

The new challenges of hybrid working (part office, part home)

Raluca Dimitriu^{1*}

¹Faculty of Law, University of Economic Studies, Bucharest, Romania

Abstract. Although not expressly regulated - hybrid work is a reality that cannot be fully encapsulated in the concept of telework. It has several advantages: it allows employees to freely choose where they work, while not losing contact with colleagues. For companies, hybrid working allows a reduction in utility costs and a downsizing of office space, while still being able to benefit from the direct presence of workers. Therefore, hybrid work is the expression of a compromise, which can indeed lead to work-life reconciliation, but it can also have a number of disadvantages. The latter mainly come from the lack of concern of the Romanian legislator for the category of workers who combine remote work with in-office work. The paper describes hybrid work from a legal point of view – at the intersection between willingness and reluctance.

1 Context

One of the indicators of today's labour market is, alongside the number of teleworkers, the number of jobs that can be performed remotely (*teleworkable*). Even if the company in question has not actually implemented telework arrangements, this indicator reflects the potential to do so in the future. With regard to teleworkable jobs, some studies show that they account for almost 40% of dependent employment in the European Union [1].

Of course, this does not mean that telework can be equated with teleworkable jobs; for many of the latter, work will continue to be carried out in the traditional system at the employer's premises. Indeed, there are many different aspects (other than the simple nature of the activity) which may be taken into account by the parties when deciding where to carry out the work: the existence of technology and information equipment accessible in the employee's place of work, the distance between the home and the employer's premises, the cost of utilities, the digital skills of the employee concerned, issues relating to the confidentiality of the information processed by the employee, and the degree of security offered by the server used. However, when labour market analysts look to the post-pandemic workplaces of the future, they have in mind this type of work that is susceptible to being carried out remotely, even if this potential cannot always be fully exploited.

During the pandemic, the imposition of social distancing rules has reshaped the role of work in the worker's time economy. Working from home, or from another space organised by herself, the worker:

* Corresponding author email: raluca.dimitriu@drept.ase.ro

-spent more time working for the employer (although often less productive than when working on the company's premises);

-re-internalised a number of activities that he had outsourced (the notorious "pandemic-haircut" and other activities that had previously been carried out by third parties in return for remuneration);

-opted for different budget allocations than in the past (fewer purchases of durable goods, lower expenditure on services and goods of the entertainment industry, transport, etc., higher expenditure on training, courier services or dedicated to the purchase of display screen equipment, operating system and software licences). Also, part of the household's current expenditure no longer benefited the family as a whole, but also the employer, through the allocation of space to carry out activities for the employer's benefit, as well as the use of electricity and heat for teleworking purposes;

-in many cases, the worker and her family have left metropolitan areas and large conurbations in favour of less populated rural communities, etc.

But perhaps the most significant change in the realm of labour relations is isolation, which is one expression of the unprecedented expansion of remote work. Any worker doing even partially 'teleworkable' work was sent to work remotely, and this change was sometimes implemented by agreement, but often unilaterally by the employer (the so-called 'forced telework') [2].

The pandemic period was not only a period in which attempts were made to make full use of the potential for remote working, in premises organised by the employees themselves (often their own homes), but also to develop ways of designing jobs [3], defined as the set of objectives, tasks, authority and responsibilities that are assigned to a person in the organisation on a permanent basis, in such a way as to make it possible to separate, in the job description, activities which can be carried out remotely, using information and communication technology, from those for which the physical presence of the employee is indispensable. Firms have thus sought to ensure as much social distance as possible, with as many employees as possible working remotely. According to the legislation applicable in Romania during the state of emergency, they were even obliged to do so, with Government Emergency Ordinance No 192/2020 providing that the employer must order, by unilateral act, the provision of teleworking. Art. 17 of Law no. 55/2020 as amended by Government Emergency Ordinance no. 192/2020 as well as amending letter a) of Art. 7 of Law no. 81/2018 stipulated: 'During the state of alert, employers shall arrange work at home or teleworking, where the specific nature of the activity allows, in compliance with the provisions of Law no. 53/2003 - Labour Code, republished, with subsequent amendments and additions, and Law no. 81/2018 on the regulation of teleworking activity'. By Decision No 50/2022, the Constitutional Court declared unconstitutional Government Emergency Ordinance No 192/2020. It should be noted, however, that the ordinance came out of force anyway, once the state of emergency ended, therefore the effects of the declaration of its unconstitutionality are limited.

