or 10 euros per hour on condition of working five hours a day. It is completely absurd to take the same salary under this condition, but many still took this option. It forced them to work - it is a commitment mechanism. So, not staying at home is also the same commitment mechanism. There is not only this aspect of efficiency. But yes, of course, I completely agree with our speaker, Marie.

Next, concerning the "call-back," Krugman's theory is still useful. When it comes to having new ideas, creativity, and letting novelty take its place, it doesn't work too well. Some people manage it, in the field of research, but in the majority of cases, it is still less good, less useful. So Silicon Valley has rediscovered Krugman.

On the last point, there is not yet enough to legally qualify telework as being imposed, but it is nevertheless possible.

Michel: I am a fierce opponent of telework. I think that when it started being implemented, it seemed like a huge step backwards, before the industrial era, when bosses brought raw materials to workers who worked from their homes. So it's a gigantic scam, which is seen as progress when in reality it's not at all. There's one thing in the surveys that strikes me, and I'd like to know your opinion. Doesn't it confuse production and productivity? When teleworkers are asked, they often tend to say they are more productive. Don't they mean they produce more, but because they work longer hours? So ultimately, their productivity is at best equal to that of people in the office, or even less. I believe your studies were done with random samples. Here, surveys were conducted without even sampling. Things were presented very poorly, and we reached the point where it is stated that 80% of employees at the Commission are in favour of telework.

My second point is related to flexi-office, and the consequences it entails. I've been in a flexi-office for two months now, I've always dreaded it, and I admit my motivation has dropped sharply since. I never telework, but I suffer its negative consequences by coming to work every day. If I understood correctly, 20% of workers do not wish to telework. Could we measure the impact of demotivation on those who come to work every day while others are (always) teleworking? We see it with flexi-office, the reservation of parking spaces, offices... One day they'll ask us to pay to come to work! Especially here at the Commission, flexi-office and telework were presented as a contribution to the reduction of greenhouse gases, because transport is reduced.

Another example that caught my attention is that from the moment Covid started, and we teleworked and asked for allowances for home-based expenses, our employers immediately granted these benefits. But when the employer starts granting benefits without employees having to fight for them, it seems strange to me.

Claudia: That's an interesting question. If there are companies that conduct well-designed surveys of their employees on a fairly regular basis and can identify those who stay at home all the time to monitor their well-being levels, that would be very interesting. That hasn't been done yet. Ultimately, what you're describing is the opposite of a random experiment. It's not about taking people and putting them in situations; it's about seeing, based on what people want, if what is offered to them is good.

Georges Vlandas: There have been instances where groups of people occupy spaces and organise themselves to meet, either with friends or colleagues, and fight against the fact that the space is shared by everyone by occupying it in advance.

Claudia: But that excludes the effect of chance, because it's always the same people who end up meeting.

Georges Vlandas: Yes, exactly. At the same time, it shows that human action and human freedom always find a way to adapt working conditions or rules according to their wishes, by bringing in an element that was not previously foreseen. And here, I think if they do that, it's not to avoid meeting others, but to meet the people they work with, and not people from another unit or another directorate-general.

Michel: When you talk about those who work in a flexi-office and are practically forced to telework because the flexi-office doesn't suit them, personally, that's my case. I wonder. Except at my place, it's a loft, and we can't work there.

Agnieszka: I just wanted to reiterate that the flexi-desk makes a big difference, especially because my team consists of archivists, and we handle a large quantity of files. The hierarchy does not take this particularity into account, and we are forced to fight for space. I had to move people who had reserved a spot to get my cabinet with all my files. And on a daily basis, it starts to be burdensome, and in terms of human and social contact, and for conviviality among teams, it's dead. Since Covid, I have been working with three different teams, and frankly, it's not like before. It's sad, what's happening. We are completely anonymous individuals; there is a kind of lack of soul for others…

Claudia: I have the impression that if this continues—this is only a hypothesis, of course—places of socialisation will move outside the workplace. Ultimately, this is somewhat what young people are doing. Many are hired by companies outside the city where they live. So, we are losing a major instance of socialisation, since we spend so much time per day in this place. If, in the end, it becomes unpleasant, we will organise ourselves differently to socialise. It's a step backward, or at least, a change.

