Workshop on "Work from Home: Designing Flexible Working Hours Policy"
15th March 2024

Dr. Shashi Bala, Senior Fellow & Workshop Director

V. V. Giri National Labour Institute, NOIDA

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Opinions expressed in the study are solely of the author and do not necessarily reflect the views of the Institute.

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Preface

The evolving work landscape emphasizes the importance of flexible working hours, especially in hybrid workplaces, where employees can choose to work remotely or in-office. Flexible hours offer benefits like improved work-life balance, job satisfaction, productivity, and overall well-being. The COVID-19 pandemic highlighted global grievances, leading to the adoption of flexible hour policies in many nations. However, lacking proper frameworks caused imbalances.

In India's, IT industry had prior experience of flexible work arrangements, and the Maternity Benefit Amendment Act 2017 paved the way for flexible work arrangements. Aiming for a better work-life balance, this international workshop discussed on existing working-time laws, COVID-19 experiences, and the impact on various aspects like female labor force participation and men's involvement in unpaid care work. Within this context, the workshop was organized for framing policies for a more inclusive and balanced work environment and undertaking details research on the subject.

This workshop had detailed and in-depth discussions in above areas and made worthy recommendations thereupon. I am confident that all the stakeholders shall endeavour to implement the recommendations of the Workshop to the best of their abilities and subject to the available resources.

I congratulate Dr. Shashi Bala, Senior Fellow & Project Director and her team for this path-breaking and result oriented approach towards quality life index and accountability for the sustainable world of future work.

Dr. Arvind
Director General
V. V. Giri National Labour Institute, Noida

Acknowledgement

Proceeding of the Workshop on "Work from Home: Designing Flexible Working Hours Policy" 15th March 2024

The Workshop on the Work from Home Designing Flexible Working Hours Policy was held at V.V. Giri National Labour Institute, Noida on 15th March 2024 and was attended by eminent personality's viz. academicians, labour administrators, research scholars, Faculty of VVGNLI, Noida etc. List of participants is enclosed at (Annexure-I).

Welcome by Workshop Director

1.   Dr. Shashi Bala , Senior Fellow, V.V. Giri National Labour Institute and Course Director opened with introductory remarks and an extended warm welcome to the Director General VVGNLI, all the distinguished participants and Panelist of the workshop. She provided an overview of the workshop, emphasized on the importance of hosting this workshop and offered valuable insights on working time laws and regulations. She further went on to highlighting the need for policy and guidelines; and bringing improvement on experiences with working time and adaptability amid the COVID-19 crisis. Its impact on alternative technological development and changing the process of providing work. She also talked about how to minimize the disadvantages and maximize the advantages if the positive A.I. in order to have improve work life balance, particularly its impact on the female workforce and their participation.

Welcome Address by the Director General, V.V. Giri National Labour Institute. Noida

2.   Dr. Arvind, Director General, VVGNLI, NOIDA welcomed the panelists and all participants to the workshop. In his welcome address he provided information about the global experience of this working hour policy work during pandemic and about the flexible job as well as about the global workplace. He emphasized the significance of remote work as the future of employment and highlighted that the workshop would explore its advantages and weaknesses, challenges as every culture brings different outcome like standard of living or innovation in advanced technological standards. Mainly he highlighted advantages of flexible work hour policy - increasing connectivity, cost saving and reduction in stress whereas disadvantages like isolation, psychological factors and technological hurdles, lack of supervision and quality of service issues. Additionally, Dr. Arvind noted that participants have been assigned to working groups and the session will contribute to qualitative research project that will be conducted by NLI aimed at providing valuable insights in this domain. This workshop is poised to significantly contribute to this endeavour.

Inaugural address by Director (Employment) at Ministry of Labour & Employment

3.   Dr. Shikha Anand, Director (Employment) at Ministry of Labour & Employment, in her Inaugural address, highlighted the transformative potential of the policy under discussion. She prioritized its role in fostering work life balance and disputing traditional norms for designing a policy which will represent a culture of trust, autonomy and work day balance; and to adopt the changing essential needs and preferences which will benefit and empower in a way that suits circumstances like to manage their time, balancing about care giving activities or pursuing personal interest on simply optimizing their productivity. She also pointed this as an initiative to increase female labour force participation rate to

provide greater autonomy and control, a better balance to their professional & personal commitments, leading to the better outcome to both the organization and the employees. As Dr. Anand emphasized that the policy would cater to evolving needs of both employers and employees by introducing flexible working hours, thereby empowering team members to optimize productivity while maintaining equilibrium. She also talked how this policy can embrace recruitment efforts supporting the diverse needs to have control over their work schedule, motivating and allows performing their best leading to the better outcome to ensure that work is completed in a timely and professional manner. Dr. Anand highlighted communication will be the key as we rely on transparency and collaboration to maintain cohesion or coordination. Furthermore, she underscored the policy role on bolstering female participation rates, offering greater autonomy and fostering accountability among employees.
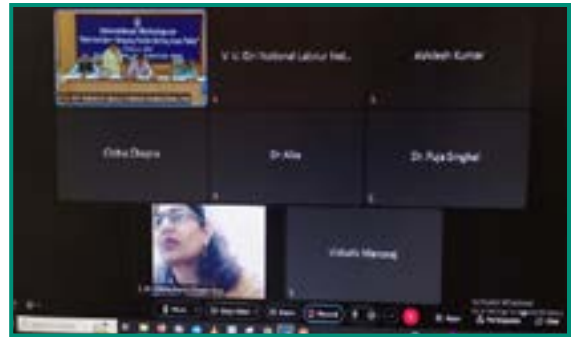
Commencement of Panel Discussion

To facilitate effective discussion, the workshop featured five panels comprising eminent resource persons who shared their perspective on various topics, enriching the discourse.

