

TELEWORKING IN SPAIN

Role of social partners

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1. COVID-19 + labour market trends = acceleration

- **Pandemic outbreak**



- **Labour Market trends**






- Teleworking as a **health containment measure**.
- Very **quick adaptation**: 4.5 million workers at home.
- **Enormous effort** of companies and workers.
- **Globalization, robotization and digitalization**.
- **Digital transformation** of companies and jobs;
- **Upskilling** and **reskilling** for workers;
- **Work-life balance**;
- **Right to disconnection....**



COVID accelerates existing trends in the labour market BUT insufficient specific regulation.

2. Teleworking: Social partners competence

- **Social Dialogue** 
 - **EU Framework Agreement on Teleworking (2002):**
 - First subject negotiated by social partners at european level.
 - Reference of all telework regulations in European countries.
 - **NATIONAL “Collective Bargaining and Employment Cross-industry Agreements”:**
 - **2003:** European Agreement is implemented;
 - **2012, 2013 y 2014 and 2015, 2016 y 2017:**
 - Means of modernising work organisation;
 - Voluntariness and reversibility for worker and company.
 - Equal rights;
 - Convenience of regulating privacy, confidentiality, risk prevention, facilities, training, etc.
- **Collective Bargaining** 
 - Adaptation to the needs of the sector or company.
 - Frequent in technological companies and sectors.
- **Law: Workers Statute (Art.13)** 
 - *“Work activity carried out predominantly (+50%) at the worker's home or a place freely chosen by the worker as an alternative to being carried out in person at the company's workplace”.*

3. A new regulation needed, but balanced

Teleworking accelerated by COVID ... URGENCY + OPPORTUNITY ?



- **Disregards principles of the European Framework Agreement:** voluntary nature of telework and reversibility
- **Telework as a worker's right and work-life balance measure.**
- Telework: all carried out on a **regular basis** (even if minimal).
- **No responsibility or liability for the worker** (health & safety; confidentiality; data protection)



- ✓ The **management and control capacity of the employer is strangled**
- ✓ It does **not reconcile the flexibility needs of companies with workers' rights.**
- ✓ It is interventionist and **constrains individual and collective autonomy.**
 - ✓ It introduces **rigidity, bureaucracy and costs** = disincentive.

4. Negotiation principles

1. Teleworking is a **form of organizing work**, not a workers' right or a work-life balance measure.
2. The approach to its regulation should be based on the **principles of the European Framework Agreement on Telework (2002)**:
 - Voluntariness and reversibility within the framework of the organisational capacity of the company;
 - equal rights for teleworkers;
 - data protection and respect for the worker's private life;
 - safe and healthy environments;
 - equipment and training.
3. Telework is and should be an **opportunity to balance the interests and benefits of companies and workers**.
4. It is essential to **maintain the flexibility** of this form of work organisation.
5. **Collective bargaining and agreement** between the parties should be the ideal formula for development, in order to adapt it to the particularities and needs of each sector or each company.

5. Social Dialogue Agreement – Royal Decree Law

PROVIDES:

- ✓ **LEGAL CERTAINTY** for companies and workers;

+

- ✓ **ADAPTABILITY TO SECTORS**, through collective bargaining.

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- ✓ **ADAPTABILITY TO THE NEEDS OF EACH COMPANY AND EACH WORKER**, through the agreement.

HOW?

1. Need for an **Agreement** between the company and the worker.
2. **Reservations of matters for the collective bargaining:**
 - the definition of the tasks and activities that are susceptible for teleworking;
 - the exercise of reversibility;
 - the mechanism for determining the compensation or payment by the company of costs associated with teleworking
 - means and measures to guarantee the effective exercise of the right to disconnection, etc....
3. **Scope of the regulation:** teleworking **over 30%** (can be lowered by collective bargaining) and **excludes COVID telework** (applied a health containment measure).
4. Provides for a **transitional period** from the existing arrangements to the new standard

6. Challenges

- **Health and safety:** occupational risk assessment; psychosocial risks ...
- **Disconnection:** effective measures; company internal policy; reasonable use of technological devices; everyone's responsibility ...
- **Digital skills:** upskilling and reskilling;

THANKS VERY MUCH !

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