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## **Committee on Social Affairs, Health and Sustainable Development**

### **The future of work is here: revisiting labour rights**

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#### **Report<sup>1</sup>**

##### **A. Draft resolution<sup>2</sup>**

1. Across Europe and worldwide, work has been and is likely to remain central to human life. It ensures subsistence, access to autonomous living and enjoyment of various benefits and rights. Work can also give meaning to one's life and underpin one's dignity by offering a role in society and contributing towards shared prosperity: work binds us all together. In recent years, new technologies and the Covid-19 pandemic have radically transformed the world of work, affecting the organisation of work, workers and workplaces. As we see a massive shift towards atypical forms of employment and increased teleworking, some fundamental aspects of labour rights and policies require an open societal debate to correct imbalances so that no-one is left behind and economic security is guaranteed to all.

2. The Parliamentary Assembly notes that this new reality has led to substantive changes in working conditions and relations between employers and employees, with direct and indirect effects on health, wellbeing, and socio-economic rights of people at work. While it acknowledges the possibility of positive productivity effects, it views with concern many situations of precarious employment and discriminatory practices at work, in particular regarding women with care-giving responsibilities. The changing nature of jobs also impacts workers' rights to association and collective bargaining, as well as the functioning of trade unions, and amplifies the risk of abusive recourse to surveillance or worker control technologies. Furthermore, given that globalisation of work weakens the reach of national social protection systems and individual protections across borders, the Assembly sees an urgent need to mainstream higher minimum labour standards worldwide, including basic occupational health and safety norms, under the guidance of the International Labour Organization (ILO).

3. Moreover, the societal emphasis on paid work fails to mirror the complexity of human nature and life. It turns a blind eye to the huge amount of unpaid work that billions of women around the globe offer to society by caring for children and other household members (usually the elderly): in most countries women still do two-thirds of all unpaid care work, a trend further worsened during the pandemic. Such an approach also depreciates paid care work, as well as volunteer work. The Assembly therefore advocates for a rehaul of labour policies to ensure a better recognition of unpaid work and build a more socially just society.

4. Telework has stormed like a tidal wave into the world of work during the Covid-19 pandemic. The Assembly is convinced that telework will stay a permanent feature of work organisation for knowledge workers, mostly in the form of hybrid arrangements which combine online and physical presence at the workplace. Governments and their social partners (employers, employees and professional associations) are therefore called upon to facilitate and better accommodate increased recourse to telework on a permanent basis by providing a level playing field and maximum flexibility for both workers and their employers through legislative measures, while guaranteeing that socio-economic rights are well protected. In this context, the Assembly insists on telework policy orientations that maintain and enhance the protection of socio-economic rights as set out in the European Social Charter (ETS No. 35 and ETS No. 163, the "Charter" or the ESC).

5. The Assembly notes research and data evidence that point to the changing work culture with a new generation of workers who value flexibility of working hours and location and a reduction of working time much more than their predecessors. The Assembly further notes a need to better define "the right to disconnect" through national legislation, as well as at European and international level. Greater autonomy for workers, and

<sup>1</sup> Reference to Committee: Reference no. 4567 of 19 March 2021.

<sup>2</sup> Draft resolution adopted unanimously by the Committee on 22 September 2022.

more regard to workers' own preferences, has been shown to result in higher productivity, which is beneficial to all social partners – workers, employers and society at large.

6. The Assembly is concerned that stress levels have been escalating in many workplaces, with dramatic consequences for both individuals and society at large. Recognising stress at work as our collective challenge, it reiterates the recommendations formulated in the Assembly's Resolution 2267 (2019) on "Stress at work", in particular as regards "a stress-reducing organisation of work with shorter, four-day weeks (with 28 to 32 work hours per week), flexible work time options, greater autonomy, teleworking possibilities and job-sharing schemes, notably for working parents and carers".

7. As automation, artificial intelligence applications and digital labour platforms progress further, they could present new forms of inclusion by offering additional job opportunities for persons marginalised in traditional labour markets. To embrace this trend with confidence and avoid any precariousness that could result for workers concerned, the Assembly believes that member States should introduce essential legal safeguards regarding irregular working hours and income, remedy a lack of access to basic social protection and collective bargaining rights and to the judicial system where relevant, as well as discrimination caused by the use of opaque algorithms. The Assembly also notes that the growing cross-border mobility of labour, including teleworking with the employer and employee based in different countries, has implications on labour and tax laws across jurisdictions that need to be addressed.

8. Drawing lessons from the pandemic, the major trends in the world of work and selected examples of good practice in member States, the Assembly emphasises the importance of increasing flexibility (in terms of workplace location and working hours) in the organisation of work in order to serve the new needs of workers, employers and labour markets in a balanced manner. With a view to adjusting their existing regulatory frameworks and labour policies, better protecting socio-economic rights, enhancing public health and ensuring personal wellbeing at work, the Assembly recommends that member States:

8.1. with a view to improving minimum labour standards and defending essential socio-economic rights, in particular basic occupational health and safety norms, worldwide:

- 8.1.1. ensure full implementation of the ILO's core conventions and guidelines;
- 8.1.2. pursue implementation of the United National Sustainable Development Agenda 2030, in particular its Goal 8 seeking to achieve inclusive and sustainable economic growth, full and productive employment, as well as decent work;
- 8.1.3. seek harmonisation of regulatory frameworks across different jurisdictions for platform work, notably concerning employment status, social protection, access to basic social rights, as well as working time, pay, dispute resolution, personal data protection and privacy;
- 8.1.4. guarantee adequate corporate social responsibility of multinational enterprises operating on their territory and beyond;
- 8.1.5. update national strategies in this regard to cover new forms of work and fragmentation of work;
- 8.1.6. build up institutional capacity to ensure that national labour inspectorates have sufficient powers, resources and training to better control occupational safety in the new era of work by prioritising prevention and risk-based approaches;
- 8.1.7. ensure that national laws and collective agreements clearly define the responsibility of the employer for the protection of the occupational health and safety of employees, and, in the context of teleworking, takes into account both the psychosocial and ergonomic risks;

8.2. screen, assess and adjust their labour legislation and policies in the light of ESC requirements and the evolving needs of labour markets, in particular:

- 8.2.1. concerning work organisation, examine options for shortening work weeks and/or daily working hours while maintaining the same pay, so as to shift focus from hours worked to results, to cater more flexibly for those multitasking at work and using job-sharing arrangements, to enable high-intensity work, to accommodate atypical forms of work while protecting socio-economic rights, to support working parents and to contribute to a socially and environmentally sustainable development;
- 8.2.2. with regard to telework and hybrid work:

- 8.2.2.1. ensure that specific legislation is in place to balance the needs and priorities of workers, employers and society as a whole, while giving as much autonomy as possible to workers and their individual work preferences;
- 8.2.2.2. define and codify in law the right to disconnect from work, and the obligation for employers to prevent occupational burnout;
- 8.2.2.3. study environmental and public health benefits of enhanced teleworking and consider schemes for mandatory teleworking a few days a week for knowledge workers, aimed at alleviating local transport flows, reducing pollution and saving energy and other resources;
- 8.2.2.4. provide adequate equipment and compensate incremental costs for workers engaged in telework, and achieve fair sharing of productivity and cost benefits accrued through remote or hybrid work;
- 8.2.2.5. ensure that workers teleworking full-time or in a hybrid set-up are not penalised or discriminated against;
- 8.2.3. with a view to optimising the national social partnership structure and dialogue:
  - 8.2.3.1. include self-employed workers, reach out to those involved in unpaid care work and migrant workers, and correct the (mis)definition of employment status of those involved in the platform economy;
  - 8.2.3.2. improve access of workers in atypical forms of employment and in platform work to collective bargaining and professional associations/trade unions, information and training and protection from intrusive surveillance technologies;
  - 8.2.3.3. negotiate all legal frameworks with all social partners and formally institutionalise these social dialogue mechanisms;
  - 8.2.3.4. study options for using digital instruments and public policy to improve freedom of association and to support labour organisations;
- 8.2.4. as regards action fostering decent work and quality employment for decent and dignified living, while ensuring that digital transformation of work benefits all and no one is left behind:
  - 8.2.4.1. launch a public debate to upgrade the social contract to a society centred on human needs, solidarity, public interest and rights;
  - 8.2.4.2. invest public resources and engage private enterprises in strengthening people's employability through lifelong learning schemes, reskilling and upskilling programmes, and institutional efforts for the creation of decent and sustainable work in line with the ILO's Centenary Declaration for the Future of Work;
  - 8.2.4.3. enhance public investment in digital infrastructure so that quality digital tools be accessible to all;
  - 8.2.4.4. consider implementing personal training accounts for all workers, entailing positive obligations for all employers to set up skills development plans or training for current workers and potential workers including young NEETs ("not in education, employment or training"), persons in unpaid work or in unemployment, and the retired persons who wish to continue working but need to upgrade their skills;
  - 8.2.4.5. give labour policies a more prominent role in managing the economy and mitigating socio-economic inequalities, based on better policy coherence and support for fundamental rights at national, European and international levels;
  - 8.2.4.6. if they have not yet done so, ratify the ESC and its protocol on collective complaints (ETS No. 158), lift any existing reservations to the ESC, scale up political support to the implementation of the ESC and the European Convention on Human Rights (ETS No. 5) and promote the full application of these fundamental treaties across Europe, including to the Council of Europe's own staff;
  - 8.2.4.7. root out abusive employment practices such as unpaid employment trials and zero-hours contracts, harmonise the protection of rights for different categories of workers by reducing differences in tax treatment for different types of contract and guarantee universal minimum social coverage for all;

- 8.2.4.8. seek better recognition of unpaid work by making it more visible, by providing more family-friendly policies (such as working hours adaptation and affordable and accessible childcare for working parents, with extra financial support for the vulnerable), by clarifying the monetary value of such work (measuring and estimating monetary worth) and by better supporting it through social benefits or a basic income approach alongside public provision of quality healthcare services accessible by all;
  - 8.2.4.9. update national legislation and strategies on occupational health and safety to better cover new forms of work, different categories of workers (including the self-employed) and increased mobility of workers between workplaces and across borders;
  - 8.2.4.10. ensure that workplaces are free from all kinds of harassment and online surveillance;
  - 8.2.4.11. design new policies with a multidimensional equality focus and revisit the age-related nature of work so as to guarantee the inclusiveness of the labour market and effective implementation of non-discrimination principles;
- 8.2.5. consider the need for new institutional structures and build public capacity so as to identify trends, emerging risks, and regulatory needs, and to assess the impact of the structural transformation of work in terms of environmental and social sustainability (including gender, age, skills diversity, etc.) as well as professional evolution (the quality of work).

**B. Draft recommendation<sup>3</sup>**

1. The Parliamentary Assembly refers to its Resolution ... (2022) on “The future of work is here: revisiting labour rights” and underscores the need for member States to accommodate the wide-ranging societal, economic, and technological transformations in the world of work through law and practice. The Assembly believes that member States should contribute to the shaping of the future of work based on societal progress through a more flexible organisation of work strengthened by enhanced access to socio-economic rights, quality employment, inclusive social dialogue and sustainable development.

2. The Assembly appreciates the Committee of Ministers’ guidance to member States in the framework of its Ad hoc Working Party on improving the European Social Charter system (GT-CHARTÉ) as regards longer term substantive issues relating to the Charter, in particular the feasibility of adding new provisions to the Charter for enhanced protection of workers in non-standard forms of employment and for tackling challenges arising from new forms of work such as platform work and work involving artificial intelligence. In this context, the Assembly draws the attention of the Committee of Ministers to the recommendations it has formulated in the above-mentioned Resolution, notably those relating to work hours, telework and hybrid work, the right to disconnect, better recognition of unpaid work, occupational health and safety, training and skills policies, public institutional capacity building, the need for both national social dialogue as well as international minimum and harmonized labour standards and the promotion of the full application of the Charter (ETS No. 35 and ETS No. 163) across Europe, including to the Council of Europe’s own staff.

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<sup>3</sup> Draft recommendation adopted unanimously by the Committee on 22 September 2022.

## C. Explanatory memorandum by Ms Selin Sayek Böke, rapporteur

### 1. Introduction

1. “The future of work” concept projects how work, workers and the workplace will evolve in the years ahead. With digitalisation, new technologies and the Covid-19 pandemic, the future of work already seems around the corner. Indeed, some profound transformations across many sectors of the economy have also affected the organisation of work. If the full impact is yet to be determined, the shift towards teleworking during the pandemic is likely to become a permanent feature of the future of work through hybrid working arrangements (combining office presence and telework) or fully remote work, mostly from home. More recently, reacting to prospects of an energy crunch after Russia’s aggression against Ukraine, the International Energy Agency (IEA) called on rich countries to take bold measures – including “work from home up to three days a week where possible” – to reduce global oil demand.<sup>4</sup> These speedy and multidimensional changes suggest that the future of work is arriving faster than foreseen.

