

# E-learning tool (content)

September 2024



“Funded by the European Union. Views and opinions expressed are however those of the author(s) only, and do not necessarily reflect those of the European Union or European Commission. Neither the European Union nor the granting authority can be held responsible for them.”

Content

[Background - the European Policies on Digitalisation and the European Social Partners’ Framework Agreement on Digitalization 3](#_Toc176527416)

[Platform work 10](#_Toc176527417)

[Telework and the right to disconnect 14](#_Toc176527418)

[Digitalisation and work-life balances 16](#_Toc176527419)

[Key competences for TUDO 18](#_Toc176527420)

## Background - the European Policies on Digitalisation and the European Social Partners’ Framework Agreement on Digitalization

**Introduction – European Policies on Digitalisation**

The European approach to a digitalized economy and society focuses on solidarity, prosperity, and sustainability. It emphasizes empowering citizens and businesses while ensuring the security and resilience of the digital ecosystem and supply chains. Policymakers must acquire the knowledge necessary to address issues related to effective regulation, skill requirements, and ensuring comprehensive social protection. Additionally, they must balance the needs of companies, societies, and individuals to fully harness the potential of digitalization.

In response to the impact of digital technology on the lives of EU citizens, one of the European Commission's key priorities for the 2019–2024 period is to build a Europe that is prepared for the digital age. Through its **European Digital Strategy[[1]](#footnote-1)** 2020–2025, the Commission aims to lead the transition to a healthier planet and a new digital world. Launched in February 2020, the Strategy aims to empower people with a new generation of technologies, helping to support the ‘just transition’ to a climate-neutral Europe via the European Green Deal.

As part of its **Digital Services Act package[[2]](#footnote-2)**, released on 15 December 2020, the European Commission introduced two legislative initiatives to modernize the rules governing digital services in the EU: the Digital Services Act (DSA) and the Digital Markets Act (DMA). These measures will transform how companies provide and use digital services. In response to the rapid growth of platform work in the EU, the Commission, following consultations with social partners, proposed new rules in December 2021 to **protect workers on digital platforms[[3]](#footnote-3)** . In June 2023, the Council of the EU adopted its position on these proposals and in 2024 the Members States agreed on the final text of te Directive, which soon will enter into force.

On 9 March 2021, the European Commission released its Communication outlining the vision for **Europe’s digital decade[[4]](#footnote-4)**, providing a clear roadmap for achieving a successful digital transformation by 2030 in areas such as connectivity, skills, and digital public services. In 2020, European social partners endorsed an autonomous framework agreement on digitalization[[5]](#footnote-5). By 2023, European-level social partners began negotiations on a Directive addressing telework and the right to disconnect. However, the negotiations reached a stalemate, prompting unions to ask the European Commission to move forward with its own draft proposal for the legislation[[6]](#footnote-6).

**European Social Partners’ Framework Agreement on Digitalisation**

The European Social Partners' Framework Agreement on Digitalization[[7]](#footnote-7) is one of the few autonomous initiatives led by social partners at the EU level. The signatories of the agreement were as follows: BusinessEurope, SMEunited, CEEP and the ETUC (and the liaison committee EUROCADRES/ CEC). Finalized in June 2020 by European cross-industry social partners, it applies to employers and employees across the EU/EEA, covering both public and private sectors. The primary goal is to facilitate a consensual transition by successfully integrating digital technologies in the workplace, maximizing opportunities while minimizing risks for both workers and employers, and ensuring the best possible outcomes for both. As the Framework agreement states **an agreed and jointly managed dynamic circular process is a suitable way for implementation of the agreement**, whilst respecting the roles/responsibilities of different actors including workers’ representatives. The following stages are proposed:

* Joint exploration / preparation / underpinning;
* Joint mapping / regular assessment / analysis’
* Joint overview of situation and adoption of strategies for digital transformation
* Adoption of appropriate measures / actions;
* Regular joint monitoring / follow-up, learning, evaluation.



It focuses on key areas such as **digital skills and job security, connection and disconnection modalities, the human-in-control principle in artificial intelligence, respect for human dignity, and monitoring**.

1. **Digital Skills and Securing Employment**

The main objective is to prepare our current and future workforce and enterprises with the appropriate skills by continuous learning, to reap the opportunities and deal with the challenges of the digital transformation in the world of work. The agreement encourages social partners at the appropriate levels and enterprises to introduce digital transformation strategies in a partnership approach, to pursue the following objectives: Foster employment transitions of workers in enterprises, and more broadly between enterprises and sectors, through investment in skills that ensure skills updating and the continuous employability of the workforce and the resilience of enterprises; Provide the conditions for digital transformation of enterprises that leads to employment creation, including employers.’ commitment to introduce technology in a way that benefits at the same time employment, productivity and the work content and improved working conditions. A shared analysis and joint commitment to action needs to be supported by social dialogue structures, comprising employer and workers representatives, to assess and identify training needs linked to digitalisation for the enterprise or sector and its workforce. These can be hard skills and soft skills, set out in an agreed skills training approach.

Measures to be considered include:

* The commitment of both parties to upskill or reskill to meet the digital challenges of the enterprise.
* Access to and arrangements of training, in line with diverse national industrial relations and training practices and taking into account the diversity of the workforce, such as in the forms of training funds / sectoral funds, learning accounts, competence development plans, vouchers. Training provisions should spell out clearly the conditions of participation, including in terms of duration, financial aspects, and worker commitment.
* Where an employer requests to a worker to participate in a job-related training that is directly linked to the digital transformation of the enterprise, the training is paid by the employer or in line with the collective agreement or national practice. This training can be in-house or offsite and takes place at an appropriate and agreed time for both the employer and the worker, and where possible during working hours. If the training takes place outside of working time, appropriate compensation should be arranged.
* A focus on quality and effective training: This means to provide access to relevant training responding to the identified training needs of the employer and the worker. A key aspect of this in the context of the digital transformation is to train workers, to help them make the best possible use of the digital technologies that are introduced.
* Training arrangements that provide skills which could support mobility between and within sectors.
* Internal or external training validation solutions.
* The operation of schemes such as short time work that combines a reduction of working hours with training, in well-defined circumstances.

