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Proceedings Paper:

Alberti, G orcid.org/0000-0001-5673-6568 and Ciccia, R (2020) Il lavoro agile durante la pandemia: opportunità...e rischi. In: COVID-19 e la sfida della coesione in Italia: imparare dall'emergenza per politiche più eque e inclusive. Politiche pubbliche e società italiana alla prova del COVID-19, 29 May 2020 Osservatorio Internazionale per la Coesione e l'Inclusione Sociale (OCIS) .

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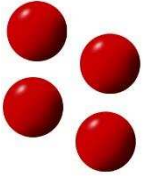
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Mese 2020

NOTA _/2020



'Smart' Working in Times of Pandemic

Rossella Ciccia, Oxford University

Gabriella Alberti, University of Leeds

Introduction

In the space of just a few months the COVID-19 has radically transformed the way in which many people work. As a result of social distancing measures and the closure of economic activities deemed as 'non-essential', many workers were asked to work from home making use of computer networks and telecommunications devices. While telework and other forms of digital remote work are by no means a new way to organize work, their use experienced a rapid surge during the pandemic also in countries such as Italy characterized by the prevalence of more traditional forms of workplace organization.

In the Italian context, the implementation of mandatory work from home policies induced by the Covid-19 can represent an opportunity to boost more flexible forms of work, but also creates severe challenges which are exacerbated by the rapidity of the changes enacted. The shift to working online from home has been generally framed with reference to smart working (*lavoro agile*), including in the official decrees issued by the Italian government. However, several of the elements of the legal definition of smart work as described in the Law 81/2017 are not adequately met by the working arrangements in place during the Covid-19 crises. First, the sudden change in working arrangements provoked by the pandemic was forced rather than voluntary, it was the byproduct of the measures enacted to control the spread of the virus. Secondly, working arrangement implemented because of the pandemic were far from the idea of agile work; rather online work was effectively immobile, confined in the small space of the home where the balance between family and professional live becomes ever more fragile.

This contribution begins with an overview of the Italian and European contexts before and after the crises, and then moves to identify a number of critical issues inherent working from home arrangements implemented during the Covid-19 crises. It concludes by offering some reflections and recommendations on how to address these challenges

and ensure that the current digital transformation of (some) work will be sustainable in the long-term.

Digital remote work in Europe and Italy: context and legislation

According to data from the Sixth European Working Condition Survey, around 19% of workers in Europe are in a flexible working arrangement that makes use of digital technologies to enhance the spatial and temporal mobility of workers. These type of work is more commonly found among professionals working in sectors such as information and communication (57%), professional and scientific activities (53%) financial services (43%), real estate (43%) and public administration (30%) (Eurofound, 2020a). Nonetheless, digital remote work takes a variety of forms. They span from office-based employees who sometimes also work outside of employers' premises to self-employed people who work in cafes and co-working spaces and workers in the nascent platform economy who may be required to work at any time in any place. Eurofound (2020a) identifies four basic types of digital remote work (also referred to as Telework and ICT-based Mobile work, TICTM): 1) *regular home-based employees* who frequently use ICT to work; 2) *highly mobile employees* who make intensive use ICT to work from different locations; 3) employees who *occasionally* use ICT to work outside of employers' premises; and 4) self-employed workers who use ICT to work from locations outside their own premises. These working arrangements offer very different degrees of autonomy, mobility and flexibility with regard to the organization of work tasks with the lowest levels afforded by regular homeworkers and the highest by self-employed mobile workers. This distinction is important because in the context of the pandemic the work arrangements effectively implemented in Italy and several other countries were limited only to remote work from home. Table 1 shows that the overall share of regularly home-based digital workers in the EU28 is only 2.8%, and they are more likely to be women and to have caring responsibilities than the rest of the workforce (Eurofound, 2020a).

