

STUDY

Requested by the EMPL committee



The impact of teleworking and digital work on workers and society

Annex VII - Case study on Romania



Policy Department for Economic, Scientific and Quality of Life Policies
Directorate-General for Internal Policies
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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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LIST OF ABBREVIATIONS

| | |
|-------------------|--|
| ABSL | Association of Business Service Leaders |
| COVID - 19 | Coronavirus disease |
| EU | European Union |
| E&Y | Ernst & Young |
| HR | Human resources |
| ICT | Information and Communication Technology |
| IRS | Istituto per la Ricerca Sociale institute for Social Research |
| IT | Information technology |
| MS | Member States |
| PWC | Price Waterhouse Coopers |
| RON | Romanian new leu |

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

According to Eurostat (2021), Romania is one of the Member States with the lowest levels of telework both before (0.4% of workers in 2018 and 0.8% in 2019) and during the COVID-19 pandemic. Interviewed stakeholders noted that before COVID-19, telework was framed as a benefit provided by large and multinational companies, especially in certain sectors (e.g. IT, outsourcing, banking). Various factors explain the low levels of teleworking during the COVID-19 period. Firstly, the labour market is dominated by low-qualified and manual labour, which limits the use of telework (slightly over 50% of Romanian enterprises are in the fields of retail, commerce, construction, industry and hotels) (Cojocaru, 2020). Secondly, a low percentage of workers are employed in knowledge-intensive and information and communication technology (ICT) sectors (Joint Research Centre (JRC), 2020). Thirdly, there is limited digital infrastructure, such as high-performance computers and servers, and a lack of electronic signature (Cojocaru, 2020). Eurostat 2019 data point to a lack of adequate procedures and equipment, coupled with a general low level of digital skills¹, especially in sectors that do not rely extensively on digital technologies. Stakeholders also noted that the management style tends to be traditional. The stakeholders also highlighted the challenge posed by the fact that almost half (45.8%) of Romanians live in overcrowded homes, making telework difficult. In the public sector, the negative image of civil servants and citizens' limited trust in the capacity of public institutions to deal with their requests through digital procedures compound the other factors.

Although still low, Eurostat data show that the telework uptake doubled during the COVID-19 period. Stakeholders pointed out that during the pandemic, telework was considered a way of limiting the spread of the virus among employees. With legal provisions increasing the flexibility of its application, more companies in various sectors (e.g. ICT, retail, banking, outsourcing, logistics, services) turned to full telework or hybrid models (telework on a rotation basis) to ensure continuity of their activities. Not only did telework increase during the pandemic, it seems poised to continue even after the pandemic, with studies and stakeholder interviews suggesting that hybrid models will likely characterise the future labour market. A recent survey of the Association of Business Service Leaders (ABSL) in Romania shows that during the pandemic, 50% of the 59 companies from the business service sector² used full telework, 45% used hybrid models (telework and in-person work), and 5% used only in-person work. According to the survey, 13% of the companies declared that they will continue full telework, 48% of them are considering hybrid approaches for the near future, and 39% replied that telework is difficult to implement or is not considered an option by management (ABSL, 2020). A Price Waterhouse Coopers (PWC) survey of 41 companies (finance, ICT, consumer goods and distribution, pharmaceutical, industrial products, energy, others) in October 2020 found similar results, with telework used by 50% of the companies in the overall market, 74% in finance, 26% in logistics/retail, and 24% in the pharmaceutical sector. While most (56%) will continue to use telework without time limits throughout the pandemic, 5% will use it permanently (PWC, 2020). Similar results were evident in a survey of public sector employees (*Institutul Național de Administrație*, 2020): since the beginning of the COVID-19 pandemic, over 50% of executive and management staff have been using telework, including working from home, with 31-28% using hybrid models; while 68% of the managers would not opt for telework after the end of the pandemic, 32% that they would be interested in continuing to use it. The stakeholders interviewed confirmed that telework – particularly hybrid models – will continue after the pandemic, as its large-scale use has raised awareness of its benefits and shown that

¹ According to Eurostat, in 2019, 31% of the Romanian population had basic or above-basic digital skills compared to 58% among the EU-28, available at: https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_sk_dskl_i&lang=en.

