



UNI GLOBAL UNION:

**KEY TRADE UNION
PRINCIPLES
FOR ENSURING
WORKERS' RIGHTS
WHEN WORKING
REMOTELY**



Introduction

Remote work is defined as workers performing part or all of their work during their agreed working hours at a location (chosen by the worker) outside of the normal worksite/office and using primarily information and communication technologies provided by the employer.

Since early 2020, the rapid spread of the Covid-19 virus and subsequent lockdowns has sped up the remote working trend, with an estimated 30-45% of employed workers (depending on the country) working from home or from another remote location during this period. While it is unlikely that these levels of remote work during Covid will continue post-pandemic, many workers will remain outside of a fixed worksite, with longer-term demands for remote work likely to grow.

Choosing to work remotely under 'normal' circumstances is not the same as during the Covid-19 crisis. Many workers have assumed additional child-care and educational duties; could not prepare their home-office environment in time; and have faced the additional psychological and physical burdens of lockdown, confinement, and isolation. And we should be careful not to equate the two. However, it is worth reflecting on this mass remote working experience, both the opportunities and threats it has posed, and the role for trade unions in negotiating the best remote working conditions and rights for workers going forward.

UNI Global Union, with support of UNI Finance, UNI ICTS, and UNI P&M, has developed key principles to support UNI affiliates when negotiating on remote work—during the Covid pandemic and beyond. The aim is to guarantee that these working arrangements reconcile workers' requests for more flexibility while safeguarding labour and trade union rights and protections. Remote work can mean significant changes to the terms and conditions of employment and remote working rules should be a mandatory subject of collective bargaining. While several collective agreements and national jurisdictions around the world have already introduced some of these principles,

there remain obvious gaps in rules and regulations at all levels. These need to be addressed before remote work becomes more widespread and permanent.

Even before the crisis, the demand for remote work from both employees and employers was growing. For some employees, remote work offers increased flexibility, improved work/life balance, saved time because of the lack of a commute, as well as other benefits. The mass uptake of remote work during Covid has reduced some stigma associated with this type of working arrangement and the related negative impact on future work prospects and career developments.

The Covid-19 crisis, however, has also shown risks linked to remote work. These include increased isolation and mental health issues, lower levels of innovation and creativity, intensified workloads, longer working hours and digital connection, and a blurring of professional and private life. There can also be health and safety issues, the need for appropriate compensation, strains on the employment relationship, worker surveillance, and notably, greater hurdles for trade unions to organize, negotiate collective agreements, and communicate in an increasingly virtual and digital format.

The threat of Covid-19-imposed mandatory remote work is real. Many employers are already limiting its voluntary aspects, and many are using it as an excuse to cut jobs and pay. The large-scale restructuring of corporations via 'digital off-shoring' is also a growing issue. We must not lose sight of the fact that employers stand to gain significantly from increasing remote work arrangements for their workers, in some cases saving 10,000 EUR / 11,000 US Dollars a year per employee in utilities, rent, industrial cleaning, etc. Remote workers need the opportunity to negotiate collectively through their trade unions to ensure that they also benefit from these savings.

Investment in reliable and affordable public telecoms and digital infrastructure is crucial to avoid a growing digital divide. We must also remember the potential negative impact on the community at large of moving from a more physical workplace to a remote one, such as the loss of customers for small commerce, restaurants and bars, the impact of bank branch closures on local customers, or the employment effects on related services like cleaning or security when offices are closed.

Employers must ensure freedom of association and collective bargaining for remote working workers

Remote work should not be used to diminish or obstruct workers' rights to form or join a trade union, nor should it be used to weaken social dialogue and collective bargaining or impinge trade union rights, activities and organizing.

To ensure that remote workers can exercise fully their rights to freedom of association, employers must provide them with clear rules, including a statement confirming that they have the right, without employer opposition, to join a trade union, and participate in union activity. This communication should be easily accessible, including through electronic means. To allow for fair representation and ensure that trade unions and employee representatives can contact and organize remote workers just as they would those in a physical workplace, employers should provide them with full access to the remote workforce, including names, job titles, and contact information as well as the percentage of the total workforce that works remotely.

All tools put to the disposal of unions and employee representatives must also be available in a remote work context (e.g., access to electronic communication and virtual bulletin boards) and the employer should provide opportunities for communication and engagement between trade unions, workers, and their representatives, including secure digital meeting spaces similar to break room and cafeteria access in physical workplaces, without employer presence or oversight.

Employers should refrain from blocking access to digital spaces used by trade unions and employee representatives, such as petitions, surveys, websites, or emails. Companies should not exclude remote workers from the determination of bargaining thresholds and should have the means to take part in elections and voting regarding collective action.



Employers should maintain employment rights and relationships with remote working workers

Employees—including those on short or fixed-term contracts—working remotely must remain under the same collectively bargained rights and conditions provided to all other workers, including equal pay, equal treatment, non-discrimination and work/life balance (C177). Their contract of employment must not be significantly amended as a result of working remotely and all existing rights and benefits must be maintained. This should also be the case for workers working remotely from abroad.