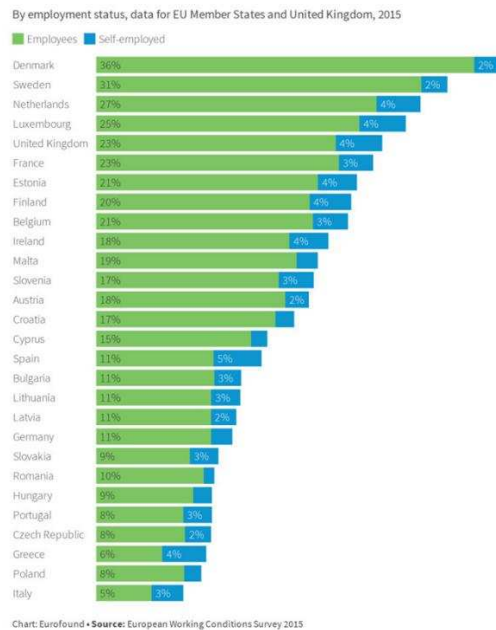
Table 1: *Share of workers by type of TICTM, EU 28, 2015.*

Type of Telework and ICT-based Mobile work	Share of workers
Regular home based employee	2.8
Highly mobile employee	4.6
Occasionally mobile employee	8.5
Mobile self-employed	3.0

Source: Eurofound (2020a)

Average European values hide considerable cross-national variation with regard to the diffusion of TICTM work arrangements. Figure 1 shows that if in Denmark, Sweden, the Netherlands and the United Kingdom around one every three workers is in a TICTM job, in Italy only 8% of workers have access to this type of work arrangements; this is the lowest share in Europe (figure 1). Data from the last European Labour Force Survey shows that working from home was also not very common in Italy before the pandemic. In 2019, the share of regularly home-based workers in Italy was at 3.4% one of the lowest in Europe, well below the EU28 average of 5.3% and much lower than the one found in countries such as Finland and The Netherlands (14%).

Figure 1 Percentage of workers doing telework and ICT-based mobile work, 2015



Source: Eurofound 2020b

National regulatory frameworks and employment relations concerning the use of flexible working arrangements are an important factor influencing the use of different forms of digital remote work across countries. Although there is no binding European regulation on this types of working arrangements, the European social partners have signed a framework agreement on telework in 2002. In the context of this agreement, telework is defined as a form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer’s premises, is carried out away from those premises on a regular basis. The agreement provides a number of principles and guidelines regarding the organization of telework. These include: 1) its voluntary nature

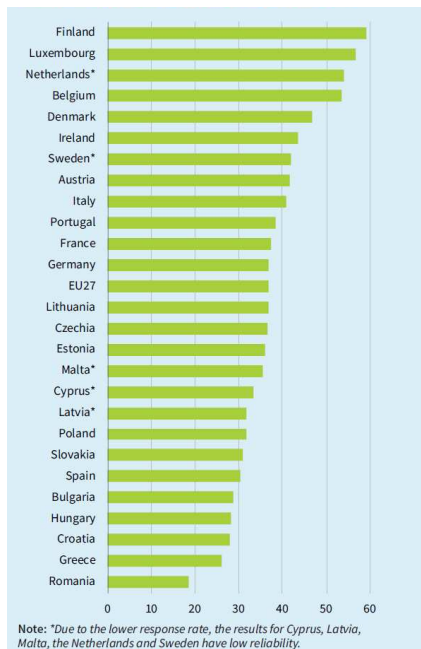
of teleworking; 2) the right of teleworkers to enjoy comparable employment rights and conditions of other employees; 3) obligations regarding data protection; 4) the teleworker's right to privacy; 5) the employer responsibility for providing and maintaining adequate equipment; 6) the employer responsibility for the health and safety of the teleworker, including all necessary assessments of the working space; 7) the teleworker autonomy in organizing his/her working time, and workloads and performance standards comparable to those of other workers at the employer's premises; 8) teleworker's rights to training and 9) collective rights. Most European states have implemented this framework through collective bargaining agreements at sectoral and company level. However, the availability of telework remains largely at the discretion of line managers and rules vary greatly across organizations. The implementation of teleworkers' rights to obtaining suitable equipment for homeworking and health and safety and collective rights, appears particularly challenging.