² The companies employ 37,500 full-time equivalent (FTEs) employees.

obstacles can be overcome. Stakeholders also believe that employees who have gone through a work-life integration and learning process will push employers to maintain flexible work models. Some noted, however, that it is not clear whether telework will be mandatory or only at the workers' request. Although mandatory in most cases during the pandemic (PWC, 2020), this remains uncertain, in particular in the context of current legal provisions on telework (see chapter 3).

Hybrid work models will push companies to rethink the role of the office. According to stakeholders, the office of the future will be conceived as a place for collaborative and creative work, socialisation, and experiencing company culture. A study by ABSL (2020) revealed that the COVID-19 pandemic has accelerated trends towards flexible and employee-focused workplaces, intensifying the densification process that emerged in recent years.

Stakeholders also noted that the increase in telework around the globe will make work from anywhere easier (i.e. working for companies in other countries while staying in Romania, or vice versa). While this is not a new phenomenon in Romania, it was previously limited to the IT sector. However, in the context of the increase in telework, it has now been extended to other sectors (e.g. human resources (HR), outsourcing). Stakeholders expect it to grow in the near future, triggering corresponding fiscal and immigration challenges for Member States.

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

Stakeholders underlined both positive and negative effects of telework for workers, employers and society as a whole.

2.1. Effects on workers

Stakeholders and studies (Wisemetry and Impact Hub Bucharest, 2020; Institutul Național de Administrație, 2020) underlined several benefits of telework for workers: 1) possibility to maintain one's job (65% of 44 companies surveyed by PWC did not resort to cost-reduction measures when using telework); 2) reduction in workers' risk of becoming ill with COVID-19; 3) increase in digital competences, as many workers had to learn to use digital tools, as well as in soft skills (e.g. time planning, personal effectiveness, autonomy in executing tasks, working to objectives); 4) increased motivation, as many workers felt their organisation prioritised their health; 5) reduction in the time spent in commuting between home and office. Some of the stakeholders interviewed also pointed out that telework has brought about increased flexibility in work schedules.

Negative effects observed were:

- Psychological well-being: social isolation, anxiety, depression and burnout are among the most common negative mental health effects mentioned by stakeholders. 45% of respondents to the Wisemetry (2020) survey considered loneliness and social isolation the biggest challenges of remote work. Within public administration, this was reported by 49% of survey respondents (Institutul Național de Administrație, 2020).
- Work-life balance: while telework increased the flexibility of work schedules in some cases, it also resulted in extended work hours that threatened work-life balance. According to Wisemetry and Impact Hub Bucharest (2020), increases in the work schedule stemmed from unplanned issues that needed to be dealt with, a desire to prove that people can work more effectively and efficiently from home or to avoid interrupting the work/concentration rhythm, interruptions caused by family members and home duties. The study points out that 78% of those who reported interrupting their work to deal with house and family duties are women, while 22% are men.
- Increase in personal costs: electricity, internet costs, etc. are not always compensated by employers.
- Extra working hours not always adequately compensated by employers: 44% of public administration employees surveyed considered that monitoring of telework did not adequately capture the real volume/complexity of the work undertaken.
- Safety at work and data safety issues: while employers are responsible for ensuring employees' safety, employees must declare that their current work conditions comply with safety and data safety procedures set by the company, and must inform their employer whenever there is a change in their work conditions. Stakeholders held different views regarding the extent to which these procedures are respected. While some maintained that many companies (especially in outsourcing) adopted rigorous procedures and trusted employees to comply, others pointed to the difficulty for companies to control the extent to which employees respect work and data safety procedures at home. Work safety in the framework of telework is also a matter of public debate, with questions raised by the media as to how accidents at home

related to work will be dealt with, given employers' and employees' obligations in this respect (Cojocaru, 2020).

For public sector employees, the stakeholders interviewed revealed that telework resulted in a lost bonus for damaging and dangerous work conditions, amounting to 15%.

