



EU regulation must support access to telework

The update of the EU Framework Agreement on telework (2002) was part of the EU social partners' work programme for 2022-2024. The update of the Framework Agreement on telework was driven by the increasing use of digital tools for work purposes, fuelled by the corona pandemic, the rise of teleworking and the EU Parliament's proposal to the Commission for a directive on the right to disconnect 2019/2181(INL). Negotiations between the EU social partners failed to reach an agreement on updating the telework agreement. The Commission has launched the legislative process on telework and the right to disconnect in April 2024 by starting a two-stage consultation of EU social partners.

The Confederation of Finnish Industries (EK) believes that any legislative proposal at EU level should take into account the different technological capacities of Member States for teleworking. It is also essential to pay attention to the sector-specific possibilities for using telework. Not all work can be done remotely. The characteristics of the management culture and business practices of individual companies also affect the suitability and accessibility of teleworking.

It is important that EU-level regulation does not restrict the right of companies and employers to manage work, an essential part of which is the right to decide how, where and when work is done. Teleworking must remain voluntary for both employers and employees.

Teleworking can be organised in different ways in companies: a company can decide to set a threshold for teleworking time and let employees share it according to their preferences. The company may also impose "office days" or offer the possibility to work remotely without restrictions. The shift to hybrid working is not just about being in or out of the office, but also about reviewing job descriptions and defining what tasks can be done outside the workplace. Each task and its responsibilities must be assessed in relation to other tasks in the work community to ensure that teleworking does not hamper the performance and creativity of the work community or team.

The tools, equipment and technological solutions available for teleworking also vary between sectors, companies and workplaces. Regulation at EU level must pay particular attention to ensuring that the costs of teleworking arrangements for the employer do not constitute a barrier to teleworking opportunities.

FINNISH INDUSTRIES EK'S MESSAGES TO DECISION-MAKERS

- Telework must remain voluntary on both sides - The employer cannot impose telework on the employee and the employee has no subjective right to telework.
- The cost to the employer of teleworking arrangements should not be an obstacle to the use of teleworking. The employer may be required to bear no more than the necessary costs directly incurred as a result of teleworking.
- Any EU-level regulation must support the competitiveness of businesses and their ability to create jobs and hire people. The employer's right to manage work is an essential element of business leadership power and responsibility.
- EU-level regulation must be flexible and take into account and allow for sectoral and company-specific features. Individual company-level agreements between employers and employees are the most effective way to regulate telework.
- The right to disconnect is a right of the employee outside working hours, but it should not include a prohibition for the employer to try to reach the employee. It is also essential to take into account specific national regulations, such as standby and on-call work.

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