European Parliament

The impact of teleworking and digital work on workers and society

Annex V – Case study on Ireland

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Abstract

The study analyses recent trends in teleworking, its impacts on workers, employers, and society, and the challenges for policy-making. It provides an overview of the main legislative and policy measures adopted at EU and national level, in order to identify possible policy actions at EU level. The study is based on an extensive literature review; a web survey; interviews with representatives of European and national stakeholders; and five case studies of EU countries: Finland, Germany, Ireland, Italy and Romania.

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MAIN STUDY

http://www.europarl.europa.eu/RegData/etudes/STUD/2021/662904/IPOL_STU(2021)662904_EN.pdf.

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LIST OF ABBREVIATIONS

ECHR	European Convention on Human Rights
EU	European Union
Eurofound	European Foundation for the Improvement of Living and Working Conditions
GDPR	General Data Protection Regulation
ICT	Information and Communication technology
ICTU	Irish Congress of Trade Unions
LFS	Labour Force Survey
NUI Galway	National University of Ireland, Galway
TICTM	Telework and ICT-based mobile work
WRC	Workplace Relations Commission

1. MAIN CURRENT AND FUTURE TRENDS IN TELEWORK IN THE COUNTRY COMPARED TO THE EU AVERAGE

In Ireland, like Denmark and Sweden, more than 80% of the adult workforce needs at least basic information and communication technology (ICT) skills to do their job (Cedefop, 2018). One civil servant interviewed noted, however, that prior to the COVID-19 pandemic, teleworkers were usually those in the IT sector, who were mobile and who had technical infrastructure in place. Although Ireland did not have a large proportion of teleworkers before 2020, Eurostat data show that it was one of only four countries where the proportion of teleworking doubled between 2009 and 2019, from 7% to 15% (European Commission and Eurofound, 2020; see Figure 1 in Annex IV). This level of growth is encouraging, particularly given that teleworking in Ireland has not been a priority for the government or social partners and has remerged as an area of interest only in recent years (Department of Business, Enterprise and Innovation, 2019). Preparatory actions formed part of the Regional Action Plans for Jobs 2015-2017 and included work to develop regional hubs with coworking facilities to stimulate regional growth. According to the Three Regional Assemblies of Ireland (2020), these have now expanded to over 300 hubs across the country.

From March to August 2020, the Irish Government directed everyone to work from home where possible. At the time of this first lockdown, the proportion of workers deemed capable of working remotely was relatively low (see Figure 2 in Annex IV). For example, a total of 186,476 private sector workers in Dublin could operate remotely, with only 200,524 private sector workers easily able to work from home across the rest of the country. With less than one-quarter of the Irish population living in Dublin, the capital appeared significantly more prepared for teleworking than the rest of the country. This was reflected in the figures on home working during 2020, where the Eastern & Midlands Region had 39% of employees working from home, compared to 30% for the other two regions (Western Development Commission, 2020). The lockdown had a significant impact on Ireland, which had a relatively high proportion of forcefully closed sectors (over 12%), but over half of employment positions were essential or teleworkable (CEPR/VOX, 2020; see Figure 3 in Annex IV).

Research from the Western Development Commission (2020) found that just over half of respondents (51%) had never worked from home before the COVID-19 crisis. In addition, 83% of people currently teleworking wanted to continue working from home in the future. This culture shift was supported by interviewees, who noted a big appetite for teleworking: '*Definitely there's going to be more remote working [teleworking], lots of companies before said it wouldn't work and they have evidence that it could work. The culture was one of the biggest impediments to allowing remote working to grow. There's some employers whose perception is that people at home aren't working.*' The lockdown proved that teleworking was possible, and the experience was sufficiently positive that almost everyone would choose to do more in the future.