Agnieszka: First, we had Covid, which, for me and my colleagues, seemed like a shock. We were stopped and immobilised in telework. And today, we are experiencing an avalanche of ridiculous situations in the world of work. We have lost a lot in terms of contact and fruitful collaboration. For me, it

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continues even today. The flexi-desk is harmful, and the atmospheres in teams are starting to become infertile. We are heading towards a feeling at work that is very demotivating, and that has been going on for too long now.

Elena: The debate on telework involves several sub-debates such as the gendered distribution of tasks, the quality of the workspace/telework, etc. I have the impression there's a lot of tension over working hours. What's the ideal working duration in a typical day beyond the eight-hour model, considered normal?

Claudia: I don't know what the ideal time is; it depends on each person's conditions. But in fact, one question I was asking myself about this is that for some people, telework has made the reduction of working time less useful. Now that telework is available, many people no longer want RTT (reduction of working time) days and wish to convert their RTT days into salary. This is a demand that is normally not possible but has already been made. We see that in terms of working hours, it depends on each person, but there was greater flexibility.

Georges Vlandas: RTT days were for the 35-hour week. So we would return to the Sarkozy idea of working more to earn more.

We also have Marie telling us in the chat: "Regarding places of socialisation outside of work, I have the impression of a great individual retreat that work tends to reinforce. In recent years, many have not replaced the socialisation of work."

Claudia: I share that point of view. I have the impression that we are losing a place and a source of spontaneous socialisation. Because we go to work to work, but in fact we see people. Whereas outside of work, we have to organise ourselves to see people, which will be more difficult, and often through applications. We rub shoulders with young people for whom a workplace is not necessarily interesting. So perhaps this new generation has already organised itself differently... It is true that it is still quite surprising. I still need to see it; I haven't seen these new places of socialisation yet.

Georges Vlandas: The remark I made at the beginning is pertinent. The inclination for telework can also signify a resistance to work, where one "loses one's life to earn a living," and the more one reduces, the less one is far from this space, the better it is—especially since, as surveys explain, people worked 80 minutes less in telework.

Claudia: In fact, in the responses people give regarding the advantage of telework, this argument is often seen. It could suggest that a new trade-off is occurring where work takes up less space in life. It might also be the effect of the Covid break, which allowed for stepping back and reformulating this "cost/benefit" equation. There might be a preference shock, which reflects a new trade-off, or there is more weight on life outside of work. However, we must still be careful, because work will continue to take up a lot of space in life.

Rama: I must say that as a woman, I sometimes feel a bit uncomfortable when the employer is given the role of gendering our tasks at home. It's true that telework brings work home, but it's not before, when I went to work, that I dealt with this division of tasks. I think it's important, as a woman, not to position oneself as a victim at work. When I'm at home, it's up to me to manage the division within my household.

Claudia: Absolutely, I completely agree. That's why I tell women not to take their Wednesdays, instead of telling employers not to allow telework on Wednesdays!

Rama: I can also take Wednesday as a telework day, and my partner can manage the children while I work.

Claudia: That's also what I was suggesting. Perhaps telework will change this division, if women want it and if men understand it. Even in the chapter on this in the collective work I edited[6], we see that there are big cultural differences between what Swedish and French couples do... But we see that even in France, it's starting to change. Nothing is fixed.

U4U Trade Union Perspective: 21 Theses on Teleworking

GRASPE N°43 November 2021

Definition: "Telework: Professional activity performed remotely from the employer through the use of telematics." By extension, professional activity that is abstract from a specific, defined workplace.

Telework is not limited to home-based work. Telework can be carried out at home, in decentralised offices, in central offices (which can be individual, collective, collaborative, or transit spaces for visitors), or even abroad (in a limited manner, e.g., 3 weeks/year).

