

A PROGRESSIVE FRAMEWORK FOR REMOTE WORKING: FAIRNESS, SUSTAINABILITY AND DIGITAL INCLUSION

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

We witness a crucial moment for improving the conditions of millions of workers. The pandemic has been a game-changer in terms of remote working in Europe and has accelerated some long-standing processes regarding the transformation of labour. Remote work is often promoted as a harbinger of access and empowerment. Yet, critics have justifiably pointed to dangers posed by workers' weakened employment protections and bargaining power, the risks of strengthening already deeply entrenched inequalities, and the ecological disasters resulting from overproduction of energy- and resource-intensive goods.

What do these transformations imply for workers, for work itself and for the progressive family? How can we tame the spectre of unfair remote work? Can telework provide a way to meet the goals of tackling climate change and, in its course, promote a fairer and more participative way of working? Will this contribute to greater social justice? Can this all be achieved without causing disruptions to the social tissue and further isolation of individuals, which can have a deep impact on mental health and the sense of community?

In this policy brief, we provide answers to these questions. At its heart, our intervention is an attempt to sketch out the baselines of a new progressive approach towards remote work. An approach that fosters social justice. An approach that takes seriously the promises and perils of digital transformation. Crucially, an approach that is compatible with ecological boundaries. In other words, the fact that proximity does not seem to play as big a role in shaping our world of work as it used to play does not have to go hand in hand with the erosion of workers' rights. It does not have to exacerbate the worst excesses of digital capitalism. And it does not have to compound the destruction of the planet. These drawbacks are outcomes of political choices – not of natural laws. They are not inevitable.

Across three strategic levels, our policy proposals illustrate that progressives all across Europe have powerful strategies and tools at their disposal to prevent these outcomes: information; institutions; and labour law. When it comes to an information-based approach, we suggest the introduction of a new 'public software label'. This label is aimed at ensuring that software used by employers is consistent with the right to disconnect and with workers' data rights. With regard to the institutional level, we propose that organisational infrastructures for work – be it paid or unpaid – become domains of dignity. Finally, good work means to be able to work in accordance with, and for the purposes of, one's ethical and environmental convictions – thus we propose to work toward a legal and material right to disconnect from unethical work. With these proposals, we hope we can contribute to the ongoing discussion regarding the future of work, particularly in light of an extremely rapid digital and – may we have the will to do so – a sustainable and ecological transition in our ways of living.

BACKGROUND AND DEFINITIONS

1. BACKGROUND AND DEFINITIONS

1.1 The COVID-19 pandemic as an accelerator

We cannot publish a paper at the start of 2022 without acknowledging COVID-19. Early 2020 brought a complete halt to the daily life of almost everyone on the planet and what at some point was perceived to be a one-year event is now becoming endemic and will leave some permanent marks on all our lives.

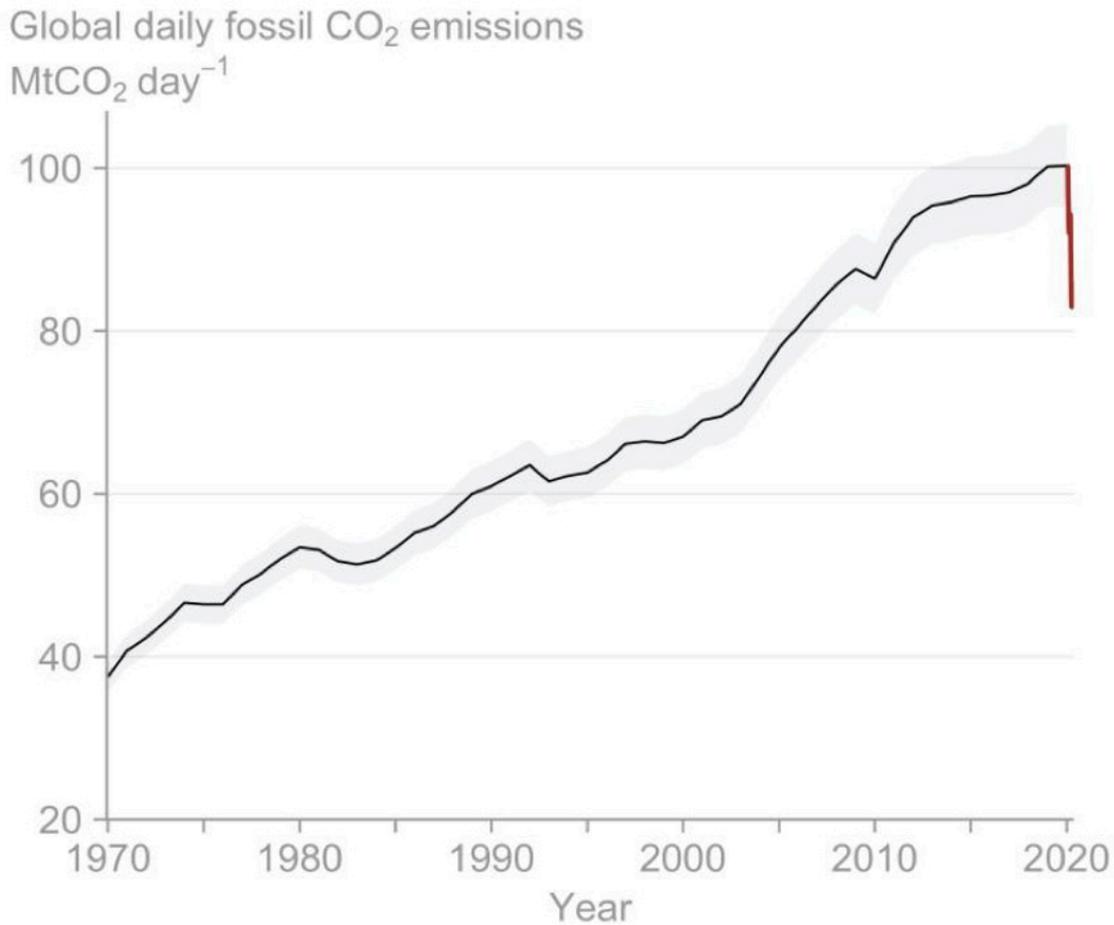
The outbreak of the COVID-19 pandemic in Wuhan, China, which quickly spread all over the world to become the first pandemic at a full global scale, has had a severe impact on our lives. By early September 2021, there were over 4.5 million deaths and more than 226 million confirmed cases worldwide.¹ The death toll has been absolutely dreadful, but COVID's impact has also produced several indirect consequences: with the application of several non-pharmaceutical interventions (NPI), which meant two or three waves of total or partial confinement, this pandemic quickly evolved to bring about yet another harsh socio-economic crisis, mainly a rise in unemployment, lay-offs, a reduction of income and the partial or complete shutdown of many companies.