2. MAIN POSITIVE/NEGATIVE IMPACTS OF THESE FORMS OF WORK ON WORKERS AND SOCIETY

A survey of employees by the Western Development Commission (2020) specifically targeted those working from home since the outbreak of COVID-19. The teleworking experience was generally viewed favourably: 83% of respondents would like to work remotely after the COVID-19 crisis (12% on a daily basis, 42% several times a week, 29% several times a month), while only 16% indicated that they would not want to continue working remotely. According to the European Commission and Eurofound (2020), those aged 31-40 were most likely to want to work remotely after the crisis and the highest proportion not wanting to work remotely was among older workers (60+, although again this was the minority, at 26%).

The top advantages of teleworking included no traffic and no commute (cited by 76% in NUI Galway-Western Development Commission Survey Phase I and 81% in Phase II), as well as greater flexibility in managing the working day, reported by 48% in Phase I and 51% in Phase II (Western Development Commission, 2020). The majority (87%) of respondents had the equipment needed to work from home, but poor physical and ergonomic workspace was one of three key challenges cited. Other challenges were not being able to 'switch off' from work and greater difficulty in collaborating/communicating with colleagues (Western Development Commission, 2020).

The stakeholders interviewed elaborated on these negative impressions. A key issue in teleworking - exacerbated by national lockdown - is isolation: '*Mental health and connection to colleagues was also an issue. People can miss the social interaction, they don't feel socially connected.*' While employees generally worked well and more productively, this was often at the cost of longer working hours and the current situation of almost complete teleworking is not seen as desirable. Contrary to European Commission and Eurofound (2020) findings, one social partner interviewed assumed that older, more established employees would be more likely to prefer teleworking. Although the experience of teleworking is generally positive, the risks to mental health and stratification in experience need to be considered.

Less cross-cutting data were available for employers, although both interviewees regularly consulted employers on teleworking over the past 12 months. Some of the main challenges related to managing risks to employees, particularly overwork, burnout and health and safety, with '*employers still liable for accidents at home.*' Some employers expressed concern about data protection and cybersecurity, especially in house shares. From a social partner perspective, however, those risks to data were not borne out in practice, rather undermining employers' concerns.

The social partner interviewed noted that some of the perceptions of risk may be due to the loss of control over workers when they are at home, which are related to general difficulties and a lack of management skills in managing from a distance. The civil servant interviewed observed that employers had diverse opinions on teleworking, but many were positively disposed to it.

More general concerns included the costs of keeping offices open. The social partner interviewed noted that employers pointed to double costs of maintaining work stations at the office and at home. Employers also stated that teleworking does not easily support creativity, group dynamics and collegiality (Department of Enterprise, Trade and Employment, 2021a). The social partners are concerned that lack of knowledge of others may have an impact on career prospects, with managers operating on an unconscious out-of-sight-out-of-mind basis.

At the society level, there are a range of potential benefits, although these have yet to be mapped. The civil servant interviewed believes that one of the main benefits is likely to come from reduced commuting, which is a particular issue in Dublin due to a housing crisis. Environmental benefits are likely to come from reduced carbon emissions from commuting, although the increase in home heating should also be taken into account.

The ability to work from anywhere may be a real benefit to regional development. The civil servant and social partner interviewed agreed that many workers in cities travel from rural areas to work and if they are not commuting, there is potential for regeneration in rural Ireland: '*Most Irish work further from work than other Europeans. With some people in rural villages and remote working could allow people to rejuvenate dying villages.*' Teleworking is promoted politically by the Minister for Rural Affairs (among others) who sees considerable regeneration potential. This was reflected in a recent report by the Department of Rural and Community Development (2021), which sees teleworking during the pandemic as an 'unparalleled opportunity' to rebalance the country.