2.2. Effects on employers

According to the stakeholders and studies, positive effects of telework for employers are: 1) continuation of their activities in the context of the lockdown; 2) reduction in absences associated with medical leave due to COVID-19; 3) reduction in costs related to utilities, cleaning services and some of the benefits provided to workers on the workplace; 4) increased digitisation of their activities; 5) maintenance/increase in employees' productivity, with 44% of employees surveyed by PWC (2020) declaring that their productivity remained constant, while 29% declared that it increased; 52.5% of the public administration managers surveyed considered their teams to have registered higher levels of productivity while teleworking (Institutul Național de Administrație, 2020).

Negative effects noted included the following: 1) costs related to the implementation of telework on a large scale; 2) ensuring effective collaboration of new teams through solely virtual collaboration, when relational problems remain hidden; 3) managing teams, due to managers' limited/lack of soft skills, which also represents one of the major obstacles to telework in the near future in Romania; 4) ensuring employees' professional development, with 50% of the training planned being postponed or suspended (PWC, 2020); 5) data protection, particularly in relation to employees' work environments; 6) safety at work, as employers face difficulties in exercising real control over workers' daily adherence to safety procedures (reflected in employers' request to suspend their legal responsibility for employees' safety and health during telework).

There are fiscal challenges associated with working from 'anywhere'. For example, such work is expected to present tax challenges, given the disparate tax legislation of countries around the globe. According to Ernst & Young (EY), working remotely in another country in the EU may trigger an employer's obligation to register for social security reporting and payment in the destination country (Mîndoiu and Butan, 2020). Stakeholders and EY representatives both noted that this situation may become even more complex in cases of overseas remote working due to significant differences in income and social charges, individual tax residence, and immigration legislation. Romanian legislation does not contain any legal provisions on virtual assignments.

Ensuring innovation in collaborative work seems to be another challenge for telework. According to some of the stakeholders interviewed, virtual communication may inhibit participants and, thus impact negatively on the exchange of ideas. Others, however, pointed out that multinationals like Google, Facebook and Twitter continue to innovate, despite having adopted full telework models, which suggests that it is not a matter of telework, but of the tools used to safeguard innovation and collaboration, as well as management capacity.

2.3. Effects at society level

Although too soon to speak definitively about the effects of telework at the society level in Romania, stakeholders pointed to several positive and some negative effects.

Positive effects include: 1) increase in citizens' awareness of public health issues, with people now far more careful about maintaining personal hygiene and staying at home when sick; 2) increase in the digitisation of public and private services and in people's digital skills (e.g. public administrations are more aware of the need for electronic signature, with some administrations having already

implemented specific plans in this area); 3) improved attractiveness of medium-sized towns for businesses, as telework would allow companies to set up in towns that currently lack suitable office space; 4) potential reduction in internal and external emigration, as telework could avoid workers' concentration in big cities and the brain drain phenomenon. Indeed, Romanians could work for companies abroad without leaving the country. However, these potential benefits depend on the capacity of local and national administrations to implement policies to improve quality of life in various towns/cities and at country level.

By contrast, the negative effects suggested by stakeholders and studies are:

- Increase in social and economic inequalities: telework is more common among white collar work, excluding manual workers. As the Romanian labour market is largely based on low-qualified work, only a limited number of workers would have access to these changed circumstances. According to stakeholders and studies (Chivu and Georgescu, 2020), the pandemic saw more people in low-qualified and manual occupations becoming unemployed than those in positions that could be performed through telework. There are large disparities in access to crucial digital infrastructure between rural and urban areas. It is therefore primarily workers from urban areas who have access to telework, which will further expand geographical inequality. Divergence in the level of digital skills between people from different age groups, sectors and urban and rural areas risk exacerbating disparities in access to the labour market.
- Weakening in the protection of workers' social rights: teleworking has meant limited social dialogue, lack of collective work contracts and limited collective work contracts at company level. One of the stakeholders interviewed highlighted that in the context of the extremely limited role of social partners and lack of collective work contracts, workers are more exposed to risk and abuse. Reduction in employees' income levels adds to this pressure. Some stakeholders noted that the extent to which an employee's wages should be adapted to the life costs of their work location is a matter of debate in the private labour market. If implemented on a large scale, this could trigger a reduction in the income level of employees.
- Reduction in the real estate market, especially in cities: this impacts negatively on the local economy.
- Potential increase in the shortage of qualified workforce for Romanian companies: continued extension of the 'work from anywhere' principle will create difficulties for Romanian companies to compete with wages offered by companies abroad. In the longer term, this would reduce the competitiveness of Romanian companies.