At a time when discussions on the future of work and the digital transition were already strongly developing, both in academia and at a political level, the pandemic crisis has only accelerated many of these processes and exacerbated the differences and inequalities that it may generate, perpetuate or even derive from. In a nutshell, the pandemic has created a microcosmos where the future of labour dynamics may be anticipated.

1 <https://covid19.who.int>

2 'Global lockdown induced large drop in emissions, 3-months 8% and peak drop 17% unprecedented, dropping to levels last observed in 2006. At their peak, emissions in individual countries decreased by ~27%.' Source: United Nations Framework Convention on Climate Change (United Nations Climate Change): https://unfccc.int/sites/default/files/resource/1.GCP_.pdf

Considering some preliminary results regarding CO2 emissions in Europe and in the world in 2020,² especially during the period when most countries introduced severe confinement measures and restrictions, it is as if we have put ourselves under the microscope as samples.



© ⓘ Source: Le Quéré et al. Nature Climate Change (2020); Global Carbon Project

The data collected from this period shows that the reduction in 'emissions from surface transport accounted for almost half (43 percent) of the [global] decrease, industry & power together accounted for 43 percent, & aviation 12 percent [in global CO₂ emissions].³ This shows that the confinement, which caused a severe reduction in the use of surface transport, indeed led to a reduction in CO₂ emissions. However, recent data shows that the decline in CO₂ emissions has only been temporary, and emissions are now rising again at a fast pace (Foster 2021).

We also have to acknowledge the short- and medium-term consequences of the economic crisis that followed the emergence of this pandemic. The UN warns of the increasing inequalities and poverty at a global scale as a result of COVID-19 (UN 2020). The social impact was, and to some extent still is, nothing short of significant, notably in terms of jobs lost or bankruptcies, as well as in terms of the strong psychological impact this pandemic has had upon us, both individually and as a society, the full extent of which still remains to be assessed.

3 https://unfccc.int/sites/default/files/resource/1.GCP_.pdf

Nonetheless, the temporary impact of the pandemic on remote-working practices and on the environment, particularly in terms of CO2 emissions, inevitably led us to think about what could be the long-term consequences of surface transport reduction in the fight against climate change as well as the consequences of the massification of telework on social justice and on the risks of further entrenchment of social inequalities.

1.2 Defining telework

We cannot publish a paper at the start of 2022 without acknowledging COVID-19. Early 2020 brought a complete halt to the daily life of almost everyone on the planet and what at some point was perceived to be a one-year event is now becoming endemic and will leave some permanent marks on all our lives.

Telework has been defined by the European Framework Agreement on Telework (2002) 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. (Article 2)

ILO (2020) have distinguished between four types of work that take place outside the premises of the employer. These include remote work; teleworking; working at home; and home-based work (ILO 2020, 5-8). Remote work is the broad category of 'situations where the work is fully or partly carried out on an alternative worksite other than the default place of work' (ILO 2020, 5). Telework is based on the definition of remote working and adds a criterion on 'the use of personal electronic devices'.

Work at home 'takes place fully or partly within the worker's own residence' while home-based work refers to those who 'usually carry out their work at home, regardless of whether the own home could be considered as the default place of work' (ILO 2020, 6), hence home-based work is a subcategory of work-at-home. These categories are often overlapping, in turn making it difficult to measure who is working from home and what type of work is carried out in this context. When thinking about these types of working practice, there are key areas to consider: the voluntary nature of the working arrangements; working conditions; employees' health and safety; employees' privacy; access to training and equipment as well as collective forms of workers' organisations (see European Framework Agreement on Telework 2002).

A recent European Commission policy brief entitled 'Telework in the EU before and after the COVID-19' (Milasi et al 2020a) shows that the pandemic has pushed a shift towards teleworking and working from home across EU countries. It also points out that important differences across EU countries in terms of the deployment and preparedness regarding teleworking existed prior to the pandemic. These are linked to the industrial fabric of each EU country as well as to specific sectors and types of occupation. For example, ICT- and knowledge-intensive sectors and generally high-skilled occupations have tended to be more prepared and have prior experience of teleworking. Therefore Scandinavian countries, with larger proportions of employment in the knowledge- and ICT-intensive services, had a higher prevalence of telework prior to the pandemic. Other differences between EU countries are explained by factors such as the rate of self-employment, workers' digital skills and the distribution of employment in relation to the size of companies (Milasi et al 2020a). Preparedness and access to telework are also connected to existing patterns of income inequality where highly skilled and well-paid individuals are more likely to telework. These patterns were exacerbated during the crisis.

The pandemic has been a game-changer in terms of remote working in Europe. Indeed, a survey conducted by Eurofund in July 2020 shows that 48 percent of employees reported working at home at least some of the time, and among them 34 percent worked exclusively from home during the pandemic (Milasi et al 2020a, 31). Sectors where homeworking was the most prevalent included education, financial services and public administration. The survey's findings illustrate the reinforcement of existing patterns of inequality as those who were able to telework were disproportionately urban-based, white-collar, well-educated, service-sector employees (Milasi et al 2020a, 33). The survey also shows the rapid shift towards teleworking from the outset of the pandemic whereby about half (46 percent) of respondents reporting working from home during the crisis had no prior experience of doing so. Finally, and importantly, 78 percent of employees surveyed indicated a preference for working from home at least occasionally after the pandemic (Milasi et al 2020a, 34).