Digitalisation strategies are built on a shared commitment of social partners to:

* Retraining and upskilling, so that workers can transfer to new jobs or adapt to redesigned jobs within the enterprise, in agreed conditions;
* The redesign of jobs to allow workers to remain within the enterprise in a new role if some of their tasks or their job disappears due to digital technology;
* The redesign of work organisation if necessary, to take account of changed tasks, roles or competences;
* An equal opportunities policy to ensure that digital technology results in benefit for all workers.
* If digital technology contributes to inequality for example between women and men, this issue must be addressed by the social partners.
1. **Modalities of Connecting and Disconnecting**

The Framework agreement states that, the presence and/or introduction of digital devices/tools in workplaces can provide many new opportunities and possibilities to organise work in a flexible way to the benefit of employers and workers. At the same time, this may create risks and challenges around the delineation of work and of personal time both during and beyond working time. It is the employer’s duty to ensure the safety and health of workers in every aspect related to the work. To avoid possible negative effects on workers.’ health and safety and on the functioning of the enterprise, the focus should be on prevention. This refers to a culture where employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

Measures to be considered include:

* Training and awareness raising measures;
* Respect of working time rules and teleworking and mobile work rules;
* Appropriate measures to ensure compliance;
* Providing guidance and information for employers and workers on how to respect working time rules and teleworking and mobile work rules including on how to use digital tools, e.g. emails, including the risks of being overly connected particularly for health and safety;
* Being clear about the policies and/or the agreed rules on the use of digital tools for private purposes during working time;
* Commitment from management to create a culture that avoids out of hours contact;
* Work organisation and workload, including the number of staff, are key aspects which need to be identified and evaluated jointly;
* Achievement of organisational objectives should not require out of hours connection. With full respect for working time legislation and working time provisions in collective agreements and contractual arrangements, for any additional out of hours contacting of workers by employers, the worker is not obliged to be contactable;
* And in respect of the bullet point above, appropriate compensation for any extra time worked, and;
* Alert and support procedures in a no-blame culture to find solutions and to guard against detriment for workers for not being contactable;
* Regular exchanges between managers and workers and/or their representatives on the workload and work processes; Alert and support procedures;
* Prevention of isolation at work.
1. **Artificial Intelligence and Guaranteeing the Human in Control Principle**

This Social Partners.’ Autonomous Agreement sets out some direction and principles of how and under which circumstances AI is introduced in the world of work. The control of humans over machines and artificial intelligence should be guaranteed in the workplace and should underpin the use of robotics and artificial intelligence applications whilst respecting and complying with safety and security controls.

Trustworthy AI has three components, which should be met throughout the system’s entire life cycle and must be respected in the deployment in the world of work:

* it should be lawful, fair, transparent, safe, and secure, complying with all applicable laws and regulations as well as fundamental rights and non-discrimination rules,
* it should follow agreed ethical standards, ensuring adherence to EU Fundamental/human rights, equality and other ethical principles and,
* it should be robust and sustainable, both from a technical and social perspective since, even with good intentions, AI systems can cause unintentional harm.

The potential tensions between respect for human autonomy, prevention of harm, fairness and explicability of decision making should be acknowledged and addressed.

Measures to be considered include:

* Deployment of AI systems:
	+ should follow the human in control principle;
	+ should be safe, i.e. it should prevent harm. A risk assessment, including opportunities to improve safety and prevent harm such as for human physical integrity, psychological safety, confirmation bias or cognitive fatigue should be undertaken;.
	+ should follow the principles of fairness, i.e. ensuring that workers and groups are free from unfair bias and discrimination;
	+ needs to be transparent and explicable with effective oversight. The degree to which explicability is needed is dependent on the context, severity and consequences. Checks will need to be made to prevent erroneous AI output.
* In situations where AI systems are used in human-resource procedures, such as recruitment, evaluation, promotion and dismissal, performance analysis, transparency needs to be safeguarded through the provision of information. In addition, an affected worker can make a request for human intervention and/or contest the decision along with testing of the AI outcomes.
* AI systems should be designed and operated to comply with existing law, including the General Data Protection Regulation (GDPR), guarantee privacy and dignity of the worker.
1. **Respect of Human Dignity and Surveillance**

The social partners in this agreement recall article 88 of the GDPR which refers to possibilities to lay down by means of collective agreements, more specific rules to ensure the protection of the rights and freedom with regards to the processing of personal data of employees in the context of employment relationships.

Measures to be considered include:

* Enabling workers.’ representatives to address issues related to data, consent, privacy protection and surveillance.
* Always linking the collection of data to a concrete and transparent purpose. Data should not be collected or stored simply because it is possible or for an eventual future undefined purpose.
* Providing workers representatives with facilities and (digital) tools, e.g. digital notice boards, to fulfil their duties in a digital era.

*Implementation*: The signatory parties shall evaluate and review the agreement any time after the five years following the date of signature, if requested by one of them.

