



الاتحاد العربي للتقابات
ARAB TRADE UNION CONFEDERATION

GUIDE ON TELEWORK

Work from home
remote work



A tool for protective
physical distancing from
COVID-19

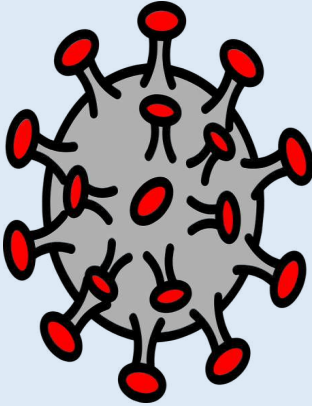
Guide on Telework

Work from home / remote work: a tool for protective physical distancing from COVID-19

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Most countries of the world have taken a set of measures to address the Covid-19 pandemic and limit its spread. The world of work has been severely affected during this pandemic, and the nature of the restrictions imposed and the measures taken to limit the spread of Covid-19 in the workplace have varied.

Measures such as suspending work and non-essential tasks, work from home or telecommuting and other measures of social distancing were taken.

This pandemic has put many pressures on employers and workers in terms of requiring them to take new preventive measures in a short time such as suspending their work and activities, or imposing restrictions that resulted in a large number of workers losing their jobs due to staying in their homes and being unable to work remotely.

This report provides a guide to the procedures, tasks and steps required to be taken when applying remote work in order to ensure the continuity of work performance for some job categories. It also includes an Arabic translation completed by the Arab Trade Union Confederation (ATUC) of the legal guide for remote work issued by the International Trade Union Confederation (ITUC), to be a useful tool for Arab trade unions and to enable them to view several legal texts related to remote work issued by several developed countries, thus drawing inspiration from this guide to facilitate the development of national and sectoral ordinance texts.

The Covid-19 pandemic, what is facing the world of work?

- Resumption of work after the total closure imposed due to the Covid-19 pandemic

Employers should develop a work resume plan that takes into account workers' safety when returning to the workplace after a comprehensive shutdown.



Employers should do their utmost to send the largest number of workers to work from their homes in order to limit the spread of the Covid-19 pandemic in the workplace and maintain the health and safety of workers, while always ensuring that occupational safety and health rules are available at home as much as possible in order to carry out their work.

This plan should include:

- Make adjustments related to the organization of work and develop a plan for the workplace so that some essential workers return to the workplace gradually, in stages and in divided groups, and with adequate training for workers on these modifications to be able to limit the spread of Covid-19 in the workplace with the need to update the risk assessment process of the workplace to be compatible with the Covid-19.

- Pay special attention to workers from groups with fragile health situations, such as pregnant women, the elderly, and people suffering from chronic diseases, as they are more vulnerable to Covid-19 infection.

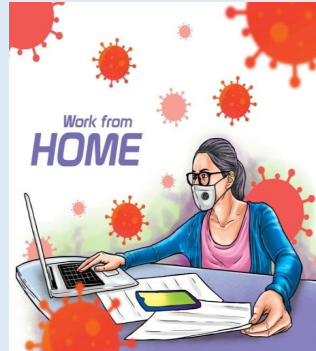
Taking into account the fears and concerns of workers who do not wish to return to the workplace for fear of contracting the virus

- Provide the support available to workers and provide them with information on measures taken in the workplace to respond to the Covid-19 pandemic.

Continue to adhere to physical distancing

- Dealing with the high absenteeism rate of workers in light of the Covid-19 pandemic

In light of this pandemic, the workplace is witnessing a high absence rate, depending on the infection rates and protocols in effect in the region where the workplace is located, due to the isolation of some workers for themselves as a precaution, and these workers can work remotely if possible, and the workplace also witnesses a prolonged absence of workers infected with the Covid-19 or also those who care for other people infected with Covid-19, as severe cases of infection may need intensive care, and therefore it will be difficult for them to work remotely as well. There by, the following things are recommended:



- Respect the rules and agreements relating to working hours and periods of rest
- Not putting workers in situations that endanger their health and safety
- Not to overburden workers with overtime, perform only necessary work, and postpone unnecessary work.
- Establishing new methods and procedures that include a division of roles and responsibilities to deal with the decrease in the number of the workforce.
- Providing additional support and training to workers when needed, and ensuring that the worker is capable and qualified to accomplish the task assigned to him.
- The necessity to provide temporary workers with the necessary training to face the risks of this pandemic and for them to carry out dangerous jobs.

□ Training workers to perform the basic and necessary functions for the sustainability of work in the workplace even in the absence of key workers.



