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Committee on Social Affairs, Health and Sustainable Development

Minutes

Public hearing on “The future of work is here: revisiting labour rights”, held in a hybrid manner, on Thursday, 17 March 2021

In the framework of the report currently in preparation on “The future of work is here: revisiting labour rights” by **Ms Selin Sayek Böke** (Turkey, SOC), the Committee held a public hearing with the participation of:

- ✓ **Mr Stijn Broecke**, Senior Economist and lead of the OECD Future of Work Initiative
- ✓ **Mr Richard Samans**, Director, RESEARCH Department, International Labour Organization
- ✓ **Ms Abigail Marks**, Professor of Future of Work, Newcastle University Business School (United Kingdom)

Ms Sayek Böke, Committee Chairperson, opened the hearing and introduced the guest speakers. She then outlined the context for the preparation of her report and the main regulatory issues politicians should consider for better protecting social rights against the backdrop of increased teleworking, hybrid work, use of new technologies and atypical employment. The aim of the hearing was, therefore, to draw policy insights and recommendations for handling shifts in the organisation of work against the backdrop of digitalisation, automation (AI), globalisation and remote working (especially in the context of the Covid-19 pandemic) so as to ensure a good balance between societal and individual needs, workers' wellbeing, quality of jobs and reduction in socio-economic inequalities.

Mr Broecke explained the OECD's work with regard to helping policy makers tackle socio-economic challenges arising from multiple transformations in the world of work. In terms of workers' exposure to AI applications, the full extent of its impact was not yet clear, nor well understood. There were problems with transparency, data privacy, possible discrimination, surveillance of workers and accountability for automated decision-making. However, AI did not land on an empty regulatory field: the existing set of rules applied also to AI technologies. The EU's AI Act took a risk-based approach in providing a common set of rules; however, in the employment sphere, more thought should be given to defining risks and impacts for more vulnerable groups such as women and persons with disabilities. More precaution was needed in controlling the use of AI technologies and giving a voice and adequate skills to employees who were asked to use AI. Algorithmic management had first been tested in the platform economy, but now was spreading to other sectors. Employment status (self-employed worker dependent on one client or employee) was crucial in that context, with a huge impact on employment conditions and social protection.

Technological progress and digitalisation in recent years had enabled massive teleworking during the Covid pandemic: 55% of highly-educated workers were able to telework from home versus less than 22% of less-educated workers, and teleworking rates were much higher for women than men. There was a need to carefully investigate the benefits of teleworking, but also the risks to mental health. Countries where regulations on teleworking were in place before the pandemic saw much higher rates of recourse to teleworking during the pandemic. Clearly, sorting out issues around the enforceable right to teleworking, the valid reasons for teleworking and the right to switch off but also the risks inherent in teleworking, was highly important for tapping the full benefits of it to society, employers and employees.

Mr Samans reviewed the ILO's work on changes needed in labour policies for hybrid working/teleworking, platform-driven work, and worker protection in the context of increasingly atypical forms of employment and massive digitalisation. The scope of change went well beyond the use of various technologies and had broader implications for human work. The ILO took the view that a voluntary approach to the future of work with a human-focus was needed. Its centenary declaration, adopted by consensus, made a global call for action on governments and multilateral institutions to upgrade the social contract in society, asking social partners to invest

¹ The minutes were approved and declassified by the Committee on Social Affairs, Health and Sustainable Development at its meeting on 25 April 2022, held in a hybrid manner.

in people's capabilities, institutions, and the creation of decent and sustainable work. Labour policies should be given a more prominent role in managing the economy and mitigating widening inequalities. Better policy coherence and rights-supporting policies were needed at national but also international levels, to smooth the transition to the future of work and ensuring the post-pandemic recovery.

In terms of digital challenges for human work, policy makers should properly consider the risks but also use new technologies as drivers of improved labour administration and enablers of rights as regards employment services, reskilling and upskilling, as well as inspection and compliance. From an economic angle, a major challenge consisted in properly managing the dynamics of AI penetration rather than only focusing on the net effects and results. Overall, digitalisation should be used to augment and facilitate human labour, rather than replace it. Moreover, increasing use of digital tools should be compatible with the sustainability objectives enshrined in the Paris Agreement on climate change.

Digital platform work (for location-based and web-based services) was a growing field of activity where rules were mainly shaped by service providing platforms. For location-based service providers platform work was the main source of income, while for web-based service providers platform work represented only about a third of their income. Individual countries had adopted specific labour protection measures for platform workers, such as France on protection from accidents, Ireland on sickness leave and death benefits, and Finland on eligibility to receive unemployment benefits. Employment status, however, remained a big issue, as did working time, pay, dispute resolution, data protection and privacy. Overall, the regulatory framework remained patchy and heterogeneous across different jurisdictions; more international regulatory dialogue was needed to improve the protection of platform workers and to agree on a minimum set of rights.

Over 2020-2021, teleworking had concerned about a third of workers in EU countries (but over 50% in Finland, Luxembourg, Netherlands, Belgium and Denmark; over 40% in Ireland and Italy). Worldwide, there have been numerous developments in legislation concerning teleworking (notably in Australia, New Zealand, the United Kingdom, Argentina, Chile, Mexico and the Russian Federation). The right to disconnect was also gaining ground with EU countries leading the way (Belgium, Spain, Italy). Surveillance practices in the workplace should, in principle, only be authorised with the workers' prior agreement and independent auditing to accompany the process.