\*\*\*

In most of the countries (Hungary, Italy, Malta, Poland, Romania, Serbia, Slovenia, Spain, Turkey) covered by the TUDO project - especially in the CEE countries - the implementation of the European Social Partners' Framework Agreement on Digitalisation is not very advanced. The agreement and its importance are not yet well recognised by the social partners. In Italy, for example, there is a stalemate related to the fact that the social partners could not agree on the translation of the text. Therefore, It is of crucial importance to accelerate the national-level dialogue related to digitalisation between trade unions and employers’ organisations, starting from approving translation of the Agreement in all EU Member States. The implementation of the Agreement should be comprehensive and concrete: it should cover national, sectoral, regional and company levels in order to bring the Agreement into working contexts on the ground. The agreement should be transformed into concrete measures at national (or even company) level, i.e. introducing binding rules on the right to disconnect (see reference to the section on telework and the right to disconnect). And also strengthening the capacity of social partners in order to prepare them to deal with digitalisation is of utmost importance.

**Questions**

1. What are the key policies on digitalisation at the EU level?
2. What is are the key objectives of the European Social Partners’ Framework Agreement on Digitalisation?
3. What is the state of the art in implementation of the European Social Partners’ Framework Agreement on Digitalisation?

Ad. 1. European Digital Strategy, Digital Services Act package, Platform Work Directive, Europe’s digital decade

Ad. 2. The main goal of the ESPFA is to facilitate a consensual transition by successfully integrating digital technologies in the workplace, maximizing opportunities while minimizing risks for both workers and employers, and ensuring the best possible outcomes for both. It consists of the following areas: digital skills and job security, connection and disconnection modalities, the human-in-control principle in artificial intelligence, respect for human dignity, and monitoring.

Ad. 3. In most of the countries (Hungary, Italy, Malta, Poland, Romania, Serbia, Slovenia, Spain, Turkey) covered by the TUDO project - especially in the CEE countries - the implementation of the ESPFA is not very advanced, including the difficulties with approving the translation of the agreement into national language in some countries (ie. Italy). It is of crucial importance to accelerate the national-level dialogue related to digitalisation between trade unions and employers’ organisations

## Platform work

The platform economy began to take shape in Europe in the mid-2000s, driven by rapid technological advancements such as the widespread use of the internet, mobile devices, and online applications. Rather than being a distinct sector of the economy, the platform economy is part of broader trends like the casualization and informalization of work and the rise of non-standard employment forms. Examples of online platforms operating within this economy include companies like Uber, Bolt, Lyft, Deliveroo, Foodora, and Amazon Mechanical Turk (mTurk), as well as many others that operate on national, regional, or even city levels.

According to Eurofound, platform work can be defined operationally as "a form of employment where organizations or individuals use an online platform to connect with others to solve specific problems or provide specific services in exchange for payment."

Both online platforms and platform work often operate beyond the scope of current regulations governing business activity and employment, leading to various legal interpretations and creating loopholes for fraudulent practices. While online platforms can be categorized as employers, temporary work agencies, or intermediaries, they often try to avoid these classifications to sidestep regular employment laws. This lack of regulation means that platform workers are vulnerable to exploitative practices, highlighting the need for stronger protections from trade unions, civil society organizations, public institutions, and labour.

It is estimated that at least 5.5 million platform workers may currently be misclassified as self-employed (known as 'bogus' self-employment), depriving them of important employment and social protection rights.

The most comprehensive study by the ETUI (2022) found that the prevalence of internet and platform work is relatively consistent across the 14 largest EU countries analyzed, indicating a uniform development of this type of work across the EU. Specifically, 17% of the working-age population engaged in some form of internet work over the past year, 4.3% participated in platform work, and 1.1% were classified as "main platform workers," meaning they worked 20 hours or more per week or earned more than 50% of their income through platforms.

Internet and platform workers differ from the offline workforce in several ways. They tend to be somewhat younger, though not predominantly students, and are generally better educated, particularly in higher-skilled professional roles. Internet work often complements offline precarious jobs and serves as an additional income source for those with less stable contracts.

Based on the ETUI study, it is estimated that in 2021, the EU27 had around 47.5 million internet workers, 12 million platform workers, and 3 million main platform workers. The most common activities over the past year included remote clickwork (5% of the working-age population) and selling or reselling products other than second-hand items (5%). Nearly 10 million people across the EU (3.4% of the working-age population) engage in clickwork monthly, followed by 5.6 million (2%) involved in selling items and 5.2 million (1.9%) performing remote professional work. In terms of platform-specific work, around 3.8 million people did remote clickwork at least once in the year, with approximately 2 million engaged in delivery, remote professional, and on-location work, and 1.5 million working in transport.

**Platform work by frequency and by country (% of all respondents)**



**Directive on improving working conditions in platform work**

In 2024, after more than two years of intense negotiations, the employment and social affairs ministers of the 27 EU member states reached an agreement on a new directive aimed at improving working conditions in platform work. The directive addresses key issues such as the employment status of platform workers, increasing transparency in the use of algorithms in human resource management, enhancing oversight of automated systems, and granting platform workers and their representatives the right to challenge automated decisions.

Consistent with the previous proposal, the new agreement introduces a presumption of employment status for platform workers, placing the burden of proof on the platforms themselves. Despite France's request, there will be no option to rebut this presumption. The rules on algorithmic management stipulate that platform workers cannot be dismissed or penalized based solely on decisions made by automated systems. Instead, platforms must ensure that key decisions affecting platform workers are subject to human oversight. This marks the EU's first regulation to establish rules on algorithmic management and the use of artificial intelligence in the workplace.

The Algorithmic Management Regulation includes safeguards to protect platform workers from risks associated with automated monitoring and decision-making systems. These safeguards include:

* + - Prohibiting the processing of certain categories of data, such as personal data related to a worker's emotional or psychological state, or biometric data;
		- Increasing transparency of automated monitoring and decision-making systems for platform workers and their representatives;
		- Requiring that decisions to limit, suspend, or terminate a worker's contract or account, or any equivalent detrimental action, be made by a human being.