3. MAIN LEGISLATION AND POLICY APPROACHES ADOPTED IN RECENT YEARS

Compared to some EU countries, Ireland's legislation on teleworking is particularly thin. Implementation of policy has come through soft law mechanisms such as guidance, codes of practice and voluntary agreements (at organisational rather than sectoral level) (Baltina, 2012). The 2002 European Framework Agreement on Telework resulted in a Code of Practice in 2004, but this was never signed or published and the Irish social partners and government do not consider it implemented in Ireland (Department of Enterprise, Trade and Employment. 2019). Indeed, while much valuable work has been undertaken on remote work, it was 'fragmented and ultimately did not result in lasting policy direction' (Department of Enterprise, Trade and Employment, 2019). The civil servant interviewed highlighted this fragmentation between teleworking (which falls under the Department for Enterprise, Trade and Employment) and flexible working (under the Department of Justice until 2020 and now the Department of Children, Equality, Disability, Integration and Youth). There are no collective agreements from social partners, but the Irish Congress of Trade Unions (ICTU) plans to do a template for a working from home policy.

Against this background of fragmentation, there is substantial legislative and policy movement coalescing across government and supported by the social partners. Ireland has no specific piece of legislation on employee monitoring, including those engaged in telework and ICT-based mobile work (TICTM). Like other Member States, the main legal principles regulating such monitoring are informed 1) at European level by the General Data Protection Regulation (GDPR) and Article 8(1) of the European Convention on Human Rights (ECHR), which provides a non-absolute right to respect for private and family life and correspondence; and 2) at national level, by the Data Protection Act 2018. On 6 March 2020, the Data Protection Commission issued a set of guidelines on COVID-19 and data protection, which are relevant for employers using technological devices to monitor employees working remotely.

More recently, on 15 January 2021, the Irish Government published its National Remote Work Strategy, which sets out a wide range of actions (Department of Enterprise, Trade and Employment, 2021a). The main legislative measures are a code of practice for the right to disconnect and legislating for the right to request teleworking. Both initiatives are close to completion.

Ireland's Workplace Relations Commission (WRC) is in the process of drafting a Code of Practice for the Right to Disconnect, for approval by the Minister for Enterprise, Trade and Employment. This is expected to provide guidance for employees and employers on best practice and approaches to employee disengagement outside normal working hours. Significantly, once it is a statutory instrument, the Code will be admissible in disputes and adjudications. The stakeholders interviewed noted that it will oblige employers to allow people to disconnect and represents a timely response to employees' and social partners' concerns about being 'constantly on call'.

The prevalence of telework prior to the COVID-19 pandemic was below 20%, yet almost all employees who are now teleworking would like to continue to do so. Currently in Ireland, all employees can request the right to remote work from their employers but there is no legal framework for such a request. Introducing legislation on this topic would provide such a framework and give employees 'the right to ask', while also giving employers clarity on best practice in dealing with such requests (Irish Department of Enterprise, Trade and Employment, 2021a). The legislation should be complete by Q3 2021. There are no plans to expand the right to request telework to an actual right to telework, although the social partners view this legislation as a good platform for such an eventual right.

Ireland emphasises soft measures over legislation, with the best practice example coming in the form of guidance. This guide on teleworking was developed over 2020 and provided by the Department for Enterprise (2021b). This Guidance is 'a good first step towards providing increased direction to employers and employees interested in engaging in remote work' (Irish Department of Enterprise, Trade and Employment, 2021a). The guidance brings together information from all branches of government, acting as a repository for existing laws, regulations and guidelines in place for employers and employees engaging in remote work. It is complemented by an employer checklist for those considering adopting teleworking arrangements in the longer term (Irish Department of Enterprise, Trade and Employment, 2021a). It also includes guidance on health and safety, terms and conditions, training, equality, returning to work, ergonomics, work-related stress, and content such as infographics and podcasts. It was also the basis for the government's consultation on teleworking, the results of which helped to develop the National Remote Work Strategy.

4. CONCLUSIONS AND POLICY INDICATIONS

There are many potential avenues for expansion of guidance and legislation on teleworking. Social partners, employees and the government all seek to establish teleworking more strongly across the country. The interviewees and reports agree that the current framework for telework in Ireland is insufficient without a defined legislative programme. Stakeholders noted, however, that there is potential to learn from what other countries have done. It is widely recognised that in the post-pandemic environment, employers and employees will need a supportive policy environment to enable continued teleworking among workers requesting it (Western Development Commission, 2020).