Remote work should not be used to shift employment status under long-term labour contracts to more precarious forms such as temporary, agency or independent contracting arrangements. Any employer attempt to introduce remote work as a means of abandoning traditional employment relations in favour of increasingly atypical forms of contracting must be fought. Employers should not reward or punish workers for preferring one kind of work arrangement over another.

A change in workplace culture may also be needed to ensure trust and no undue surveillance of remote workers and the understanding that remote work is an alternative—not addition—to office-based work and should therefore not lead to increased workloads or longer hours. The employer remains responsible for the allocation of sufficient work and in the event of force majeure impacting on the worker's ability to deliver the agreed work; the employer bears the operational risk; and the worker is entitled to their wages for this period.

Employers should also commit to maintaining a relationship with the remote working workers, both individually and in a wider staff setting, and to offering support as required, such as regular online wellbeing seminars and communication tools and networks for colleagues to keep in touch with each other, including in more informal and online settings. Employers introducing remote working rules should particularly review their health insurance and sick leave policies to ensure that remote workers are given equal protections, including during crisis situations when remote work may need to be extended or made obligatory.



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The use of surveillance tools to monitor remote workers should be restricted

Information and communication technologies can have a wide range of impacts on workers. While they can facilitate work processes, constantly evolving technologies for monitoring and surveillance can also create excessive controls, invade privacy (including data rights), and undermine positive working relations. The massive uptake of remote work during the Covid-19 crisis has often been coupled with an increase in the use of worker surveillance tools (including geo-localization) and extremely invasive software, such as taking a screenshot and/or a photo of each worker every few minutes through their webcam, tracking every keystroke, and analysing every email and chat message sent.

The use of surveillance tools to monitor remote workers, store their data, and use these in disciplinary proceedings, should be restricted unless firmly regulated through national or local law and/or a trade union collective agreement. Workers and trade unions should be granted the right to transparency and to participate in the implementation and use of such tools.

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Remote work should be voluntary

Remote working may not be suitable for all workers and for all types of work and not every sector or company may be suited to remote working. However, no one wishing to work remotely should be excluded from remote work unless the employer can make a justifiable case against it. Studies have also shown that women, in particular, value the additional flexibility of remote work arrangements and that these can even allow more women to remain active in the labour market.

Equally, there should not be any obligation to work remotely; it should be voluntary, with the possibility for workers to revert to full time at the workplace if and when they so wish. Workers should also be able to choose to combine remote work with office-based work in a pattern that works best for them.

Providing more remote work opportunities should not be used as an excuse by employers to close workplaces in an attempt to save costs or undermine working conditions. In cases of major remote work restructuring, permanent worksite closure and/or the digital off-shoring of jobs, the employer should negotiate the restructuring terms with the trade union, and any existing legal mechanisms on restructuring should be triggered. In all cases, measures should be put in place to protect workers as they move through the restructuring process. When workplaces are closed, workers should first be offered the option to transfer to another workplace location, should they choose. If there is no transfer option or if the worker chooses instead to work remotely, the employer should maintain the employment relationship and there should be no reduction in pay, leave or other terms and conditions of employment.



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Employers should respect regular working hours and the right to disconnect

Remote workers are entitled to rest periods, limits to maximum hours of work, and the right to disconnect, respecting the legal and contractual framework applicable, including on night shifts where applicable.

Flexibility to work remotely must always be accompanied by a right to disconnect from work. This right ensures that employees can maintain a separation and balance between their personal and professional lives, with full respect for working time rules where these exist. The duty to respect this right is not an individual responsibility on the part of each worker but requires a collective approach with commitment from senior management to minimize out-of-hours contact, and to protect workers from any negative repercussions when they invoke their right to disconnect.

Workers should not be rewarded for choosing to remain connected outside of working hours, and those who disconnect should not be penalized. For workers with designated hours, remote work should not be used to extend hours or to reduce rest periods between scheduled working times. This may require the development of new tools and rethinking how to measure work. Many employers do not have the right tools in place and instead rely on office presence either as a proxy for productivity or as an indicator for individual success in the workplace. Presence and productivity are not the same thing and improved output can also be linked to remote workers' ability to manage their time flexibly and in accordance with rhythms that are optimal for them.

Remote workers should not have physical presence requirements replaced by digital ones, such as endless video calls and online chats. A clear and realistic timeframe for the performance of duties should be determined from the outset, in agreement with the worker and modifiable if circumstances change (e.g. crisis period). Performance criteria should be the same for all, whether working remotely or not. Employers should specify by what means and within what timeframe the worker must be available. Workers who are subject to overtime rules, should be compensated in the same manner as if the extra work were performed in the workplace. This should include an on-call or standby allowance for any worker expected to keep their phone or device on. Employers should provide fair systems for approving, measuring, and compensating overtime hours.