Group I
Dr. Chitra Chopra, (Retd. IAS 1969 Batch) & RAG Member
Signifies on challenges in framing guidelines for flexible working hours

She highlighted on the awareness regarding flexible working hour for women and related to challenges in administration. As well as on the issue of labour work force and how it is distributed. Only 10% of the work force belongs to the organized sector, prompting concerns about the fate of unorganized sectors who constitute 90% of the labour force such as artisans and beedi workers, who already work from home. Also the blue collar workers again are 10% of the workforce. Emphasizing on central and its important role and more central perception in the state. Dr. Chitra said despite labour being a state subject under legal legislation there is a pressing need for state governments to accord greater importance and perception to labour issues. An importance towards the placements and filling the vacancy really needs attention and that it is one of the biggest administrative challenges that is present in the state government. In order to strengthen & empower; also make more visible and recognizable labour department, proper orientation training and human resource development is an important aspect of recruitment. Central government and labour ministry need to work closely with state governments for empowering and providing training to labour and regional labour officers regarding the rule and law pertaining to labour legislation. The labour departments at the ground level are often underused. There are challenges in strengthening labour department as labour officers stem from budgetary and resource constraints, which hinders their efficient movement and impacts departmental effectiveness. She highlighted there is a significant gap in the training and human resource development of labour department officers, with many lacking awareness of labour laws, policies and legislations underscoring the importance of grassroots implementation. Collaboration between NLI and the central government is proposed to provide training for labour officers at the state level, alongside advocating for increased funds and better budget allocation to support training initiatives and strengthen labour departments.

Group II
Dr. Anoop Satpathy
Presentation of working time and working hour arrangement.

Dr. Satpathy provided a panoramic view of the standard on working and flexible work arrangements; and steps to bring in independent legislation to promote flexible working time. Discussion on the impact of COVID 19 and the use of flexible work time and existence of this sort of arrangement before COVID; its need to promote flexible working arrangement both from worker perspective as well as from employer perspective. He also highlighted the importance of making these arrangement suitable for woman so that more woman can join the workforce. The international labour organization (ILO), being a tripartite organization at the international level, places significant emphasis on wages. Tripartite means whatever personal level standard ILO consults and on the basis of discussion rectify particular instrument that is adopted or implemented in the particular country or countries. There is also a concern that promoting flexing working hours may compromise wages as it impacts time. With hourly minimum wages directly depending on hours worked , daily wages based on 8 hours of work per day, and weekly wages on 48 hours of work. Focusing on the broad gap of the participation of woman as low compare to man. South Asia region overall has gap in participation at work as well in wages/income. Working time, defined as the period spent in labour, has considerable impact on workers daily lives and can affect their quality of work life. The first ILO convention, the "ILO Hours of work (industry) Convention 1919" (No.1), focused on working, and India was among the first countries to ratify it as well as adopting its broad principles. The workforce worldwide is divided into segments experiencing excessive hours and those with short or variable hours, with South Asian workers averaging 55 hours per week, Eastern Asian workers 45%, and Eastern European workers comparatively lower. Various terminologies are used in this context such as working hours forming the foundation of the ILO's work, and working time arrangements, referring to how working time is schedules to ensure both employers and employees remain productive. Rest periods are crucial, providing breaks or time for meals, while emergency working time arrangements like those during the COVID-19 pandemic include work sharing, teleworking, and job sharing. Working hours can be categorized into working hours and maximum working hours and maximum working hours, with many countries legislatively establishing 8 hours per day and 48 hours per week as the standard. This is very unique to India that about 60 % global workforces working in the informal economy /informal sector (ILO estimated about 2 million workers adult labour force operate in the informal sector at least part time), also working conditions depends on the working hours: wages, health are some of the aspects of the work there are many other elements of the conditions of work related to social security. Maximum working hours include both overtime and normal working hours and the ILO has developed over 30 standards on working hours, including conventions on a 40 hour workweek, night work (1990), and part time work (1944). Working time management is evolving with various arrangements such as shift work, standard working hours, compressed workweek (which faced rejection in India by trade union), basic part time arrangements and flexible hour's schemes. Regulatory measures also addressing telework and the right to disconnect vary, with no exclusive standard, but many conventions partially address these issues. There are regional agreements like the European Union Framework Agreement provide legal protection and define general frameworks, with specific legislation like the royal decree law 28/2020 on remote working schedules distinguishing between remote, on site and teleworking conditions.

Group III
Dr. Devika Singh, Advocate and Co- founder of Cohere Consultants and founder of Cohere Communities (NGO)

Avoiding adequate design flexible time work policy resulting in work discrimination and harassment were discussed in this group. The flexibility trap has been identified by various studies which involve three main elements altering the work life dynamic. These elements often portray flexible workers as individuals who can be given reduced wages, leading to isolation and increased burdens for many workers, despite the

perception at work being reduced hours or workload. There is a stigma and discrimination surrounding flexibility and unbalanced flexibility exacerbate the issue. When creating a policy, it should cover all forms of work arrangements, including remote and on-site to ensure it is enabling rather than restrictive.