How is work from home any different from remote work?

The progress made in information and communication technology has enabled and facilitated the implementation of alternative arrangements for work, such that these arrangements include working from home and working remotely with

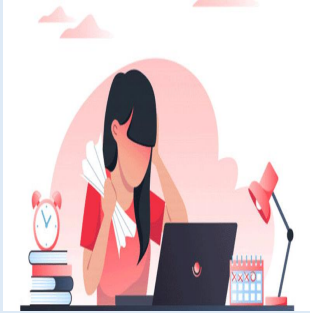
the necessity to continue communicating with the office by e-mail or telephone communication.

These two terms are often used interchangeably to refer to forms and methods. There may be slight differences between these terms, for example, some of them may involve a temporary arrangement while others may involve an arrangement for long periods.

Work from home is considered a type of remote work, and the difference is that remote work may include different locations away from the main work site or the headquarters in which the employer is located (such as mobile work), where remote work refers in particular to the replacement of moving by various means of communication.

There may be some slight differences between the different concepts of remote work. This is likely due to the fact that remote work is a large-scale work, and one of the concepts of remote work may not always replace the transfer to and from work.

The term “remote work” is used in this guide to refer to forms of work in which there is no transfer to the primary place of business or the employer’s residence.



What is meant by working from home?

Home-based work means: a work arrangement whereby the worker fulfills the basic responsibilities of his job without the need to leave the house and go to the workplace using information and communication technology, and for the purposes of this document and in light

of the Covid-19 pandemic, the term “work from home” is used to refer specifically to working remotely as a temporary arrangement or an alternative arrangement for work due to the closure procedures and social distancing measures resulting from the outbreak of Covid-19, and this arrangement of work requires that both employers and workers share responsibilities and obligations in order to ensure the continuity of work and employment and also to maintain job opportunities.

Work from home, if possible:

Employers should do what they can to send the largest number of workers to work from their homes in order to limit the spread of Covid-19 in the workplace and to maintain the health and safety of workers.



The governments and local authorities shall ease the restrictions imposed by allowing the resumption of the basic and necessary work essential to maintain the health of citizens and the economic activity of the state upon achieving control of cases of infection with Covid-19, and then authorize the work that can be effectively done remotely to return to the usual workplaces and resume activity there , gradually and with the minimum number of workers necessary to sustain the activity of the company or institution. These measures are also needed to maintain the measures imposed on workplaces aimed at avoiding an increase in the number of infections, in anticipation that the large

increase in cases of Covid-19 will lead to a return to the suspension of these activities.

Are all jobs compatible with work from home arrangements in the context of the COVID-19 pandemic?



When work places and headquarters in the various departments of the organization are closed as a result of preventive and precautionary measures or as a result of directives from the government, institutions may be able to implement work arrangements from home to continue the service and maintain their productivity, in addition to preserving jobs while ensuring the safety and health of workers at the same time.

The International Labor Organization estimates that nearly 18 percent of workers work in occupations suitable for working from home and live in countries with infrastructure that enables them to work from home.

The responsibility to work from home is a joint one that requires commitment from both employers and workers for its success. Both employers and workers should have a practical, flexible and considerate spirit when implementing work from home arrangements.

Employers should first assess the feasibility of implementing work from arrangements in terms of the feasibility of carrying out the tasks of these jobs and their practical application by employees before starting to implement work arrangements from home as follows:

- Determining the duties and tasks of the job that can be performed outside the workplace. This may involve innovation and creativity to do the work in a way that differs from the usual.
- Evaluating communication mechanisms, such as making regular contacts through videoconferencing or any other means.
- Assess the infrastructure, facilities, and tools available to perform work from home, such as the quality of internet connection and availability of a reliable source of electricity.
- Evaluating the requirements, obligations and potential legal liability, taking into account the worker's position, job functions, equipment and tools necessary for the worker to perform his job.
- Evaluating the worker's actual ability to perform the tasks required of him from home.
- Evaluating the worker's safety and health in his surrounding home environment.
- Take into account the potential impact of the worker's living arrangements. For example, workers may have a responsibility to take care of children or may be a family, suffer from stress in family relationships or a victim of domestic violence, or suffer from a critical health condition or long-term disability.
- Assessment of any mental health issues or potential future concerns that may arise as a result of home work or related arrangements.

It is important to note that although advances in information and communication technology have enabled some workers to work from home, it is not possible to perform all job duties for various jobs outside the employer's headquarters or the specific workplace, as there are some companies, professions and tasks in which conducting work from home is not feasible or economically possible. In these cases, working from home is also something that cannot be implemented in a short period of time.