2. This new reality leads to substantive changes in working conditions and relations between employers and employees, with direct effects on health, wellbeing, and social rights of people at work. It also lays bare many situations of precarious employment, and some discriminatory practices (such as with regard to women with care-giving responsibilities). The changing world of work has bearing on the right to just conditions of work, the protection of occupational health and security, the right to disconnect and the right to data privacy and protection. The changing nature of jobs also has a significant impact on the rights to freedom of association and to collective bargaining, as well as the institutional structure of trade unions. In short, these changes have serious effects on economic and social rights.

3. As the lead signatory of the motion on “The future of work is here: revisiting labour rights” (Doc. 15226) and now the rapporteur on this matter, I believe it is important to understand how the ongoing societal, economic and technological changes are affecting workers’ social rights that are set out in the European Social Charter and national policies, and how better use of legal instruments, regulatory tools and policy orientations could help protect workers better, and thus pave the way for a better future of work for all.

4. This report looks into shifting workplace realities against the background of major societal transformations with a view to formulating policy proposals and recommendations to member States. To get a more comprehensive overview of the outlook for the future of work and people at work, on 17 March 2022 this Committee held a hearing with the representatives of the ILO (International Labour Organisation), the OECD (Organisation for Economic Cooperation and Development) and Newcastle University Business School (United Kingdom).<sup>5</sup> I also held meetings with the Minister of Labour and Social Policy in Italy on 7 April 2022, the representatives of Austrian labour unions and the President of the European Committee of Social Rights (ECSR) in Vienna (Austria) on 9-10 May 2022 and the representatives of the parliamentary Committee on the Labour Market in Stockholm (Sweden) on 11 May 2022.

### 2. Key challenges in sight

5. According to Eurofound, within a year of the pandemic, the share of employees working at least occasionally from home increased from just 11% to around 48%. However, not all jobs and tasks are suitable for remote work. The “teleworkability” of jobs is strongly correlated with the type of occupations, the education and/or socio-economic status of the employees. Most low-income, low-skilled, female, and young workers are less likely to hold “teleworkable” jobs allowing to work remotely. These trends bear the risk of further deepening the existing labour market inequalities both within and between countries.<sup>6</sup> According to the OECD, the highest rates of teleworking are evident among the highly digitalised industries, including information and communication services, financial services, professional, scientific, and technical services. Lower rates of digitalisation among smaller firms have also meant that teleworking rates during the pandemic were much higher among the employees of large firms.<sup>7</sup>

6. In the economic sectors dominated by female workers, many essential workers are employed on precarious contractual terms and are badly paid. Moreover, these workers oftentimes do not have the choice to work remotely. At the same time, across Europe, women are significantly less represented in the labour market

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<sup>4</sup> See the IEA’s press release of 18 March 2022, including the new 10-Point Plan to Cut Oil Use, <https://www.iea.org/news/emergency-measures-can-quickly-cut-global-oil-demand-by-2-7-million-barrels-a-day-reducing-the-risk-of-a-damaging-supply-crunch>.

<sup>5</sup> See AS/Soc/Inf (2022) 01 (programme of the hearing) and AS/Soc (2022) PV 02add (minutes of the hearing) on <https://pace.coe.int/en/pages/committee-25/AS-SOC>.

<sup>6</sup> “[Implication of Remote Working Adoption on Place Based Policies](#)”, OECD, 22 June 2021.

<sup>7</sup> “[Teleworking in the COVID-19 Pandemic: Trends and Prospects](#)”, OECD, 21 September 2021.

than men, which is partly explained by the fact that women in most countries still do two-thirds of all unpaid care work, a trend further worsened during the pandemic.<sup>8</sup> All of these facts regarding the changing world of work, underline the need to design new policies with a multidimensional equality focus.

7. With a trend of shrinking office spaces, it appears that many workers will, at least partially, continue to work in their home “office”. In the continuity of existing trends and beyond Covid-19, many companies plan to adapt to flexible workspaces and work organisation, which would allow bringing in fewer people into on-site offices. Some surveys suggest that companies plan to reduce physical office space by nearly 30%.<sup>9</sup> During the pandemic, many workers have experienced extended periods of staying at home with their families while continuing to work, often from the kitchen table. In many households, mainly women were confronted to a sizeable increase in unpaid care and housekeeping work during the pandemic, which had to be juggled with paid work. While pre-pandemic planned teleworking had its advantages, allowing for a better work-life balance, in particular by cutting out the commute, pandemic unplanned teleworking in many cases showcased the disadvantages.

8. Through “forced” teleworking during the pandemic, which also “forced” the digitalization of the labour market to speed up, many workers experienced isolation, increasing stress levels and higher exposure to mental health risks, as virtual offices cannot fully replace the social interaction, dignity, and sense of belonging that derives from work.<sup>10</sup> Some workers in home offices also experienced close online surveillance by employers (or their intermediaries), as these looked for breaches of rules like “missing from the desk”.<sup>11</sup> Another problem for workers in the home office was a poor state and/or a lack of capacity of digital infrastructure. Despite all these problems, there were also some productivity gains. Employers stood to gain significantly from a decrease in spending on utilities, rent, industrial cleaning and other costs. It is thus necessary to rebalance the relationship between employers and employees, so as to ensure that benefits from productivity gains and cost-saving are equally shared and workers’ rights are strengthened in the context of teleworking.

9. Increasing stress levels have been an escalating issue of the labour market for quite a while already, as our colleague Mr Stefaan Vercamer explained in his report on stress at work<sup>12</sup> in 2019, underscoring the dramatic consequences of stress at work for both individuals and society at large and calling it “our collective responsibility – and challenge”. With the Covid-19 lockdowns, stress levels have further increased as people teleworking had to simultaneously juggle multiple job assignments, the limitations inherent in digital tools and family responsibilities. We should, in particular, review any recent developments in regulatory tools concerning the recognition and prevention of occupational burnout (a state of extreme emotional and physical exhaustion), as a follow-up to proposals set out in this Assembly’s Resolution 2267 (2019) on stress at work.