While promising greater autonomy and flexibility, working remotely often means longer hours worked, greater workload, and increased social isolation (Oakman et al 2020; Osborne 2021). This is expressed more clearly with the rise of a culture of being always on and digital presenteeism (McDowall and Kinman 2017; Hemsley 2021), a factor that during the confinement period empirically showed how this can be harder to cope with in the case of parenthood or caring responsibilities, especially for family members. It is also important to note that remote working can also have beneficial effects, for example by eliminating commuting time, offering flexible working patterns that suit caring responsibilities, reducing expensive office spaces and redistributing geographical coverage of workers (Nickson and Siddons 2004, 2).

Crucially, working remotely does not impact all workers in the same way, thus reinforcing existing intersectional patterns of inequality. Women, for example, are more likely to juggle working and caring responsibilities, in particular in the context of the closure of schools and day-care centres (Alon et al 2020). In addition, black and ethnic minority workers are more likely to be in key, often low-paid, jobs such as in health and social care, food production, and sales sectors which cannot be conducted remotely (The Health Foundation 2020). Overall, the rise of remote working during the pandemic also furthered income inequalities, favouring highly educated and highly paid employees (Bonacini et al 2021; Cetrulo et al 2020).

The 'right to disconnect' emerged in a time of deep transformation of work, and mainly refers to a worker's right to be able to disengage from work (European Parliament 2021) and no longer engage in work-related communications, particularly phone calls or electronic forms of contact, like e-mails from the employer or the employer's representatives (Mitrus 2019, 9). As long as the digitalisation of work generates the tendency to be 'permanently online' and always available for the employer, the 'right to disconnect' is based on two thoughts. The first is related to the improvement of people's working conditions and it was boosted by the COVID-19 pandemic and the forced 'remote working'. The Socialists and Democrats MEP Alex Agius Saliba, rapporteur for the 'Report on the right to disconnect',⁴ had already proposed that the right to disconnect be a European right, enforced by the EU institutions.

4 https://www.europarl.europa.eu/doceo/document/A-9-2020-0246_EN.htm

The second thought is related to the idea of reducing the use of digital tools, and has three roots:

1. Technology non-use: a trend that started in the 1990s, based on a growing concern about the risk of digital exclusion, known as the digital divide. Non-use of media technology is framed as an issue of material or cognitive deficiency (lack of access, lack of means, and lack of skills, distinguishing the haves from the have-nots) and technophobia – ideological refusal or non-acceptance of new digital devices (Hesselberth 2017, 3).
2. Media resistance: a trend known as digital detoxification, is based on various campaigns such as the Sabbath Manifesto, #facebookucks, Quit Facebook Day or the National Day for Unplugging (Hesselberth 2017, 6).
3. Media disruption: based on the idea that the original objective of online media was to emancipate, inform, and empower its users, while the internet today is about big data, mass surveillance, and platform capitalism (Hesselberth 2017, 10).

The right to disconnect has been defined as 'workers' right to be able to disengage from work and refrain from engaging in work-related electronic communications during non-work hours' (EurWORK 2019). This was first implemented in France in 2016 and is now being implemented or considered in a number of countries (Dima and Högback 2020). In the Saliba Report, the right to disconnect is described as 'an important social policy instrument at Union level to ensure protection of the rights of all workers' (IOE 2021, np), with a particular emphasis on the matter of people's mental health and social protection. In fact, as the rapporteur described it: 'After working hours or while on holidays, workers must be able to switch off their phone or emails without fear of negative consequences.

5 <https://socialistsanddemocrats.eu/newsroom/vote-right-disconnect-test-case-conservatives-willingness-bring-workers-rights-digital-age>

6 [Law 83/2021, on 6 December 2021](#)

7 It also includes provisions for the extension of this right in the case of children until the age of 8 years old.

This is vital for our mental and physical health.⁵ The Republic of Ireland also adopted a new code of practice on the right to disconnect, in April 2021 (Gov.ie 2021).

The most significant achievement on this matter so far has come from Portugal, in December 2021 it entered into effect what most consider to be one of the most progressive telework laws in the world. The new Telework Law⁶ sets three major principles that could be quintessential for future laws elsewhere:

1. The obligation of the employer to provide the worker with the necessary means for the execution of its work as well as the additional costs deriving from teleworking;
2. The establishment of penalties in the form of fines in cases where the employer contacts the worker outside of the established working hours and a severe penalty in cases where the employer exercises any control of the worker's privacy rights, including the ones exercised through IT equipment provided by the company;
3. The right and choice to telework is set by the worker (with a written agreement with the employer and provided that the work can be performed through teleworking) and cannot be denied by the employer in cases where the worker has a child under the age of 3 years old.⁷

1.3 Freedom and the concept of labour

The main focus of this paper is the transformation in telework and the consequences that can emerge or derive from it. Nonetheless, these transformations can be framed inside the bigger picture of the transformations in the nature of work and the concept of labour.

In his book *Libertà nel lavoro* ('Freedom at work'), Giovanni Mari (2019) deeply expands on the idea of the digital revolution or work/labour 4.0, which he considers to be 'probably the most important fracture that occurred in the conception and practice of this activity [work] after the Renaissance, in our opinion more significant, on the level of civilization, than that which occurred with the eighteenth-century industrial revolution' [translation from the Italian].

These transformations, which are those also introduced in and by digital innovations, as well as in the field of telework, are likely to increase social inequalities, favouring those who are already more privileged against those who are more vulnerable. Taking this into consideration, and taking into account that transition periods are even harsher for those who live through them due to the permanent uncertainty that comes along with this, it is necessary to understand how these harms can be harnessed and what changes this may introduce to ideas of work.

As progressives, the social dimension can never be overlooked. Later we will explore briefly some of the theories that approach the dichotomy between work and environment and the implications the one has on the other. What starts to emerge from the outcomes of the digital revolution is, in reality, that even though the neoliberal narrative tries to sell the idea that old jobs will lead eventually to the emergence of new ones, it is not excluded from this narrative that there will be, in fact, fewer jobs in the future. While the concern over this transition must be at the core of progressive policies, including the establishment of a solid and sustainable fund of support for the transition period, it is also true that there is a dire need to rethink the centrality of work in our societies. Several proposals have already emerged, which range from the reduction of the work week to the introduction of a basic income – with a wide range of proposals in this field and even some practical experiments.⁸

8 'Four-day week "an overwhelming success" in Iceland': <https://www.bbc.com/news/business-57724779>;
'Finnish basic income pilot improved wellbeing, study finds': <https://www.theguardian.com/society/2020/may/07/finnish-basic-income-pilot-improved-wellbeing-study-finds-coronavirus>

The other transformation, which concerns the nature of work itself, can lead us to different forms of organisation of work – from which telework is a big part – as well as in the relations between workers and employers. In 1844, in his *Economic and Philosophic Manuscripts*, Marx developed the concept of alienation of work:

What, then, constitutes the alienation of labor?