Employers should study an actionable alternative plan for jobs tasks and duties that cannot be performed remotely, or an alternative plan for workers who have restrictions at home that prevent them from working from home.

Employers may consider advising workers by taking accumulated annual leave or annual leave with an advance pay, or extended leave with half pay or without pay, or any other applicable leave that can be used according to the existing situation in consultation with the workers concerned without prejudice to the provisions contained in the laws of national regulations, government directives, or corporate policies.



How have companies coped with implementing work from home arrangements in the context of the COVID-19 pandemic?

Some companies may have previous experience implementing work from home arrangements or they may have contingency plans that include working from home. However, many companies are likely implementing work from home arrangements for the first time, and need prompt approval of work from home arrangements across all company divisions.

Although many companies acknowledge the benefits of working from home, some have had difficulty making the transition to work from home. The main reason is that the paperwork has not been digitized and that the internal rules and procedures required for remote work have not yet been ready. Concerns about the confidentiality of information or potential security breaches may be a reason to limit the way to work from home.

Are workers required to adhere to company guidelines to work from home?

Work arrangements from home are usually implemented on a voluntary basis between employers and workers, and it is often accompanied by a signed agreement specifying the terms and conditions of this arrangement of work and explaining them, but in light of the current situation of the outbreak of Covid-19, this situation has imposed work from home in many parts of the world as a temporary measure of public health.

In accordance with Article 19 (a) of ILO Convention No. 155 of 1981 relating to occupational safety and health, workers may cooperate during their work to enable the employer to fulfill his/her obligations to secure a safe and healthy work environment in support of legal provisions, collective agreements or policies.

Related companies and workers are also responsible for taking into account their own health and safety and the safety of others, using protective tools and equipment and complying with policies established by the employer.

It is important to make clear that workers' obligations and responsibilities apply even in an informal work environment, such as work from home arrangements.

Therefore, when working from home is essential to curb the spread of the Covid-19 pandemic, workers must cooperate and fully comply with preventive measures and directives, take care of their own safety and that of others, and respect company policies.

What are the responsibilities of employers when implementing work from home arrangements to prevent the Covid-19 pandemic?

It is important to note that temporary work from home arrangements do not require any permanent adjustments to the terms and conditions of work, as these arrangements may change in response to emerging

directives and the changing needs of the company. Employers should consider changing or developing company policies or directives in order to provide clear guidance on implementing work from home arrangements, and they should effectively inform all workers about these policies and inform them of any changes in these policies as soon as possible.

Many countries around the world have begun to put in place legislation regarding aspects of work from home or telework arrangements, the conditions for such work, and the rights and responsibilities of both employers and workers.

For example, the working conditions decision in the Netherlands stipulates the paid work performed by the worker in his place of residence or in any other place the worker chooses outside the employer's residence, and this decision includes the employer's duty to reassure the worker and to ensure that the legal obligations under this decision are fulfilled.

In Poland, the provision in the Labor Law dealing with "remote work" stresses that the workplace must be far from the employer's residence and be based on services provided by electronic means, while in Austria "remote work" is regulated through legislation relating to working time, and not as a separate matter.

In March 2020, Chile enacted a law regulating remote work, giving legal certainty to both employers and workers in telecommuting arrangements and defining their rights and responsibilities, including, for example, the obligation of employers to bear the costs of operating, maintaining and repairing devices.

Employers have a duty to ensure the safety and health of workers and take care of all their workers by providing a safe work environment free from risks to physical and mental health, and this includes assessing, controlling and mitigating risks in places other than the normal workplace, such as the worker's home while performing his/her work from home.

Employers should also remind workers of their duties and obligations under their work contracts and applicable policies, especially their obligations and duties with regard to health and safety, and despite the

difficulty for employers to conduct traditional health and safety risk assessments in the worker's home under in current circumstances, employers remain responsible for ensuring that:

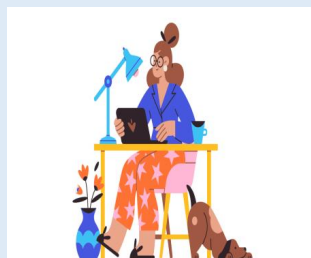
- Their ability to perform the required work safely from home
- Make some adjustments to the tasks, when necessary, to ensure that these tasks are performed safely when working from home.