10. Furthermore, the sudden shift towards remote work meant that occupational health and safety standards were put to the backburner in many instances. However, most national laws and collective agreements clearly define the responsibility of the employer for the protection of the occupational health and safety of employees. Besides the psychosocial risks, remote work also bears significant ergonomic risks and several unforeseen safety issues given the remote nature of work premises.<sup>13</sup> Moreover, while the incidence of domestic violence has significantly increased, there is also a rising trend of increased exposure to work-related cyberbullying.<sup>14</sup>

11. The rising digital presence in the world of work following the pandemic was already visible over the last decade. With a trend of faster adoption of automation and while artificial intelligence (AI) progresses further, a growing number of tasks traditionally carried out by people can now be carried out by “intelligent machines” or algorithms. As my colleague Mr Stefan Schennach pointed out in his report on artificial intelligence and labour markets,<sup>15</sup> AI might bring new opportunities and benefits, but also harm and disruption in our world of work and thus needs to be regulated, with a special attention to workers’ rights and the values we want to protect. To manage this transition, the advantages of new technologies could be highlighted and embraced towards improving the organisation of human work as far as possible and rethinking our education-training-research systems aiming to better accompany the adaptation of both people and producing units (such as enterprises, cooperatives, NGOs, among others) based on shared responsibility.

<sup>8</sup> [“The future of work in Europe”](#), McKinsey Global Institute, June 2020.

<sup>9</sup> [“The future of work after COVID-19”](#), McKinsey Global Institute, February 2021.

<sup>10</sup> [“Business as unusual’: How COVID-19 brought forward the future of work”](#) Susan Hayter, ILO Blog, 22 June 2020.

<sup>11</sup> [“Under cover of Covid, British workers’ rights are being quietly stripped away”](#), Polly Toynbee, *Guardian*, 30 March 2021.

<sup>12</sup> [“Stress at Work”, Doc 14824 and Resolution 2267](#) (2019).

<sup>13</sup> [“Teleworking during the COVID-19 pandemic and beyond: a practical guide”](#), ILO, July 2020.

<sup>14</sup> [“UNI GLOBAL UNION: Key Trade Union Principles for Ensuring Workers’ Rights When Working Remotely”](#), UN, February 2021.

<sup>15</sup> [“Artificial intelligence and labour markets: friend or foe?” \(Doc 15159\)](#).

12. As AI changes the way we work and takes over tasks formerly accomplished by human workers, human skills in the workplace will need to cultivate empathy, intuition, curiosity, ethics and the comprehension of complex interactions among people,<sup>16</sup> with a clear preponderance of soft skills for a vast majority of workers.<sup>17</sup> Clearly, the trends of AI, digitalisation and remote work, all necessitate a well-defined re-skilling and up-skilling policy framework to ensure an inclusive future of labour markets and economic policy. The public sector should also build capacity and capabilities to ensure that the pace and content of their economic policy designs match the dynamism of the changing nature of technology and the world of work.<sup>18</sup>

13. As digital barriers and divides continue to exist, they exacerbate socio-economic inequalities and may lead to exclusion of those without necessary skills, equipment, or access to quality internet service. It is thus important for States to support a more inclusive digital labour market for all. The ILO recommends measures to ensure a fair access to digital skills, infrastructure, and employment for all.<sup>19</sup> The labour market's genuine inclusiveness is tested when it comes to workers of older age, the youth entering the labour market and across genders.

14. While the digital transformation offers some valuable benefits of new inclusion opportunities, for many including older, more experienced workers, it also bears significant risks of deepening age and gender related inequalities.<sup>20</sup> Many countries raise the retirement age to balance pension budgets,<sup>21</sup> but the older workers tend to be laid off much more easily by employers. The aging of European society and its labour force has thus to be duly considered via new elements of labour policies, so that this important cohort of workers is not left behind in the context of digitalisation. Moreover, the young have faced particularly severe aspects of the pandemic, with disruptions in education, training and work-based learning, difficulties in transition from education to employment and from unemployment to employment, and a deterioration in quality of employment. All of these issues call for revisiting the age-related nature of the future of work, ensuring an inclusive labour market today as well as a future one for the young. Similar attention should be paid to our equality and non-discrimination principles. Digital labour platforms offer additional job opportunities to women, persons with disabilities, young people and those marginalised in traditional labour markets, but can also result in underpaid and precarious work.<sup>22</sup>

15. Digitalisation of commerce has increased rapidly during the pandemic, affecting workers in many ways: whilst workers in non-virtual commerce fear losing their jobs, those in the fast-growing delivery sector complain about precarious working conditions.<sup>23</sup> As my colleague Mr Luís Leite Ramos pointed out in his report on the platform economy already in 2019,<sup>24</sup> the “platformisation” of work could contribute to the spread of precarious forms of non-standard work. As the job opportunities on those platforms are on the rise, the conditions of work have to be better regulated and policed to tackle bad working conditions of platform workers, such as irregular working hours and income, a lack of access to social protection and collective bargaining rights and to courts of the jurisdiction in which they are located, as well as discrimination caused by the use of opaque algorithms.

16. Furthermore, in pandemic times, due to limits on the freedom of movement and public gatherings, it has been more difficult to enjoy one's right to freedom of association and collective bargaining, which affected especially those working in the informal economy and the self-employed.<sup>25</sup> Fundamental rights at work should benefit all workers, which requires a coherent policy response and adaption of legal frameworks where necessary.<sup>26</sup> Moreover, the digital transformation of the world of work that is leading to more dispersed production sites and greater isolation among workers, has significant implications regarding the structure of labour organizations and unions. Therefore, a revisiting of policies to ensure the freedom of association is becoming more than necessary.

17. The digital divide is not only due to the uneven access to infrastructure and digital resources, but also the greater extent of “digital off-shoring” by corporations, creating also “digital nomads”. The growing cross-

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<sup>16</sup> [“Office Hours: Jason Schloetzer on the Future of Work as a Result of COVID-19”](#).

<sup>17</sup> [“AI, the future of work? Work of the future!: on how artificial intelligence, robotics and automation are transforming jobs and the economy in Europe”](#), European Political Strategy Centre (European Commission), published 5 December 2019.

<sup>18</sup> “Mission Economy: A moonshot guide to changing capitalism” by Mariana Mazzucato, published on 8 September 2020.

<sup>19</sup> [“Digital economy. Post-COVID digital economy must include persons with disabilities”](#), ILO, 11 February 2021.

<sup>20</sup> [“Business as unusual”: How COVID-19 brought forward the future of work”](#) Susan Hayter, ILO Blog, 22 June 2020.

<sup>21</sup> For example, recently a German expert panel suggested a pension age of 68 for Germany; see: <https://abcnews.go.com/International/wireStory/german-panel-suggests-pension-age-68-politicians-78146887>.

<sup>22</sup> [“World Employment and Social Outlook 2021. Rapid growth of digital economy calls for coherent policy response”](#), ILO, 23 February 2021.

<sup>23</sup> [“Precarious and informal work exacerbates spread of coronavirus”](#), A. Ebata, P. Mader, G. Bloom, Institute of Development Studies, 23 March 2020.