First, the fact that labor is external to the worker, i.e., it does not belong to his intrinsic nature; that in his work, therefore, he does not affirm himself but denies himself, does not feel content but unhappy, does not develop freely his physical and mental energy but mortifies his body and ruins his mind. The worker therefore only feels himself outside his work, and in his work feels outside himself. He feels at home when he is not working, and when he is working he does not feel at home. His labor is therefore not voluntary, but coerced; it is forced labor. It is therefore not the satisfaction of a need; it is merely a means to satisfy needs external to it. [...]

As a result, therefore, man (the worker) only feels himself freely active in his animal functions [...]. (2012 [1844], 142-43)

Marx adds that one of the main factors for this idea of alienation of work is that 'the external character of labor for the worker appears in the fact that it is not his own, but someone else's, that it does not belong to him, that in it he belongs, not to himself, but to another.' Thus, in this conception of work in the capitalist society, work is a commodity, not an activity.

Seeking to contradict the status quo conception of work and presenting a different view, Marx and Engels go precisely against the idea of work as a commodity.

Their view, further explained in the Communist Manifesto, derives from Hegel's view of work as an activity, that is, an 'act of man's self-creation.' (Hegel 1807, The Phenomenology of Spirit). This vision paves the way for a different conception of work, which differs from the utilitarian view of work as a commodity and that should be central to a progressive approach to work: envision it as a self-fulfilling activity.

This idea is precisely the main argument in Mari's 'new' conception of work. New because, in a way, it goes in countersense, or maybe in addition, to the main legal framework of work in Europe, which aims at guaranteeing and protecting the human right to work. Mari, on the other hand, counter argues that rather than just ensuring the right to work, as has been the rule throughout the workers movements in the twentieth century, we must move in the direction of substantiating 'the right to a chosen job, to the quality of work and to freedom at work, with high and necessary cultural and professional contents as never before' (2019, 45-6).

Thus, we enter into a new paradigm which may prove essential also in establishing the principles that apply in the field of telework, namely:

1. the idea of a new collaborative relationship (also symbiotic) between man and machine capable of developing new forms of work such as performative speech acts;
2. an idea of consumption based on social needs, primarily related to environmental sustainability, autonomously expressed by society, as the content of an 'institutional reform of civil society', and on individual needs freed from commercial heterodirection (fetishism), which is also an effective way of creating new jobs;
3. an idea of leisure that can be (together with work) an element of enrichment of life and, therefore, a form of freedom not opposed to that of work, capable of favouring the birth of new non-heterodirected needs, which can also be a driving force for the new [work] occupation. (idem, 47-8)

However, considering the technological advances of today, also known as the Fourth Industrial Revolution, the ability of the capitalist system to sustain both social reproduction and individual consumption is challenged. It means that the automation of labour could produce more than individuals can consume, while the automation process is boosted by the fast development of artificial intelligence (AI), big data, robotisation, and bio-technologies. According to Karl Marx:

[...]in order to come into being, capital presupposes a certain accumulation; which is already contained in the independent antithesis between objectified and living labour; in the independent survival of this antithesis. (Marx 1973, 246)

What Karl Marx was saying is that in the future, it is possible that the 'objectified labour' – that is, machinery – will appropriate the 'living labour', that is, workers. It means that technologies that are coming along with the Fourth Industrial Revolution will not be a mere extension of the workers, but 'the contradiction of more production and less consumption will call into question whether capitalism can create new jobs faster than the old ones it destroys' (Hughes and Southern 2019, 60). Even if the situation does not look optimistic for the working force, as Brynjolfsson and McAfee point out the people also have skills and abilities that are not automated yet. 'They may become automatable at some point, but this has not started in any serious way thus far, which leads us to believe that it will take a while' (Brynjolfsson and McAfee 2014). Furthermore, even in the automated domains, people still have much to offer. 'Although no person now can beat the best chess computer, for example, the right mix of human and digital labor easily beats it. So it's not the case that people cease to be valuable the instant computers surpass them in a domain' (Brynjolfsson and McAfee 2014).

In conclusion, this new idea of freedom at work must connect to the idea of self-realisation, which, in turn, is connected to the idea of leisure or idleness and enjoyment of this leisure time.

We approach this idea in the definition of the right to disconnect, which derives from this principle of ensuring the need for realisation of the worker and is a fundamental concept when creating the new normatives for telework. Therefore, the idea of leisure becomes central also to the concept of work, as Mari puts it:

If idleness is freedom, that is, free choice of activities corresponding to one's abilities and vocations, carried out for oneself, and if it is time freed from work such as [work] 4.0, which allows self-realization, then it is a question of freedom from freedom in work. Of the freedom of freely chosen work, which can be, as Robert B. Reich writes about his work of knowledge, an activity that voluntarily 'consumes' the person, who therefore needs leisure: because the person who self-fulfills in work cannot do it without a freedom from work [...].' (Mari 2019, 165)

1.4 Freedom and the concept of labour

The field work was undoubtedly the one in which the disruptive impacts of globalisation have been the most problematic. [...] Europe is the continent where the ongoing changes [in this field] represent the most flagrant setback in the face of established achievements since the 19th century. Indeed, the impacts of globalization have been inducing new forms of work that are increasingly unregulated, within a social framework marked by flexibility, subcontracting, unemployment, individualization and precariousness of the workforce. There has been a progressive reduction of labor and social rights, and an increase in insecurity and risk, in a process that has been proving devastating for the working class and unionism since the end of the 20th century. (Estanque 2012, 51)

This is how the Portuguese sociologist Elísio Estanque, who currently co-ordinates a PhD programme on work relations, inequalities and unionism, describes the impact of neoliberal policies in the field of work.