However, the effects of this new way of organising activity continued to be felt after the end of the state of alert. The emergence of the new indicator of 'teleworkable' work has highlighted the persistence and even the deepening of the separation between white-collar and blue-collar jobs, between intellectual and physical work and between low-paid and well-paid jobs. **There are basically two distinct classes of employees.** Such differences meant that, during the pandemic, some workers were more protected from the risk of infection than others, because they were able to move less or not at all in the workplace community, due to the very type of work they performed. Workers in areas such as transport, construction, hospitality, restaurants and tourism were not only disadvantaged in terms of health protection measures, but faced technical unemployment (suspension of the employment) and even redundancies. Thus, in a context where social distancing rules were implemented precisely

to limit the effects of the Covid 19 pandemic, employees working in companies were more exposed than those who stayed at home. They took on a number of additional risks, which they could not limit by avoiding contact with colleagues and the working environment.

After the end of the pandemic, an 'elite' has emerged among today's workers, who benefit from jobs that are stable but also safe from a health point of view.

Of course, even this 'elite' is not immune from employer abuse and has its own challenges. They face difficulties in quantifying working time and ensuring a fair work-life balance, which has also led to the adoption of new draft directives, such as the one on teleworkers' right to disconnect. But essentially, beyond these concerns, the lives of teleworkers have proven to be more protected than those of employees working in non-teleworkable jobs.

Indeed, elements of working time arrangements statistically impacted the overall level of job satisfaction, revealing a certain pattern. Romanian employees are more satisfied working the same number of hours per day, but more willing to have flexibility in the number of days per week, and this behaviour significantly influences the overall level of their satisfaction. In the last few years, more and more Romanian employers allowed their own employees to either work from home or have a shorter Friday, or a totally free day, and this is also reflected in the level of satisfaction [4]. Ideally, hybrid working would ensure a reconciliation of the two types of jobs and, consequently, of workers. It would enable staff who usually work remotely to overcome the social deficit that telework entails, and those who only work at the company's premises, as a result of the redefinition of jobs, to carry out part of their work remotely.

In reality, however, hybrid working is only an option for workers with teleworkable jobs and who have therefore been able to work remotely, teleworking, also during the state of alert. Because while it is easy to include in the structure of such jobs activities that involve travelling to the company (meetings, direct communications), it is much more difficult to include in the structure of directly productive jobs activities that can be carried out remotely (and related to which the workers also have the necessary equipment and digital knowledge to carry out).

2 Hybrid work in Romanian legislation

Hybrid work is work that is performed partly remotely, teleworking, and partly at the employer's premises.

Although there is no express reference in the legislation to hybrid work, the way telework is regulated implicitly recognises the possibility of organising work in this way. Moreover, I would go so far as to say that hybrid work organisation is the rule in this area.

Thus, the Telework Law no. 81/2018 defines telework as a form of work organisation whereby the employee, on a regular and voluntary basis, performs the duties specific to his or her position, occupation or job in a place other than the workplace organised by the employer, using information and communication technology. As a result, employees working in a hybrid system are still considered teleworkers (all the more so as the original text of the law even referred to teleworking as work performed remotely at least one day per month). Indeed, according to Article 5(2)(b) of Law No 81/2018, the teleworking contract must cover the period and/or days during which the teleworker works at a workplace organised by the employer. It is thus accepted that a teleworker may work partly at the workplace organised by the employer and partly at a freely chosen workplace.

In addition, according to Law 296/2020, which amended the Tax Code, the employer is entitled to support, free of tax, the cost of utilities at the place where the teleworker works, up to a ceiling of 400 lei, corresponding to the number of days in the month on which the person works as a teleworker. This legal provision also implicitly recognises hybrid work. It

should also be pointed out that the provisions of this legislation did not cease with the end of the state of alert; they continue to have effect.

We would point out that it is not necessary to amend the employment contract for the period during which the work is performed at the employer's premises. The worker remains a teleworker even on these days. Thus, a worker who performs hybrid work is legally a teleworker.