<sup>24</sup> See Resolution 2312 (2019) on “The societal impact of the platform economy” and report ([Doc 15001](#)).

<sup>25</sup> [“Rights at work. Fundamental rights at work can help build back better from COVID-19”](#), ILO, 28 October 2020.

<sup>26</sup> [“World Employment and Social Outlook 2021. Rapid growth of digital economy calls for coherent policy response”](#), ILO, 23 February 2021.



border mobility whereby teleworking might allow for the employer and employee to be based in different countries, has implications on labour and tax laws across jurisdictions.<sup>27</sup> Moreover, when developing policies for a better future for people at work, we must not forget workers in global value chains in low wage countries with little, if any, laws protecting them. A recent ILO report details how the pandemic has not only boosted teleworking and home-based digital platform working, but has also given rise to industrial work at home.<sup>28</sup> The situation of undocumented, seasonal and cross-border workers in Europe also needs close attention as they often lack access to basic social rights.<sup>29</sup> However, this matter is more specifically addressed through separate reports under preparation by Ms Ada Marra and Mr Viorel Riceard Badea on, respectively, “Health and social protection of undocumented workers” and on “Precarious status of cross-border and seasonal workers in Europe”.

18. There are some voices already imagining a new future of work: drawing lessons from the pandemic, the ILO suggests that shorter work weeks or work-sharing arrangements could allow flexibility, save jobs, help achieve a better work-life balance and enhance wellbeing.<sup>30</sup> Companies and even some countries are experimenting with more flexible working arrangements with the aim of empowering workers, helping them reduce stress levels and reconcile work with family responsibilities, diminishing the environmental footprint of economic activities, and saving resources and time.<sup>31</sup> All these changes affect a multitude of rights, including but not limited to the right to just conditions of work, the right to disconnect, the right to data privacy and protection, the right to freedom of association, and the right to safe and healthy working conditions, amongst others.

### 3. Hybrid work: improving our digital workplace and personal wellbeing

19. As set out above, digitalisation, new technologies and especially the Covid-19 pandemic have radically transformed the way we live and work. The pandemic’s successive lockdowns in 2020-2021 forced many Europeans to experience full-time remote work from home, often with little warning or preparation. As we learned during the hearing held on 17 March 2022, teleworking concerned about a third of workers in the EU countries on average but an even higher share of workers in some countries: over 50% in Finland, Luxembourg, Netherlands, Belgium and Denmark, and over 40% in Ireland and Italy (according to ILO data). Countries with an already existing regulatory framework for teleworking were better equipped and more ready to materialize the rewards of full-time remote work.

20. This experience of massive teleworking has taught us a number of lessons. Researchers have studied feedback from both workers and employers, drawing some important findings to inform future regulatory adjustments. As the Working@Home project in the United Kingdom (UK) has demonstrated, individual productivity grew by up to 35% based on a massive increase in the use of collaborative software and the amount of time spent by workers online (for over a half of workers this represented between three and ten hours per day). This obviously stretched, and sometimes overstretched, teleworkers’ resilience. With about 40% of workers feeling that the collaborative software forced them to work faster, about 30% of workers feeling that they had to take greater amounts of work to do and over 40% of workers experiencing work overload by engaging in work even during their annual leave, the perceived levels of stress increased considerably. This impacted workers’ wellbeing and private life, predominantly for women with care-taking and other household responsibilities. This raises questions about working hours, the duration of the work week, what constitutes a reasonable workload and the right to disconnect.

21. Despite the pandemic-time inconveniences due to the lack of dedicated office space at home, connectivity problems and sometimes family-care responsibilities, surveys have shown that more than 70% of workers want to spend at least part of their work week at home, with only 15% of workers preferring full-time office work and about 15% wishing to work full-time from home. Other studies also point out environmental and public health benefits of hybrid work by helping reduce road traffic intensity, overcrowding of public transport, the circulation of the Covid-19 virus and other pathogens, and air pollution. When well-framed, teleworking enables more women to stay employed rather than taking a retreat from the labour market for childcare or other family-care reasons. Thus, teleworking and hybrid work bears the potential to empower workers and enable more people to stay on the labour market, generating substantial benefits for employers and society at large.

22. Our discussions in committee, empirical evidence and academic research show that a standard 8-hours-a-day and 5-days-a-week formula for organising work now belongs to the past. It was set up a long time ago for a narrower range of tasks and no longer corresponds to modern requirements. On the one hand, we have increased multitasking at work and have more atypical forms of employment that require greater flexibility of

<sup>27</sup> [“IOE Position Paper on Remote Work Beyond COVID-19”](#), IOE, September 2021.

<sup>28</sup> [“Working from home: From invisibility to decent work”](#), ILO, January 2021.

<sup>29</sup> [“Same storm, different boat’: Covid-19 as an occupational hazard”](#) Helen Lyons, *Brussels Times*, 4 May 2021.

<sup>30</sup> [“Business as unusual’: How COVID-19 could change the future of work”](#), *UN News*, 27 May 2020.

<sup>31</sup> [“Is the four-day workweek finally within our grasp?”](#) Kevin J. Delaney, *The New York Times*, 23 November 2021.

work hours and more job-sharing (either between human workers or between human workers and intelligent machines). On the other hand, using collaborative software has enabled high-intensity work and adequate concentration but for shorter spans of time (about 4 to 6 hours a day), which appear to be best accommodated through more flexible working hours and/or shorter work weeks (4-day-weeks). Clearly, such flexibility has to be accompanied by the securing of all economic and social rights.

23. In this context, we should recall recommendations formulated in the Assembly's Resolution 2267 (2019) on "Stress at work", including as regards "a stress-reducing organisation of work with shorter, four-day weeks (with 28 to 32 work hours per week), flexible work time options, greater autonomy, teleworking possibilities and job-sharing schemes, notably for working parents and carers" – also with the aim of preventing "stress-induced disorders, including occupational burnout". In this resolution, the Assembly noted that "women and men respond to and manage stress at work in different ways and that women at work are the worst affected, especially when they carry a double burden of work and household responsibilities". It also encouraged "stakeholders to review the organisation of work and distribution of workloads and tasks in a way that enables reduction in stress levels and fosters job sharing".