Together with the impact on the labour field, capitalism and unregulated globalisation have had a deep and long-lasting impact on the environment, leading us to a situation of 'code red for humanity'.⁹ As progressives, it is paramount that when seeking to redefine work, we manage to intertwine work and environment as part of one and the same equation.

In fact, as Hoffmann and Paulsen put it, 'the systematically and continuously advanced scale of work and production has grown far beyond sustainable limits' (2020), creating a never-ending cycle of increasing production and consumption. To this equation of the relation between the impact of work in the environment, the authors add three other factors: 1) time, as 'work-induced time constraints influence time-use and consumption patterns'; 2) income, as 'on average, more hours of work generate more income, which usually translates into increased expenditure and consumption, inducing higher pressures on the environment'; and 3) work-induced mobility, infrastructure, and consumption, which can be described as the 'ecological impacts that work induces structurally, independently of the labour process itself' (Hoffmann and Paulsen 2020).

This leads Hoffmann and Paulsen to conclude that: 'The wage relation based on the commodity labour is, in other words, an essential functional feature of the industrial-capitalist system, and the exaltation of work remains its social ethic. For modern industrial society, work is 'both its chief means and its ultimate goal' (Gorz 1989, 13; Weber 1992 [1905]; Weeks 2011); it is centred and structurally dependent on work, despite work's environmentally adverse implications.

9 'UN Secretary-General António Guterres says a report published today by the Intergovernmental Panel on Climate Change (IPCC) is a "code red for humanity": <https://unric.org/en/guterres-the-ipcc-report-is-a-code-red-for-humanity/>

This constellation constitutes the dilemma between work and the environment, and it is why we argue that work is absolutely central to present-day unsustainability and should accordingly be dealt with in sustainability research' (Hoffmann and Paulsen 2020).

As we indicated at the start, the 'tightest' confinement period during the COVID-19 pandemic, during spring and summer 2020, has provided us with a clear indication of the direct impact of work on the environment, especially when considering the four factors that we have just described. If this is the case, then it is of urgency to elaborate on the central role that we attribute to work in our societies, which has not decreased even with an increase in the role of technology within it.

Considering the urgency of tackling climate change while ensuring social justice, when the risk of inaction or insufficient action is the possibility of irreversible damage to our planet, and taking into account the impacts that political will and rapid policy change can have on our daily lives, specifically in the field of work, it is paramount to rethink the centrality of work in our societies. As mentioned above, the reduction of working hours/days and the introduction of an unconditional basic income could very well be solutions for this. In this framework, a rethinking of the way we work, especially by allowing a new level of flexibility, not in the neoliberal narrative, but in the sense of allowing for more rights, protection and balance for the worker, of which remote work can be a significant part, can profoundly impact the relation between work and the environment, thus contributing to more environmentally sustainable forms of labour and of life in society in general.

A PROGRESSIVE FRAMEWORK FOR REMOTE WORK

2. A PROGRESSIVE FRAMEWORK FOR REMOTE WORK

We put forward policy recommendations to redress these patterns and recalibrate remote work across three strategic levels: information; institutions; and labour law.

2.1 Information: a new public software label

The pandemic and the rapid implementation of remote working by a range of organisations have accelerated the adoption of technologies enabling passive and active monitoring of the workforce. In turn, this has put social and digital rights of workers into jeopardy. Furthermore, while remote working has to some extent reduced commuting, the adoption of new technologies and software has impacted on the environment in different ways; for example through the energy consumption of the infrastructure underlying remote working and the ecological footprint of the new technologies adopted to respond and adapt workplaces to remote working. To address this threefold challenge, we recommend creating a public software label to:

1. ensure that the software is consistent with the right to disconnect and with workers' data rights;
2. assess the energy consumption and sustainability of the software;
3. provide a framework for the consultation processes in the implementation of digital technologies with a potential for surveillance in the workplace.

Technologies used in the context of remote working during the pandemic include wearable devices, and tracking and remote biometric identification software, as well as the intensification of the monitoring of employees' communication and performance (see for example Baska 2020; Chesler 2020; Christian 2020; Hern 2020; Jones 2020). Surveillance in the workplace has a long history (Ball 2010; Rosenblat et al 2014; Mateescu and Nguyen 2019) and is broadly understood as the activities of recording, monitoring and tracking 'employee performance, behaviours and personal characteristics in real time or as part of broader organizational processes' (Ball 2010, 87). Digital technologies have exacerbated this phenomenon and rendered surveillance in the workplace more accessible to employers (Ball and Margulis 2011; West and Bowman 2016; Clawson and Clawson 2017; Richardson and Mackinnon 2018). Four broad trends in terms of workplace monitoring and surveillance have emerged in the past decade and accelerated during the pandemic. These include (1) the adoption of prediction and flagging management tools and software; (2) the collection of biometric and health-related data; (3) the widespread use of performance- and time-tracking software; and (4) the gamification and algorithmic management of work activities through continuous data collection (Mateescu and Nguyen 2019, 1-2). Surveillance in the workplace, and the technologies enabling it, can not only be discriminatory and infringe workers' rights, but can also reinforce questionable imperatives of performance and optimisation (Moore and Robinson 2016). Furthermore, this type of surveillance often relies on the 'visibility' of workers and on the quantification of productivity at the detriment of tasks which cannot be quantified or productive 'inactive' down time (time needed to reflect on meetings, think about problems, and so on).

In the wake of the pandemic and the normalisation of the use of technologies enabling or actively seeking to monitor employees, the TUC has published a series of reports regarding the impacts of AI and data-driven technology on workers' experience and dignity at work as well as on the legal implications of using these technologies to manage the workforce (Allen and Masters 2020; TUC 2020; TUC 2021). Drawing on their work and to address emerging issues related to workers' digital rights, we recommend that the label provides a transparency assessment of each software's compliance with the following principles:

- Adoption of 'privacy per design' principles. These include data minimisation, purpose specification, use, retention, and disclosure limitation, proportionality, end-to-end security and accountability (Cavoukian et al 2010).
- Implementation and mandatory publication of data protection impact assessments (DPIA) when adopting new software/ tools.
- Mandatory use and publication of equality/ anti-discrimination impact assessments in combination with DPIA.
- Transparency on data processing, data use and data storage by the employer, as well as on the data processors and other data intermediaries involved in the data lifecycle. This includes data collection, analysis, transfer, and storage.
- Implementation of data reciprocity; that is, the right for workers to access, aggregate and use their data to organise, complying with GDPR regulation.