3 The place of work

Employees working in hybrid jobs have a dual workplace: for some days, it is the employer-organised space, and for others it is another, non-employer-organised space, for example the teleworker's home.

Government Emergency Ordinance No 36/2021 on the use of electronic signatures in the field of labour relations and amending and supplementing certain regulations has removed the requirement to specify the place of telework, so now the teleworker can choose any place of work and can change it at any time, without notifying the employer. We should mention that, however, in some opinions (sometimes embraced by labour inspectors) since Article 5 (2) of Law No 81/2018 provides that the telework contract should also include the elements provided for in Article 17 (3) of the Labour Code, the place of telework may be even today a mandatory element of the telework.

Anyway, in the case of hybrid work, at least the obligation to establish the place of work on days when the work is carried out in a workplace organised by the employer has to be maintained; even if the hybrid worker is still legally a teleworker, for part of his working time he should have the legal status of a standard employee.

Here we may come up against another rather complex practical problem in the case of teleworkers: how can they be delegated? Delegation is the temporary performance by an employee, on the employer's instructions, of work or tasks corresponding to the duties of his job outside his place of work (Article 43 of the Labour Code). In practical terms, it may be necessary to send the hybrid employee on posting:

- Both on days when the work is carried out in the workplace organised by the employer. This is easier because the place of work is known, therefore the travel order can be issued and travel expenses can be calculated and paid;

- As well as on days when the work is carried out remotely. In this case, the employer may not know where the work is performed, so that posting the employee becomes difficult from a practical and tax point of view.

Article 118 of the Labour Code, as amended by Law no. 283/2022, enshrines the right of employees to request switching to an individualized work schedule, with the employer's obligation to provide a reasoned response to such a request. The matter ends up being of interest to the issue of telework, because in Article 118 (7) the flexible schedule is defined as "the possibility for employees to adapt the work schedule, including through the use of remote work formulas (...)". I think that this definition confuses the temporal plan with the spatial plan: the work schedule has nothing to do with the place of work performance. Although teleworkers and employees performing hybrid work can have (like standard employees) different work schedules, the simple fact that they work remotely does not affect their schedule at all.

Finally, teleworkers have been described as 'digital nomads', in the sense that they are no longer tied to a particular place of work, but could travel anywhere, within the country and beyond, to work. This benefit does not fully apply to hybrid employees, who have to return to the employer's premises a few days in a month or in a week. They would then not be able to travel too far from the company to return on time on the days they are scheduled to do so.

This makes hybrid work more inflexible than pure or full telework, and makes this way of organising work less attractive.

Tangentially, we mention that, according to Law No. 69/2023 amending and supplementing Law No. 227/2015 on the Fiscal Code, foreigners (i.e., non-EU workers) who qualify as digital nomads are not subject to income tax and social contributions for the activity performed in this capacity if they are present in the territory of Romania for a period or multiple periods that do not exceed 183 days during any consecutive 12-month interval ending in the relevant calendar year.

4 Activities

The Telework Act applies to areas of activity where teleworking is possible. We note that there is no list of activities in which teleworking is possible, unlike, for example, in the case of day labourers, where Law No 52/2011 provides in Article 13 a list of NACE codes where this type of activity is possible.

So who determines that a particular activity can be performed as teleworking? We also faced this problem during the Covid 19 crisis, when employers had not only the possibility, but even the obligation, to send employees on teleworking, if the specific nature of the activity allowed it. Territorial labour inspectors in some cases, imposed teleworking on employees simply on the basis of a review of the job description, without taking into account other aspects of the work performed (such as restrictions on the confidentiality of information). Nowadays, things are easier, since teleworking, and consequently hybrid work, is only carried out by agreement, an activity is 'teleworkable' to the extent that both parties agree that it can be.

In this respect, some studies [5] differentiate three categories of activities:

a) Activities which in principle are not suitable for being carried out at a distance. These include activities involving dexterity, using and moving objects and equipment, inspecting equipment, structures and materials, operating mechanised vehicles and equipment, activities in agriculture, forestry and fishing, construction, mining, etc.;

b) Social activities, some of which may be performed at a distance. These include sales activities, teaching and training, working with the public, cultural and recreational activities, counselling, care and assistance to others, etc;

c) Information processing activities, which are fully suitable for remote working.