Employers should remain responsible for the health and safety of workers



There should be no difference between remote work and other forms of work organization when it comes to the employer's collective responsibility for occupational health and safety, including comprehensive insurance and liability, sick leave, quality work environments, ergonomics, and violence-free workplaces (C190). The latter is notably the case as concerns domestic violence, exposure to which could increase for remote workers (and women in particular) whose home is also their workplace. The employer has the responsibility to protect the remote worker and should undertake necessary risk assessments and provide relevant information on the company's health and safety policy as well as training with regard to the use of equipment.

To reduce psycho-social risks related to potential feelings of isolation for remote workers, employers should provide the opportunity for regular direct contact and formal and informal socializing with co-workers. With many remote workers using information and communication technologies, they may find themselves more exposed to work-related cyberbullying. While remote work may reduce face-to-face forms of violence and harassment, it may lead to a higher risk of technology-enabled violence and harassment, and the employer must put in place policies to prevent, monitor, and resolve this.

The adequate implementation of health and safety measures should, as necessary, be verified by the employer, trade union, and worker health & safety representatives and/or the labour inspectorate. Where remote work is performed in the worker's home, access to the workplace should be subject to prior notification and consent. Employers should also review their health insurance and sick day policies to ensure that remote working workers are protected in the case of disruptive, crisis scenarios.

Work equipment and remote workspace costs should be the employer's responsibility

Employers should provide, maintain, and replace equipment necessary for regular remote work, including, for instance, appropriate desks, chairs, and screens. Employers should compensate employees performing remote work—with respect to the applicable law—for direct and indirect costs necessary to perform their duties, including but not limited to rent for workspace, insurance, electricity, internet, mobile phone service, and others. Employers should also inform employees about any national allowances or tax benefits associated with remote work.

All related details—including on the general organization of the remote and digital workplace as well as on security issues related to data loss, hacking, confidentiality breaches, etc.—should be clarified beforehand so that the rights and responsibilities of the remote working workers are well-understood.

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Remote work should be 'gender neutral' and open to all

The option to work remotely must be available without discrimination and be considered as an equally valuable form of work. Gendered stereotypes that remote work requests come mainly from women should be fought or this could create a stigma and long-term negative impact, notably as regards career development, income and pay/pension gaps.

Negotiating remote working agreements must also be part of a wider debate on evolving workplace culture, social norms, and expectations. While it is important to note that increasing access to remote work can encourage more women to better balance work with unpaid personal responsibilities and thus remain active in the labour market, 'gender-neutral' remote work will only be possible if accompanied by a cultural shift towards an equal sharing of care and household duties, as well as access to good and affordable (public) care services. The rise in cases of domestic violence during the Covid crisis also highlights a greater exposure risk to women when working remotely from their home.

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Remote workers should have equal access to training and career development

Remote workers should receive the same information and have equal access to employer-funded training and re-/up-skilling, guidance and career opportunities. Employers should not offer training outside of working hours, and when a remote worker must report to the office, for example, for a necessary meeting, managers should give adequate notice. Remote workers should receive equal treatment in performance reviews, career development opportunities, and consideration for promotion to that of their traditional workplace-based counterparts.

Employers must take active measures to promote equal access to digital training, including for new tools, technologies, and cyber security. Remote work models will increase the need for these skills, and trade unions must work with employers to develop inclusive training pathways, especially regarding diversity and gender. It should also require specific training to help supervisors manage teams remotely.

Employers must also ensure that remote workers are 'visible' within the company and provide them with opportunities for regular face-to-face meetings for career development and mentorship to promote their growth and advancement. This is particularly important for female remote workers who continue to bear the greater load of home and family responsibilities and have less time and opportunity to engage in career enhancing activities outside of their work schedules. The potential increased isolation of prolonged remote work can also impinge on the creation and building of workplace networks and breaking the glass ceiling, which could particularly impact the career development of women and minority groups.



Prior to introducing or extending remote work rules, trade unions and employers should complete impact studies and produce thorough documentation



Before introducing or extending remote work rules, trade unions and employers should thoroughly assess their impact and produce documentation of all remote working rules and regulations, highlighting any existing good practices as well. Remote workers' needs and expectations, within their specific roles and circumstances, should also be assessed, clarified and documented.

The employer, with agreement from the trade unions, should provide all workers with clear and detailed remote working information, and should complete a health and safety assessment related to the remote work, including on physical and mental health risks, a risk mitigation plan, and regular monitoring and updating plans.

Trade unions and employee representatives should be involved in all aspects of the assessments, mitigation, monitoring, and evaluation—including information, consultation, and exchanges at the transnational level where applicable. The employer, trade unions and employee representatives should also develop and agree a list of minimum requirements/conditions, and they should conduct feasibility studies to ensure that remote workers will have adequate infrastructure, services and workspace to perform their duties and remain in touch with each other (also at a more informal level), as well as put in place necessary measures for privacy and data protection.

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