

TELEWORKING – A NEW FORM OF WORK DEVELOPED IN THE CONTEXT OF GLOBALIZATION

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Abstract

The complex process of globalization has been expanded globally it did not run out of effects either the sphere of individual work relationships, especially regarding the classical structure of organizing work.

The rapid changes in the field of production caused by all automatic processes and methods allow reducing cost and time of data storage. European countries have been forced to cope with the high level of unemployment and with the imbalance which has been created on the labor market by spreading the technological means of communication, thus economies could not generate full-time jobs for all employees. In the work field, the democratization of technology culminated in major changes in the organization of work and human resources management.

The changes in the way of organizing the production and the management of human resources have determined resulting in various employment choices either in the form of atypical contractual arrangements or in the form of ways specific to outsourcing work. The Mechanism of globalization brought the development of a new "networking", work being carried out under the computer assistance system, increasing the possibility for the employer to implement work programmes without any geographic barriers.

We are witnessing a fundamental change in the paradigm of the standard employment contract, the structure of employment relationships evolving to a different typology. The purpose of this paper is to present not only content, notion, specific European regulation, dissemination area, but also some comparative law elements to identify how European states perceive telework programs.

Keywords

Teleworking, Globalization, Labour market, Labour law, Technology

JEL Classification

F62, F66, E24, J41

Introduction

The complex process of globalization has been expanded globally is characterized by important changes in the economic, social, political, technological environment, but also by trends for upgrading, knowledge, broad contacts between people (Intelligence SRI, 2019), with implications for all aspects of human life – it did not run out of effects either the sphere

of individual work relationships, especially regarding the classical structure of organizing work.

Referring to the major tendency of the contemporary development of computed technologies, big European companies have been interacted with various situations.

Thus, the rapid changes in the field of production caused by all automatic processes and methods allow reducing cost and time of data storage, aspects that were undoubtedly reflected on the basic components of the labor market - supply and demand for work. As a result, European countries have been forced to cope with the high level of unemployment and with the imbalance which has been created on the labor market by spreading the technological means of communication, thus economies could not generate full-time jobs for all employees.

The perspectives of globalization have also been reflected in the field of competitiveness and of the increased level of insecurity among firms, which faced special challenges related to the organization of work in order to maintain economic efficiency. In reply to the new challenges of everyday life, only companies that have accepted certain strategies for adapting to these global changes, that have become able to remain competitive - for example by providing employees flexible work schedules (Bajzikova et al., 2013) - have managed to survive to the increasing demands of the customers.

Understanding these issues is particularly important as knowledge and skills of various categories of workers are no longer the only competitive advantage of firms. Judicially, it was also found that "knowledge" is a good at the "discretion of the employee" who decides whether and in favor of which employer uses his professional expertise (Bajzikova et al., 2013). Nowadays, it is not unusual for employers to invest constantly in training and professional qualifications for the benefit of employees, thus increasing career development opportunities and strengthening this "knowledge".

Globalization - an important factor that has influenced the use of flexible work schedules

As we have already mentioned, the system of globalization, tackled through the many levels of the society, inevitably reaches the field of labor markets. The worldwide development of information technology is perhaps the most vivid way in which globalization is manifesting in modern society. This "democratization of technology" (Catalin Turliuc, 2008) has opened the way for the liberalization of services and goods, the free circulation of information in all spheres of society, so that people can communicate freely without constraints, anywhere, anytime.

In the work field, the democratization of technology culminated in major changes in the organization of work and human resources management. From this point of view, it is clear to some authors (Dimitriu, 2016) that the changes in the way of organizing the production and the management of human resources have determined "the activity through small, flexible and decentralized units, rather than by large and bureaucratic units", resulting in various employment choices either in the form of atypical contractual arrangements (fixed-term employment contracts, part-time employment contracts, temporary work contract, job sharing contract, etc.), or in the form of ways specific to outsourcing work (teleworking, voucher based work, on call, etc.).