3. MAIN LEGISLATION AND POLICY APPROACHES ADOPTED IN RECENT YEARS

Romania has two main legal provisions regulating working from home and telework:

- The Labour Code (Law 53/2003), adopted in 2003, which regulates working from home. Under the Code, working from home can only take place within the employee's domicile and refers mostly to labour market and not necessary to work using ICT. Employees can also set their own work schedule.
- The Telework Law (Law 81/2018), adopted in 2018, is the primary piece of legislation regulating telework. It regulates work from premises other than those of the employer and applies to both permanent and temporary contracts, as well as to full-time and part-time contracts. The Law identifies different types of telework: occasional telework at the employees' domicile; semi-mobile telework, which makes provision for increased mobility of employees while maintaining a connection with the employer's premises; telework with unplanned in-person presence on the employer's premises; telework entirely from the employee's domicile; fully mobile telework. According to the Law, telework is decided based on a voluntary agreement between employer and employee and consists of at least one work day per month from work premises other than those of the employer. The Law requires the employer to equip the teleworker with the necessary work equipment and to take measures to ensure data protection and safety at work. It also provides that the employer should absorb the costs of telework. The employer must ensure that the teleworker is not isolated from their colleagues and provide them with the possibility to meet colleagues regularly. The Law states that extra hours can be performed at the request of the employer and with the written agreement of the employee. Finally, employers cannot fire or take other measures against employees who refuse to undertake telework (Barbu, 2019).

Several legal provisions were adopted in the context of the COVID-19 restrictions. Decision no. 6 of 9 March 2020 of the National Committee for Emergency Situations stated that public and private institutions can decide that, where possible, a proportion of their employees will carry out their work from home according to the provisions of the 2003 Labour Code and the 2018 Telework Law. Decree 195/March 2020 provides for the adoption of a state of emergency, according to which employers can unilaterally decide to adopt working from home or telework. Law 55/May 2020, on measures to fight the effects of the COVID-19 pandemic set out that an employer can decide that workers can carry out work from home or telework during the emergency, with their agreement.

The stakeholders interviewed raised several important issues in respect of the legal provisions related to safety measures. While some considered that their application is difficult for employers to control, others held that provisions whereby safety measures are agreed between employer and employee, with the employee obliged to notify changes in safety conditions, meant that the legislator entrusted the employee with the burden of safety issues. This raises the question of how work accidents at home will be dealt with. Other criticisms voiced in the general public debate on teleworking refer to employees' flexibility in organising their work, as the work contract has to include a work schedule and control measures for checking the activities and hours worked by the employee (Barbu, 2019). However, some authors observed that the principle of a voluntary based system in the law allows the parties involved to negotiate and agree the most appropriate solutions to complex problems (Barbu, 2019).

The stakeholders interviewed underlined that public staff are not specifically considered in the Telework Law, making its application more challenging.

Some authors also pointed out that the existence of two similar but not linked laws in this area creates confusion among employers and employees about their duties and rights (Institutul Național de Administrație, 2020).

In the context of COVID-19, other measures have been adopted to increase the uptake of telework:

- possibility for the employer to reimburse employees for the extra costs incurred from telework. However, interviews with stakeholders from the private sector highlighted that the uncertainty related to telework meant that many companies have not introduced this possibility. They also noted that this measure does not seem to apply to public workers;
- subsidies of up to RON 2,500/employee for purchasing new equipment for telework; and
- childcare leave during school closures. Although teleworking employees were initially excluded from this type of childcare leave, the measure was later expanded to include them.

In addition to legal provisions, stakeholders revealed that companies took several measures to ensure the effective implementation of telework and to mitigate negative effects:

- specific training on soft and digital skills for both managers and employees;
- exchange of competences between employees through specific training programmes delivered by employees;
- yoga and other mindfulness and sports classes to reduce stress and keep employees healthy;
- free physiological and coaching services to protect employees' psychological well-being and to support them in facing problems arising from the changed conditions;
- increased flexibility in employees' work schedules to allow them to better balance their work and personal lives; and
- free babysitting services for employees with small children to allow them to better balance their work and personal lives.

