

Telework and workers' right to disconnect

Reply to first stage consultation of social partners under Article 154 TFEU on possible action

25 June 2024

EXECUTIVE SUMMARY

On 30 April 2024, the European Commission launched the first stage of an EU Social Partner Consultation on possible EU Action around telework and the right to disconnect. The World Employment Confederation-Europe, as the voice of the HR services industry, welcomes the opportunity to contribute to the consultation.

Any action related to telework and the right to disconnect must consider that work is becoming less of a place to go and more of a task to perform

A rising number of workers value and request the opportunity to work remotely, while policies on telework need to reflect that not all professions and jobs are suitable for telework.

Do you consider that the European Commission has correctly and sufficiently identified the opportunities and challenges linked to telework and the right to disconnect?

- WEC-Europe broadly agrees with the Commission's assessment. The importance of telework and the related right to disconnect has significantly increased during the COVID-19 pandemic, to the point that the desire for remote work has become a structural trend in the changing world of work.
- The recent research by the World Employment Confederation, "[The Work We Want](#)", demonstrates that people's attitudes and approaches to work are significantly changing. Work in many sectors is no longer a place to go but a task to perform, and many workers place as much value on flexibility around where and when they work as on things like pay and benefits.

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

- The European Commission outlines that several EU instruments have already touched on topics related to telework and the right to disconnect. In addition, many EU Member States and social partners have taken action to regulate telework and the right to disconnect.
- Against this background, the World Employment Confederation-Europe doubts the added value of EU legislative action. A formal right to disconnect should not be established at the European level. When necessary, it could be considered at the national level and in accordance with national law and practice.

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

The World Employment Confederation-Europe agrees that the consultation document presents a comprehensive overview of the potential areas for EU action. However, the document falls short of recognising the specific needs of people in diverse forms of work regarding telework and the right to disconnect.

1. General assessment

- 1.1. The prevalence of telework and related discussions on the right to disconnect increased significantly during the COVID-19 pandemic, when remote working became necessary for most workers. At the same time, telework, remote work and the right to disconnect go far beyond the COVID-19 pandemic, as they represent a structural trend of the changing world of work. In 2024, the World Employment Confederation published [research findings](#) based on a global survey among 715 senior business executives and world of work experts, including social partners, policymakers and stakeholders. 83% of respondents acknowledge that workers now place as much value on having flexibility around where and when they work as they do on other factors such as compensation. The survey also shows that employers are increasingly requiring flexibility. 92% of surveyed executives say they will need a more flexible workforce in the next two years, and the digital transformation has been identified by 31% of the survey respondents as a significant driver for change.
- 1.2. Work is thus transforming from a place to go to a task to perform. This trend characterises the economies and labour markets at large. Telework is a topic that should be decided at the company level, not as an individual right of a worker. Furthermore, while telework is increasing, its degree varies enormously across sectors and depends on whether a task is location-based or can be performed remotely. It must be acknowledged that a significant share of the EU workforce cannot do telework because of the nature of the job and the tasks they perform. When considering rules around the right to disconnect and telework, we must not create a new divide within the working population.
- 1.3. A too prescriptive and static approach or overregulation of telework would risk endangering the development of remote and telework, thus hampering an important trend in the changing world of work that benefits companies and workers. Should an EU initiative on telework be considered, it should respect the voluntary nature of telework for both employers and workers. If an EU initiative on telework and/or the right to disconnect is considered, it should stay at a more general level and avoid too detailed European rules, giving both Member States and social partners the freedom to set up and implement corresponding policies and measures.

2. Assessment of the issues identified and possible areas of EU action

- 2.1. In the consultation document, the European Commission identified several challenges linked to telework and the right to disconnect, including employment and working conditions, occupational safety and health, worker performance, equal treatment and non-discrimination and geographical mobility.
- 2.2. The World Employment Confederation-Europe agrees that these are essential elements for the political discussion and for EU Social Partner action on telework and the right to disconnect. At the same time, not all of these areas require legislative or policy action at the European level. In many cases, such as working conditions, occupational safety and health at work and equal treatment and non-discrimination, it is sufficient to ensure that existing EU Directives and national rules are adequately applied to workers performing telework or working remotely. Furthermore, there is a need to differentiate between telework and the right to disconnect, with both being quite different issues and both providing opportunities and challenges
- 2.3. Matters and questions related to telework and the right to disconnect are becoming more complex and challenging in cross-border situations due to social security, health and safety and labour law matters.
- 2.4. Ensuring appropriate protection while unlocking the opportunities of digitalisation and telework is also increasingly important for people working in diverse forms of work, including temporary agency work. Agency workers tend to work on shorter assignments compared to the directly employed workers at the user companies;

they change their places of work more frequently. However, for a rising number of professions and tasks they perform, work on location is not necessarily a pre-condition, as the essential element is that the workers are employed based on the skills they bring to the organisation. Against this background, it is necessary to unlock the opportunities linked to remote work and digitalisation also for people in diverse forms of work and not discriminate against certain forms of employment. At the same time, it should be recognised that many agency workers are working in sectors or professions unsuitable for telework. Thus, a debate on the right to disconnect is less relevant in these sectors and occupations.

3. Do the potential areas for EU action in Section 7 present a comprehensive overview of the actions needed?

- 3.1. While outlining the added value and possible areas of EU action on telework and the right to disconnect, the European Commission focuses on the possibility of establishing a right to disconnect, ensuring decent employment and working conditions for teleworkers, protecting teleworkers' health and safety at work, addressing collective information and consultation rights, providing information to workers, promoting the role of social partners and ensuring enforcement.
- 3.2. The World Employment Confederation-Europe agrees that these topics are important dimensions of telework. At the same time, we call on the European Commission to ensure an appropriate balance between the existing EU acquis and possible legislative action in the areas mentioned below. It should be recognised that not every area identified requires EU-level action and that EU Member States and social partners at the national level have already taken action. Consultations with WEC-Europe members revealed that the companies are already subject to national laws on telework and the right to disconnect.
- 3.3. Any action on telework and/or the right to disconnect should be assessed against the background of the EU Better Regulation agenda and the principles of subsidiarity and proportionality. Rather than pursuing legislative action, the World Employment Confederation-Europe calls for using non-legislative, mutual learning instruments and best-practice sharing to promote convergence of national policies. Social partners at the cross-industry and sectoral levels should be encouraged to discuss, negotiate, and agree on tailor-made solutions for telework and the right to disconnect.

About the World Employment Confederation-Europe

The World Employment Confederation-Europe serves as the voice of the HR services industry at the European level, representing both national federations and workforce solutions companies worldwide. Our diverse membership encompasses a broad spectrum of HR services, including agency work, direct recruitment, career management, Recruitment Process Outsourcing (RPO), and Managed Service Provider (MSP) solutions.

Our mission revolves around securing recognition for the pivotal role played by the HR services industry in fostering well-functioning labour markets and advocating on behalf of our members to enable appropriate regulation. By fostering an environment conducive to sustainable growth of the HR services sector, our ultimate goal is to deliver better labour market outcomes for all.

By bridging the supply and demand gaps in labour markets, creating pathways to employment, enabling agile organisations, balancing flexibility with protection and deploying digital solutions responsibly, the HR services industry plays a central role in addressing labour market challenges and delivering people-centric solutions.