24. High connectivity is both the driving force of telework and hybrid work, as well as being an essential condition for the quality of such work and worker wellbeing. It therefore seems reasonable to demand that employers would grant the right to teleworking together with essential tools (hardware and software) and conditions (teleworking framework) that empower workers, optimise the sharing of benefits from "smart work" (contribution to the fees covering access to Internet and telephone at the workplace) and ensure an adequate health-and-safety background (ergonomic equipment for the "home-office", specific provisions in insurance contracts), and that the State ensures equally accessible high quality digital infrastructure for all as well as drafting the legal and regulatory frameworks to properly define these responsibilities of the employers. Moreover, a smart organisation of work – building on new man–machine teamwork patterns – might require a constant redistribution of tasks and a creative review of job descriptions, where any redistribution implies social dialogue to ensure that rights are well protected. Finally, in this regard, the States should also innovate to build new institutions if necessary or to redistribute tasks across existing institutions to get ahead of these fast changing dynamics of the world of work and technology.

25. From the angle of socio-economic rights, ensuring a healthy balance between work and private life and securing the effective exercise of the right to equal opportunities are important considerations with respect to teleworking and hybrid work. The right to disconnect from the workplace during resting hours should be fully embraced. While flexibility of teleworking is highly appreciated by women, teleworking regulations should aim to provide a level-playing field for all so as to avoid any bias inherent in "presenteeism", any tensions between employees and managers,<sup>32</sup> and any discrimination that would lead to (gender) pay gaps or slowdowns in the progression of careers, in particular for women.<sup>33</sup>

26. We should note that 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) over the past few years; some countries prefer the term of remote or "smart" working. The right to disconnect has also been gaining ground, with EU countries leading the way (Belgium, Spain, Italy). My recent fact-finding in Rome shows that the Italian Government provides for a general legal framework on teleworking and the right to disconnect (law no. 81/2017), as well as a supplementary protocol for smart work (launched in December 2021).

27. "Smart working" (*lavoro agile*), or hybrid work, in Italy is understood as a particular way of working that consists of an employment service that takes place partly outside the company's premises, based on flexibility of time and location, and autonomy of choosing tools to use. It is distinct from fully remote work by being more flexible, and the right to disconnect applies only to smart work.<sup>34</sup> It is managed on the basis of social dialogue (through collective bargaining) and the legal framework which was negotiated with social partners.

28. A national observatory<sup>35</sup> has been established to monitor the implementation of smart working arrangements throughout the country so as to identify trends, any emerging risks, and regulatory needs, to assess the structural transformation and to analyse the impact in terms of environmental and social sustainability (including gender, age, skills diversity, etc.) as well as professional evolution (the quality of work). Following the pandemic, this hybrid format seems to be set to dominate, with major public investment being allocated to fund reskilling, upskilling and training of people at work.

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<sup>32</sup> "[The simmering tension between remote and in-office workers](#)", *BBC News*, 11 April 2022.

<sup>33</sup> "[Should in-office workers be paid more?](#)", *BBC News*, 8 March 2022.

<sup>34</sup> See <https://lineenetwork.org/telework-smart-work-and-the-right-to-disconnect-in-italy/>.

<sup>35</sup> See <https://www.osservatori.net/en/research/active-observatories/smart-working>.

29. A similar tendency in favour of hybrid work is also observed in Sweden. The country is currently considering the need of changing its social partnership structure to include not only employers and employees but also self-employed workers, while correcting misdefinition of self-employed workers and rebalancing the power structure in the platform economy structures. In terms of working hours, Sweden's approach lays emphasis on full-time employment in order to protect workers from imposed part-time work: this approach enables shorter workdays or workweeks under a specific agreement with an employer for full-time employed persons and working parents in charge of young children. The latter is also seen as an essential measure to ensuring gender equality and adequate remuneration and pensions. The new law is expected to provide for State financing for retraining to workers who may lose their jobs after having worked eight years or more.

30. Both in Italy and in Sweden, employers have the full responsibility for occupational health and safety of workers, be they working in the office or at other locations. However, it is understood that workers must cooperate in the implementation of the safety/preventive measures notified to them by the employer in order to manage the risks associated with work outside the company premises.

31. In Austria, regulatory provisions on telework came into being in March 2021. They laconically specify that work can be regularly performed from the home office on the basis of a written agreement between employer and employee; in practice this means hybrid work. The employer has to provide the necessary equipment or offer a lump-sum payment to cover certain costs linked to the use of 'home office' (about three euros per teleworking day) and has to ensure occupational health and safety insurance coverage. Although the law provides for the right to disconnect, its application in practice shows many variations and can lead to psychological distress according to testimonies of social partners; in rare cases, private companies cut off the IT connection to the workplace during weekends. Moreover, there is little formal flexibility of agreed work hours.

32. However, there are signs that the work culture may be changing with a new generation of workers who value flexibility of work hours and location more than their predecessors. Some voices are also calling for an open public debate on the social value of work, reduction of working time and a more just support for 'unpaid work' of those with family responsibilities. We should note that social dialogue and unionisation are particularly strong in Austria: only about 2% of workers are not covered by collective agreements. Increased online activities of labour unions during the pandemic have shown the potential of digital tools to reach out to all workers in need of legal advice to settle any disputes or more adequate social protection. Increased connectivity is also seen as an opportunity for collective action of dispersed workers involved in crowdsourcing labour through platforms.

#### **4. The perils of fragmentation at work and through work**

33. Hyperconnectivity, new business models, rapidly evolving jobs, and atypical forms of employment (e.g., zero-hours contracts for "on call" work, more temporary and part-time contracts – often forced upon workers), as well as a shift from manufacturing to a services-based economy, have entailed disruptions and fragmentation in the world of work. We thus see greater outsourcing and, though at a slower pace, still ongoing offshoring of work worldwide, growth in precarious work arrangements (that generate job insecurity, income instability and/or unsafe working conditions), a decline in the unionisation of workers and legislative protections for workers across different jurisdictions, and widening inequalities.<sup>36</sup> Moreover, more engaged in full-time teleworking and hybrid work, workers meet their colleagues less often to exchange about any problems they face with a different organisation of work. This means increased isolation, instability and vulnerability (for example, through job displacement, skills gaps, health and safety risks, shrinking revenue) for more and more workers.

34. Advanced digital technologies together with the hyperconnectivity of workers, businesses, smart machines, and data enable greater multitasking, efficiency, and productivity. Conversely, however, this also adds pressure, disperses attention, and might undermine quality of the end-result if "deep work" and the concentration of workers are constantly interrupted. In this context, it would seem appropriate to review the codes of communication at the workplace so as to agree between employer and employees on the pace and schedules for verbal and written contacts in order to avoid excessive demands on either side and prevent constant stress.