In relation to the job description, hybrid work will reflect how these activities are scaled and can be carried out on-site or remotely with similar results.

However, there can be no spontaneous choice to work at home or at the company; this choice must be anticipated in the employment contract. This contract must specify the periods during which the employee works at the company's premises and at another workplace organised by the employer, thus resulting the days during which the employee works remotely.

The distribution of teleworking days and days worked at the employer's premises is not recorded in ReviSal. But this information must be mentioned in the employment contract with a teleworking clause.

As this is a contractual clause, the employer cannot unilaterally determine or change the days worked at the employer's premises. As we have shown, it was only during the state of emergency that the employer had the possibility and even the obligation to unilaterally order teleworking. In this case, the employer's unilateral act also had to include provisions on working hours, i.e. the number of days on which remote work was to be carried out and the days on which the employee was required to report to the workplace organised by the employer. Thus, during the period of the alert, hybrid work was carried out as a result of the employer's decision, without the employee's consent being required.

However, at present, any determination or change in the distribution of days worked at the employer's premises/remotely will require a renegotiation and an addendum to the individual employment contract – a cumbersome system which can limit the flexibility of the use of hybrid work.

5 Content of the hybrid worker's contract

In the case of teleworking, the employment contract shall contain, in addition to the elements referred to in Article 17 (3) of the Labour Code a number of specific items. Since, from a legal point of view, the hybrid worker is also a teleworker, they must also be included in the employment contract:

a) an express statement that the employee works on telework. Failure to comply with the provisions relating to the obligation to expressly stipulate in the employment contract or in the additional act to the contract that the employee is teleworking is punishable by a fine of 10,000 lei per person. The penalty is intended to ensure that the legal provisions on undeclared work are not circumvented by invoking remote working. In other words, if the labour inspector who comes to inspect finds that an employee who is listed as "present" is absent in the records drawn up in accordance with Article 119 of the Labour Code, the employer must prove this by means of the appropriate clause in the employment contract and the work schedule established for the hybrid employee;

b) the period and/or days during which the teleworker works at a job organised by the employer. We would argue that this provision could be replaced by reference to a timetable of activities, which would be updated periodically, by agreement of both parties, so that it would not be necessary to amend the individual employment contract by an additional act whenever the need for the employee's presence in the company arises or, conversely, whenever the employee's presence is no longer necessary. Such an approach would be in line with the Directive (EU) 2019/1158 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. Indeed, it should be noted that one of the aims of implementing hybrid work is to establish a better balance between work and family life, but the excessive rigidity that accompanies such a clause would in fact lead to a reduction in the hybrid employee's chances of achieving such a balance. Both employer and employee may face unforeseen situations requiring the hybrid employee to be present at one or another of their workplaces without the parties having time to amend the employment contract accordingly;

c) the timetable within which the employer is entitled to check the teleworker's work and the concrete way in which the check is carried out. Similar regulations exist in the Labour Code also with regard to the home-working contract (Article 109 (b)). As have been noted, "for access to the home, the employee's consent must be prior and special. Therefore, in this case, we cannot speak of an unexpected check with the aim of surprising the reality of the employee's compliance with the conditions for carrying out the activity" [6]. Besides, this time we may face a problem: if the teleworker works in the private/public space of a third party (e.g. in a café), the employer's access may be restricted, depending not only on the consent of the teleworker, but also on the consent of the third party – the owner. In addition, the employer may not even know where the hybrid employee carries out the activity, which makes it impossible for him to exercise his right of control;

d) recording the hours worked by the teleworker. The number of hours worked, as well as the start/end time of the activity, under the terms of Article 119 of the Labour Code, can be recorded by monitoring the time of logging in, for the days when the activity is carried out remotely. We have, therefore, a dual system: one monitoring system (such as, for example, the attendance record) which can be used on days when the employee is present in

the workplace organised by the employer and another system (such as the presentation of timesheets containing the activity and its hours) on days when the employee works remotely;

e) the responsibilities of the parties agreed according to the location(s) of the teleworking activity, including occupational safety and health responsibilities. The OSH training will need to be conducted twice, depending on the location and the specific risks to which the employee is exposed, in both locations;