The main policy objectives of the recent National Remote Work Strategy (Department of Enterprise, Trade and Employment (2021a) are to create a conducive environment through expanded rights and codes of practice, developing better infrastructure (e.g. hubs), and building data, research and cross-department cooperation. Some of the highlighted actions are:

- Mandating that home and remote work should be the norm for 20% of public sector employment.

- Reviewing the treatment of teleworking for the purposes of tax and expenditure in the next budget.

- Mapping and investing in a network of remote working hubs across Ireland.

- Accelerating the provision of high-speed broadband to all parts of Ireland.

Coworking hubs are a key component of the Strategy, with the promise of national investment in a hub network (Department of Enterprise, Trade and Employment, 2021a). Although closed due to social distancing, these could be a great asset to teleworking post-COVID-19 (The Three Regional Assemblies of Ireland, 2020). There are 330 hubs nationally, with three types: coworking hubs, community hubs, research and development hubs. A national strategy on hubs is forthcoming, fed by commuter data, which will raise awareness of their use. This is a potentially transformative development, with hubs offering the benefits of teleworking with fewer drawbacks.

A related issue is that costs of teleworking are currently usually borne by the employee (other than the cost of devices), although stakeholders pointed to some policy initiatives to share the additional costs incurred by working from home: if they apply for it, employees teleworking can claim EUR 3.20 a day and, with employers' agreement, they can apply for limited tax relief on broadband, electricity and heating. Currently, the take-up is very low for both schemes. The social partners are calling for the daily sum to be mandatory, in order to remove barriers to access. If mandatory, this would also support working from hubs.

Another indicative policy direction is health and safety at home, which the civil servant interviewed stated is a 'really big concern for employers.' Interviewees hoped that guidance could be sought in future European legislation on health and safety, as 'coworking hubs, blended working all have different health and safety implications.' From the social partners' perspective, remote working is welcome but traditional workplace safety rights must also be protected. In the meantime, there is a need for an awareness-raising campaign highlighting that working time legislation continues to apply and employees should take their breaks, rest and not work excessive hours (Western Development Commission, 2020).

Two final areas for future policy are digital skills and privacy. On ICT skills, the civil service in Ireland anticipates future movement from EU institutions, with interviewees noting the EU focus on digital

skills. Cross-cutting skills also need to be improved, particularly communication and management skills during remote working. Finally, there are some concerns about privacy while working from home, and interviewees suggested that the application of privacy and GDPR legislation could be interesting at EU level, in the form of updated GDPR legislation that protects employees' privacy when teleworking. Potential risks include employers monitoring employees remotely, or selling information on employees, which may require employee rights legislation to prevent.

5. ANNEXES

Annex I – Good practice example

Name/title of the measure Period of implementation *[Specify when the project/strategy/experience started, if it is still ongoing or finished and if concluded, indicate when]* Body responsible for implementation	Guidance for Working Remotely 2020, ongoing Department of Enterprise, Trade and Employment
Type of intervention	Guidance.
Territorial coverage (national, regional, local)	National.
Financial allocations	Unknown.
Main goals and reasons for introduction *[Specify the objects of the project/strategy/experience and the results it is supposed to achieve]*	National guidance for employers and employees seeking to engage with teleworking solutions. The guidance page will act as a live resource for employers and employees adopting teleworking practices. As such, it will be updated as new guidance is developed to support workers and business, both in response to COVID-19 and in the longer-term.
Main target groups	Employers and employees engaging in telework or considering engaging in telework.
Main partners/stakeholders involved (promoter and partners of the project/policy; typology and roles of actors involved)	Department of Enterprise, Trade and Employment collated the documentation, legislation and guidance from across government and produced employer checklist for teleworking. No other partners appear to have been involved in implementing the guidance.
Main actions / measures implemented	Collation of all policy resources on teleworking, and guidance on implementing effective teleworking measures.
Main results/achievements to date and expected longer term expected impacts according to available monitoring/evaluations *[Both quantitative and qualitative – specify results and outputs]*	Reach of guidance is unclear due to an issue with website analytics, but the feedback on the guidance has been positive. The National Remote Work Strategy sees it as a good first step towards providing increased direction for employers and employees interested in engaging in remote work.
Main weaknesses/obstacles and how they have been addressed	Further reach is still required. This may be achieved during forthcoming awareness-raising campaigns for new codes of practice and legislation on teleworking. The first iterations were overly technical in parts. The latest version of the page addressed this by only referring to links to legislation rather than quoting from them.