Despite the general low diffusion of telework in Italy, the country has a long history of legislation and collective bargaining agreements on this issue. The first proposal to regulate telework date as early as 1996 and already in 1998 a law was adopted to regulate the use of telework in the public sector (Law 191, one of the series of Bassanini acts). Nonetheless, telework in the private sector remains not subject to legally binding provisions and is regulated only through collective agreements. In 2004, a national cross-industry collective agreement was signed implementing all the main points of the European framework. The latest legal innovation occurred in the context of the so called Jobs Act (Law 81/2017) which introduced 'smart working' (or *lavoro agile*) as a way to promote greater work-life balance for employees and increase competitiveness (art. 8). Smart working is defined similarly to the European framework's definition of telework cited above as a form of subordinate employment which allows workers to alternate the location and time in which tasks are performed, possibly through the use of digital technology. The law emphasizes that smart working should be voluntary, that the employee should alternates working at the employer's premises and other locations and that working hours should not exceed the normal statutory limits. The Italian law also establishes employers' responsibility for ensuring equipment and the assessment of health and safety conditions. Although smart working was presented as a reconciliation measure, the law contains no specific provision concerning this aspect. Indeed, it presumes that granting flexibility with regard to working hours and place of work will in itself be conducive to greater work-life balance, thereby ignoring some well-known critical aspects that this form of organizing work entails (see below).

If telework was not very frequent in Italy before the pandemic, recent data collected by Eurofound (2020b) shows that the outbreak of Covid-19 has completely changed this situation. Figure 2 shows that a very large proportion of Italian workers (slightly above 40%) started to work from home during this period. This is one of the largest increases in Europe. This rapid shift to digital work has the potential to accelerate changes in the ways work is performed, but also creates massive challenges for workers and companies, and

especially those that had no or limited previous experience with these type of working arrangements.

Figure 2 *Proportion of workers who started teleworking as a result of COVID-19, April 2020*



Source: Eurofound, 2020b

Old and new issues of digital work during Covid-19

One of the reasons why digital work has attracted much attention in the past is their potential to improve the work-life balance of employees. This has been one of the main drivers for the adoption of telework. As such the massive shift to forms of online work for large portions of the workforce caused by the Covid-19 can represent an opportunity for companies and workers to experiment with more flexible forms of work. However, the extent to which this transformation represents an opportunity for companies and workers depends on how a number of challenges inherent these working arrangements will be addressed. Some critical aspects of these working arrangements have been long acknowledged; others are specific to the current situation and the rapidity of the changes implemented.

The literature on telework and other online remote work has identified a number of potential disadvantages inherent these working arrangements which concern the risk of intensification of work, long working hours, the blurring of the boundaries between private and working life and the heightened risks of surveillance of workers (Eurofound, 2020a). Research indicates that while high levels of flexibility in the time and place of

work enhance workers' autonomy, they also often lead to larger workloads due to increased interruptions, work process monitoring, reduced idle times, more reporting duties, but also feelings of having to prove that working remotely has not affected one's work ethics or commitment. This problem can be aggravated by implicit requirements of "constant connectivity" which can induce feelings of having to be permanently available and respond at short notice, resulting in greater work pressure. This intensification of work also produces an extension of working hours with serious implications for workers' physical and mental health, reduced rest time and work-life balance. Data from Eurofound (2020a) shows that on average the share of employees working more than 48 per week is higher among employees with digital working arrangements than other employees. This overtime goes often unreported, and thus remains unrecognized and unpaid. Another aspect of working time organization concerns work in unsocial time (evenings, weekends). The fragmentation and porosity of working hours can become particularly a problem for employees that work from home because of the difficulties of maintaining a clear division between private and work time and space. Finally, digital work can increase the risk of unduly invasions in the privacy of workers because employers may use ICT to implement forms of control and surveillance of employees.