Second aspect of the flexibility trap which is a rampant unfairness that is often seeing in flexible time policy. For instance, when the maternity benefit act was amended, it introduced flexible working hour's post-pregnancy for up to one year and mandated the provision of crèche facilities. Flexi hour's policies should adopt a holistic approach and apply to all employees equally, regardless of their denominations. In this new world we are moving to non-traditional formal only catering to certain segments they want a robust flexible time and the policies that can self-employed ending up inequality and stigma that gets centered around it. However, flexi time policies often include broad clause stating a case by case need based approach leading to pitfalls. Any policy should ensure that there is no arbitraries suggesting that creating certain flexible protocols that are available to all. Policy also need to ensure whether itself the mandatory requirement of awareness , limitations , making sure that stigma is addressed and also provide a generous point. Policy also needs to ensure the rest periods of minimum and maximum hours of work. Gatekeepers may have the authority to decide which cases and needs are accommodated, leading to discrimination and bias.
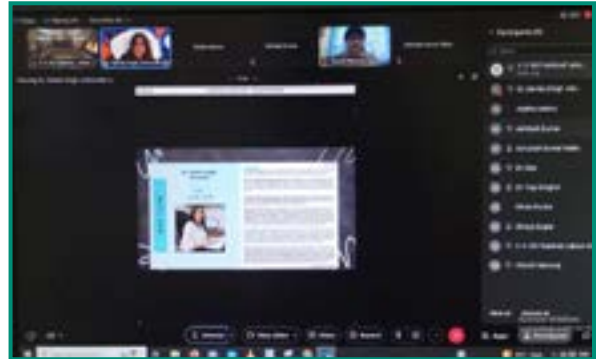
Third aspect of the flexibility traps which is unbalanced flexibility norms. We also need to have training and sensitization built in this part of this policy so leaders and managers specifically have initiatives targeted towards them. A well designed flexi time policy should also consider surveillance tactics and guard against unbalanced clauses and arbitrary ways of working, as illustrated through case studies shared during the discussion. So any type of flexible time policy needs to reiterate these very requirements and ensure that the law of the land is followed and there should be certain design where states are enable to change non-negotiable that impact human life.

Group IV
Ms. Vidushi Manoraj, DEI Advocate, Founder of Humans of Queer India

Addressing varied experiences of stakeholders and employees underscore the need for acknowledging diversity at the policy level. A need for organization to build inclusive value in policy and ensuring equity and benefit in all where public partnership is happening. Also an equity in workforce experiences is essential for genuine inclusion, requiring a balance between treating individuals as they wish to be treated and maintaining a common standard while customizing experiences. Addressing diversity and inclusion in public sectors serving diverse stakeholders poses challenges, necessitating clear identification of purpose. In some places grant reality of work is different than theoretical planning and collaborating with team is very important. Different place have different kind of flexibility and very different definitions but they are beneficial in their own ways. There is a need to build a system which is truly inclusive and flexible which can be extremely beneficial for people under represented in the background and the need of permanent or temporary accommodation. The wellbeing of employees should be a priority without compromising essential work structures such as the teacher student relationship and learning dynamics. Also learn from the failure and to improve and takes feedback converting them into important needs for the development
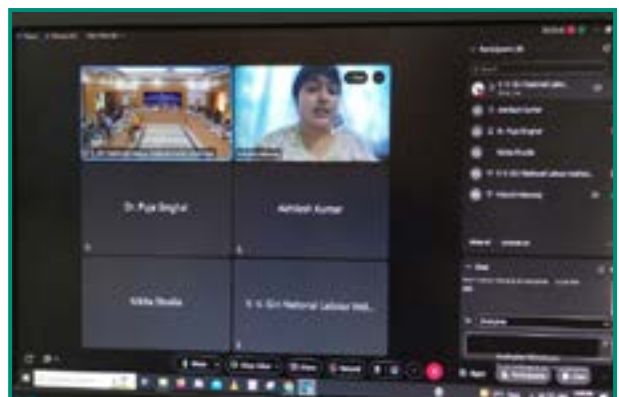
aspect and identify the purpose which guide you towards policy to which you need to build and cut away the clutter for collection data analysis. In this, education policy and skill training need, there has to be a lot of digital fluency like digital literacy and building a technological skill for the independent learning of value orientation. In which collaboration and communication are very important while working under the team. The policy implementation may encounter limitations, including access to technology, emphasizing the need for balanced flexibility solutions. Flexi work hours policies must be integrated with appropriated resources and mechanisms rather than being developed in isolation. Implementation of such policies should be accompanied by training, capacity building, digital literacy initiatives, and value orientation programs to ensure effective utilization and alignment with organizational goals.