The label would also provide an assessment of the software's sustainability and energy consumption, which is particularly crucial given the mounting evidence on the environmental costs of data centres and AI (Jones 2018). Currently, ICT consumes about 9 percent of European electricity generation.

And despite more efficient computing power, it is increasing every year. With the number of AI appliances rising, the problem is becoming more pressing. The main reasons for the increasing electricity consumption are more data-intensive processes that collect and analyse user data, obsolescence of devices and software, and decreasing and shorter compatibility with systems. And finally, more efficient computing power lowers the costs of computing compared to paying workers' salaries.

The environmental assessment of software should draw on the indicator framework developed by the German Federal Ministry for the Environment which enables, using 25 criteria and 76 indicators, the assessment of the environmental impact of software. Criteria are clustered into three aspects: (1) resource efficiency; (2) hardware's life and compatibility; and (3) user autonomy. Examples that improve the environmental footprint of software include: data-minimisation; minimum software-duration; downward compatibility; and interoperability.

Finally, and importantly, the public label will also provide a framework for the consultation processes in the implementation and adoption of new software to significantly make certain that workers' digital and social rights are not only ensured but also their protection enforced. This includes:

- Consultation with representation of workers/ trade unions prior to implementation of new technology and in particular data extractive/ AI technologies which use employees' data to make decisions/assess performance, to ensure workers' social and digital rights. This should be compulsory for large companies of more than 50 employees.
- The possibility of opting out on data protection grounds without impacting on employees, following the principle that the burden of proof should fall on employers.

Given the rapid deployment and normalisation of these technologies in the context of remote working, we also recommend assessing retroactively technologies which have been adopted or significantly scaled up during the pandemic.

We recommend that the implementation of the label at the national member state level be done in discussion with social partners and trade unions. Given the range of software and sectors that the label covers, we are aware that such implementation is unlikely to be an easy task. However, the EU Commission could take a lead, drawing on existing experience and frameworks (for example, EU Eco Label¹⁰), and provide member states with the technical, economic and environmental information needed for relevant products. This for example could be achieved as part of the European Product Bureau¹¹ or following a similar model. Furthermore, it is crucial in our view that such label and related certification processes remain in the hands of public institutions to prevent inadvertently feeding into private consultancies and the certification processes led by big tech corporations. Such a scenario could be detrimental to the workers (by primarily making money rather than ensuring that their rights are respected) and employers (by creating inhibitive costs for smaller employers) as well as in terms of transparency of the label and certification process.

2.2 Institutions: towards dignified working hubs

By itself, such a public software label is not a panacea for solving the challenges brought about by the rapid rise of remote work in the wake of the COVID-19 pandemic. Rather, we propose that it should be seen as one dimension of a holistic progressive policy agenda. To realise this agenda, it is crucial that progressives not only go beyond a narrow focus on coming up with novel solutions, but also rethink the shape of existing infrastructures and institutions.

In this section, our focus is on public employment services (PES), defined by the European Commission as the ‘authorities that connect job seekers with employers [and] help match supply and demand on the labour market through information, placement and active support services at local, national, and European levels.’¹² With that definition in mind, we supplement our proposal of a public software label with a plea to increase investments in democratically governed ‘citizen hubs’ – public places where people can get access to basic services associated with the ramifications of remote work: from providing skills training and access to desks and printers, to legal advice and child care. We explicitly highlight the importance of making these spaces dignified spaces for all workers, overcoming social and cultural stigma historically associated with public employment services.

This type of hybrid space, often community-owned and worker-led, has been discussed in the policy and academic literature (see for example Farrugia et al. 2020). To a certain extent, we are inspired by public organisations such as the Chamber for Workers and Employees in Austria centred on the idea of compulsory membership for all employees. In contrast to such concepts, however, we argue for the need to go beyond a representation of paid employees to put particular emphasis on the challenges of unpaid work, particularly care work. Without prioritising the gendered and racialised inequalities that determine both access to work and, critically, job quality, progressive policy agendas are foredoomed to fail. Such initiatives need to be delivered as part of a broader policy shift whereby the emphasis is on collectively owned spaces oriented towards public benefit. It also needs to be part of a push back from the privatisation of urban public spaces and the reproduction of neoliberal policies and agendas (Leslie and Hunt 2013; Boland et al 2016; Gil et al 2019; Lorne 2020).

10 <https://ec.europa.eu/environment/ecolabel/eu-ecolabel-for-businesses.html>

11 <https://susproc.jrc.ec.europa.eu/product-bureau/about>

12 <https://ec.europa.eu/social/main.jsp?catId=105&langId=en>

When it comes to practical questions of how to achieve concrete change, the establishment of citizen hubs requires political work on supranational, national, regional, and local levels.

a) The supranational level

In conjunction with the digital revolution, several start-ups and companies have mushroomed to provide corporate, privately owned spaces for remote workers. There is an urgent need for EU member states and institutions to keep up with these developments by means of modernising the portfolio of public employment services. In our eyes, a key point of leverage to do this on a supranational level is by giving prominence to the unique challenges of remote work within the European Network of Public Employment Services. Key goals of the network include benchmarking, modernisation of PES service delivery, and identifying evidence-based good practices by fostering mutual learning. However, as Weishaupt (2010, 480) notes, 'The "hegemony" of management ideas, in turn, has effectively limited the number of alternative governance choices', as "PESs feel 'ashamed' if they do not apply modern techniques such as, for instance, customer satisfaction surveys and targets". A key goal, therefore, is to challenge the hegemony of management ideology permeating the comparison between PESs by prioritising best practices of dignified remote work.

b) The national level

Around and after the turn of the millennium, many EU member states have attempted to address issues of unemployment by placing 'activating' labour market policies at the heart of their approaches. OECD data reveals 'that effective activation regimes work in the sense of assisting the unemployed to get off benefits and into work' (Martin 2014, 29). However, we argue that a purely quantitative assessment of such policies risks side-lining the proliferation of

neoliberal management ideologies in governing the organisational structure and day-to-day operations of PES. The question of how to achieve dignified remote work access and conditions requires progressive narratives that go beyond statistical measures. Furthermore, such activation is blind to the frequently negative impact of employment on workers, community and the planet.