The proposal also incorporates data protection measures for platform workers. However, the compromise omits European criteria for labor inspectorates or courts to identify potential employment relationships, leaving this to national legislation and collective agreements. This could lead to discrepancies across countries, with some classifying a working arrangement as self-employment and others as employment.

Following the success of the Platform Work Directive, trade unions now have a crucial role in ensuring its effective implementation. They should actively participate in tripartite social dialogue bodies as national governments draft relevant regulations. Trade unions are encouraged to consult with workers' organizations within their country and seek support from EU-level organizations to pressure national authorities into adopting worker-friendly solutions. Additionally, unions can leverage the Directive's transposition to reduce the prevalence of civil law employment, extending these protections beyond platform workers.

**Organising platform workers**

**Unions try to organise workers** in their work environment. This poses a number of challenges as the nature of gig work is characterised by a **lack of physical workplace, dispersion of workers, flexible working time patterns, causal employment relation, and use of new technologies** (both digital devices and online applications). Platform workers therefore have work-specific needs which should be addressed separately and in a new way. On top of that, the public opinion on digital platforms and gig workers is still not fully shaped, therefore unions also address their actions to the wider public. First of all, they **are trying to reach platform workers where they are**, meaning both in virtual space and on the streets where the gigs are carried out. Gig workers are contacted **through social media, thematic forums and dedicated online platforms** (see more below). Union organisers hand out **leaflets** encouraging to join unions and containing information about **services dedicated to platform workers**. Also, some events in public space are organised, like the **flash mob in Cologne**, that attract the attention of public opinion and workers alike. These strategies have been applied by IG Metall, Ver.di (which launched a special office addressed to independent contractors and self-employed) in **Germany**. In **France**, UNSA launched its first actions addressed to gig workers in 2015 by amending the statute in order to be able to affiliate non-salaried drivers. Non-salaried drivers are also affiliated by FO and CFDT. Local sections have been created by the CGT for delivery workers. Currently, all representative trade unions have some services addressed to gig workers. An original initiative for freelancers was launched by the CFDT in December 2016, with the set-up of the ‘Union’ platform. New independent collectives were also created, such as the *Collectif des Livreurs Autonomes Parisiens* (CLAP) for delivery workers. In **Italy**, the first attempts to unionise platform workers started in 2017 with an online questionnaire on working conditions and expectations of workers towards unions launched by UILTUCS, the trade union for workers in the trade and service sector affiliated to UIL. The union has been reaching out to delivery workers on the streets, particularly in Milan, to discuss their problems and affiliate them. A similar strategy was adopted by CGIL, launching a campaign in July 2019 with leafleting and initiatives in squares and shops where delivery workers meet. Delivery workers also organised strikes and campaign through independent movements, especially in large cities. In **Spain**, unions – especially UGT and CCOO – are currently adapting their structure so as to be able to represent the interests of workers operating under different employment statuses. This includes exploring ways of organising workers in the digital economy to complement traditional formulas.

**Questions**

1. What are the key problems related to platform work? How workers’ rights might be endangered in this sector?
2. What are the key provisions of the Directive on improving working conditions in platform work?
3. What challenges unions encounter in organising platform workers and what are the examples of counteracting them?

Ad. 1. Misclassification of the employment status, casualisation and informalisation of work, limited or lack of social protection, work in dispersion which poses a challenge for union organising and collective actions, including negotiating working conditions.

Ad.2. The directive addresses key issues such as the employment status of platform workers, increasing transparency in the use of algorithms in human resource management, enhancing oversight of automated systems, and granting platform workers and their representatives the right to challenge automated decisions.

Ad. 3. Challenges: lack of physical workplace, dispersion of workers, flexible working time patterns, causal employment relation, and use of new technologies. Gig workers are contacted through social media, thematic forums and dedicated online platforms (see more below). Union organisers hand out leaflets encouraging to join unions and containing information about services dedicated to platform workers. Also, some events in public space are organised, like the flash mob in Cologne.

## Telework and the right to disconnect

Teleworking became very popular during and after the COVID-19 pandemic. Remote communication technologies allowed some companies to continue operations while maintaining the imposed sanitary regime, which would not have been possible two decades earlier.

First, the overall share of potentially teleworkable employment in the European Union (EU) is approximately 37% (2021), varying from 27% in Romania to 54% in Luxembourg. Second, teleworkable employment is more prevalent among women (45%) compared to men (30%), and it tends to be more common among native-born workers, those with open-ended contracts, and individuals working in large companies and urban areas, as opposed to suburban or rural regions. Third, teleworkable employment is significantly large among white-collar workers than blue-collar workers, the latter characterized by physical requirements and location dependence. Among white-collar workers, the potential teleworkable employment ranges from 85% for clerical support workers to approximately 28% for service and sales workers, while the share is less than 2% among blue-collar workers such as craft and trade workers, machine operators, and elementary occupations. Finally, the service sectors with a higher prevalence of white-collar employees, such as financial services (93%) and ICT services (79%),have higher proportions of teleworkable employment. Sectors like healthcare (30%), retail (27%), and accommodation/food services (16%) have lower shares of teleworkable employment. Primary sectors, manufacturing, and construction have relatively low proportions of teleworkable employment, ranging from 10% to 20%. Wage and education levels play crucial roles as determinants of teleworkability. Higher-paying jobs and greater educational attainment are associated with larger shares of potential teleworkable employment, with 74% of the highest-paying jobs falling into this category compared to only 3% of the lowest-paying jobs.