f) the employer's obligation to ensure the transport to and from the place of teleworking of the materials that the teleworker uses in his or her work, where applicable;

g) the employer's obligation to inform the teleworker of the provisions of the legal regulations, the applicable collective labour agreement and/or internal rules on the protection of personal data and the obligation of the teleworker to comply with those provisions. Teleworkers can use their own equipment in the course of their work, which sometimes creates issues regarding the confidentiality of the information they work with. That is why the employer can impose specific rules and restrictions regarding the internet networks used. On the contrary, the protection of the teleworker's data does not form the object of an express regulation within the law. Indeed, the law simply states that the employer has the right to check the activity of the teleworker mainly through the use of information and communication technology, under the terms established by the employment contract, the internal regulation and/or the applicable collective labour agreement;

h) the measures the employer takes to ensure that the teleworker is not isolated from other employees and that the teleworker has the opportunity to meet colleagues on a regular basis;

i) the conditions under which the employer bears the costs of teleworking. In particular, the employer may bear the costs of providing the information and communication technology facilities itself or may share these costs with the teleworker. If the use of the teleworker's own means is chosen, this must be expressly stated in the contractual agreement. Moreover, agreement is required in this case, even if teleworking has been unilaterally decided during the period of the state of alert.

6 Proportionate granting of rights

In the case of hybrid work, problems may also arise with the granting of allowances for difficult, harmful or dangerous working conditions. For example, by Decision No 1068/2021 of 16 Sept. 2021 – the Timisoara Court of Appeal ruled that "during the period of work at home, the institution's staff do not receive any bonus for difficult, harmful or dangerous working conditions". But what will be the solution if the employee works under such conditions at the workplace organised by the employer, while part of the time is spent on teleworking? The increase should be granted in proportion to the time actually worked in such workplaces.

Travel costs should also be granted proportionally, if the employer has assumed that they will be granted for the employee's travel from home to the company.

The amount of 400 lei is also granted proportionally, under the terms of Law No 296/2020 amending and supplementing Law No 227/2015 on the Tax Code.

7 Legal aspects of hybrid work

From a legal perspective, there are certain aspects of hybrid work that need to be considered:

-The place of work depends on the type of work organisation. For example, if the teleworking contract states that the employee is present in the company on Mondays and then from Tuesdays to Fridays works in a freely chosen workplace, it is not necessary to specify

in the contract which workplace it is. It could be the employee's home, or any other place. Only for Monday is the place of work known, as it is predetermined in the contract;

-Teleworkers did not receive days off for supervising children learning online, as provided for in all successive legislation regulating this issue, including Government Emergency Ordinance No 110/2021 on the granting of paid days off to parents and other categories of persons in the context of the spread of the SARS-CoV-2 coronavirus, approved by Law No 163/2022. The regulation did not distinguish between days when work was still performed at the employer's premises and days when it was performed at home, so employees who worked in a hybrid regime did not benefit from days off even when they were at the employer's premises;

-Hybrid workers can also be posted. But delegation, which is a unilateral change of workplace, can only be ordered for days when, according to the employment contract, the work is carried out at the employer's workplace. Delegation may not be ordered during the period spent at home or at another freely chosen place, not specified in the contract;

-As employees who work in a hybrid system are also considered teleworkers, it follows that the way in which the working hours are to be recorded will be established by the employment contract (according to Article 5(e) of Law No 81/2018) and not unilaterally by the employer, according to Article 119 (1) of the Labour Code. This record is mandatory for the days when the employee works from home and for the days when he or she works at the company;

-The working hours are determined by mutual agreement in the contract with the teleworking clause (Article 4 (1) of Law no. 81/2018). It may be different on days when the employee works in the company than on days when he or she works at the workplace of his or her choice;

-By establishing hybrid work, the employer implicitly fulfils its obligation to take measures to ensure that the teleworker is not isolated from the rest of the employees and to ensure that the teleworker has the opportunity to meet with colleagues on a regular basis (Article 5 (2) (i) of Law no. 81/2018).

8 Challenges

Hybrid working seems to meet the needs of most employees as it allows them to freely choose where they work, while not losing contact with colleagues.