This requires assessing the possibility of implementing work arrangements from home in terms of the possibility of implementing the tasks of these jobs and the possibility of practically applying them by employees before starting to implement work arrangements from home as follows:

- Evaluating workers' situation in terms of their safety and health in their surrounding home environment, in addition to their actual ability to perform the tasks required of him from home.
- Take into account the potential impact of workers living arrangements. For example, workers may have a responsibility to take care of children or maybe a family, or he may suffer from stress in family relationships or a victim of domestic violence, or suffer from a critical health condition or long-term disability.

Evaluate mental health issues or concerns about a possible future that could arise as a result of working from home or as a result of related arrangements.

Tips for managing home workers in light of the COVID-19 pandemic



The work from home environment is likely to lack many aspects compared to the usual work environment, so the workers' adaptation to the nature of remote work will vary according to the worker's situation, time and available resources.

Here are some tips and advice that employers can provide to remote workers who have been unable to create a suitable work environment at home:



The employer should include remote workers in the risk assessment process

Providing remote workers with the necessary equipment to work from home in case they are unable to provide it, such as a computer and the Internet

- Provide workers with instructions on how to create a suitable work environment at home
- Employers should provide support related to the use of equipment and IT programs to remote workers who have problems using it
- Employers should regularly give remote workers a short break from work
- Ensure the availability of good communication between employees and employers or higher management in order to keep employees informed of new decisions and orders issued from them
- The necessity to hold regular meetings for employees working remotely and provide them with support to avoid feeling isolated and pressure that can lead to psychological problems
- Provide flexible policies for workers who need to care for their children or relatives infected with the virus or the elderly, so that these policies are flexible in terms of working hours and employee productivity
- Helping workers in organizing work and rest times in line with employers and workers.

The UK's experience of working from home during the pandemic:

As of September 28, 2020. The government in England has advised office workers who can work effectively from home to continue doing so during the winter. By publishing the guidelines for the Covid-19 pandemic and working from home, which are summarized as follows:

For those who engage in work that cannot be performed from home, they can go to their workplace while taking the necessary precautions.

-Seeking to find a formula of agreement between the worker and the respective employer for part-time or work from home

The British government notes that during the pandemic, the home worker should receive his/her full wage as long as he/she performs his/her job.

It also stresses the duty to continue to bear the employer responsibility for the health and safety of the worker at work from home and the duty to provide his own work supplies.

It recommends that the worker's self-well-being be taken care of while working from home and taking breaks in order to maintain mental health.

People working in basic services who are public sector employees continue to work according to need and necessity, and as long as the employer has provided a safe workplace, then anyone cannot work from home and must go to his/her usual place of work.

The employer must have carried out risk assessments to ensure that their workplace is in compliance with government guidelines and recommendations to limit the spread of this virus. Employers must do everything in their power to make the workplace safe from Covid-19.

Employers are legally obligated to do everything they reasonably can to make the work you do and the place you work in safe from this



pandemic, as employees and union safety representatives should be consulted on any proposals before returning to the workplace.

Employers must also consider the risks to employees who are most vulnerable to infection with this virus in particular, such as people with special needs or over the age of 70 years or those suffering from special health conditions that may extend the period of their stay in their homes or work from home stay.

The Civil Service Union in the United Kingdom published a guide to safe work procedures when returning to activity in business premises, with an emphasis on continuing to rely on work from home as long as possible.

If a woman is pregnant during the pandemic, she can work from home

The British government has issued advice and instructions for pregnant women to work from home if this is possible. If this is not possible, it calls on employers to take the initiative to assign pregnant women to other tasks or temporary alternative work that can be performed from home while they are entitled to full wages, and to emphasize the importance of their commitment and the commitment of those around them to social distancing measures.



If you are a person with special needs, or over the age of 70, or who suffers from special health conditions.

Can an employer refuse to work from home if I am one of the people mentioned above?

Employers should do everything in their power to allow workers with special needs, the elderly, or those with special health conditions to work from home, if possible.

Refusing to work from home for a person with disabilities may constitute unlawful discrimination under the Equality Act.

If the worker is unable to do his/her work from home, employers should consider the possibility of transferring the worker temporarily to a position where he/she can do the work from home until the workplace is safe to return to.

Employers should consider offering special paid leave and other types of adjustments if the worker cannot work from home.

Employers should do everything in their power to allow any worker over the age of 70 to work from home wherever possible.

Employers should also consider the risks to all elderly workers, especially those who work in positions and roles where it is difficult to maintain social distancing.

Work from home for people who care for family members from the people most at risk in the event of infection with the Covid-19 pandemic, that is, from people who have been advised by the government to isolate themselves and take precautionary measures



If you live with someone who is self-isolating and taking precautionary measures because they are at great risk in the event of infection with this virus, then one of the best practices for the employer in this case is to allow the worker to work from home or to obtain a special paid leave, as long as the employer must be informed of your circumstances and is expected to be understanding.