Telework brings both positive and negative aspects to work and its organisation. As for the former, higher quality of work as perceived by workers, flexible work schedule and higher degree of autonomy make remote working an acceptable practice for many workers**.** Autonomy becomes crucial when focusing on remote working, as it requires a reevaluation of how work is performed and evaluated. As for the latter blurred boundaries between work and private life and the tendency to work longer hours are two of the most relevant problems that teleworking brought about. For instance, the quality of work and life conditions for remote workers is strongly dependent on personal and family circumstances, which are external to the work relationship. This highlights a failure of regulations that should ensure equal conditions for all workers.

Telework has a significant impact on working conditions, leading to reduced commuting, increased work flexibility, greater autonomy, and changes in the organization and content of work. While it provided protection against COVID-19 infection, it also has negative effects on physical and psychological health. The impact on work-life balance is ambivalent, with interviewees reporting contradictory findings, highlighting the existence of a work-life balance paradox. Also some specific skills in telework are necessary. This includes both digital skills, such as using digital programs, remote drives, and communication applications like Zoom and Teams, and organizational skills related to autonomy, self-discipline, task planning, remote collaboration, and separating work from home activities.

Telework is expected to remain a significant aspect of the work experiences of companies and workers, predominantly in hybrid forms. The long-term consequences of telework adoption are yet to be fully observed in the future.

**The right to disconnect** refers to a worker’s right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails or other messages, during non-work hours. This concept has developed as a result of advances in communication technologies and their impact on people’s. The widespread use of smartphones and other digital devices means that being always ‘on call’ has become a reality in many workplaces, as continuous remote access can create pressure for employees to be constantly accessible. The expectation that workers will be available at almost any time for online or mobile communication is now considered potentially hazardous to workers’ health.

At national level, **France** is considered to be a pioneer in legally recognising this new right. As early as 2013, a national cross-sectoral agreement on quality of life at work encouraged businesses to avoid any intrusion on employees’ private lives by specifying periods when devices should be switched off. This right was subsequently made law on 8 August 2016, and is now regulated by Article L.2242-17 of the Labour Code. France’s approach has gone some way towards inspiring other EU countries. According to a 2021 Eurofound report, to date, Belgium, France, Italy and Spain have legislation that includes the right to disconnect, and discussions were ongoing in other Member States.

Beyond the formal and legal recognition of a right to disconnect, many initiatives at company level aim to regulate the possible negative impacts of communication technologies on workers’ lives. The French telecommunications group Orange, for example, signed a company collective agreement on 27 September 2016. Relating to the digital transformation of the group, this agreement established a right to disconnect for employees. In Germany, Volkswagen was reportedly the first company to implement a company-wide freeze on out-of-hours emails in 2012.

Some multinationals have also concluded transnational agreements with provisions on the right to disconnect. Belgian chemical company Solvay stressed in its global framework agreement on digital transformation that it ‘actively supports the general principle of disconnecting outside working hours’. Italian bank UniCredit has adopted a joint declaration on remote working with its European Works Council, which includes a right to switch off, to ensure that employees can keep to their standard working hours.

**Regulatory framework on telework and the right to disconnect**

Prior to the COVID-19 pandemic, many countries in Europe already had telework regulations in place, mainly as a result of the EU-level social partners' Framework Agreement on Telework (2002). During the pandemic, additional framework agreements on digitalisation were signed, and the European Parliament adopted a resolution on the right to disconnect and fair telework, urging the European Commission to introduce an EU-level directive on the matter. A review and update of the 2002 Framework Agreement on telework was planned, with the aim of adopting a legally binding agreement through a directive, taking into account the experience gained, in particular during the COVID-19 period. Unfortunately, the efforts of the social partners at European level to negotiate the directive on telework and the right to disconnect failed in 2023. Eurocadres (the EU-level trade union) announced that two of the three employer delegations had walked away from the negotiating table, effectively halting the process. Following the breakdown of autonomous negotiations between the social partners on this issue in December 2023, the European Commission launched the first phase of consultations on 30 April 2024.

**Questions**

1. What is telework and the right to disconnect? How these two are interconnected?
2. What is the impact of spreading telework on various aspects of working conditions?
3. How telework and the right to disconnect are regulated at the EU level? What are the best practices in this respect at national and company level?

Ad.1. Telework is a work arrangement in which work is performed outside a default place of work, normally the employer’s premises, by means of information and communication technologies (ICT). The characteristic features of telework are the use of computers and telecommunications to change the usual location of work, the frequency with which the worker is working outside the employer’s premises and the number of places where workers work remotely (mobility). The right to disconnect refers to a worker’s right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails or other messages, during non-work hours.

Ad.2. Telework brings both positive and negative aspects to work and its organisation. As for the former, higher quality of work as perceived by workers, flexible work schedule and higher degree of autonomy make remote working an acceptable practice for many workers**.** Autonomy becomes crucial when focusing on remote working, as it requires a reevaluation of how work is performed and evaluated. As for the latter blurred boundaries between work and private life and the tendency to work longer hours are two of the most relevant problems that teleworking brought about. For instance, the quality of work and life conditions for remote workers is strongly dependent on personal and family circumstances, which are external to the work relationship.

Ad.3. Prior to the COVID-19 pandemic, many countries in Europe already had telework regulations in place, mainly as a result of the EU-level social partners' Framework Agreement on Telework (2002). In 2024, the European Commission launched the first phase of consultations on the need for telework regulations after the fiasco of the autonomous initiative of the European Social partners to conclude an agreement in this respect.