For companies, hybrid working allows a reduction in utility costs and a downsizing of office space. Increased productivity and reduced office fit-out costs are among the most frequently cited benefits for employers. In practice, it is sometimes decided to provide fewer offices than employees. They come to work on a rotational basis, based on appointment. The office is no longer personalised, but on a „first-come, first-served” basis.

The formulas used are various: 1-3 days a week at the employer's place of work and the rest remotely; 2 weeks at the employer's premises, 2 weeks at home; all work carried out remotely, except for 1-2 days a month when certain meetings are held – or any other variant, provided it is specified in the employment contract.

But hybrid working is a compromise, which, like any compromise, sacrifices some interests in favour of others.

- The hybrid worker is, under Romanian law, a teleworker;
- Working hours must be expressly specified in the employment contract, so the employee cannot spontaneously decide where he or she will work this morning;
- Only jobs that are already "teleworkable" are suitable for hybrid work;

-The space occupied by the employee is double (although not always) – he or she will have an office at home and, separately, an office at the employer's premises, which could involve higher expenses;

-If the work is performed using information and communication technology, often some of the equipment will need to be installed both at the employer's premises and at the employee's workplace;

-Hybrid meetings and work sessions may favour some participants over others (the so-called "proximity bias"). Similarly, hybrid work teams can operate in two speeds, between those who are face-to-face and those who are remote. Social bonds between colleagues are different, and asymmetries are created in the team;

-There may be problems related to data protection and leaks of confidential information, caused by the frequent change of workplace;

-Remote working presents its own challenges in terms of collective relations.

Besides, as has been pointed out, "telework must not become a substitute for childcare. The fact that workers are at home is no reason why childcare and public social care services should not continue to be provided or improved where needed. It is vital that teleworking does not become an excuse to push women to stay at home, to do domestic work and to provide for childcare" [7].

9 Perspectives

Digitalisation has brought with it a new shift in the way we relate to work. It is no longer necessarily a collective experience, but a solitary one... The boundaries between private and professional life are blurred; the digital worker has already incorporated productive work into family time, and few people are able to draw firm boundaries between these two worlds.

Indeed, today, work done within the family, in one's own household, has begun to take on a relevance that no one suspected it would regain in the context of modern society. The physical separation from colleagues, a pre-existing phenomenon, but no doubt accentuated by the Covid 19 crisis, contemporary management methods geared towards autonomy, and the increasingly direct relationship with the customer, have turned the worker into a lone wolf, who obtains his resources in a universally competitive context and is expected to adopt a more entrepreneurial attitude. Hardly anything that used to define the work carried out in large industrial companies, which gave rise to labour law based on solidarity between workers working shoulder to shoulder, is indispensable today. If we look, for example, at the ILO's 2006 Recommendation No 198 on employment relationships, as well as the indicators considered to be decisive for identifying an employment relationship, we can see how much dependent work has changed in the last 15 years.

Digitalisation has changed not only the way work is actually performed, but also the way we perceive it. Disengaging from a physical workspace can lead to repositioning work throughout our lives. Already the most recent generations to enter the labour market no longer value work as their parents did, but tend to place leisure time and life experiences (not necessarily professional) at the centre of their existence [8].

Governments have reacted differently to the explosion of hybrid employment contracts. Ireland, for example, has passed legislation which allows any employee to request to work, at least in part, remotely [9], and while the employer is of course not obliged to accept such a request, it cannot penalise in any way the employee who submitted this request. Any refusal on the part of the employer must be justified, and the law lists the possible reasons for such a refusal. These include, for example, the speed of the internet in the space proposed by the employee for carrying out the work.

The right of access to hybrid work is not a universal right. Once again, it reflects disparities in the labour market, favouring the category of workers – professionals, generally well-paid and digitally literate, at the expense of those who are not digitally literate and are physically active, often poorly paid. Encouraging telework, an object for many European governments during the pandemic and even after its end, should take this into account. Differences also exist between Member States, with some countries, such as the Nordic countries, having a clear advantage before the pandemic, while other Member States have sought to catch up. Differences also exist between companies, with larger companies more likely to successfully implement hybrid working than smaller ones [5].