Name/title of the measure Period of implementation *[Specify when the project/strategy/experience started, if it is still ongoing or finished and if concluded, indicate when]* Body responsible for implementation	Guidance for Working Remotely 2020, ongoing Department of Enterprise, Trade and Employment
Main strengths	Simplicity and clarity in presenting a wide range of information from many sources, often technical, and for two audiences (employers and employees).
Innovative aspects if any	The speed of implementation and links to new types of content, such as podcasts and infographics.
Main lessons learned	The importance of collating information for businesses and citizens. Presenting the work of multiple departments and EU institutions together and taking ownership of telework under the Department of Enterprise, Trade and Employment.
Additional comments (if any)	

Annex II – References

- Baltina, I., 2012, *Overview on European policies on Telework.* Available at: http://www.micropol-interreg.eu/IMG/pdf/Overview_on_European_policies_on_TELEWORK_final.pdf.

- Cedefop, 2018, *Insights into skill shortages and skill mismatch - Learning from Cedefop's European skills and jobs survey.* Available at: https://www.cedefop.europa.eu/files/3075_en.pdf.

- CEPR/VOX, 2020, *COVID-19 - The asymmetric impact of COVID-19 confinement measures on EU labour markets.* Available at: https://voxeu.org/article/covid-19-lockdown-and-eu-labour-markets.

- Data Protection Commission, 2020, *Data protection and COVID-19.* Available at: https://dataprotection.ie/en/dpc-guidance/blogs/data-protection-and-covid-19.

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- European Commission and Eurofound, 2020, *Teleworkability and the COVID-19 crisis: A new digital divide.* Available at: https://ec.europa.eu/jrc/sites/jrcsh/files/jrc121193.pdf.

- The Three Regional Assemblies of Ireland, 2020, *Regional coworking analysis*. Available at: https://emra.ie/dubh/wp-content/uploads/2020/10/Regional-Co-Working-Analysis-16112020.pdf.