These measures were confirmed by studies in the field. According to the PWC (2020) survey of 41 companies, 59% had developed an online team space (specific groups using internal systems or social networks), 32% implemented virtual coffee time to prevent employee isolation, 7% delivered small presents to employees, 7% introduced video games, and 29% reported taking other measures. However, stakeholders pointed out that many companies – particularly multinationals – were already implementing some of these measures before the COVID-19 pandemic.

While some of the stakeholders acknowledged the effectiveness of these measures in dealing with the negative effects of telework, others considered them insufficient. Instead, measures are needed to redesign the way work is structured, distributed among employees and implemented. As this implies the creation of specific teams and the allocation of a specific budget and time resources, the stakeholders believed that few companies have started to rethink their entire work organisation.

4. CONCLUSIONS AND POLICY INDICATIONS

Despite remaining low, levels of telework have doubled since the beginning of the COVID-19 pandemic and telework looks likely to remain even when the health crisis has ended. Nevertheless, it is unclear whether it will be mandatory or only at the worker's request.

Experts believe that teleworking will make work from everywhere easier. While this is not a new phenomenon in Romania (already used in the IT sector), it is expected to increase and extend to other sectors in the future. According to the stakeholders interviewed, telework will also change the way offices are designed, with an emphasis on spaces of collaboration, socialisation and fostering company culture.

When it comes to effects, telework presents both positive and negative implications. The positive effects for employees and employers relate to the continuity of business activities, guaranteeing the conservation of the jobs, and the reduction in employees' risk of becoming infected with COVID-19. Employers and employees both benefited from decreased costs due to lower expenditure related to the workplace for employers and reduced commuting for employees. Another benefit that extends beyond workers and employers to society more broadly, is the increase in employees' digital skills and productivity. At the society level, telework has contributed to increased citizen attention to public health issues, digitisation of public services and attractiveness of provincial towns. In the longer term, it may also prevent internal and external migration.

Telework also has negative effects for employees, employers and society. For employees, these relate to mental health, increased workload and family duties (particularly for women), reduced income following losses in benefits and overtime, coupled with an increase in personal costs. Data protection and safety at work is a challenge for both employer and employee. For employers, adopting telework on a large scale requires financial investment. Employers also face challenges in managing teams and collaborative work and in safeguarding employees' professional development. Fiscal burdens related to work from everywhere represents another challenge for employers. At society level, the negative effects of telework comprise the potential to deepen the social and economic inequalities that characterise Romanian society (i.e. geographical development gaps), weakening workers' protection and social rights, and limiting local economic development (following reduction in workers' incomes), the impacts on investment plans on the real estate market, and the fact that some sectors depending on workers' presence in the office (e.g. food services).

Nevertheless, Romanian stakeholders noted that the positive effects of telework will push more workers to prefer this type of work and to pressure employers for its adoption after the end of the COVID-19 crisis. Hybrid models seem to be preferred by employers, as they can work to limit some of the challenges observed.

Despite several measures to enhance telework at both public and private level, stakeholders considered these efforts insufficient. The government should enhance investments in upskilling programmes, education on well-being, and in digital infrastructure. They also pointed to the need to design specific procedures regulating telework in the public sector and to strengthen collective bargaining. Finally, stakeholders underlined that, in the context of increases in work from anywhere, a set of minimum telework standards should be adopted at EU level, with a particular focus on workers' mobility and related taxation.

5. ANNEXES

Annex I – Good practice example

The studies consulted did not include references to good practices. The stakeholders interviewed considered the programmes implemented in the Romanian private sector to enhance telework to be normal practices that were often in place before the COVID-19 crisis.

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Annex III – List of stakeholders interviewed

Association of Business Service Leaders in Romania (ABSL).

CNS , Cartel 'ALFA'.

Institute for the National Administration.

Price Waterhouse Coopers PWC | People & Organisation.

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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