35. As digital technologies increasingly allow greater flexibility of working time and location, workers' participation can be sourced online from virtually anywhere in the world. This tendency is particularly supported through the business model of platforms but it can also take place with more traditional businesses (replacing physical workers with virtual workers). In both ways, different jurisdictions come into play depending on workers' location. Moreover, employment status in these work configurations determine to a large extent the workers' access to socio-economic rights (including as regards freedom of association and unionisation) and social

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<sup>36</sup> ["Fragmentation in the future of work: A horizon scan examining the impact of the changing nature of work on workers experiencing vulnerability"](#), research article by a collective of authors, 14 June 2021.

protection. For a worker being considered as an independent worker or an auto-entrepreneur, social coverage is rather patchy in many European countries as we have seen from the report on “The societal impact of the platform economy”, and positive developments in this area were rather limited during the recent years of the Covid-19 pandemic. In terms of subsistence, the ILO estimates that for location-based service providers platform work remains the main source of income, while for web-based service providers platform work represents only about a third of their income.

36. Given the limited reach and coverage of legal instruments such as the European Social Charter and the ILO Conventions against the background of transformative changes in the world of work, it is essential to seek international dialogue and greater cooperation so as to overcome the perils of fragmentation and ensure the protection of basic rights at work for all. As the ILO representative pointed out during the Committee hearing on 17 March 2022, heterogeneous regulatory frameworks across different jurisdictions in particular need improvements in what concerns employment status, social protection and access to basic social rights, as well as working time, pay, dispute resolution, data protection and privacy.

37. Although automation (including AI) is not yet omnipresent, it will increasingly and more frequently change job profiles,<sup>37</sup> inducing the fragmentation of careers, a constant need for skills upgrading and, according to some observers, a potential for polarisation and rampant inequalities. Algorithmic management which was first tested in the platform economy is now spreading to other sectors. We should, in this context, recall that by adopting Resolution 2345 (2020) on “Artificial intelligence and labour markets: friend or foe?” our Assembly supported “the recommendations of the ILO’s Global Commission on the Future of Work, which calls for human-centred strategies to cushion the impact of AI, and urges investment in people’s skills, lifelong learning (acquiring know-how, reskilling and upskilling) and institutions for learning, as well as in decent and sustainable work, in order to ensure “work with freedom, dignity, economic security and equality” for all”.

38. In this context, we should also note the European Commission’s proposal for a directive on improving working conditions in platform work (COM(2021) 762 final of 9 December 2021). The EU Commission estimates that there are currently more than 500 digital labour platforms and about 28 million platform workers in EU countries alone; the latter figure is set to reach 43 million by 2025. The proposed directive contains a list of criteria aimed at determining whether the platform is an employer and what the employment status is for workers attached to it. If these criteria are applied, up to 4.1 million workers could be re-classified as employees and others would become genuinely self-employed; in both cases, workers’ access to social protection would be clarified and the transparency of algorithmic management increased. But the unionisation of platform workers to enable collective bargaining remains problematic.

## **5. Fostering decent and dignified work and life**

39. Both in global and European settings, work has been and is likely to remain central to human life. It enables us to earn our living and dignity, have a role in society and contribute towards shared prosperity, access autonomy and enjoy various benefits. Work may also give meaning to one’s life. But do we live to work, or do we work to live? The societal debate that focuses solely on the notion of remunerated work fails to grasp the complexity of human nature and life. It actually turns a blind eye to the huge unpaid work that billions of women around the globe offer to society by caring for children and other household members (usually the elderly). It depreciates volunteer work. Most of the time, it refocuses attention away from the ideals of public interest to pursuing private interest where social value and public interest is often kept unremunerated.

40. According to the ILO, across the globe “women carry out three-quarters of unpaid care work”; they “dedicate on average 3.2 times more time than men to unpaid care work” and are “constantly time poor, which constrains their participation in the labour market”.<sup>38</sup> In the United States for example women spend an average of four hours per day doing unpaid work (compared to two and a half hours by men); if women got paid a minimum wage for the unpaid work, they would have earned at least USD 1.5 trillion a year!<sup>39</sup> Women’s participation in labour force, remuneration levels and job quality are inevitably affected.

41. Reconciling paid and unpaid work inevitably raises issues such as giving a better recognition to unpaid work of great value to society (family care work) and ensuring decent living for all, including those who are excluded from paid work (the long-term unemployed, certain categories of persons with disabilities and chronic illnesses, housewives, persons ousted from the labour market by the automation of jobs, the retired, etc.).

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<sup>37</sup> According to McKinsey Global Institute study (Manyika J., Lund S., Chui M., et al. “Jobs lost, jobs gained: workforce transitions in a time of automation”, 2017, pages 1-28), up to 60% of current occupations comprise tasks of which one-third are automatable. This concurs with the OECD’s research showing that close to 14% of jobs (in OECD countries) could be automated and another 32% could be automated partially.

<sup>38</sup> “The Unpaid Care Work and the Labour Market. An analysis of time use data based on the latest World Compilation of Time-use Surveys”, Jacques Charmes; ILO, 2019.

<sup>39</sup> “Women’s labour is worth \$10,900,000,000,000” by Gu Wezerek and Kristen R. Ghodsee, 5 March 2020, the *New York Times*.

Providing these categories of the population with meagre benefits does not suffice for decent living. A better solution in my view would be to consider policies in line with a universal basic income and full access to healthcare services. Rather than marginalising them, society should accept that caregiving, disability, retirement or forced unemployment are just as normal ways to live as paid work.<sup>40</sup>

42. The pandemic has prompted many persons to take a critical look at how they work and why they work. Preserving one's good health and that of one's family, as well as enjoying a healthy balance between work and private life, has come to the fore for many. Living with the chaotic schedules of platform work or spending ten hours or more commuting to work and working or running like a hamster in the wheel to manage one's unreasonable workload has led many workers to reassess their priorities and to put family, health and personal wellbeing first, contributing to the wave of resignations. Policy makers must see this new reality emerging and accompany changes by supporting decent living: work should not make us miserable; it should make us prosper.

43. The ILO takes the view that a human focused approach to the future of work is needed. Its Centenary Declaration, adopted by consensus in 2019,<sup>41</sup> launched a global call for action to governments and multilateral institutions to upgrade the social contract in society, asking social partners to invest in people's capabilities, institutions, and the creation of decent and sustainable work. The latter aspect reminds us that everyone should have access to employment and fair remuneration, that rights at work and core labour standards should be respected, that solidarity should drive social protection for all, and that social dialogue should prevail. The declaration advocates strongly for social and environmental justice considering that labour policies should be given a more prominent role in managing the economy and mitigating widening inequalities, based on better policy coherence and support for fundamental rights – at national but also international levels.