Group V
Dr. Ankeeta Gupta, Assistant Professor, National Law University, Odisha

Addressing legal implications and framework for flexi work hours need to be considered as there are currently no regulations governing flexible working hours. There is need to modify the traditional cycle and a need to address is in the term of regulatory framework that is essential and every individual will have a very different requirement on the basis of contract. There is also a possibility of **contra proferentum** clauses in which any kind of liability that may arise in the contracts a scenario which is one sided used in the form of agreement. Transitioning from rule based conventional working hours to contractual working hours may lead to potential exploitation of workers by employers. Clauses and contracts regarding flexi work hours may be one sided necessitating regulatory mechanisms to ensure fairness. While flexibility is allowed core working hours should remain consistent, and there should be no cumulative increase in the total number of working hours. In the legal system allowing flexibility in terms of working hour, place of work or kind of work needs to be understood. Also implementing a technological monitoring mechanism could ensure transparency and record keeping of work agreements. It's crucial to identify the nature of flexibility in terms of work, hours, or location to avoid ambiguity in legal guidelines. There is a discrimination based on manner and execution of work needs to be addressed, ensuring fair treatment regarding wages and benefits. Technology also plays a vital role, especially in scenarios like the met averse, raising question about liability and jurisdiction. On consideration relating to the homes, whether can be legally classified as workplaces, especially in the context of remote work. Work from home arrangement may also lead to work hour exploitation, necessitating the establishment of specific timelines and boundaries. Ethical considerations, such as privacy infringement and disengagement from work at appropriate time, should be addressed through guidelines and regulations. For instance, Germany's rule not to engage after 6 PM illustrates the importance of disengagement to foster work-life balance.

Presentation on "Designing Flexible Working Hours Policies: A Case of NCR"
Dr. Shashi Bala, Senior Fellow, VVGNLI & Director Course

"Designing Flexible Working Hours Policies: A Case of NCR" is a research project that NLI will undertake following the workshop. The project was conceptualized as a policy brief in April 2023 in this ILO training on ILO's South Asian Regional Training Course on "Evidence-based Policy Making for Decent Work", 10-13 April 2023 at New Delhi. Its primary objective is to implement flexible working hours to enhance the participation of women in the workforce. Additionally, these initiate will also pave the way towards integrating more men into the care giving unpaid economy and more women into the paid economy. Technology need to be adopted as per the requirement and necessity. The case study aims to focus on the IT industry within the NCR region. The IT sector is chosen due to its well-established system of remote work and robust infrastructure. By examining the IT industry, the study seeks to understand the effectiveness and challenges of implementing flexible working hours in this sector. Extensive literature review has been conducted in the initial conceptualization phase, focusing on the equal segregation of work-life balance and work-life integration and harmony. The review provides insights into contemporary approaches, which

suggest that the positioning of work and life can either create conflict between them or facilitate each other. It highlights that the overuse of time and energy can lead to conflict in both work and life domains without clear boundaries. Work-life balance literature emphasizes the importance of leisure, vacations, and time off as coping mechanisms. The objective of the research is to investigate work-life regulations concerning maximum daily hours of work and rest periods to enhance work-life satisfaction. It aims to draw upon experiences related to working time and flexibility during the COVID-19 era, focusing on their impact on female labour force participation, work-life balance, and productivity. Additionally, the research seeks to examine incentives for men to participate in unpaid care work and woman into paid economy and conditions of women working from home and major woman workforce working in unorganized sector, identify existing challenges within Indian Public Sector Organizations and frameworks. An additional objective was added post-discussion during the workshop to explore the extent to which men have entered unpaid care work following the implementation of flexible working hour arrangements in various countries.

The proposed timeline for the research project is from April 2024 to March 2025. A detailed report is expected to be released in December of the same year. Subsequently, within the following three months, a comprehensive policy will be drafted based on the findings and recommendations of the report.

Remarks by Working Groups on the Panel Discussions

Group I

Group I shared their insights and understanding regarding flexible working hours, highlighting the multitude of challenges associated with them, which vary significantly from country to country and are influenced by the prevailing work culture. They emphasized the importance of achieving a balance between work and life and discussed strategies to ensure consistent productivity amidst flexible working arrangements. Numerous organizations fail to furnish adequate technological support to facilitate work-from-home schedules. There should be a heightened emphasis on offering capacity building and training opportunities to labour officers.

1. Mrs. Zinfira Mustafayeva, Azerbaijan
2. Mrs. Fakhriya AL Balushi, Oman
3. Mrs. Sarvara Gofurova, Uzbekistan
4. Mr. Ketema Bahiru Roba, Ethiopia
5. Mrs. Selenge Tsogtzandan, Mongolia

Group II

Group II highlighted the significance of various ILO conventions, such as No. 144, No. 154, and No. 156, which address aspects like wages and flexible working hours, providing valuable insights for the discussion. They emphasized the importance of filling gaps in the labour market through flexible working hours and promoting work-life balance to enhance effectiveness and productivity. Additionally, they stressed the need to address factors such as meeting employee needs and maintaining communication and collaboration among employees with different work schedules. Furthermore, they underscored the importance of ensuring that employees have the necessary technological arrangements to support flexible working arrangements.

1. Ms. Ladia Odhiambo, Kenya
2. Mr. Biplob Barua, Bangladesh
3. Mr. Nedal Ibrahim, Syria,
4. Mr. Dildora Umarova, Uzbekistan
5. Ms. Lupe Estela Fang Rivera, Peru
6. Ms. Aina Simon, Namibia

Group III

Group III emphasized the importance of integrating technological structure and infrastructure into policy considerations. They stressed the need for a robust technological framework to support flexible working arrangements effectively. Additionally, they advocated for the establishment of a grievance redressal platform to address concerns and issues for both employers and employees, ensuring a fair and transparent working environment.