c) The regional level

On regional and municipal levels, remote working hubs could be financed by public and private partnerships. Local or national authorities could share spaces and private companies could provide digital infrastructure. This mechanism would split costs and generate benefits for the two sides, therefore reduce the costs of public companies regarding working spaces. Our idea about the place in which workers can organise could be financed by collaboration vouchers (Heslop et al 2018), such as a coupon for organization of interest which each person receives and can be used to give to an organization that reflects his or her interest. It is also helpful for representing the interest of people not employed (for example houseworkers).

d) The local level

At the local level, such a framework would involve giving local authorities more power and targeted funding, extending community land trusts and revising planning laws (Farrugia et al 2020). As we have discussed, the postwork theories, which aim at making work – in all its dimensions and consequences – more sustainable,¹³ and decentralizing the importance of work in our social organization, could contribute to the development of new models of life in society. This also includes the way we organise and develop our cities, especially if we want to make environmental and social concerns the epicentre of this transformation.

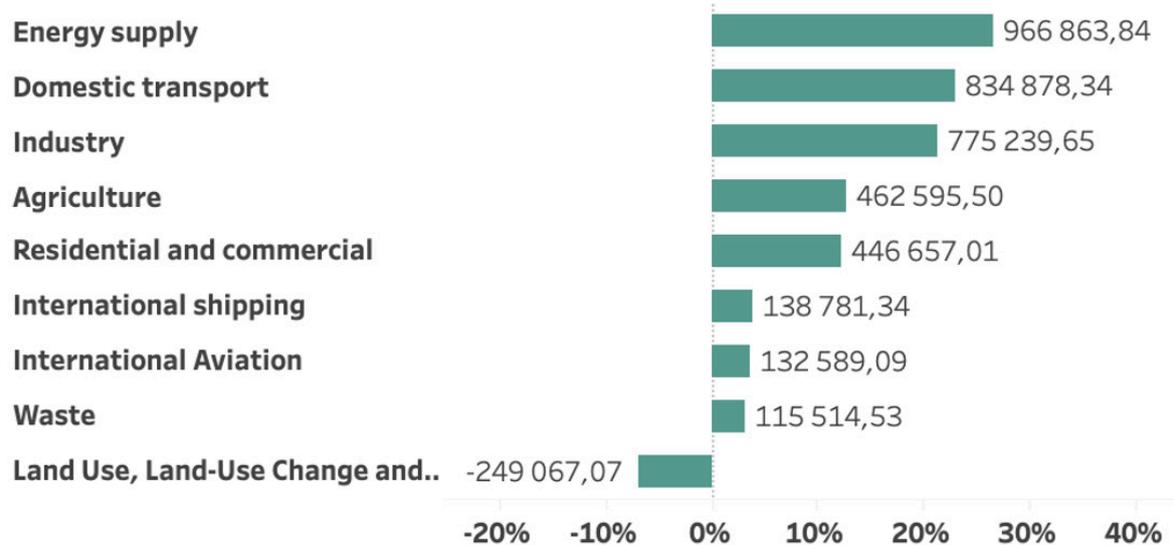
13 'We argued that modern-day work is a central cause for unsustainability, and should therefore be transformed to advance towards sustainability' (Hoffmann and Paulsen, 2020).

If we look at the existing data in the EU, the main causes of greenhouse gas emissions in 2019 were energy supply (26.62 percent), domestic

transportation (22.98 percent) and industry (21.34 percent).

Sectoral shares in EU-27 in 2019

(absolute and %)



Source: European Environment Agency ¹⁴

The idea of the 15-minute city, as first introduced by Carlos Moreno, ‘advocates for an urban set-up where locals are able to access all of their basic essentials at distances that would not take them more than 15 minutes by foot or by bicycle [...] [which] include (a) living, (b) working, (c) commerce, (d) healthcare, (e) education and (f) entertainment.’ (Moreno et al 2021). The main goal of this concept is to reduce transportation, both in terms of time spent and environmental impact, by bringing closer to us all the basic needs in our life.

To plan cities in this way, which foment proximity and a closer community life approach, clearly complements the idea of postwork theories and the implementation of a progressive framework for remote work. But, at the same time, by creating new centralities, it aims to eliminate the stark differences that often exist in different neighbourhoods of the same city.¹⁵

¹⁴ <https://www.eea.europa.eu/data-and-maps/data/data-viewers/greenhouse-gases-viewer>

¹⁵ An interesting study by James Cheshire (2012) use the London Tube map to show the existing inequalities between people only due to the quarter where they are born: ‘The map shows two key statistics: 1) the life expectancy at birth of those living around each London Underground, London Overground and Docklands Light Railway (DLR) station and 2) the rank of each London ward on the spectrum of Income Deprivation Affecting Children Index (IDACI). The inclusion of the IDACI rank highlights the linkage between deprivation and life expectancy, which is especially poignant in this context as it demonstrates that, without significant social change (obviously, if the social composition of London changes radically then the life expectancies at each station will change with it), the fates of many children living in the poorest parts of London are seemingly already sealed.’

The creation of co-working community spaces, which can bring greater optimisation of resources, including more developed technology and energy efficiency and fight the isolation emerging from working solely at home, are a valuable contribution to the creation of better conditions for remote work.

The socialist mayor of Paris, Anne Hidalgo, has officially adopted this concept as the development model for the French capital, while in Lisbon, the municipality is in the process of implementing an innovative model, called Hub Criativo do Beato (Beato's Creative Hub – HCB), specifically designed as a multifunctional community space which could serve as an example of the model we propose: 'the HCB is being built in such a way as to provide working areas in harmony with leisure areas, differentiated services and ongoing cultural programming. Aligned with the best environmental sustainability practices and preservation of its industrial heritage, and inserted in the urban network and the community, its ultimate goal is to instil interaction between different types of people and industries, thus creating a dynamic, innovative and creative community.'¹⁶

2.3 Labour law: a right to disconnect from unethical work

The transition to a climate-neutral economy requires a yearly emissions reduction similar to that resulting from the COVID-19 crisis. This implies profound changes for the way we consume, produce and work. The foremost responsibility to become climate-neutral within the next few years rests with companies, to produce goods and services within planetary boundaries. As previous emissions reductions were too slow, we have to speed up now. This is why we cannot wait until top-down decisions in businesses have been made accordingly. Instead, people need to be empowered to lead the transition by changing the place where they spend a significant portion of their life: the workplace.