44. The Council of Europe is one of those multilateral institutions that has a mission to uphold fundamental rights as the guardian of two fundamental treaties: the European Convention on Human Rights (ETS No. 5, "the Convention") and its Protocols, and the European Social Charter (ETS No. 35 and ETS No. 163 "the Charter"). While Articles 3, 4, 5, 8, 9, 10, 11 and 14 of the Convention outlaw some practices in employment (inhuman or degrading treatment, forced labour and harm to personal security, freedom of conscience, expression and association, abuse of privacy, and discrimination), the Charter spells out a wide range of labour-related rights and links them with "legal and social protection, employment conditions, vocational guidance, training and free movement of persons".<sup>42</sup> The Council of Europe is duty-bound to promote the application of these treaties both across its member States and to its own staff. It must ensure that member States effectively implement the commitments they have embraced through these legal instruments by strengthening economic, social and fiscal policies.

## **6. Shaping the future of work: towards societal progress through quality jobs, flexible organisation of work with access to socio-economic rights and inclusive, sustainable development**

45. In view of the above considerations, labour market developments compel politicians to review the current systems of labour legislation, social protection, learning and training, collective bargaining and possibly also taxation. We can see that digitalisation and the pandemic period have accelerated trends of smarter working which implies freely chosen flexibility of work hours and location while technologies are facilitating or even taking over some tasks for many jobs. Transition to the new era of work requires adaptations by both employers and employees in order to find a new healthy balance in the organisation of work.

46. In my view, it is necessary to have both a general national framework for remote work and specific regulations that could be tailored to the needs of particular employees and employers. While telework and hybrid work could be considered as a new norm for teleworkable jobs, it should never be imposed (except for exceptional circumstances and entirely virtual enterprises); however, given multiple benefits – including for environmental and public health reasons – it could be facilitated and encouraged while ensuring solid protection of socio-economic rights. Against the background of a looming climate crisis, the public should be consulted on whether making remote work mandatory at least one day per working week would be an acceptable option.

47. To avoid precariousness at work, thought should be given as regards the need to harmonise the protection of rights for different categories of workers. The OECD advises to reduce differences in tax treatment for different types of contracts so as to help diminish gaps in social protection for self-employed workers (for example by layering protections, guaranteeing universal minimum coverage for all, and ensuring the portability of social coverage for those moving between different employers) and the risk of misclassification in terms of employment status. National employment and social protection systems should be screened to detect gaps in

<sup>40</sup> "[Work should mean: the future of work should mean working less](#)", Jonathan Malesic, *New York Times*, 23 September 2021.

<sup>41</sup> See <https://www.ilo.org/global/about-the-ilo/mission-and-objectives/centenary-declaration/lang--en/index.htm>.

<sup>42</sup> See the PACE report on "Decent work for all" ([Doc 13456](#)), paragraph 12 of the explanatory memorandum by Mr Roel Deseyn, rapporteur.

access to rights for workers in the “grey zone” of atypical employment or in casual work. Certain unfair and abusive practices, such as unpaid employment trials (mostly in the UK), should be reconsidered and banned: every work deserves remuneration.

48. Given the overarching public interest in supporting the employability of persons at different stages of their professional life, public skills development programmes should extend access and improve participation of all and in particular for those in new forms of work. As Resolution 2345 (2020) on “Artificial intelligence and labour markets: friend or foe?” suggests, all Council of Europe member States could put in place “the concept of personal training accounts for all workers, entailing positive obligations for all employers to set up skills development plans or training”; I would add that we need such accounts also for potential workers such as the young NEETs (“not in education, employment or training”), persons in unpaid work or in unemployment, or the retired persons who wish to continue working but need to upgrade their skills.

49. We should seek better recognition of unpaid work by making it more visible, by providing more family-friendly policies (such as working hours adaptation and affordable and accessible childcare for working parents, with extra financial support for the vulnerable) and by clarifying the monetary value of such work (measuring, estimating monetary worth and better supporting it through substantial social benefits or a basic income approach). The OECD considers that alleviating this “double burden” of work on women should be a priority on the policy agenda and an essential step towards achieving genuine equality between women and men through work. Moreover, the OECD proposes that unpaid work should be better measured through a Household Satellite Account under the System of National Accounts.<sup>43</sup>

50. Non-standard or atypical employment contracts represent particular cross-cutting challenges to policy making. They make it more difficult to apply existing labour laws, regulations and controls, may challenge the traditional norms for health and safety at work and render collective bargaining ineffective or even inexistant. With regard to occupational health and safety, national strategies should be updated to cover new forms of work. Temporary and contractual workers, because they move from one workplace to another, tend to be less familiar with safety requirements and are at higher risk of occupational accidents. The same is true for many platform workers who are exposed to fierce competition. In this context, national labour inspectorates may need extra powers, resources and training to better control occupational safety in the new era of work by prioritising prevention and risk-based approaches.

51. New forms of non-standard employment make self-employed workers just as vulnerable to abuse as “standard” workers. The equality of treatment thus requires equalising protections and guaranteeing labour rights for all workers. Because the ILO Convention on the right to organise and bargain collectively refers to workers in general, new forms of work should be fairly covered and any obstacles of anti-trust regulations should be considered as void towards such workers. The biggest difficulty is of course to make this right work in an international context. The only way forward in this respect is international labour policy dialogue that could lead to enhanced minimum protection of basic minimum rights for all workers everywhere.

52. With hybrid and fully remote work becoming increasingly mainstream, both researchers and workers are calling for shorter workweeks and shorter workdays, while maintaining the same pay: “a reduced-hours working model can help address many current work negatives, making employees more productive, healthier and happier”.<sup>44</sup> Human energy and concentration simply cannot be sustained for eight hours straight or even longer, for more than a few days at best. Shorter, more flexible working hours enable to shift the focus from hours worked to results: higher productivity, better prioritisation, greater engagement and a cut in inefficiencies. Moreover, shorter and more flexible hours alleviate the complexity for those juggling with care responsibilities, reduce stress, errors and sick leave, and improve work-life balance. However, flexibility for management and for the worker often mean different things: here, a fair balance of preferences with the protection of all critical labour rights should be sought. In short, if we seek genuine societal progress, the future of work is all about greater focus on human needs, well-protected socio-economic rights, free choices, flexibility and social justice.

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<sup>43</sup> [“Unpaid care work: the missing link in the analysis of gender gaps in labour outcomes”](#) Gaëlle Ferrant, Luca Maria Pesando and Keiko Nowacka, OECD policy brief.

<sup>44</sup> [“The case for a shorter workweek”](#), BBC, 24 August 2021.