1. Gulnoz Faizakova, Tajikistan
2. Tashi Lhamo, Bhutan
3. Aigul Mambetalieva, Kyrgyzstan
4. Yolante Gontes, Namibia
5. Gabriel Mayengo, Tanzania
6. Annie Changwe Nkandu, Zambia

Group IV

Group 4 underscored the importance of adequate resources in implementing the policy, highlighting the necessity to sensitize both students and teachers about the flexible working hour policy. They emphasized the shift from equality to equity, aiming to bring balance and address diversity effectively. Additionally, they stressed the importance of establishing a monitoring and evaluation mechanism to provide feedback, enabling continuous improvement of the policy over time.

1. Donalia Mwase , Malawi
2. Idris Daud Loran, South Sudan
3. Farida Jumanne, Tanzania
4. Hamza Issa Muhommad Kabiru, Niger
5. Vimbai Chawarura, Zimbabwe

Group V

Group 5 highlighted the persistent absence of legislations and laws in many countries, coupled with inadequate implementation of existing policies, particularly in the public sector. They emphasized the significance of ethics, particularly concerning the privacy of information, and underscored the issues of personal freedom and gender inequality within the context of flexible working arrangements.

1. Nancy Alwyn, Botswana
2. Nurul Shahida, Malaysia
3. Adeleke Gbenga Michael, Nigeria
4. Hansani Dasanayake, Sri Lanka
5. Moses Magutakuona, Zimbabwe
6. Bryl Yulia, Russia

Closing Remarks & Vote of Thanks

1. **Dr. Rehman** reiterated the potential of AI in conducting experimental studies to measure performance levels. He proposed comparing the productivity levels of an experimental group with those of a control group to gauge the impact of flexible working arrangements. Additionally, Dr. Rehman raised concerns about internet access limitations in South Asian countries and stressed the need for employment strategies and policies that address the diverse socio-economic backgrounds of individuals. This highlights the importance of ensuring inclusivity and accessibility in the implementation of flexible working policies.

2. **Dr. Chitra Chopra** offered insightful suggestions and recommendations, emphasizing that working from home should not be deemed difficult. She highlighted the importance of ensuring that employing authorities acknowledge the productivity of individuals working from home, as they may often be perceived as less productive despite their work being equivalent to or even exceeding that of office-based counterparts. Dr. Chopra stressed the necessity for stronger and more effective liaison with state governments to support flexible working arrangements. Furthermore, she emphasized the indisputable need for flexible working hours for women and advocated for placing greater emphasis on the output of work rather than the number of hours worked.

3. **Dr. Shashi Bala** mentioned that as part of the research, Interviews could be conducted of the State government officers to get their insights as well on flexible working hour arrangements. Excessiveness of anything is not good. Work from home is one of the aspects of the flexible work hour study. Research unit focus on an integrated, quantitative and qualitative approach. She along with Ms. Priyakshi Baruah (then Research Associate) formally proposed vote of thanks to everyone for their contributions in providing enlightens discussions it learn from the experiences of everyone present.

V. V. Giri National Labour Institute Noida
Workshop on "Work from home: Designing Flexible Working Hours Policy"
15th March, 2024

Panelist:

1. Mr. Anoop Kumar Satpathy, Wage Specialist, DWT (ILO), with the topic of "ILO Standard on Working & Flexible Work Arrangements".
2. Ms. Chitra Chopra, (Retd. IAS 1969 Batch) & RAG Member with the topic of "Administrative Challenges in Framing guideline for Flexible Working Hours".
3. Dr. Devika Singh, Advocate &Co-Founder of Cohere Consultants and founder of Cohere Communities (NGO), with the topic of "Avoiding pitfalls of ill-designed flexible work conditions".
4. Ms. Vidushi Manoraj, DEI Advocate, Founder of Humans of Queer India, with the topic of "DEI, HR, gender equality, and flexibility in education and on-ground".
5. Dr. Ankeeta Gupta, Assistant Professor, National Law University Odisha, with the topic of "Legal implications and framework required for Designing flexible working"

List of Participants (Virtual and Offline):-
Participants (attended the workshop virtually)

1. Dr. Puja Singhal
Assistant Professor
NCSL-NIEPA
New Delhi
Puja.eco@gmail.com

2. Mr. Akhilesh Kumar
Assistant Director, Planning and Development Branch
Employees' State Insurance Corporation (ESIC)
Akhileshkumar.singh@esic.nic.in

3. Mr. Ashutosh Kumar Yadav
Research Scholar
IGNOU Regional Centre
Dehradun
Ashutoshy5522@gmail.com
9519864043

4. Mr. Sachin Kumar
Deputy Labour Welfare Commissioner (Central) CLS
Dr. Ram Manohar Lohia Hospital New Delhi
Sk217102@gmail.com

5. Ms. Nikita Shukla
Student
Invertis University, Bareilly
Shuklanikita64@gmail.com
7398907325

6. Ms. Astha Saxena
Student
Invertis University, Bareilly
Aasthaofficial2001@gmail.com
6398554462

7. Ms. Shreya
Student
Invertis University, Bareilly
Shreyagupta910303@gmail.com
9118942306

List of Participants (attend workshop physically)

1. Dr. M. M. Rehman
Former Sr. Fellow VVGNLI
Noida

2. Mr. Santosh Mishra
Coordinator (Maharashtra State)
Trade Union Cordination Centre (TUCC)
Maharastra

3. Mr. Ravinder Singh
General Secretary (HP) Construction Labour & other
Himanchal Pradesh

4. Mr. Aman Kumar
State President
Construction Labour

5. Ms. Karthika Pillai
Research Associate
Remote- Hybrid
South Extension-2, New Delhi-49
karthika.05jan@gmail.com
9654227239