- Western Development Commission, 2020, *Remote working: opportunities, challenges and policy implications*. Available at: https://westerndevelopment.ie/wp-content/uploads/2020/12/Expert-Group-Remote-Working-Report-2020.pdf.
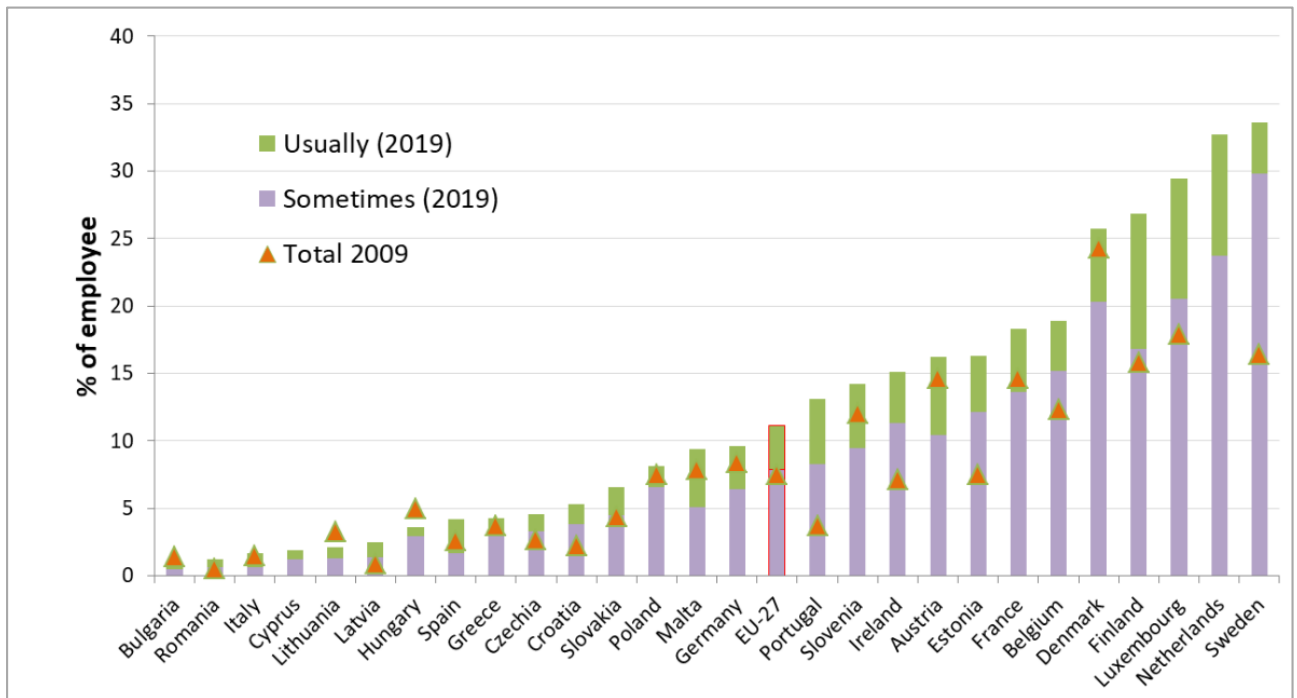
Annex III – Interviewees

Department of Enterprise, Trade and Employment.

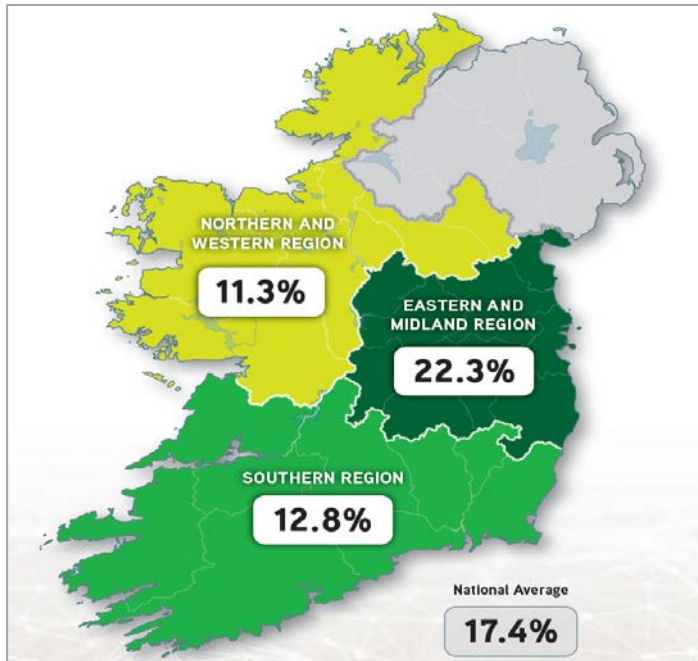Irish Congress of Trade Unions (ICTU).