As far as Romanian law is concerned, I believe that there are still steps to be taken in the direction of making the hybrid employment relationship more flexible, so that it achieves its purpose. Let us not forget that its widespread use has been associated with a very exceptional situation, i.e. the Covid 19 crisis. However, after the end of the pandemic, the percentage of employees working, even partially, remotely, will never return to the low rates seen before the crisis, so it has become a phenomenon that no longer has health causes but is directly linked to the choices of the parties. Some studies [10] reveal that telework – particularly hybrid models – continued after the pandemic, as its large-scale use has raised awareness of its benefits and shown that obstacles can be overcome. Employees who have gone through a work-life integration and learning process push employers to maintain flexible work models. Besides, hybrid work models push companies to rethink the role of the office: the office of the future will be conceived as a place for collaborative and creative work, socialisation, and experiencing company culture.

Finally, the right to disconnect, so frequently discussed at European level in this period, should also be the focus of the Romanian legislator. Teleworking, even partial teleworking, is based on the agreement of the parties, but this does not mean that the employee has also agreed to be permanently available to the employer's requests and messages. His or her rest time should be as well protected as if the employee comes and goes from the company at a certain time. The fact that it is more easily accessible should not presume it to be available without restriction after hours.

References

1. M. Sostero, S. Milasi, J. Hurley, E. Fernández-Macías, M. Bisello, *Teleworkability and the COVID-19 crisis: a new digital divide?*, A Joint European Commission–Eurofound Report, URL: <https://joint-research-centre.ec.europa.eu/system/files/2020-07/jrc121193.pdf>, accessed: 01.03.2023 (2020)
2. M. Fana, S. Tolan, S. Torrejon Perez, M.C. Urzi Brancati, E. Fernández-Macias, *The COVID confinement measures and EU labour markets*, Publications Office of the European Union, Luxembourg, URL: <https://publications.jrc.ec.europa.eu/repository/handle/JRC120578>, accessed: 01.03.2023 (2020). The authors note very different effects from country to country within the European Union: "the fast and largely forced transition to a much more generalised telework regime is likely to have been much more difficult in some countries than others"
3. A. Manolescu, *Managementul resurselor umane* (Ed. Economică, Bucharest, 2003). In human resource management, the job is generally defined as the set of objectives, tasks, authority and responsibilities that are assigned to a person in the organisation on a permanent basis.
4. A.A. Davidescu, S.A. Apostu, A. Paul, I. Cășuneanu, *Sustainability*, **12**(15), 1-53, 6086, DOI:10.3390/su12156086, accessed: 01.03.2023 (2020)

5. Eurofound, *Teleworkability and the COVID-19 crisis: a new digital divide*, JRC Working Papers Series on Labour, Education and Technology, URL: <https://joint-research-centre.ec.europa.eu/system/files/2020-07/jrc121193.pdf>, accessed: 01.03.2023 (2020)
6. S. Panainte, *Analele Științifice UAIC. SSJ*, **LXVII**(2), 37-55, URL: <http://doi.org/10.47743/jss-2021-67-4-3>, accessed: 01.03.2023 (2021)
7. R. Stochița, *Costul telemuncii: sarcinile domestice cad pe umerii femeilor*, Cartel Alfa, URL: <https://www.cartel-alfa.ro/ro/ultimele-noutati-4/costul-telemuncii-sarcinile-domestice-cad-pe-umerii-femeilor-128/>, accessed: 01.03.2023 (2021)
8. R. Dimitriu, *Analele Științifice UAIC. SSJ*, **LXVII**(2), 25-36, URL: <http://doi.org/10.47743/jss-2021-67-4-2>, accessed: 01.03.2023 (2021)
9. D. Mangan, *Responses to Covid-19: Remote Work*, Global Workplace Law & Policy (kluwerlawonline.com), URL: https://global-workplace-law-and-policy.kluwerlawonline.com/2022/05/26/responses-to-covid-19-remote-work/?utm_campaign=10293-B%20-%20PA%20KLO&utm_medium=email&utm_source=Eloqua, accessed: 01.03.2023 (2022)
10. C. Vasilescu, *The impact of teleworking and digital work on workers and society*, Policy Department for Economic, Scientific and Quality of Life Policies Directorate-General for Internal Policies, URL: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662904/IPOL_STU\(2021\)662904\(ANN05\)_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662904/IPOL_STU(2021)662904(ANN05)_EN.pdf), accessed: 01.03.2023 (2021)