Additionally to these well-known problems, the rapidity of the shift to online work from home during Covid-19 creates new critical issues concerning in particular the following aspects:

1. The transition to remote working arrangements during the COVID-19 was *forced* rather than voluntary. As highlighted by European and Italian legislation, the adoption of online working arrangements should reflect both the preferences of workers and employers to ensure that it doesn't cause stress, work intensification and detrimental impact on the health and wellbeing of workers.
2. The shift to remote work from home for large portion of the workforce has adverse impact on *social inequalities*. The first layer of inequalities involved concerns the boundary between those who can and those that cannot access online working arrangements. A recent Italian study (Cetrulo et al, 2020) shows that only 'privileged' workers in higher occupations (e.g. managers, entrepreneurs, legislators, scientific-academic and technical professionals) and earning better salaries can perform their work remotely, thereby shielding themselves both from the risk of losing their job/income and that of becoming infected. Conversely, many so called 'essential' workers were not only asked to work more intensely during the pandemic, thus exposing themselves to increased health risks, but were also more likely to be in occupations located at the lower bottom of the wage distribution. The second layer of inequalities is located within the category of those working from home during Covid-19. The shift to online working arrangement produces differential impacts on workers based on social characteristics such as

income, gender, caring responsibilities, disability, migrations status, and employment conditions. To these inequalities, we must add territorial disparities in access to high-speed internet connection.

3. The shift to online work from home during Covid-19 produced additional negative impacts on employees' *work-life balance*. The closure of school and daycare centres in many countries meant that workers (and especially mothers) have now to care for their children on their own around the clock, and often also assist with the delivery of online education. The adoption of measures of social distancing implies that parents can also no longer access informal support networks as those normally provided by grandparents, other relatives and friends. The fact that childcare and work take place at the same time within the limited space of the home can create stress and feelings of overload in workers and reduced well-being in children. According to Eurofound (2020b), the proportion of people with young children (under 12) finding it hard to divide time between work and family, as well as to focus on work, is larger by a huge margin compared to other groups. These negative outcomes are more likely to affect women because they generally spend more time doing childcare than men. The deterioration of workers' mental health can be aggravated by unreasonable expectations of normal productivity generated by now apparently "seamless" workplaces.
4. The European Framework agreement on telework establishes an *obligation of employers to provide and maintain necessary work equipment* and carry out health and security assessment of working spaces. However, the rapidity of the shift to online work from home induced by the pandemic has meant that many companies and employees did not have the time to prepare to the new working conditions. Employees were asked to quickly adapt to delivering their work online with limited provisions in terms of ICT training, software, physical equipment and working space, availability of reliable broadband connection. The lack of appropriate technological and physical equipment particularly affects workers with disability, already under strain because of the effects of the pandemic. Employers can also face difficulties, and especially those that did not have experience with digital remote work before the pandemic. Many companies do not have the necessary managerial skills, organization and processes in place to manage the massive shift to the new working arrangements.
5. The shift to online working from home arrangements negatively affects workers in *precarious working conditions* for whom the lack of visibility at the employers' premises can jeopardize contract renewal and career development. This category of workers is also less likely to receive IT training and support in setting up a well-equipped work space at home.

6. The sudden adoption of teleworks shifts some of the *costs* previously paid by the employer to the employees, including internet, electric and energy bills. This negatively impact workers' disposable income and can aggravate already present feeling of financial insecurity. According to Eurofound (2020b), a high proportion of workers in Italy (around 45%) say that their financial situation is now worse than before Covid-19 and 42% expects their situation to deteriorate in the next three months.

Conclusions and recommendations

The massive shift to online work from home during the Covid-19 crisis offers an opportunity to boost more flexible forms of work and promote a long-term transformation of work organizations, including in companies that in the past showed a lack of interest and resistances towards this type of arrangements. Their use is likely to increase beyond the period of the pandemic since large numbers of employees and employers have now experimented the benefits of working away from the workplace. Among the benefits there are: increased time and space flexibility, improved work-life balance, increased autonomy at work, time and costs reduction for employers and some groups of workers; and some studies also pointing to the increase in work satisfaction for teleworkers. While not all workers may benefit from this type of arrangements, there is evidence showing that demand is particularly high among commuters and cares.