Annex IV – Additional figures

Figure 1: Prevalence of telework across EU Member States in 2009 and 2019 (% of employees)
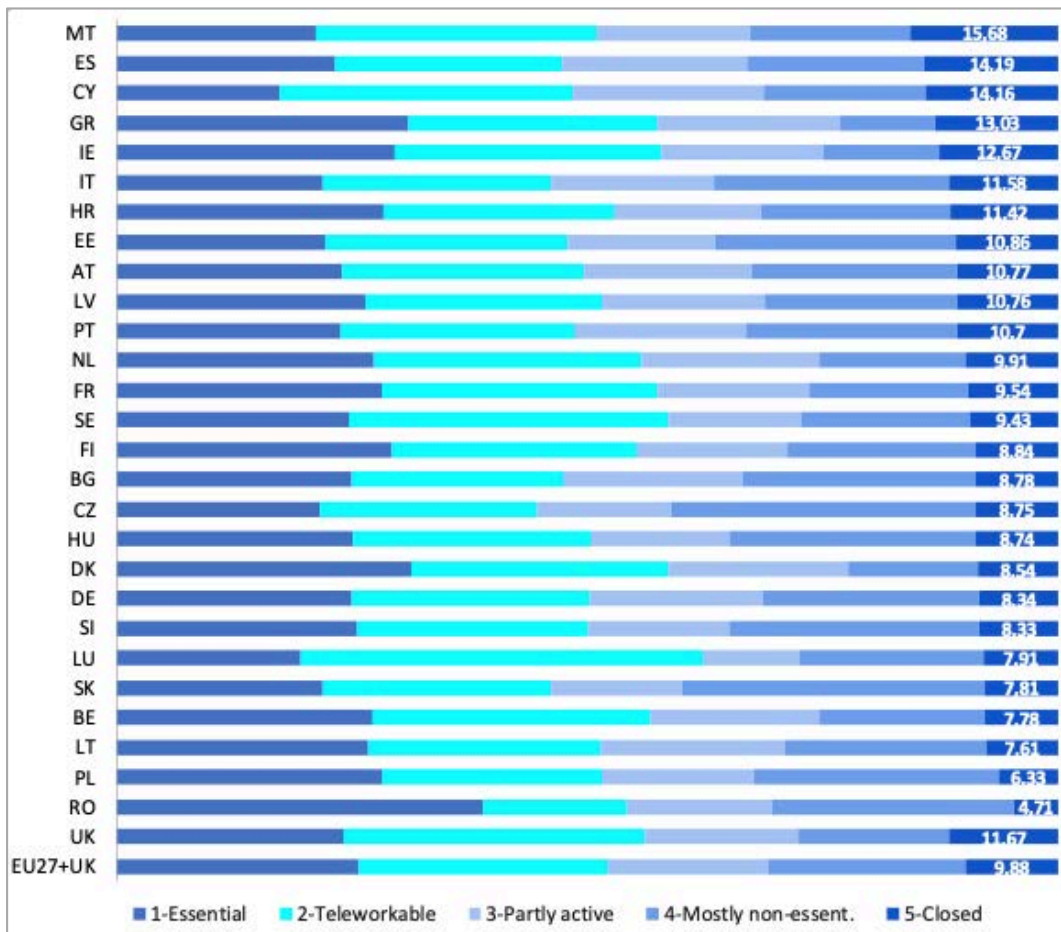

Source: Eurostat Labour Force Survey (LFS).

Figure 2: Private sector workers capable of operating remotely, as a share of total employment, NUTS 2 region, Q2 2020

Source: Eurostat, LFS.

Figure 3: Employment by likely impact of COVID-19 crisis in sector

Source: Employment figures from 2018 annual Eurostat LFS data.

The study analyses recent trends in teleworking, its impacts on workers, employers, and society, and the challenges for policy-making. It provides an overview of the main legislative and policy measures adopted at EU and national level, in order to identify possible policy actions at EU level. The study is based on an extensive literature review; a web survey; interviews with representatives of European and national stakeholders; and five case studies of EU countries: Finland, Germany, Ireland, Italy and Romania.

This document was provided by the Policy Department for Economic, Scientific and Quality of Life Policies at the request of the committee on Employment and Social Affairs (EMPL).