The Mechanism of globalization brought the development of a new "networking" (Blanpain, 1998) phenomenon in the work relationship, work being carried out under the computer assistance system, thus increasing the possibility for the employer to implement work programmes without any geographic barriers. As stated in the specialized legal literature (Blanpain, 1998) under the spectrum of the notion of "networking", today and tomorrow workers can work in several networks depending on its willingness, within the framework of shorter or longer projects and under a contract. Also in the literature of employment

relations, the thesis was consistently validated that "most modern organizations have started to have a number of full-time, permanent ("an inner core") employees who perform the key functions of the enterprise surrounded by the concentric circle of part-time, occasional, self-employed contractors, distance teleworkers, temporary agency workers, or others who is needed (England, 2000) emphasizing the same perspective of the fundamental change in the structure of the employment relationship, delimiting 2 employee typologies - "an inner core" and those non-standard or atypical (usually assimilated marginal to the company) (Dimitriu, 2016). Starting from such premises, labour/working relations have become increasingly free, less controllable and controlled, as well as less collective (Dimitriu, 2016).

In a brief speech, globalization removes the social partners from the prototype model of employment, from the essence of the traditional way of production. We could say that through the current diversity of the forms of work organization, we are witnessing a fundamental change in the paradigm of the standard employment contract, the structure of employment relationships evolving to a different typology (Marica, 2016).

Under the conditions of globalization, it can be firmly argued that in most economic regions of the world, the standard employment contract deeply associated with industrialization (Supiot, 2001) is gradually being replaced by new non-standard or atypical forms of work (Bercusson, 1996), which have very opposite trends to the reality of the industrial age (ie tendencies towards diversity, renouncing uniformity, splitting working time, providing services from anywhere, lack of permanence and job security, social security rights, etc.) (Supiot, 2001).

All these aspects are part of the features of the new employment system, being practically the most obvious elements of the evolution of globalization. However, we will not insist on all the atypical modes of work that have proliferated in the area of individual work relationships in recent years as a consequence of globalization, precisely because, on the one hand, we are dealing with an inexhaustible list of new practices and on the other hand the present paper aims is to identify some particularities related to the remote telecommunication system. So, we considered an approach that would include not only content, notion, specific European regulation, dissemination area, but also some comparative law elements to identify how European states perceive telework programs.

Teleworking

The most important role in creating and developing the atypical way of organizing work on the teleworking system is precisely the contemporary global context. The Teleworking Individual Contract appears to be an important expression of flexibility in the context of individual labour market relationships. The increased need for flexibility in working relations seems to be supported by both sides of the labour law relationship. On the one hand, from companies that perceive telework programs as a means of reducing space and operating costs, and on the other hand from the perspective of workers, Teleworking programs are important tools to ensure an optimal balance between personal and professional life (Dimitriu, 2011).

Besides the need for flexibility, other elements of social origin have become essential in the development of Teleworking programs. Thus, the proliferation of means of communication through information technology comes in the context that most urban centres in the world are confronted with a congestion of internal traffic not neglected for the business environment. The daily shift to the workplace, which has become a corollary for both companies and employees as a result of crowded traffic and parking space crisis, brings costly time and money. Under these conditions, the technological progress and the development of the informational means of communication allowed the organization of remote ways of working, which contributed to breaking the space-time limitations that the contemporary individual faces, avoiding the need to travel daily for work (Salomon, 1984).

It was considered that behind the work options on the teleworking system, there are in fact important changes in lifestyle. And lifestyle changes are major decisions that "are far more profound than a simple change in the workplace (Salomon, 1984).

Regarding the concept of teleworking, it must be said that there are fundamental reference standards of the European Framework Agreement on telework concluded in Brussels in 2002.

Starting from this fundamental document, teleworking is defined in Article 2 (1) as "that form of organization and / or achievement of work using information technology in a contract or employment relationship where the work that might be carried out equally in the places of the employer, is done outside them on a regular basis ". Disposals of art. 2 par. (2) of the Teleworking Framework Agreement establishes that the person who performs the work under a teleworking contract is called "teleemployee".

The Teleworking Framework Agreement therefore contains minimum disposals and principles for all other Member States that implement the individual telework contract internally, either by law or through collective labour agreements.

Telework is rather a specific way of providing work, being recognized by legislation in Belgium, the Czech Republic, Hungary, Luxembourg. Other countries have also allowed telematics programs to be implemented through collective labour agreements concluded at national or sector level, such as France, Denmark, Greece, Italy, Spain, Sweden (Dimitriu, 2016).