6. Ms. Jagmohan Renuka Hemawatie
Secretary Director
Ministry of Economic Affairs
Entrepreneurship and Technological Innovation,
Havenlaan#1, Suriname
jagmohanrenuka@hotmail.com
+597-08996575
R1635423

7. Ms. Aina Simon
Learning & Development Officer
Ministry of Justice
P.O. Box 62309
Katutura, Windhoek, Namibia
+264 814236726
ainasimon1@gmail.com
P1105215

8. Ms. T.S. Selenge
Independent Authority against corruption
Mongolia
selenge@iaac.mn
976-99061899
E3244980

9. Ms. Tashi Lhamo
    Bhutan Power Corporation Ltd.
    C/o- Bhutan Power Corporation Ltd.
    Thimphu Bhutan, P.O. Box- 580
    Bhutan
    +975-77857163
    taslhamoo@gmail.com
    +91-8327898677
    G-195017

10. Mr. Idris Daud Loran Lomanga
    Ministry of Interior
    Juba- DCRNPI HQ's
    South Sudan
    +211924000994
    idrislomanga@gmail.com
    R00476324

11. Ms. Dildora Umarova
    Secondary School
    O. Botirov Street 6
    Norin district
    Namangan, region
    Uzbekistan
    d.umarova8327@gmail.com
    998996710127
    FA 7035822

12. Ms. Sarvara Gofurova
    Teacher of Andijan State Institute of foreign
    language
    Andijan city, Yangi, Sharq 2/30
    Uzbekistan
    +998937847986
    xayotbek2024@mail.zu
    FA 8420668

13. Ms. Nurul Shahida Binti Ahmad
    Principal Asst. Secretary
    Ministry of Science, Technology & Innovation,
    Malaysia
    K01-03, Setia Marina 3, Setia Ecoglades
    Cyberjaya, 63000, Selangor Malaysia
    +6013-5531269, +603-8885 8347
    nurulshahida-129@yahoo.com
    A58861801

14. Ms. Hansani Dasanayake
    Assistant Director
    Board of Investment of Sri Lanka
    Zone Management Department
    Katunayake Export Processing Zone, Sri Lanka
    hansanid@boi.lk
    hansidasanayake1992@gmail.com
    +94711753373
    N7341463

15. Mr. Biplob Barua
    Joint Director
    Bangladesh Bank
    Human Resources Department-1
    Bangladesh Bank, Head Office
    Motijheel, Dhaka- 1000, Bangladesh
    biplobfinance@gmail.com
    BIPLOBFINANCE@gmail.com
    +880-1839359885
    E00180451

16. Ms. Lydia Odhiambo
    Senior Office Administrator
    Geothermal Development Co.
    P.O. Box 100746-00101
    Nairobi, Kenya
    +254-726592144
    odhiamboakin7126@gmail.com
    BK243899

17. Ms. Yolante Gontes
    SHRP(Human Resource Practitioner)
    Ministry of Justice
    P.O. Box 412
    Outjo, Namibia
    +264 812104552
    +264 (061) 2805115
    ykarunga@gmail.com
    P1216737

18. Mrs. Aigul Mambetalieva
    Senior Teacher
    Bishkek State University
    Bishkek, Avenue Ch.
    Aitmatov 27, 720027
    Kyrgyzstan
    0996 777 502981
    0996 312 218505
    amambetalieva@gmail.com
    PE1369265

19. Ms. Fakhriya Albalushi
    Administrator in HR Dept.
    UTAS Muscat, Oman
    00968 95871286
    fakhriya.albalushi@utas.edu.om
    95871286
    YN3460176

20. Mr. Nedal Ibrahim
    Financial Auditor-Income Tax
    Ministry of Finance
    Syria-Damascus, Syria
    00963 933842406
    nedalibrahim87@gmail.com
    014433876

21. Ms. Bryl Yulia
    English language trainer for adults & kids
    Self-employed
    Russia, Vladivostok
    Avramenko Street, 2B
    67 apartments, Russia
    +79240011452
    brylyulia19@gmail.com
    75 8214717

22. Ms. Chawarura Vimbai
    Human Resources Manager
    Public Service Commission
    8421 Westlea, Harare
    Zimbabwe
    +263 242 700881-4
    vimbaichawarura@gmail.com
    +263 772 358 394
    AE817135

23. Mr. Moses Magutakuona
    Culture & Change Officer
    Public Service Commission
    4739 Unit C
    Seke Chitungwiza, Zimbabwe
    263 772 969 846
    magutakuonamoses@gmail.com
    FN449519

24. Mr. Ketema Bahiru
    Office Director
    Mattu University
    0471- 124713
    Mattu University, Ethiopia
    bahirubahiru2020@gmail.com
    +251-911124715
    EP7997071

25. Mr. Adeleke Gbenga Michael
    Insurance Officer II
    Nigerian Agricultural Insurance Corporation
    No. 39, Jubilation Grace Garden
    Estate Loaogoma Abuja Nigeria
    Nigeria
    Gbenga.michael@NAIC.gou.ng
    07061648361
    A10773075

26. Ms. Farida Jumanne Mwinyimkuu
    Administrative Officer
    Ministry of Home Affairs
    P.O. Box 2916, Dodoma, Tanzania
    +255672259577
    +255765576596 (Office)
    faridajumanne27@gmail.com
    TAE661902