If you are not able to work from home, then the employer in this case must conduct an individual risk assessment process for your situation and take steps to reduce the risks that you may be exposed to in the

workplace. Employer must take into account whether you use public transportation to go to work in the risk assessment process.

If the worker believes that he/she is facing discrimination

The United Kingdom’s Equality Act grants workers with special needs, pregnant women and people of color certain rights, including protection from direct and indirect discrimination. There by, employers must ensure that no discriminatory decisions are made when giving workers their special leave, and they must continue provide appropriate and reasonable adjustments for people with special needs who work from home or are redeployed to other positions so that they are better protected.

The Equality and Human Rights Commission has issued directives for employers in light of the Covid-19 pandemic to address all forms of discrimination under the pretext of the pandemic.

Leave, flexibility in the leave system and dispensing with the services of workers in light of the Covid-19 pandemic

As a result of the Coronavirus crisis, many workplaces have been closed and employees have been asked to work from home if they can. However, not all jobs



can be done from home. Therefore, some employers have considered laying off workers and the UK government launched a “job retention plan, the Covid-19 pandemic” in an attempt to avoid mass dismissal of employees, and the date of the plan dates back to 1 March 2020 and will continue until the end of October 2020.

These include granting employees leave and applying for a grant that covers part of their monthly wage costs. Since July 1, 2020, employers can require employees to return part-time but must pay regular wages for working days.

Tips for managing home workers in light of the COVID-19 pandemic

As a result of the measures imposed to address the Covid-19 pandemic, countries have taken measures of social distancing to encourage workers or compel them to work from home if the nature of the work permits that. The nature of remote work is determined according to the status of the worker, time and available resources.



Here are some tips and advice that employers can provide to remote workers who have been unable to create a suitable work environment at home:

- The employer should include remote workers in the risk assessment process

Providing remote workers with the necessary equipment to work from home in case they are unable to provide it, such as a computer and the Internet

- Provide workers with instructions on how to create a suitable work environment at home

- Employers should provide support related to the use of equipment and IT programs to remote workers who have problems using it

- Employers should regularly give remote workers a short break from work

- Ensure the availability of good communication between employees and employers or higher management in order to keep employees informed of new decisions and orders issued from them

- The necessity to hold regular meetings for employees working remotely and provide them with support to avoid feeling isolated and pressure that can lead to psychological problems
- Provide flexible policies for workers who need to care for their children or relatives infected with the virus or the elderly, so that these policies should be flexible in terms of working hours and employee productivity
- Helping workers in organizing work and rest times in line with employers and workers.

Legal Guide of International Trade Union Confederation - Telework

Telework has been introduced in more than 59 countries, as part of the measures aimed at curbing the spread of Covid-19. Even in countries that have not resorted to quarantine measures, employers are encouraged to allow remote work as an additional measure of physical distancing.

Even before the Coronavirus pandemic, remote work was emerging as a new form of work organization, especially for workers whose work is based in large part on the use of modern technologies such as information and communication. This trend has received a boost thanks to the digitalization of the workplace and the promise of a better balance between professional and private life.

While there remains a digital gap between developing and developed countries, the rapid development of imported digital devices at low prices and the increasing concentration of these devices in developing countries have increased the speed of the impact of technology on the lives of workers around the world.



This guide reviews the requirements of remote work agreements and addresses the main principles of effective legalization of remote work through legislation and social dialogue.

The guide adopts the traditional definition of remote work, which is work performed outside the employer's stores using modern information and communication technologies.

It could be related to traditional methods such as working at home or from various other locations outside the main office of the employer. Work at home is excluded from this definition, which requires work to be performed on the instructions of the employer or intermediary, but without the use of modern information and communication technologies.

Telework requirements in order to obtain decent work

In the absence of adequate regulation, the establishment of ordinal texts in the institutions can have major repercussions on the victory of decent working conditions.



The use of modern information and communication technologies has expanded workers' attachment to the workplace, including with supervisors and colleagues, with the consequences that this can have in the form of prolonged work at periods and places usually reserved for personal life, as well as the intensification of unpaid work.

Through the nature of the work performed by modern information and communication technologies, the adaptive problems (especially tiredness of the eyes, neck pain, and clotting of the hands and fingers) raised a number of concerns regarding the health and safety of workers.