The primary **objective of telework should not be budgetary savings**, even if these might result *a posteriori*; rather, it should aim to enable staff to **better fulfil their missions and better reconcile private and professional life**.

Telework is also implemented in the **interest of the service**, to **improve work efficiency**. This implementation should not weaken the necessary **cohesion within the European civil service**, nor should it jeopardise **onboarding, integration, and learning**.

For U4U, telework is: **Voluntary / Reversible / Variable / Regulated / Flexible / Supported / Controlled / Negotiated**.

1. **Voluntary**: A key point of all agreements between social partners at European and Member State levels. Neither obligatory nor constrained (except for compelling reasons, such as a pandemic).

2. **Reversible**: A corollary of its voluntary nature. One can choose to return to in-person work.

3. **Variable**: More generally, telework can be chosen variably: one week but not the next, in the morning or in the afternoon.

4. **Regulated**: 40-hour week, "coretime," time slots from 7 am to 7 pm, night work excluded (Art. 56 of the Staff Regulations); particular attention to

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[6] Senik C. (sous la dir.) Le travail à distance, Défis, enjeux et limites, La Decouverte, Paris, 2023.

the **porosity between private and professional life, hyper-connectivity, and the risks of "digital overload."**

5.   **Flexible**: Flexible implementation: differentiated needs, identified within sectors/units to respond to the reality of professions, sites, projects, teams, deadlines, or crisis situations.

6.   **Supported**: The working conditions of civil servants must comply with appropriate health and safety standards (Article 1 sexies para. 2 of the Staff Regulations). This includes ensuring a **specific workspace at home** (ergonomics, lighting, furniture, etc.) and ensuring the **costs incurred by the worker are covered**.

7.   **Controlled**: Like any work organisation, telework presents certain risks that must be recognised to better control and/or support them:

a. **Technical level**: Study the emergence of a new culture of the work relationship within a continuum of hyper-connectivity. Evaluate its effects to correct potential negative impacts (**atomisation of collectives, overwork, isolation**, etc.). Prepare and support implementation through new training for staff and management, including training to avoid "digital overload."

b. **Personal level**: Particular attention to the **porosity between private and professional life**. The reconciliation between the two also depends on: i. The establishment or maintenance of services for colleagues that meet needs. ii. The promotion of regular work rhythms that respect well-being. iii. Ensuring flexibility of the workplace. Telework restricted to the home hinders essential human development needs and can lead to degraded working (and living) conditions.

c. **Organisational level**: Understand the fundamental importance of **meaningful in-person work** to ensure the training and cohesion of multicultural and multidisciplinary work teams within the European civil service. Prevent the decline in learning that occurs simply by observing others. Prevent delays or even failures in the integration of new recruits.
d. **Motivation level**: Ensure that telework does not become a form of escape, leading to isolation and a loss of sight of the purpose of assigned tasks. Work defined by others becomes even more formal when there is no contact other than a screen. Only by integrating the individual into a collective work context can they be given the opportunity to thrive.

8.   **Negotiated**: With social partners, staff representatives, and the staff themselves.

Context and Challenges

Learning from acquired experience. Telework offers a rich option with potential for the future. For its successful implementation, reason dictates that it should be considered based on an **objective evaluation of observed effects**, allowing sufficient time for reflection. Its full success depends on the Institutions' capacity and willingness to gain everyone's support.

The implementation of telework must result from **social dialogue between social partners**: this dialogue must first concern this theme, and then address related issues: real estate policy, catering services at the workplace, crèche and childcare systems for children, mobility to and from different workplaces, financial compensation for telework-related costs, respect for health and well-being in all workplaces, etc.

This dialogue must be preceded by a discussion based on **complete information**. At this stage, consultative methods without prior debate or information must be avoided.

It is important to immediately understand the importance of **meaningful in-person work** to ensure the integration, training, and cohesion of the multicultural and multidisciplinary work teams of the European civil service.

Indeed, the implementation of telework in the European context must take into account **cultural and linguistic diversity**. It must not hinder the formation of work teams, the necessary "internal" professional relationships for handling files, nor exclude a common, unified workplace, at least per team. On the contrary, it must enable and promote this by regularly organising opportunities for in-person work.