27. Dr. Gabriel Mayengo
    Lecturer
    College of African Wildlife Management
    Box 3031/ Box 473
    Moshi, Kilimanjaro, Tanzania
    +255 767465668, +255 714465669
    +255 692883333(Office)
    mayengogabriel@gmail.com
    TAE464484

28. Ms. Nancy Keneilwe Alwyn
    Monitoring & Evaluation Officer
    National Planning Commission
    Botswana
    P/bag 00274
    Gaborone, Botswana
    00267 3631745
    nkooie787@gmail.com
    00267 72713395
    BN1988139

29. Ms. Lupe Estela Fang Rivera
    Criminal Prosecutor
    Public Ministry
    Vendgsas Street 717 AP. 3D
    Sanjuan Delurigancho- Lima
    15096, Peru
    0051-91-625 5555, 0051 950 200595
    0051- 971120368
    lfanjdj@mpfn.gob.pe
    1221 45211

30. Ms. Zinfira
    Customer Relatives Senior Specialist
    Azintelecom LLC
    Azerbaijan, Baku
    Seyid Azim Shirvani S/z 7&A
    AZ1000, Azerbaijan
    +99455 8178161
    zinfira.mustafaywa@bk.zu
    C037 84028

31. Ms. Donalia Mwase
    Human Resource Management Officer
    DHRMD
    Post Office
    Box 30227, Lilongwe 3, Malawi
    +265 994283278
    divaladonnah@gmail.com
    MWA160628

32. Mr. Hamza Issa Mahamadou Kabirou
    Operator of Production
    China National Petroleum Coorporation
    Niger Petroleum
    Niger MiameyKoira-Kano, Niger
    mkabir0707@gmail.com
    00227 89773821
    12PC46975

33. Ms. Annie Changwe Nkandu
    Human Resources Management Officer
    Ministry of Health
    Provincial Health Office
    P.O. Box 110099, Solwezi, Zambia
    a.nkandu@yahoo.com
    +260977488079
    +260979499428
    ZN787314

34. Ms. Gulnoz Faizakova
    Management Board Assistant
    Finca Tajikistan
    I Jabbor Rasulov
    Dushanbe, Tajikistan- 734000
    Tajikistan
    +996 504585762, 8430180972
    amrinazarzodagulnoz@gmail.com
    401033175

Faculty from VVGNLI, Noida:

1. Dr. Ellina Samantroy Jena, Fellow, VVGNLI Sector-24 Noida-201301 Phone No: 0120-2411533/34, Email ID: ellinasroy.vvgnli@gov.in
2. Dr. Dhanya M. B., Fellow VVGNLI Sector-24 Noida-201301 Phone No.-0120-2411533 Email-dhanamb.vvgnli@gov.in
3. Dr. Manoj Jatav, Fellow, VVGNLI Phone-0210-2411533 jatav.manoj@gov.in
4. Mr. Priyadarsan Amitav Khuntia, Associate Fellow, hone No: 0120-2411533/34, Email ID: p.amitav.vvgnli@gov.in

Workshop Team:-

1. Dr. Shashi Bala, Senior Fellow, VVGNLI & Workshop Director Phone: 0210-2411776 balashashi.vvgnli@gov.in
2. Ms. Priyakshi Baruah, Research Associate
3. Ms. Manju Singh, Computer Operator
4. Mr. Kartik Lal, Computer Operator

Workshop on "Work from home: Designing Flexible Working Hours Policy"
Workshop Schedule
15th March, 2024

09:30 a.m.to10:00 a.m.	Registration of the Participants & Feedback on Implementation of FWH
10.00 a.m. to 10:10 a.m.	Welcome Dr. Shashi Bala, Senior Fellow, VVGNLI
10:10 a.m. to 10:20 a.m.	Participant's Introduction
10.20 a.m. to 10:30 a.m.	Welcome Address Dr. Arvind, Chairperson & Director General, VVGNLI
10:30 a.m. to 10:40 a.m.	Inaugural Address Dr. Shikha Anand, Director (Employment) , MoL&E

Panel discussion			
	Name	**Designation & Organisation**	**Topic**
10:40 a.m. to 10:50 a.m.	Ms. Chitra Chopra	(Retd. IAS 1969 Batch) & RAG Member	Administrative Challenges in Framing guideline for Flexible Working Hours
10:50 a.m. to 11:00 a.m.	Mr. Anoop Kumar Satpathy	Wage Specialist, DWT (ILO)	ILO Standard on Working & Flexible Work Arrangements
11:00 a.m. to11:10 a.m.	Dr. Devika Singh	Advocate &Co-Founder of Cohere Consultants and founder of Cohere Communities (NGO)	Avoiding pitfalls of ill-designedflexible work conditions
11:10 a.m. to11:20 a.m.	Ms. Vidushi Manoraj	DEI Advocate, Founder of Humans of Queer India	DEI, HR, gender equality, and flexibility in education and on-ground
11:20 a.m. to 11:30 a.m.	Dr. Ankeeta Gupta	Assistant Professor National Law University Odisha	Legal implications and framework required for Designing flexible working