## Digitalisation and work-life balances

The use of digital technologies in the workplace really took off following the outbreak of the pandemic and the changes in the world of work that came with it, such as teleworking, social distancing and the introduction of health protocols to combat the spread of the virus. We had to find new ways of doing business to control the spread and impact of the virus. It's worth noting that new forms of working didn't start with the pandemic. It's becoming increasingly clear that they're here to stay and will become more popular. The pandemic has really sped up the move to digital. The digital revolution is changing everything about the way we work. It's transforming the nature and content of work, how we arrange our working time and even the way we relate to our workplaces. In this context, things like stress, poor mental health and safety risks can all be linked to the way work is organised and the way it is done. During this global crisis, it is really important that workers' representatives work together to make sure that the way work is done does not get affected by the pandemic and the digitalisation that is happening quickly. This is to make sure that everyone in the EU is treated the same and that there are no inequalities in how work is done in different countries.

Digitalisation is perceived by workers as an additional factor rather than the cause of fundamental changes in the quality and organisation of work. Moreover, the technological advances made possible by digitalisation reinforce existing trends towards the reorganisation, flexibilisation and individualisation of work (as a result of the New Public Management paradigm, austerity policies and productivity pressures in the private sector).

The table below, taken from Voss and Rego (2019), highlight the main opportunities and threats related to the digitalisation of public services.

**Overview of the main opportunities and threats related to digitalisation**

|  |  |
| --- | --- |
| **OPPORTUNITIES** | **THREATS** |
| New jobs (computer engineers and scientists, network experts, maintenance etc.)  | Destruction of medium and low-skilled jobs (automation and computerisation)  |
| More ‘agile’ work organisation; new forms of more flexible and more autonomous work  | Intensification of ‘anytime, anywhere’ work; ‘always-on culture’; ‘hyper-connectivity’ resulting in blurring of the boundary between private life and working life leading to stress and burnout  |
| Abolition of repetitive, low-skill and routine tasks, reduction or elimination of arduous or dangerous work. Improvement of occupational safety and health  | Loss of control by workers over their own expertise, know-how and free will (becoming the “tool” of a machine)  |
| Better ergonomics, help in performance of heavy or complex tasks  | Digital management, policing of workers, risk of mutual loss of trust between employees and management  |
| New forms of collaboration and cooperation among workers  | Depersonalization of work, loss of face-to-face interactions, erosion of social skills at work  |
| Reshoring (return of industries and new ‘smart’ factories – and jobs – to their regions or country of origin)  | Precarisation of jobs and of employment relationships, dependence on ‘data masters’; ‘servification’  |
| Possibility of new ways of distributing productivity gains (working time reduction)  | Weakening of collective action and industrial relations; shrinking of traditional collective bargaining coverage  |
| Possibilities of social emancipation due to a new concept of ‘work’ and change of economic model based on peer-to-peer relations (where all participants/actors are equal) and common goods  | Skills and training/labour demand mismatch  |
|  | Exacerbation of inequalities (as regards skills and competences, “core” vs. “peripheral” jobs and positions, etc.)  |
|  | Wage level stagnation or decline due to an increase in highly flexible employment relationships and interrupted employment histories  |
|  | "Digital Taylorism" and emergence of a class of digital workplace-based workers (crowd sourcing); world competition among workers for all jobs not requiring face-to-face contact  |
|  | Erosion of country-based tax base and social insurance financing  |

*Source: Voss and Rego (2019) based on Degryse (2016).*

Digitalisation helps make work more efficient and effective. We're looking at some great improvements in the quality of workers' jobs. These include more flexibility in terms of time and space (remote work), more autonomy at work, less routine and repetitive tasks, a better work-life balance, better collaboration, communication and knowledge sharing with colleagues and users, less absenteeism, and better physical and mental health. All of these changes are expected to make people more productive and ultimately happier at work. On the other hand, digitalisation can also have a negative impact on workers' well-being. Just to give you a few examples: work intensification, de-personalisation of service tasks (‘social time’), individualisation of work relationships with colleagues and managers, control and monitoring of workers and their job tasks, blurring of boundaries between work and private life, physical and mental health hazards.

The ambivalent effects of digitalisation on the nature of work organisation generate paradoxical tensions: workers must cope with these in order to strike a proper a balance. These tensions include: greater flexibility in time and space vs. respect of effective contractual working hours, work-life balance vs. hyper-connectivity, individualised work vs. team work, enhanced information vs. information overload, increased autonomy vs. increased control, upskilling vs. deskilling, better public services vs. distancing from the users.

**Questions**

1. What are the opportunities and threats related to the impact of digitalisation on labour?
2. What are the benefits and what are the limitation of digitalisation in the context of work?
3. How can digital tools be used to improve working conditions and workers’ rights?

Ad. 1. See the table in the text.

Ad. 2. Digitalisation helps make work more efficient and effective. We're looking at some great improvements in the quality of workers' jobs. These include more flexibility in terms of time and space (remote work), more autonomy at work, less routine and repetitive tasks, a better work-life balance, better collaboration, communication and knowledge sharing with colleagues and users, less absenteeism, and better physical and mental health. All of these changes are expected to make people more productive and ultimately happier at work. On the other hand, digitalisation can also have a negative impact on workers' well-being. Just to give you a few examples: work intensification, de-personalisation of service tasks (‘social time’), individualisation of work relationships with colleagues and managers, control and monitoring of workers and their job tasks, blurring of boundaries between work and private life, physical and mental health hazards.