From the content of the definition, as set out in the Teleworking Framework Agreement, it can be seen that the most plausible telematics space could even be the home of the employee. However, this does not exclude any other place where the employee may have access to the necessary IT and where appropriate conditions for data protection, safety and health of work could be ensured.

Sometimes we are witnessing different take-ups of the concepts used in the Telework Framework Agreement by the Member States. Examples are the Hungarian regulations (Kiss, 2017) which define telework as "that activity performed on a regular basis elsewhere than the employer's headquarters and not belonging to the employer, by computer or other means of information, the work product being sent by electronic means ".

We also find in France an atypical telework program, in the sense that teleworking is a part-time activity, and the employee will divide the working time between the conventional workplace and the telework location, which is also considered as a reference for other systems right (Marica, 2018). A system of private law regarding to telework is also in Slovenia (Marica, 2018) where if the organization of telework is done at home, the employer has the obligation to notify the Labor Inspectorate, which has the power to control the work place where the teleworker is going to perform his activity so that his health is not endangered. We also encounter situations - as in the case of the Netherlands – where legal regulations limit the carrying out of teleworking activity, only in the form of homeworking, and there is no possibility for the teleworker to operate elsewhere than the residence of the teleworker.

Eloquent in terms of the particular features of Teleworking is the regulation in Germany, where tele-employees are sovereigns on the establishment of working time without the employer's interference in any way. However, the content of the service duties and the determination of the software to be used by the tele-employee are the responsibility of the employer (Waas, 2017).

Also, Romania has recently made progress in the field of labor relations through the adoption of Law no. 81/2018 on the regulation of teleworking activity, thus allowing domestic companies to offer employees telework programs. Adopted, however, at a distance of 16 years from the European regulation, Law no. 81/2018 on regulation of teleworking

activity contains ambiguous, restrictive and incomplete provisions in relation to European norms.

Without insisting, we only mention that "the employee, who regularly and voluntarily fulfils his or her specific to his position, activity, or job using information and communications technology at a place other than workplace, at least one day per month, is in the execution of a teleworking activity, according to art. 2 lit. a) of Law no. 81/2018 regarding the regulation of the teleworking activity.

Although the standard does not establish a list of activities where it is possible to conduct teleworking activities, only activities involving the use of computerized technologies are envisaged.

In addition, telework programs in Romania can be materialized only through the agreement of both sides of the legal employment relationship, and only on the basis of the quality of the employee (this kind of activity is not allowed in the public institutions) (Teleoacă Vartolomei, 2018).

In terms of spreading, in Europe, 5% of workers were involved in home telework programs in 2000, which rise to 7% in 2007, with small variations between countries due to cultural factors (Aguilera et al., 2016). For example, in France, less than 6% of the employed workforce is involved in teleworking working contracts (Aguilera et al., 2016).

Domestic and teleworking practices are more widespread in Germany, where 4.7 million employees (nearly 13% of the workforce) worked regularly or sporadically at home in 2012. At the same time, it was reported that 57 % of companies in Germany, active in information and computing technology, offered in 2013 their employees the opportunity to work from home, but only 12% of employees understood to use this privilege (Sârbu, 2015).

A fulminating development in the field of remote work is recorded in the USA, these forms of work being very popular in the labour market. Some studies (Timsal and Awais, 2016) show that the US labour force will increase in the coming years from 96.2 million in 2015 to 105.4 million in 2020, meaning that it will account for almost 72.3% of the total force in 2020 work in the US. Statistical data at European level puts Romania in the European Union's queue for distance work compared to other countries like Finland, Denmark, the UK or Belgium, where more than a quarter of employees opted for remote work alternatives, which reveals that in Romania this phenomenon is poorly developed.

Conclusions

Looking ahead, given the dynamics of the economic, social and informational environment, as well as the positive impact on the flexibility inherent in this specific mode of work, it is also expected that in Europe the distance work contracts will be among the most important forms of atypical employment.

Under these circumstances, regarding to changing the paradigm of the individual labour contract in the sense of encouraging labour-intensive forms of work as diverse and as flexible as possible, the attempt of companies - in Member States where teleworking is still poorly developed - to provide employees with teleworking programs, could become an unknown incursion. This is why there is still a need for extensive studies on telework agreements, articulating the implications that they suppose, from regulatory, comparative and utility studies of teleworking, both in the company's and workers' plans.

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