The challenge is also to **prevent the decline in learning that occurs simply by observing others**. It is equally important to prevent delays or even failures in the **integration of new recruits**.

All those working in the European public service must be able to continue to uphold the European project and ensure high-quality public policies. It is difficult to be united, committed together, when working between two imposed modes: the discomfort of poorly prepared hot-desking and the comfort of a "home office" isolated from the world and its diversity.

While telework offers a wealth of potential for the future, reason dictates that it should be considered based on an **objective evaluation of observed effects**, followed by sufficient time for reflection. Its full success depends on the institution's ability and willingness to gain everyone's support. No matter how enthusiastic one may be, one cannot ignore the suffering of those who do not express themselves—in "pulse surveys," for example—or who have fallen off our radar due to depression and/or an inability to adapt to new work environments.

For the observation of reactions to telework reveals a nuanced and complex picture where autonomy contends with ill-being. Telework cannot be a miracle solution. If poorly supported, it can even foster feelings of isolation, atomisation, and loss of social connection, or even the impossibility of creating these connections. And all of this will inevitably affect the quality of our results, both individual and collective.

Telework does not primarily aim to achieve **budgetary savings**, even if these might result *a posteriori*. Instead, it aims to enable staff to **better fulfil their missions** and, if possible, to **better reconcile private and professional life**. The achievement of savings must result from a specific discussion on this subject, as requested by staff representation.

For us, **real estate policy is a consequence of telework implementation and not the reverse**. For us, again, telework is voluntary, reversible, and variable, with its implementation being flexible and decided at a decentralised level. Therefore, we believe that the choice of workplace should allow for a combination of locations: at home, in decentralised offices, in central offices (which can be individual, collective, collaborative, or transit spaces). It should also be possible, within the same team, to operate in a hybrid manner: some at home, others on mission in other workplaces, and still others in central offices.

In short, the integration of telework into our practices remains to be invented, without preconceptions. The establishment of a new work culture requires taking into account different dimensions: spatial, but also temporal, managerial, relational... This is the purpose of the theses below, which aim to react to and reflect on its generalisation within the context of the European civil service and its specific expatriate staff population.
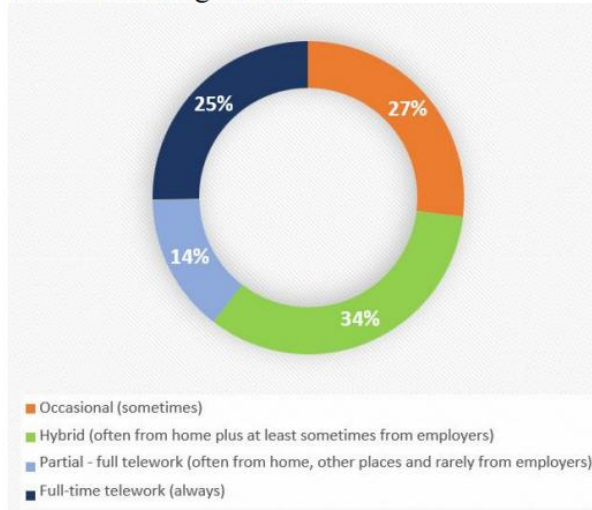

The 21 Theses on Telework:

1.   **Telework is voluntary**: This is a crucial point in all agreements between social partners at the European and Member State levels. Those who do not wish to use it cannot be forced to do so (outside of a pandemic), either openly or insidiously, for example, through building policies.

2.   Therefore, **telework is reversible**. One can choose to return to full in-person presence.

3.   Its implementation, within a defined framework, is carried out in the **interest of the service**, to enable staff to be more easily efficient in performing their tasks.

4.   There is no longer a need to distinguish between occasional and structural telework, nor to consider a minimum duration.

5.   The reference remains the **40-hour working week**. Flexitime, and thus the possibility of recording (and recovering) overtime worked, must continue to be ensured.