Ad. 3 open question

## Key competences for TUDO

Support and training for workers is essential to make teams more effective in the digital world of work. Upgrading skills is important for both workers and citizens to foster the development of a true digital culture through education systems, lifelong learning opportunities and vocational training. Development of the unions capacities in this respect might include the following:

* Ensure that skills development includes both generic digital literacy, such as 'understanding technology', basic digital skills and digital communication, and training in specific technologies and systems for specific tasks/jobs, etc. Pay particular attention to the training of older workers and promote intergenerational cooperation in the workplace.
* Individual training needs should be taken into asccount through needs assessments and a bottom-up approach, rather than top-down curricula.
* Training courses, whether provided by employment services or by employers, should be preceded by an appropriate diagnosis to ensure that the proposed courses meet real labour market needs. Training that does not improve employability should be avoided, as it wastes public funds and gives false hope to trained workers that the time spent will improve their individual labour market situation.
* Training programmes should be offered early enough to prevent unemployment and build the capacity of workers to progress in their current jobs or to find work elsewhere. Remaining unemployed - even when a comprehensive training package is provided - makes it much more difficult to return to work and obtain a rewarding job, and puts the unemployed person's household at risk.
* Guarantee the right to retraining during working hours and ensure job substitution to make access to training effective, including appropriate certification, to promote personal development and career prospects.
* Exchange of experience and good practice across sectors and countries.

Also the capacity of unions should be developed in regards to the thematic knowledge on digital matters, recognition of general regulations and institutional contact of collective labour relations and practical skills in terms of organising and networking.

* Thematic knowledge on various aspects of digitalisation, including potential gains and challenges for workers.

It is of utmost importance to be acquainted with the latest developments in terms of the challenges related to digitalisation and relevant legislation. The above parts of the e-learning tool as well as the manual that was produced in the TUDO project might contribute to building knowledge and unions capacity in this respect. It is also recommended to take part with thematic trainings that will allow for discussion and exchange of experiences with colleagues in other sectors and countries. Hopefully, this will lead to counteracting possible increase of inequalities among workers, deterioration of working conditions and mitigating possible negative impact of digitalisation on the workers’ rights.

* Knowledge on collective representation mechanisms (both legal regulations and practices)

In order to act effectively, the TUDOs need to have broad knowledge and understanding of workers’ rights and collective relations. Despite the fact that the training provided will focus specifically on various aspects of digitalisation, some selected elements on collective labour relations should be recognised e.g. legal regulations on information, consultation and participation rights (mostly at the EU level – see below), European policies and initiatives (e.g. Charter of Fundamental Rights of the European Union, European Pillar of Social Rights, recent developments on platform work directive, telework and right to disconnect directive, recast directive on European works councils, reform of European social dialogue, etc.). It is recommended that those involved in dealing with digitalisation issues will develop their knowledge individually on country level regulations and practices related to trade unions, collective labour disputes, industrial relations systems, including collective bargaining, etc.)

* Union organising and networking skills.

Union organising is the perpetual task that builds the strength of organisation and its ability to protect workers’ interests. Adequate knowledge on digitalisation allows for preparing union members to negotiate various aspects of digitalisation at company and sectoral level, and to update their knowledge by exchange in the international network. Therefore, effective transnational cooperation, communication and negotiation skills, as well as the use of digital communication tools are of key importance.

**Information, consultation and participation rights**

The EU legislation provides workers with rights to information, consultation and participation, which establish mechanisms for social dialogue in order to prevent collective labour disputes.

Council Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community[[8]](#footnote-8) defines "**information**" as “transmission by the employer to the employees’ representatives of data in order to enable them to acquaint themselves with the subject matter and to examine it” (Article 2 (f)). "**Consultation**" is defined as “the exchange of views and establishment of dialogue between the employees’ representatives and the employer” (Article 2 (g)). This directive introduces the requirement to provide information and consultations in the company with the representatives of employees and creates the legal basis to establish **works council** (WC). These entries concern enterprises employing at least 50 employees in any one Member State; or EU establishments with at least 20 employees in any one Member State. The Directive leaves flexibility to the Member States as to the practical arrangements that can be made in agreement with the social partners. However, they must comply with the principles expressed in Art. 1. Namely, “(3.) When defining or implementing practical arrangements for information and consultation, the employer and the employees' representatives shall work in a spirit of cooperation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the undertaking or establishment and of the employees.”

**The information and consultation procedures shall cover**:

* information on the recent and probable development of the undertaking's or the establishment's activities and economic situation;
* information and consultation on the situation, structure and probable development of employment within the undertaking or establishment and on any anticipatory measures envisaged, in particular where there is a threat to employment;
* information and consultation on decisions likely to lead to substantial changes in work organisation or in contractual relations,

The right to information and consultations is also granted to employees in transnational enterprises operating in the European Union. Directive 94/45/EC on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees [[9]](#footnote-9)and the subsequently updated Directive 2009/38/EC[[10]](#footnote-10) created the basis for the establishment of **European works councils** (EWC). These are permanent bodies of employee representation that facilitate information and consultation processes.

The main motivations staying behind the establishment of such a mechanism was the need for a workers' response to the developing globalization processes of enterprises and the need for greater integration in the European Union, also in the dimension of social dialogue. Along with the greater internationalisation of companies, a relevant level of social dialogue was needed that corresponded with adequate bodies were decisions made in order to balances the position of workers and employers. European Works Councils have introduced a new European level of industrial relations. The EWCs might be created in multinational companies having establishments in at least two member states. Such companies must comply with the following criteria:

* have at least 1000 employees in the Member States
* and have at least 150 employees in each of at least two Member States

The Directive 94/45/EC has been amended after 15 years of operation. The new Directive 2009/38/EC (Recast) strengthened the role and rights of EWCs in many areas, in particular:

* it strengthened and defined more clearly EWC rights to information and consultation,
* distinguished more clearly information and consultation within the EWC from processes carried out by national bodies and thus introduces a new definition of "transnational issues", which are the responsibility of the EWC;
* gave a stronger role to trade unions,
* entitled EWC members to participate in training without losing remuneration due to absenteeism,
* included rules for adapting EWCs to structural changes in the context of multinational companies.