Moreover, the isolation of remote workers from their colleagues raises feelings of concern about the possibility of the emergence of psychological and social risks associated with working remotely, especially in terms of health and safety. Indeed, when telecommuting is not regulated, job inspections may not be able to enter the workplace remotely, which makes the application of the labor law more difficult.

The increasing use of remote work also raises questions regarding the protection of the private life of workers, given the possibility of employers resorting to strengthening electronic control over workers.

This can also have a deterrent effect on unionization, unless workers are able to contact their colleagues without fear that they will be subject to management oversight.

In addition, remote work methods can be an obstacle to the professional promotion of workers, especially for women, unless the behavioral strategies are adapted in such a way that the physical absence from the workplace is not comparable to a reduction in productivity.

According to the International Labor Organization Convention No. 190, it was also necessary to adopt methods of prevention to ensure that the workplace was free from domestic violence.

Finally, the remote work arrangements that were adopted under the title of emergency during a pandemic indicated the degree to which prior planning is crucial. Too often, workers were forced to carry out work at home without the proper infrastructure such as an office and access to the Internet. It has been found that the institutions that have appropriate collective agreements that control the framework of working remotely, far exceeded other institutions in terms of effectiveness and feasibility, in the time of adaptation to the context of the pandemic.

Separation of workers could also raise concerns about the potential for reduced creativity and capacity for innovation resulting from the relative absence of spontaneous human interactions.

However, remote work can provide some potential benefits to workers and employers, but only if it is properly codified and applied. Indeed, the savings it saves in time and money as a result of reducing mobility operations can contribute to reducing the psychological pressure for workers.

When work boundaries are respected, remote work agreements can provide workers with greater independence and flexibility, allowing them to better reconcile their professional and family responsibilities, which would increase professional satisfaction and productivity.

In addition, remote work may facilitate entry into the labor market for disabled workers who, in the form of undertaking a different job, may find it difficult to go to their place of work.

A better reconciliation between professional and private life can also provide benefits to the business owner, namely increased motivation and a reduction in rotation tension, as well as greater productivity and efficiency, in addition to reducing office space needs and reducing costs associated with it.

On the other hand, employers who are willing to hire remote workers have access to a much larger reservoir of skilled people than is available to employers who hire workers in their establishments.



The main principles of legalization and social dialogue

Telework agreements are in the prime of their development, but considering the apparent risks in the conditions of work described above, legalization should be prepared urgently through legislation and social dialogue, in order to strive in a way that makes work methods achieve improved access to decent work instead of spoiling it.

Standardization approaches must be guided by the following principles:

*** Analyzing the impact and preparing rules related to remote work places before adopting and activating remote work agreements.**

Telework may not be suitable for all workers and all types of activity. Employers have also indicated that not all sites and all organizations are necessarily suitable for telecommuting.

*** Telework should be voluntary for employees**

Telework may not be suitable for all workers and all types of activity. Employers have also indicated that not all sites and all organizations are necessarily suitable for telecommuting.

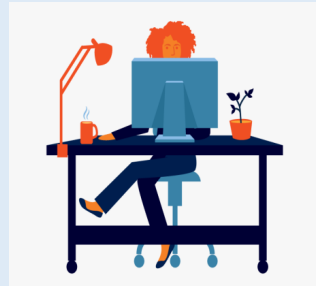
Hence, there should be no obligation to accept remote work. Remote work should be voluntary for employees with the ability to return to the workplace if they wish. When the legal arrangements for working remotely are likely to lead to the final closure of the physical workplaces, employers are obligated to open negotiations with the unions about the methods of the restructuring process in a way that mitigates every negative impact on workers' employment conditions. The workers should, whenever possible, be able to move to another physical place of work.

*** Ensure equal treatment of remote workers**

Teleworkers must be subject to the same rights and conditions that apply to workers directing their activity in the employer's shop. Telework agreements should not be used to change the legal status of work, wages, holidays, or other conditions of work for remote employees. Telework should not be used to change the legal status of work within the framework of long-term contracts in favor of more fragile contracts, such as temporary contracts, subsidiary work contracts or independent contracts, for example.

In addition, the conditions of work, including the legal status of the work, cannot be changed when a worker chooses not to work remotely.

Employers who have put in place legal arrangements for telecommuting should review their sickness insurance policies to ensure that workers are adequately protected from various circumstances including in crisis situations.



*** Respect the normal working hours and the right to disengage from the internet**

Workers operating remotely must be guaranteed rest breaks, limit the maximum length of work, and the right to disconnect from the Internet.

As for workers subject to specific working hours, remote work should not be used to extend working hours or reduce breaks between working hours. This may necessitate setting new tools for determining a quota and measuring results, as well as for recording work time.