Ms Marks focused on lessons to be drawn based on the Working@Home project in the United Kingdom (UK), including as regards gender-related aspects of the study. Three surveys across the UK had looked at workers' experience of teleworking due to Covid-19 (May 2020-February 2022). Overall, they had shown that individual productivity grew by up to 35%. However, this came about through a massive increase in the use of collaborative software and the amount of time spent by workers online (for over 50% of workers this represented between three and ten hours per day). This impacted the perception of the pace of work: about 40% of workers felt that the collaborative software forced them to work faster, and about 30% of workers felt they had greater amounts of work to do, which also impacted on their private life. Technically speaking about 80% of jobs could be teleworked across the UK, subject to some adjustments and reframing of tasks. Moreover, because of the increased technological complexity, over 40% of workers experienced work overload by engaging in work even during their annual leave. Working time per week increased on average from 40 to 41 hour per week for full-time workers. With hybrid work, 43% of women felt that they were under strain compared to 35% of men; as a result, over 40% of women felt depressed compared with 27% for men. This clearly had a major impact on wellbeing at work. Those with a dedicated office space at home were mainly men.

The three surveys had shown that more than 80% of workers wanted to spend at least part of their work week at home, with only 15% preferring full-time office work and about 15% wishing to work full-time from home. The latter, however, could have some detrimental effects on workers' wellbeing because of the intensity of work and social isolation. The standard working week (8 hours a day five days a week) had been set up in the "old times" for a narrower range of tasks and no longer corresponded to modern requirements. Importantly, using collaborative software enabled high-intensity work and adequate concentration for about 4 to 6 hours a day and was more appropriate for use with shorter work weeks (4-day-weeks). This was hugely important for regulation, which should better consider the implications of teleworking and hybrid working on worker safety and health. Stronger regulatory protection of workers against discrimination and as regarding working hours was necessary. Flexibility of teleworking was highly appreciated by women, but greater recourse to teleworking tended to slow the progression of their careers. Finally, teleworking and hybrid working enabled a more creative review of job descriptions.

Mr Moutquin wondered what proportion of stress at work was due to the pandemic and to teleworking or hybrid working, and how that affected single-parent families. He also expressed concern over the use of facial recognition technologies for surveillance purposes. It was also important to consider ways of overcoming a digital divide affecting certain categories of workers (notably more senior ones and those with several children). Regulation could make provisions so that employers would be required to provide workers with adequate equipment to enable teleworking or hybrid work.

Mr Davies referred to research which had shown that older workers who could telework were more likely to retire later and could wield a significant boost to the overall productivity of the economy. Moreover, well-framed teleworking was enabling more women to stay employed rather than putting their career on hold for childcare or other family-care reasons. Thus, teleworking empowered more workers and enabled more people to stay in the labour market. Furthermore, there were compelling environmental reasons for encouraging people to telework because working from home at least one day a week would significantly reduce road congestion, overcrowding of public transport during peak hours and air pollution. From the worker safety perspective, there were also imperative reasons to reduce the circulation of Covid-19 and the rate of infections through the workplace. Hybrid work combining office presence with teleworking should therefore be encouraged for those jobs where it was possible.

Ms Sayek Böke asked the guest speakers about the reskilling and upskilling needs for different categories of workers to enable them to do more teleworking or hybrid work. She also wondered about the need for national policies to foster social dialogue and give a new role to labour unions in the context of dispersed workers. Also, there were open-ended questions as to how to ensure the health and safety of teleworkers, and how to balance the need for shorter working days and shorter working weeks.

Mr Samans replied that at the national level a regulatory approach could be elaborated through effective social dialogue. Unionisation of workers was helpful but remained limited. Thought should be given to alternative ways of acknowledging workers' voices. Obstacles for self-employed workers to engage in collective bargaining (due to modalities of competition law) should also be removed. An important regulatory challenge was therefore to improve coherence between national competition policy and law on the one hand and the fundamental right to work together with collective bargaining on the other hand.

Mr Broecke, as regards surveillance of workers, observed that the regulatory challenges in Europe were less acute than in the United States, where the right to privacy in the workplace was very limited. Many European countries had additional safeguards in that worker representatives needed to be informed and consulted about any use of surveillance technologies in the workplace. Collective bargaining mechanisms could be used to promote reskilling and upskilling of workers on a sectoral basis and to facilitate transitions in the labour market. With the increased use of automation, the bulk of changes were happening with the entry of young workers into the labour market, which also demonstrated the importance of modernising national education systems.

Ms Marks tended to think that the environmental benefits of teleworking should be further studied (notably costs of heating, commuting, overall energy use) and quantified to provide a solid basis for regulatory decisions. Households with many low-age children were more likely to find teleworking in good conditions more difficult. Studies were underway on the benefits of shorter working days and weeks. In this context, polarisation of workers (those working long hours versus shorter hours) should be avoided. However, greater flexibility was definitely the gateway to rational decisions.

The Chairperson thanked the participants for their very valuable contributions and closed the hearing.

Committee on Social Affairs, Health and Sustainable Development
Commission des questions sociales, de la santé et du développement durable

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