6.   **Telework is variable**: More generally, telework can be chosen variably: one week but not the next, in the morning or in the afternoon.

7.   **Telework is flexible**: Telework needs are expressed within sectors/units and take into account the reality of professions and sites, projects being developed, team balances, the number of interested individuals, deadlines, or crisis situations, and always in the interest of the service. Thus, specific measures must be considered for certain professions, for example, interpretation—given the effects on the practice of the profession (DG SCIC)—or audit (i.e., DG SANTE) where 5 days of post-mission telework are authorised for report writing to meet procedural deadlines.

8.   **Telework is not limited to home-based work.** Systematic home-based telework hinders essential human development needs and can even lead to degraded working conditions.

9.   Telework should also be encouraged **outside the home**, even abroad, including in decentralised offices. An individual workspace could be provided at the office.

10.   However, let us not forget that active civil servants benefit from working conditions that comply with appropriate health and safety standards, at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties (Article 1 sexies paragraph 2 of the Staff Regulations). It is also necessary to ensure a **specific workspace at home** where good working conditions are possible (ergonomics, lighting, furniture, etc.).

11.   **De facto, the question of the cost incurred by home-based work** (transfer of the burden to the worker) and its maintenance cost is raised. The employer will have to take responsibility for this.

12. Like some EC sites, **time slots could extend from 7 am to 7 pm**, respecting the current "coretime." Night work must remain excluded except for professions that foresee it and are compensated as such (Art. 56 of the Staff Regulations).

13. The flexibility of telework implementation should tendentially be matched by **guarantees regarding proposed social services**, such as crèches and childcare facilities, or collective catering.

14. In principle, telework abroad could be permitted for a maximum of **15 working days (i.e., 3 weeks) per year**. The implementation of this measure is subject to the interest of the service.

15. Provisions must be put in place to allow telework abroad for longer periods in case of **exceptional personal circumstances**.

16. Telework leads to a more **autonomous and flexible work practice, managed by objectives**. This could lead to an evolution in how work collectives are led and, more broadly, in leadership styles.

17. Its implementation must be preceded and accompanied by **new training for staff and management**, including training to avoid "digital overload."

18. Particular attention must be paid to the **porosity between private and professional life**. The reconciliation between private and professional life also depends on the establishment of services for colleagues that meet needs and the promotion of regular work rhythms that respect well-being.

19. A new culture of the work relationship within a continuum of **hyper-connectivity must be studied**, and its effects seriously evaluated to correct any negative impacts (**atomisation of collectives, overwork, isolation**, etc.).

20. It must be ensured that telework does not become a form of escape, leading to isolation and a loss of sight of the purpose of assigned tasks. Work defined by others becomes even more formal when there is no contact other than a screen. Only collective dynamics can influence the evolution of things, and individual work must be an integral part of it, not opposed to it.