However, the extent to which the massive experiment in online work induced by the pandemic will benefit workers depend on how a number of long-standing and emerging issues of remote work will be recognized and dealt with. To a large extent the rapid shift to 'smart work' has exacerbated existing social inequalities. For instance, the question of whether work-life balance improves with online work from home remains contested and the crises brought new evidence that when work penetrates the domestic space the unequal gender division of tasks is aggravated. Especially for women, working from home during the Covid-19 crises has meant doing more domestic and care work; a situation which was worsen by the parallel closure of schools and nurseries under lockdown. Employees opting for long-term work from home arrangements run also the risk to be perceived as peripheral to the organization, ending up paying a price also in terms of career advancement. To counter this situation, there is a need of a holistic approach to smart work which recognizes that the shift to working remotely must be embedded in a wider transformation of work organizations (including performance criteria, training provisions, work design, staffing and time arrangements) and appropriate social infrastructures (e.g. childcare, social care) to ensure that workers are equally placed to benefit from this change. Regulations concerning working time and employees' "right to disconnect" (e.g. not to be contacted outside working hours on

work-related matters) are also important means to curb the tendency towards unsocial working hours, increased work intensity and constant availability characterizing much digital work.

Many employers were able to circumvent legal obligations to provide adequate ICT equipment and support during the pandemic adducing to the emergency and temporary nature of the situation. This produced negative consequences on workers' mental, physical health and finances. In the short-term, a major task for employers is to ensure that staff have a suitable work environment that complies with health and safety standards and reasonable adjustments for workers with disabilities¹. However, the shift to online work from home also generates new monetary costs for employees including internet connection and energy bills and the purchase of ICT and physical equipment to adapt the home space to function as a work office. Workplaces are expensive to maintain, and indeed Twitter has announced its intention to expand options to work from home also after the pandemic. This news sparked a debate on the true drivers and implications that such an offer would imply: as a step forward in flexible working practices and policies, or a boomerang for workers if their rights are not protected? It is not impossible to ask employers to contribute to some of the expenses generated by online working arrangements as shown by a recent ruling by the Swiss high court that require employers to contribute to employees' rent payments if they are expected to work from home (SWI 2020).

Another aspect concerns workers' voice with regard to online working arrangements. One unexplored effect of working away from the workplace is the risk furthering individualization and spatial isolation of the workforce, in a context where workers are already increasingly fragmented along contractual lines. Trade unions can counter this issue by expanding on so-called "equality bargaining" into the sphere of online work. In particular, trade unions and other representatives should give further consideration to the ways in which online work affect aspects of inequalities as women, workers with disabilities and those on precarious contracts often experience some of the worst effects of such arrangements.

Overall this contribution has showed benefits and risks of online work from home arrangements starting from the new lessons learnt during the Covid-19 crises. It calls for the development of a new approach to that is holistic and sensitive to existing social inequalities characterizing the online workforce.

¹ See Ichino (2020) on the Italian legislation regulating health and safety specific risks of 'agile work' and how this guidance is relatively accessible to employers.

Per saperne di più:

Cetrulo, A., Guarascio D and Virgillito M. E. (2020), "The Privilege of Working from Home at the Time of Social Distancing", *Intereconomics*, 55(3): 142–147.

Eurofound (2020a), *Telework and ICT-based mobile work: Flexible working in the digital age*, New forms of employment series, Publications Office of the European Union, Luxembourg, Publications Office of the European Union, Luxembourg.

Eurofound (2020b), "First Findings: Living, working and COVID-19 First findings – April 2020"

Ichino (2020) "I pericoli del lavoro agile", *LaVoce. Info*, 20 March, available at: <https://www.lavoce.info/archives/64395/i-pericoli-del-lavoro-agile/>

SwissInfo.Ch (2020) "Companies must pay share of rent for employees working from home", 24 May, Available at: https://www.swissinfo.ch/eng/court-decision_companies-must-pay-share-of-rent-for-employees-working-from-home/45781126?fbclid=IwAR0rYJHMqW84n6V-rpccVCKyBESgs1KSxn2WfRomRA2kQvyH8dnuGzNqtio



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