Workers can be drivers of the ecological transition when they are free to leave jobs with a negative ecological impact. While pay, working times, and so on have been part of our understanding of good work, workers have barely any rights as concerns the actual activities at work and the societal and ecological impact of these activities. Yet, many people are stuck in bad jobs. These are not only bullshit jobs (Graeber, 2018), that are 'just' useless to society, but bad jobs, that harm people, community and the planet. In some countries, labour law allows workers to refrain from tasks that are incompatible with their religious or ethical beliefs. Yet, the conditions for it are difficult to assess and the legal institutions are hard for people to access. As a result, people are forced to spend much of their lifetime on activities that potentially harm others and destroy their and their children's living conditions. A good life also means having the right to disconnect from such unethical work.

People need the legal and material right to say 'no' to unethical work, for example the exploitation of the privacy of others or their own life, exploitation through the avoidance of social standards, or exploitation of the environment and climate by fossil-fuel sectors. Two steps are required. First, labour law needs to strengthen the legal conditions for people to deny tasks that exploit privacy, people or the planet. For example, by adding a 21st Principle to the European Pillar of Social Rights: the right to do no harm through employment, to be allowed to refrain from exploitative work and be protected when denying such tasks. Second, as long as workers depend on the income gained through problematic economic activities they are forced to become accomplices of exploitative businesses. People hence need not only the legal but also the material right to say 'no' to exploitative tasks. This requires access to a transition income or a socio-ecological job guarantee that is accessible for every employee that wants to leave unsustainable businesses and every unemployed person to not be forced into exploitative practices. The transition income and the income from a job guarantee must be sufficiently high to lead a life without poverty; it must hence take into account the particular needs for higher income for workers with children.

While an elite of wealthy individuals can make a living from capital income and is therefore free to leave unethical jobs, most Europeans require a job to make a living and have no decision-making power over the purpose of their work. This injustice is likely to worsen in the digital age: it might further divide the labour market into well-paid, overworked experts on the one hand and low-paid, precarious jobs on the other hand. The green and digital transition will develop many new job opportunities, but there is a risk that these opportunities will reinforce poor working conditions in terms of pay and work times, when workers are in a weak negotiation situation. Making sure new jobs have quality standards in terms of pay, work times, insurance and content is only possible when workers have a choice to say no. This is why we need the legal and material right to disconnect from unethical work.

CONCLUSIONS

3. CONCLUSIONS

In this paper, we have tackled the ambivalent politics of remote working in the context of the COVID-19 pandemic. We see the pandemic as a game-changer as it has accelerated existing processes shaping the transformation of labour across Europe. Therefore, the main questions that we try to answer in this paper are: What does the normalisation of remote working imply for progressives? Can telework provide a means to meeting goals of tackling climate change and, in its course, promoting a more participating and co-operative way of working? Will this contribute to greater social justice and carbon-neutrality?

In order to answer these questions, we have firstly defined telework 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*. Consequently, remote working can be understood as a broad category of situations where the work is fully or partly carried out on an alternative worksite other than the default place of work. The pandemic created deep changes in the field of teleworking as 48 percent of employees reported working at home at least some of the time, and among them 34 percent worked exclusively from home. This issue becomes more interesting for analysis in this paper as 78 percent of employees surveyed indicated a preference for working from home at least occasionally *after* the pandemic.

Based on the fact that teleworking is a highly important topic both for the present and for the future of work, we have analysed it from three different perspectives: a participating and co-operative way of working; its impact on climate; and its capacity to amplify inequalities.

1. Participating and co-operative way of working: we conclude that this new idea of freedom at work must connect to the idea of self-realisation, which is connected with leisure time, and we link it with the right to disconnect, which derives from the principle of ensuring self-realisation for the worker.
2. The impact on climate was a significant one as teleworking during the lockdown led to a reduction in CO2 emissions by reducing the use of surface transport.
3. Regarding inequality, it is now clear that the rise of remote working during the pandemic also furthered income inequalities, favouring highly educated and highly paid employees.

To address these issues indicated in the conclusions, we formed several policy recommendations based on the creation of a public software label that should:

- Ensure that the software is consistent with the right to disconnect and with workers' data rights;
- Assess the energy consumption and sustainability of the software;
- Provide a framework for the consultation processes in the implementation of digital technologies with a potential for surveillance in the workplace: through prior consultation with representatives of workers/trade unions; the possibility of opting out on data protection grounds without impacting on employees.

We recommend that the implementation of the label at the national member state level be done in discussion with social partners and trade unions. Given the range of software and sectors that the label covers, we are aware that such implementation is unlikely to be an easy task.

Alongside our proposal of a public software label, we make the argument that we need a more holistic approach which can be achieved through investing in and supporting democratically governed 'citizen hubs'. Building on existing public employment services, these hubs are conceived as public places where people can gain access to basic services associated with the ramifications of remote work such as skills training, access to legal advice, and child care provision. Crucially, these spaces must overcome social and cultural stigma historically associated with public employment services and be dignified spaces for all workers.

Finally, we put forward the legal and material right to disconnect from unethical work, an essential component for ensuring a just transition from an extractivist market-based model of work to a sustainable model of good work.

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The Karl Renner Institute is the political academy of the Austrian Social Democratic movement. It is a forum for political discourse, a centre for education and training, and a think tank on the future of social democracy.

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- generating a forum for political discussion and thus helping to introduce social democratic positions into the public discussion;
- training representatives of the Austrian Social Democratic Party so that they are optimally prepared for their present and future tasks;
- fostering the organizational development of the Austrian Social Democratic Party in order to open up and modernize party structures.

To this end, the Karl Renner Institute and its nine regional offices (one in each of Austria's federal provinces) organise a broad range of activities: Publications, debate evenings, seminars and lectures, appealing at a politically interested public; special conventions and seminars, targeted at experts, teachers and educators; workshops and consultations for officers, parliamentary representatives and employees of the Austrian Social Democratic Party.

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