21. Even if real estate policy is a consequence of telework implementation and not the reverse, let's clarify at this stage a paradigm that reflects this vision: since telework is voluntary, reversible, and variable, with its implementation being flexible and decided at a decentralised level, the choice of workplace must allow for a combination of locations according to preferences and service needs: at home, in decentralised offices, in central offices, which can be individual, collective, and collaborative, or transit spaces. It should also be possible, within the same team, to function in a hybrid manner: some at home, others on mission in other workplaces, and still others in central offices. Finally, building on the experience of the first OIB, PMO, and DG SANTE spaces in Grange (or other projects in various departments of the European civil service) and their effects on absenteeism and motivation appears to be of certain interest.
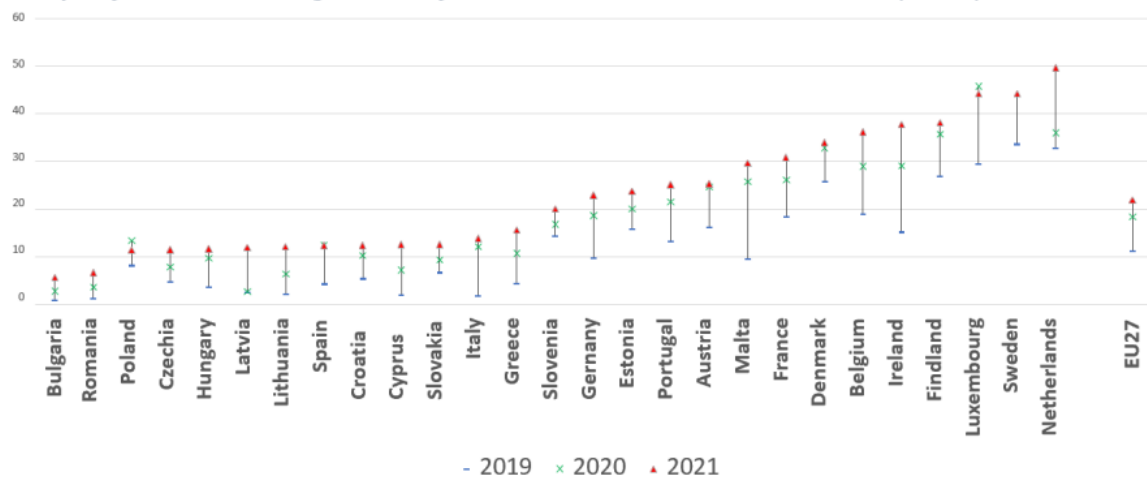
Annex II:

The rise of telework in the EU: Eurofound statistics

Telework arrangements:

- Occasional (sometimes)
- Hybrid (often from home plus at least sometimes from employers)
- Partial - full telework (often from home, other places and rarely from employers)
- Full-time telework (always)

Are they country differences?
Employees working usually or sometimes from home (LFS)

- 2019   × 2020   ▲ 2021

Source: *Labour Force Survey 2019 2020 2021*

Eurofound

Is telework here to stay?
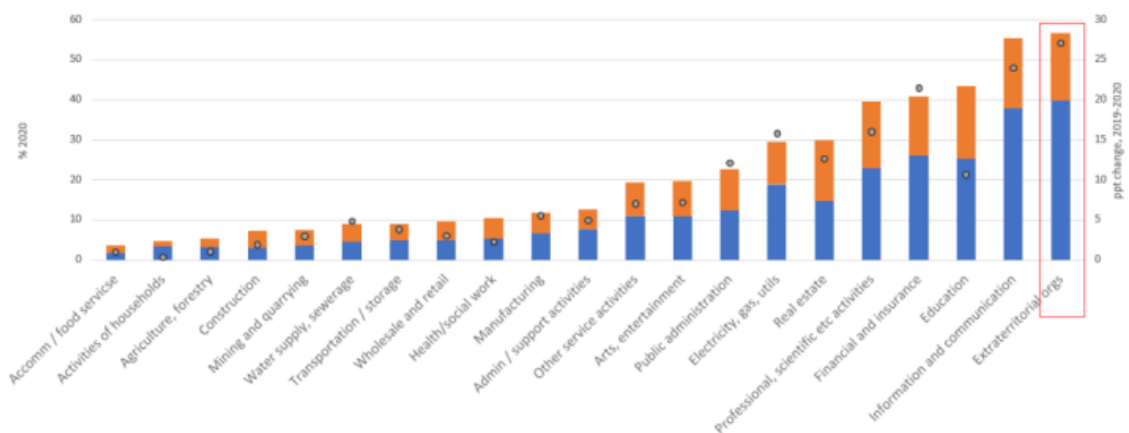An example: Spain (%) – 12% vs. EU 22% in 2021 -

