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TELEWORKING: VECTORS OF CHANGE

The system of labour rights as a theoretical construction is modified, improved, developed, reflecting the achievements of theory, law and practice. The system of individual and collective labour rights of employees is enriched with the emergence of new rights.

Modern world trends in the transformation of employment and the emergence of its remote forms require theoretical justification. The scientific community of different countries uses different terms, which are synonymous in nature, but in content can reflect different aspects of the manifestation of remote employment.

Telework increased over the last decade and tremendously in response to the COVID-19 pandemic.

Remote working has exploded in 2020, with estimates suggesting that almost 40 % of people employed in the EU started teleworking fulltime as a result of the pandemic. However, there are regional disparities. In 2019, remote working was more common in northern European countries such as Sweden, Finland and Denmark – and these countries have also seen the biggest proportion of workers begin to telework during the pandemic. It's partly because there are more jobs in sectors conducive to remote work [1].

In October 2020, the Pew Research Center conducted a survey about telework among workers in nine industries and found that the majority of workers in four of those industries indicated that their job can be done from home: 84 % in banking, finance, accounting and real estate, 84 % in information and technology, 59 % in education and 59 % in professional, scientific and technical services. However, there has not been any research to date comparing worker well-being across occupations and industries in relation to telework [2]. Whereas most jobs in finance, corporate management, and professional and scientific services could plausibly be performed at home, very few jobs in agriculture, hotels and restaurants, or retail could be [3].

As from 1 July 2022, the Luxembourg rules on telework resulting from an agreement of 20.10.2020 between social partners will become unavoidable in practice. In parallel, for companies of the Luxembourg financial sector, the «CSSF Circular 21/769 on governance and security requirements in relation to tasks or activities carried out through telework» will need to be complied with. Companies will enter into their «post-pandemic» operational mode, with on the one hand, employees coming back to the office and, on the other hand, employees being officially allowed to work remotely according to the procedures set in place permanently within the companies [4].

In Japan IT giant Fujitsu, for one, launched a «Work Life Shift» program last year that transformed the office into a «collaboration hub» for hybrid work. It also created more clearly defined job roles, making it easier for its 80,000 employees in Japan to work remotely [5]. Car maker Honda, mobile carrier SoftBank and telecom company NTT Communications have all made similar allowances for remote work. Although not every country may be as keen on remote work as the US or UK, hybrid and remote trends are here to stay. although not every country may be as keen on remote work as the US or UK, hybrid and remote trends are here to stay .

However, telework has both beneficial and adverse effects for worker health and well-being. Telework outcomes seem to be regulated by working context and job characteristics, including autonomy and support. The extent of telework also plays a primary role in predicting the job satisfaction and overall health of teleworkers. Employees experienced lower levels of social support when teleworking full-time, versus hybrid or in-office workers, and subsequently lower levels of vigor than workers who had a hybrid or face-to-face work arrangement. That said, employees teleworking eight hours or less may be at a decreased risk of experiencing depression, while those working extended telework hours may experience depressive symptoms at the hand of social isolation and reduced social support.

As one might expect, the effects of pandemic-related mobility restrictions are largely driven by knowledge-intensive occupations where teleworking is more feasible. These include occupations such as software development and marketing. By contrast, in occupations such as food preparation or driving, which typically require physical presence at the workplace, the share of advertised telework in online job ads increased very little, confirming evidence from other sources [6].

Here's what's even more remarkable that enterprises are calling employees back to the workplace – but not all of them. This is stoking resentment among employees and employers. By selecting which employees have to return to the office, and which can have flexible working, employers are inadvertently creating off-kilter workplace dynamics. It's leading some employees to challenge such decision making at a corporate level. Enterprises incapable of flexibility will haemorrhage the quality employees [7].

However, high levels of telework adoption might also be counterproductive: some workers start feeling isolated, and communication and knowledge flows within the company could become more difficult. Lack of social interactions and the fusing of private and professional life as the major downsides of teleworking.

Finally, policies should protect employees from excessive teleworking by adapting the legal environment – with a special focus on health insurance coverage for remote working and the right to disconnect. Importantly, regulations should ensure this working arrangement remains a choice made jointly by employers and employees. Dialogue among social partners will be crucial to achieving these goals [8].

Protecting and promoting health and well-being in teleworking requires a comprehensive set of measures to provide a healthy and safe work

environment, including adequate organisation of the work. The reporting of occupational illness and injury by occupational health practitioners to the relevant health authorities is an important way to track the incidence of occupational health outcomes and monitor the efficacy of workplace interventions. Illnesses and injuries, arising out of or during the course of telework, may be less likely to be reported as occupational diseases and accidents [9]. Occupational health practitioners should assess the work-relatedness of injuries and illnesses among teleworkers and should report cases to occupational health registries while ensuring confidentiality for employees.

Digitisation and automation technologies also have an impact on ethical principles not necessarily enshrined in legislation but commonly addressed under ethical guidelines and codes of conduct. For example, ethical concerns are raised in relation to the trustworthiness of technologies, the transparency and explainability of the actions of AI systems, the «human in control» principle and fairness of AI-based decisions, bringing into focus issues around accountability, responsibility and liabilities [10, p. 23].

Governments, employers and employees all have a role in protecting and promoting health and safety while teleworking, including ergonomics, mental health and well-being. The establishment, implementation and protection of employees' labour rights will create the conditions for the development of the rule of law, where the rule of law prevails. Legal regulation of the peculiarities of labour regulation of remote employees in the current labour legislation of Ukraine contributes to ensuring compliance, implementation of fundamental principles and rights in the field of labour.

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Ключові слова: трудове право, працівник, дистанційна робота, віддалена робота, права.

Key words: labour law, employee, telework, remote work, rights.

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ОКРЕМІ АСПЕКТИ ЗДІЙСНЕННЯ СОЦІАЛЬНОГО ЗАХИСТУ ВАГІТНИХ ЖІНОК В УКРАЇНІ В УМОВАХ ВОЄННОГО СТАНУ

В умовах розвитку України як соціальної держави основним її завданням є забезпечення рівня мінімальних гарантій для населення. У зв'язку з воєнним станом, запровадженим в Україні з 24 лютого 2022 року, економічною кризою та неможливістю на цьому етапі знизити рівень бідності, держава, у першу чергу, повинна забезпечувати тих осіб, які в силу певних об'єктивних обставин не в змозі самостійно досягти достатнього рівня життя. До такої категорії, зокрема, відносяться і вагітні жінки, від ефективності соціального захисту яких залежить не лише рівень життя, збереження здоров'я та швидкість відновлення їх працездатності, але й життя і здоров'я дитини.

Одним з найпоширеніших та найефективніших видів соціального захисту вагітних жінок є грошові виплати у зв'язку з вагітністю та пологами, порядок призначення та здійснення яких урегульований Законом України «Про загальнообов'язкове державне соціальне страхування» від 23.09.1999 № 1105-XIV, Законом України «Про державну допомогу сім'ям з дітьми» від 21.11.1992 № 2811-XII, постановою Кабінету Міністрів України «Про затвердження Порядку призначення і виплати державної допомоги сім'ям з дітьми» від 27.12.2001 № 1751 та деякими іншими нормативно-правовими актами.

Здійснення грошових виплат у зв'язку з вагітністю та пологами як у системі загальнообов'язкового державного соціального страхування, так і у системі державної соціальної допомоги пояснюється дещо