**In 2023, the European Parliament adopted a legislative own-initiative resolution calling on the Commission to strengthen the role and capacity of EWCs.** The Commission's main proposed changes include: A. Giving equal rights to workers of multinational companies operating in the EU/EEA to request the creation of a new EWC: exemptions from the current Directive will be removed, allowing 5.4 million workers in 320 multinational companies with pre-existing agreements to request the establishment of an EWC. B. Clarifying the definition of transnational matters: ensuring that EWCs complement and do not overlap with the work of national information and consultation bodies. A clear definition is crucial for determining when EWCs must be consulted and informed. C. Ensuring that workers in multinational companies are consulted in a timely and meaningful way on issues concerning them. D. Making sure EWCs have the necessary capacity to do their work: EWC agreements must specify the financial and material resources allocated, for instance as regards experts, legal costs, and training. E. Strengthening gender balance, F. Improving access to legal remedies. The Commission's proposal amending the European Works Council Directive will be discussed by the European Parliament and the Member States. Once adopted, Member States will have one year to incorporate the Directive into national law. The new rules will then start to apply two years later. During the two-year period, parties can adapt their EWC agreements to the revised requirements.

Employees may also undertake activities which are called **employee participation** and are associated with greater employee involvement. Employee participation may be direct - then it consists in direct practices of negotiation, usually individual, between employees and the employer. There is also participation mediated by democratically elected employee representatives. In European Union countries, employees can usually meet the following forms of representation:

* trade union (there can be more than one union in a given workplace)
* *ad hoc* representations - established ad hoc in order to initiate a dialogue in order to resolve an issue that is important at a given moment. They are usually established in place of a trade union, if such an organization has not yet been established in a given company.
* board-level employee representation (BLER). In most European Union countries, employees have the right to elect their representatives to statutory bodies (supervisory board, management board) in selected companies (most often in state-owned companies or other relatively large enterprises or in the public sector).

**Board-level employee representation** is a mechanism of workers participation and an important element of industrial democracy. According to Aline Conchon (2011), board-level employee representation “refers to the phenomenon in which employees choose or designate their representatives for the statutory bodies of companies”. The workers’ representatives once elected (or designated) have the responsibilities equal to other members of the statutory bodies in company (supervisory board, executive board) and represent workers’ interests at the same time (Munkholm, 2018).

Unlike the information and consultation rights, regulations on BLER are left to the discretion of the Member States, and therefore there is no legal framework allowing for setting certain standards in each country in this respect. In result, a large variety of adopted BLER solutions might be found in the EU countries. BLER is in place in 19 out of 31 countries of the European Economic Area, 14 of which enjoy the wide regulation scope and five only limited participation rights. In every country a specific system has evolved and board-level representation is always embedded in the wider context of the national industrial relations system (for further details on country level differences see Conchon, 2011 and Munkholm, 2018).

Some directives expressly recognise participation rights in relation to changes in company status or companies’ transnational mobility (Owczarek, 2021). In these instances, the relevant directives safeguard participation rights in the involved companies. For instance, Directive 2001/86/EC – which supplements the European Company Statute – ensures employee involvement in European companies through informing and consulting employees. It even protects board-level participation when such participation already exists in one of the companies involved in the process of creating a European company. Moreover, the Cross-Border Mergers Directive 2005/56/EC contain provisions ensuring that the mechanisms of information, consultation and participation in the merging companies will be maintained at a level not worse than before the merger - under certain conditions. These labour rights were repeated in the subsequent EU Directive 2017/1132/EC relating to certain aspects of company law. Additionally, Directive 2019/2121 amending Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions extended the scope of the regulated restructuring from mergers also to divisions and conversions.

**Questions**

1. What are the unions needs in terms of training on digital matters?
2. How to enhance the capacity of trade unions to increase their effectiveness in ensuring their interests?
3. What are the workers rights in regards to information, consultation and participation? Please refer not only to the rights ensured at the EU-level but also to your national context (especially in the case of participation rights).

Ad. 1. Developing both generic and specific digital skills, appropriateness of the training curricula to the reality, timely training in order to avoid unemployment and skill gaps, Guarantee the right to retraining during working hours and ensure job substitution, exchange of experience and good practice across sectors and countries

Ad. 2. Thematic knowledge on various aspects of digitalisation, including potential gains and challenges for workers, Knowledge on collective representation mechanisms (both legal regulations and practices), Union organising and networking skills.

Ad. 3. Council Directive 2002/14/EC establishing a general framework for informing and consulting employees in the European Community, Directive 2009/38/EC[[11]](#footnote-11) created the basis for the establishment of European works councils, Directive 2019/2121 amending Directive (EU) 2017/1132 as regards cross-border conversions, mergers and divisions, national level legislation on board-level employee representation

1. <https://digital-strategy.ec.europa.eu/en/policies> [↑](#footnote-ref-1)
2. <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package> [↑](#footnote-ref-2)
3. <https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2944> [↑](#footnote-ref-3)
4. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52021DC0118> [↑](#footnote-ref-4)
5. <https://www.etuc.org/system/files/document/file2020-06/Final%2022%2006%2020_Agreement%20on%20Digitalisation%202020.pdf> [↑](#footnote-ref-5)
6. <https://www.epsu.org/article/employers-reject-eu-cross-sector-telework-rights-implement-sectoral-agreement> [↑](#footnote-ref-6)
7. <https://www.etuc.org/system/files/document/file2020-06/Final%2022%2006%2020_Agreement%20on%20Digitalisation%202020.pdf> [↑](#footnote-ref-7)
8. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32002L0014 [↑](#footnote-ref-8)
9. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A31994L0045 [↑](#footnote-ref-9)
10. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009L0038 [↑](#footnote-ref-10)
11. https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32009L0038 [↑](#footnote-ref-11)