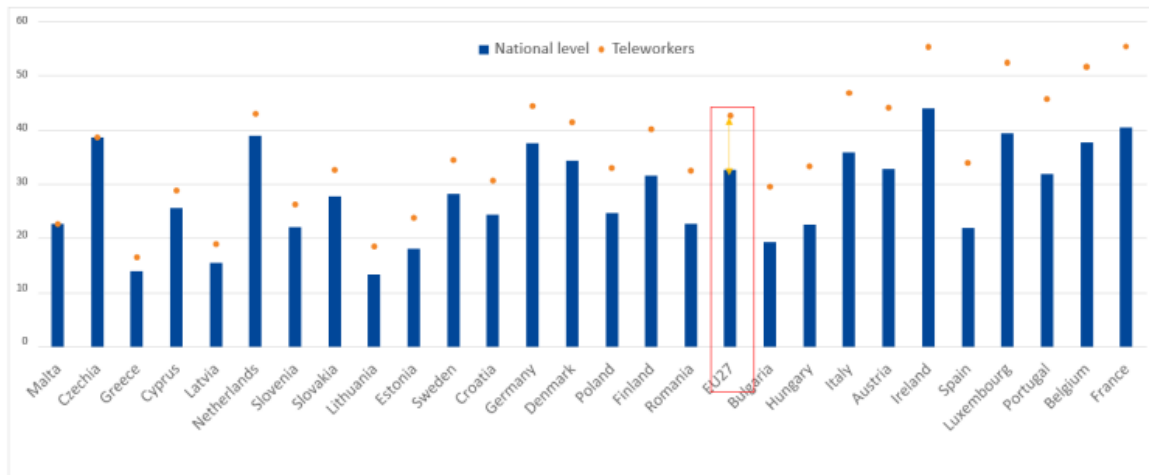**Source:** *Encuesta Nacional de Población Activa 2019, 2020, 2021, 2022*

Eurofound

Sectoral distribution
Employees working from home % 2020 and ppt change 2019-2020 (LFS)

Risk of working longer
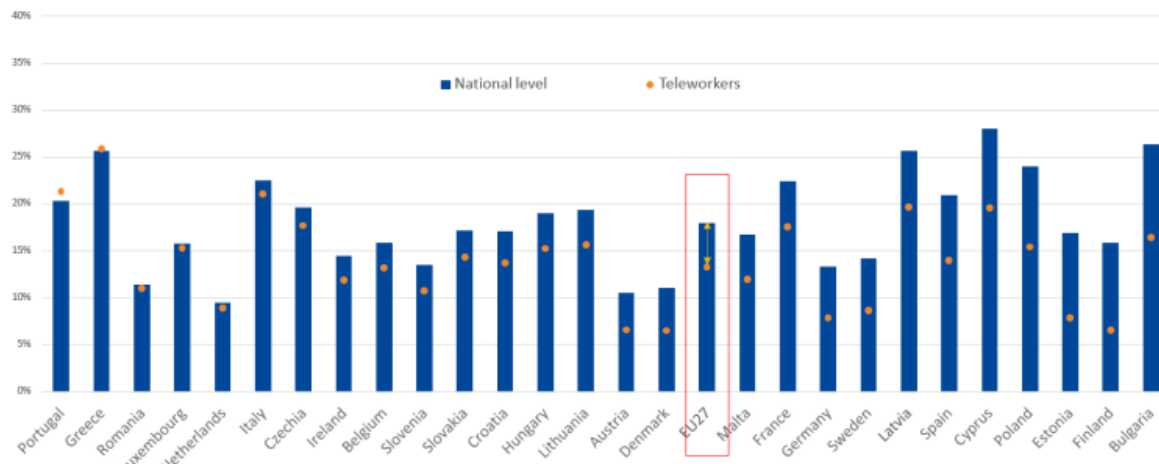### Employees working overtime: Teleworkers vs. national average (%)

Source: EWCTS 2021

Eurofound

Potential for a better work-life balance
Employees reporting poor work life balance: Teleworkers vs. national average (%)

Source: EWCTS 2021

Eurofound

Statutory definition and specific legislation plus important role of collective bargaining

Statutory definition and specific legislation plus growing collective bargaining

Statutory definition and specific legislation plus some collective bargaining

Statutory definition and specific legislation but no or marginal role of collective bargaining

Statutory definition and specific legislation with few collective agreements (works council rights)

Collective bargaining and telework regulated within work environment legislation

Only light collective bargaining

Only light collective bargaining plus code of conduct

Sources of telework regulation