From the outset, a clear and realistic calendar must be set to implement the tasks. Workers who are subject to the rules regarding overtime must be hired in the same manner as if the overtime hours were performed in the establishment. Business owners should put in place fair systems for approving, calculating and renting working hours.

*** Work equipment and costs associated with remote work positions should be at the employer's expense**

The business owner should be responsible for providing and maintaining the equipment necessary for regular, remote work.

Workers wishing to use their own equipment must be entitled to an appropriate fine. As for the business owner, as the owner of the equipment, must be responsible for its maintenance and compensation when there is no use, loss or damage to it when performing professional tasks.

Direct workers to work remotely should be awarded fines as compensation for the costs associated with the spaces and services necessary to exercise their job, including, but not limited to, designated hiring work space, insurance, electricity, internet, mobile phone services, etc.

All issues and details must be clarified in advance in order for workers' rights and responsibilities to be well understood.

*** Employers remain responsible for workers' health and safety**

There is no room for establishing a difference between remote work and other methods of work with regard to the employer's responsibility in the field of health and safety at work, including the responsibility to ensure the provision of workplaces free of violence (Convention No. 190).

The employer is responsible for protecting the worker remotely, and is obligated to carry out the necessary risk assessments and provide workers with relevant information about the institution's policy in the field of occupational health and safety, as well as training courses on the use of equipment.

In order to reduce the psychosocial risks associated with the isolation of remote workers, employers should enable personal contact with colleagues. The correct implementation of health and safety measures must be assured, when appropriate, by the employer, union representatives (if any) and / or the labor inspection.

When remote work is practiced in the worker's home, entry into that home must be subject to prior notice and approval.

Equal access to training and professional development

Telecommuting workers should enjoy equal treatment with their colleagues in the enterprise, in terms of obtaining professional development and promotion. This is even more important for remote workers, who often have to bear the costs of non-rented treatment, and they have less time and capacity than others outside working hours, to devote themselves to activities that value their professional lives.

In order to encourage the possibilities of growth and gradual promotion, it is of great importance and priority for employers to provide advice and take initiatives that honor the victory in training and the development of professional life, especially by holding regular attendance meetings to develop professional life and provide guidance.

*** The right to private life must be preserved**

Information and communication technologies can have very diverse impacts on workers. While the primary purpose of communication technologies is to optimize the viability of work paths, follow-up and monitoring technologies can create intrusive controls for workers, undermine the privacy of private life and harm harmonious work relationships.

During the Covid-19 pandemic, we noticed in the recent period the resort to workers' control tools, especially invasive software that grabs a computer screen and / or takes a picture of each worker during close intervals by using their computer camera (webcam), in addition to the presence of software that tracks everything written by the computer keyboard, analyzes every mail or conversation exchanged by the workers: Therefore, the adoption of protection tools that ensure respect for private life is of priority importance.

Trade union representatives must be informed and consulted in advance before introducing any technology that might be invasive of the private life of individuals. Limits should be made to resort to controls to monitor workers.

*** Ensuring the rights of freedom of association and collective bargaining for remote workers**

All workers, without discrimination, shall have the right to form and join unions and the right to collectively bargain over their working conditions. The resort to remote work should not be a reason to restrict or impede workers' rights to form a union or join a union and to participate in collective negotiations.

In order to ensure that remote workers are able to fully exercise their rights to freedom of association, employers who adopt regulatory

provisions for remote work must hand over a permit to each remote worker indicating that the remote worker is free to participate, without objection by the employer.

In any trade union activity, if that is the worker's choice, this permit must be easily accessible by electronic means, in a way that informs all workers remotely.

Employers must, upon the request of a trade union organization, disclose the number of remote workers and the percentage they represent in the total workforce in the organization.

In order to allow a fair union representation of remote workers, employers are obligated to provide, at a request from a trade union organization, the names of the remote workers and their positions, so that everyone has access to information about the union.

In the framework of training, the employer must also provide the possibilities for establishing contact between workers and union representatives, without the presence of the employer or his/her supervision, at the same time by means of electronic bearings, and during real or virtual meetings on site.

Whatever technology is used by the employer to communicate with users, this technology must be placed at the disposal of workers so that they can carry out their organizational activities, without oversight or oversight by the employer.

As is the case when it comes to entering the resting spaces and cafeterias, in the physical workplaces, employers must provide secure digital meeting spaces for remote workers to carry out union activities in them.

Employers should refrain from blocking digital spaces such as petition spaces, investigations, websites, and messages from other trade union organizations.

