



Remote work and the EU legal framework

Joint UNI Europa / FES Webinar

17 June 2021

The EU Labour Acquis

A number of elements of the EU labour acquis address issues linked to remote work and telework.

- The **Framework Directive on Occupational Safety and Health** creates an obligation for employers to take the measures necessary for the protection of workers' safety and health at work.
- The **Working Time Directive** sets minimum daily and weekly rest periods and a minimum period of paid annual leave, and limits weekly working time and the length of night work.
- The **Directive on transparent and predictable working conditions** will give workers without a predictable working pattern (e.g. on-demand or zero-hours workers) the right to know in advance when work will take place (due to be transposed by August 2022).
- The **Directive on work-life balance for parents and carers** will facilitate the reconciliation of work and family life, providing them with rights related to suitable leaves and flexible working arrangements (due to be transposed by August 2022).

EPSR Action Plan

On 4 March 2021, the Commission adopted the European Pillar of Social Rights Action Plan. The Action Plan:

Acknowledges the importance of remote work, including in the context of the digital transformation of the world of work.

Touches upon the right to disconnect and the need to further analyse the challenges posed by the evolution of the world of work prompted by digitalization and telework.

Underlines the role of social dialogue and invites social partners to find commonly agreed solutions.

Articulates that the Commission will examine existing practices and rules related to the right to disconnect and will facilitate discussions and the identification of best practices.

Social Partners' Framework Agreements

Framework Agreement on Telework (2002)

- Definition of telework
- Telework is voluntary
- Telework does not modify the employment status
- Same individual rights apply as to office work
- Rules on monitoring and data protection
- Equipment, health and safety, liability
- Organisation of work, training
- Collective rights

Framework Agreement on Digitalisation (2020)

Partnership process between employers' and workers' representatives

- Digital skills and securing employment
- Modalities of connecting and disconnecting
- Artificial Intelligence and guaranteeing the human control principle
- Respect of human dignity in surveillance
- Implementation in follow-up

EP Resolution on the right to disconnect

Adopted on 21 January 2021, the European Parliament's legislative resolution on the right to disconnect:

Calls on the Commission to put forward a proposal for a Union directive on minimum standards and conditions on the right to disconnect.

Calls on the Commission to present a legislative framework establishing minimum requirements for telework across the Union.

Highlights the central role of social partners in the negotiation, application and enforcement of telework and the right to disconnect. Recognizes the need to respect social partners' autonomy and the implementation of their Framework Agreements.

Calls for further research on the evolution of remote work and the right to disconnect.

Follow-up to the EP Resolution

The Commission responded to the European Parliament on 25 March, outlining its follow-up to the requests of the Resolution.

- In line with President von der Leyen's political guidelines, the Commission is committed to follow-up with a legislative initiative, in line with the proportionality and subsidiarity principles and BRGs.
- The Commission **invites social partners to find commonly agreed solutions** to address the challenges raised by telework, digitalisation and the right to disconnect.
- The Commission will also **continue to explore the context and implications of the right to disconnect in its wider context of remote work** beyond the pandemic. This will entail:
 - facilitating debate and exchanging good practices through various fora with Member States, social partners and relevant stakeholders,
 - conducting research on the trends, evolution and implications of remote work.
- The outcome of these exchanges and research will underpin the Commission's **considerations for the need for a possible EU initiative.**

Council Conclusions on Telework

The Council Conclusions on telework highlight challenges as well as opportunities of telework. Among others, they:

Call on Member States to consider:

- Establishing new or expanding existing **national strategies** to address telework
- **Amending their policies** and issuing guidance
- **Reinforcing labour inspection** and OSH

Call on the Commission to:

- Promote further **research and exchange of experiences** on the impacts of telework on a post-pandemic recovery.
- **Analyse the context and implications of telework** in the EU, including the right to disconnect

Invite social partners to consider:

- Continuing **engaging in social dialogue** at all levels
- Contributing to the **protection of teleworkers'** well-being, safety and health
- **Raising awareness** of the importance of adequate company-level rules on working time, allowing workers to disconnect

Provisional timeline of actions

14 June 2021	Council Conclusions on telework
June 2021	OSH Strategic Framework for 2021-2027
Tbc Q1 2022	High-Level Conference on telework and the right to disconnect
Q1 – Q4 2022	Research on remote work
Q4 2022	Technical and political exchanges on remote work in EMCO, EPSCO and EP
Q4 2022	Implementation report of the Working Time Directive

Thank you



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