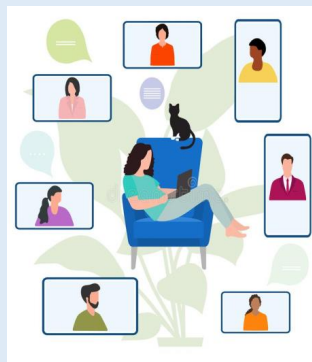
Teleworkers should not be excluded from the procedure related to setting negotiation thresholds, and they must have at their disposal the means necessary to participate in elections and vote in a collective framework.

On the other hand, remote work agreements should be the subject of collective bargaining in view of their potential impact on work conditions.

Technical

The unions have organized and long campaigned for the introduction of remote work agreements in a way that improves workers' rights and conditions.

Indeed, there are, at the present time, several national, sectoral or enterprise level collective agreements that codify the introduction and implementation of remote work agreements.



For example, the Italian National Collective Agreement on the banking sector now stipulates a set of detailed provisions, especially on the right to private life and the right to disconnect from the Internet.

In the United Kingdom, the Confederation of British Industry and the Trade Union Congress agreed on approaches related to remote work.

UNI Europa and ETNO, as European social partners of the telecommunications sector, have adopted a joint declaration on remote work that includes important principles such as the voluntary nature of remote work and access to training, the possibilities for developing professional life, working time, and the right to disengage from the network. Spider web, health and safety measures, and unionization.

The European framework agreement, concluded in 2002, also includes several important aspects, particularly by granting remote workers the same level of total protection granted to direct workers for their activities in the employer's premises.

In addition, the European Social Partners' Framework Agreement on Digitization, concluded in 2020, provides a model for achieving a correct transition to the use of digital technologies, including the methods designed to guarantee the right to disconnect from the Internet.

Although many governments have adopted measures that legalize some aspects of remote work, richer legal texts are still an exception.

Among the existing national legislations, we can mention Argentina's legislation (draft law on telework - not including occupational health and safety), Norway's legislation on work environment, (which leaves clarification of details to ministerial decisions), and Portuguese legislation (article 166 of Law No. 120 / 2015).

Moreover, Belgium's legislation (Royal Ordinance of November 22, 2006) relating to remote work in the public sector), Irish legislation (a practice law relating to remote work that draws its direction from the European Framework Agreement of 2002), and Australian legislation (Chapter 65 of the Act on Equitable work which provides for a "request for flexible arrangements").

Also, the Netherlands legislation (the decree on working conditions), the Finnish law of 1996 on flexible work, as well as the Finnish law of 2020 on working time which allowed for up to 50% of remote / flexible work to be reached, and the decision of the Swiss courts that obligated employers to compensate workers for a part of the rent.

Regarding the right to disengage from the Internet, France and Italy are two examples of countries that have passed valid legislation on the matter.

French law provides for the so-called "right to disengage", which obliges all institutions that have a union representative to negotiate annually on the modalities for exercising this right, within the framework of negotiating professional equality and quality of life at work.

In Italy, there is a law passed in June 2017 that codifies flexible work.

This law provides for the conclusion of an agreement between the employer and the employee regarding the partial completion of work outside the establishment's premises. Such an agreement must include technological and regulatory measures to ensure that minimum periods of rest are respected (the right to disengage).

There is no international labor standard that specifically regulates telecommuting agreements. The agreement (No. 177) on work at home,

issued in 1996, and the recommendation (No. 184) on work at home, issued in 1996, refer to work performed in the worker's home or in the places of his/her choice outside the workplace of the employer.

However, these two documents do not address the challenges associated with the use of modern information and communication technologies.

The Committee of Experts, when examining documents related to occupational health and safety and at work time, confirmed the concerns raised by the deficiencies in the national labor legislation, regarding the protection of remote workers, and the adoption of the right to disengage from the Internet was confirmed by the experts as a way to address the blurring boundaries between work and convenience resulting from the increasing use of information and communication technologies.

Conclusion

In view of the increasing use of information and communication technologies and the digitization of the workplace, the demand for remote work agreements is called for to increase in the future clearly at the global level.

In order to strive to make such agreements, there is a dire need for flexibility (for workers and employers) with the maintenance of work rights and protections, the adoption and enforcement of remote work agreements must be accompanied by the core principles covered in this discussion guide.

Although several collective agreements at different levels and some national jurisdictions have adopted some of these principles, there are still apparent shortcomings in national and international law, and they must be removed before remote work agreements become generalized and take on a permanent character.





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