11.30 a.m. to 11.45 a.m.	Tea Break/Group photo
11.45 a.m.to 1.00 p.m.	Group discussions/Presentations
1:00 p.m. to 2:00 p.m.	Lunch Break
2:00 p.m. to 3.30 p.m.	Follow up on the discussion & Proposal Presentation on "Designing Flexible Working Hours Policies: A case of NCR" Dr. Shashi Bala, Senior Fellow, VVGNLI
3.30 p.m. to 3.45 p.m.	Vote of thanks
3.45 p.m. to 4.00 p.m.	Tea break

Concept Note
V.V. Giri National Labour Institute, NOIDA
Workshop on "Work from home: Designing Flexible Working Hours Policy"
15th March, 2024
Concept Note
Dr. Shashi Bala, Workshop Director and Senior Fellow, VVGNLI

Introduction

In today's evolving work landscape, the establishment of flexible working hours has become increasingly significant, particularly within hybrid workplaces where employees have the option to work remotely or in-office. Flexible working hours offer numerous benefits, such as improved work-life balance, increased job satisfaction, enhanced productivity, and overall well-being. This introduction explores the importance of establishing flexible working hours in a hybrid workplace to optimize the Life Index of employees and create a positive work environment. A hybrid workplace combines remote work and in-office work, allowing employees to balance their personal and professional lives.

Technology has enabled different people from around the globe to share their grievances and vulnerable emotions during the COVID-19 pandemic, fostering a sense of global unity. Learning from the experiences of developed nations, many developing nations were quick to realize the major grievances and adopted a flexible working hour policy for inclusivity. However, the lack of a desired framework resulted in extreme work-life imbalance due to inadequate infrastructure and management. When work from home was initiated, working hours multiplied in many countries. In India, the provision of flexible working hours was observed in the IT Industry before the COVID-19 phase, hence were able to follow it pragmatically during the pandemic as their infrastructure and framework for working from home were already in place. The Government of India initiated this concept in the Maternity Benefit Amendment Act 2017 which has the provision to work from home providing flexibility to working mothers post-delivery. The extent to which it has been integrated into the mainstream is yet to be researched. However, recent trends show female labour force participation is declining in India, particularly among highly educated women who are not part of the active labor force due to care responsibilities which are still predominantly on women. India is a young country having youth as working population wherein the average age of working-age Indians is 29 years. Almost fifty percent of this is women. It is essential to understand the implications in terms of the life satisfaction of this youth. Men need to be integrated into unpaid care work, this can happen with the implementation of affirmative policies and the provision of flexible working hours for everyone (men, women, transgender). Men may hesitate to express their emotions to be part of the unpaid care economy, women may suppress their emotions to be part of the paid economy because of fear of confronting the societal norms which prevail at their respective workplaces.

Surprisingly, according to the 2023 report by **Lynda Grattan**, even after a century since the adoption of Convention No. 1 in 1919, slightly more than one-third of the world's workers still work more than 48 hours per week. While there has been substantial progress in reducing hours of work in many countries during this period, particularly those with advanced economies and especially in Europe, the prevalence of long hours of work remains a serious concern in most of the world today, especially in regions like Asia and the Pacific. Additionally, a substantial portion of workers, who work more than 48 hours per week, express a desire to reduce their work hours, even if it means a reduction in their income. This may stem from the prioritization of life satisfaction, which is reflected in the backward-bending labor supply curve.

> *The ILO Declaration of Philadelphia states that "all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security, and equal opportunity" (Art. II (a)). In other words, paid work is about more than just meeting workers' material needs; they also need to have the opportunity to fulfill their personal lives; that is, they need to be able to achieve a healthy work–life balance.*
>
> -International Labour Organization (2022)

Within the above context, an international workshop will be organized on **15th March 2024 (hybrid mode)** in which all the stakeholders may be invited to discuss broadly the mentioned points to undertake detailed inclusive research for framing flexible work hour policies in the future:

- Working-time laws and regulations on maximum daily hours of work and statutory rest periods for better life satisfaction.
- Experience in working time and flexibility during the COVID-19 crisis may be drawn.
- The impact on female labor force participation, healthy work-life balance, productivity, and incentive for men to participate in unpaid care work may be examined.

Questionnaire on Workshop on "Work from home: Designing Flexible Working Hours Policy"

V.V. Giri National Labour Institute, NOIDA
Workshop on "Work from home: Designing Flexible Working Hours Policy"
15th March, 2024
Dr. Shashi Bala, Workshop Director and Senior Fellow, VVGNLI

Name of the Participant: _____

Age: _____

Gender: _____

Organization working for: _____

Designation: _____

1. **Does your organization have a Work from Home (WFH) policy before Covid-19?**
   क्या आपके संगठन के पास कोविड-19 से पहले वर्क फ्रॉम होम (डब्ल्यूएफएच) नीति थी
   o   **Yes**   o   **No**
   If yes, please illustrate the main features/ यदि हां, तो कृपया मुख्य विशेषताएं बताएं
   _____

2. **Were you working from home during Covid-19?**
   क्या आप कोविड-19 के दौरान घर से काम कर रहे थे?
   o   **Yes**   o   **No**

3. **If yes, were there any guidelines provided by your employer? If yes, please provide details.**
   यदि हाँ, तो क्या आपके नियोक्ता द्वारा कोई दिशानिर्देश उपलब्ध कराये गये थे? अगर हां तो कृपया विवरणदें।
   _____

4. **What kind of infrastructure/tools were provided by your employer to work from home during Covid-19?**
   कोविड-19 के दौरान घर से काम करने के लिए आपके नियोक्ता द्वारा किस प्रकार का बुनियादी ढांचा/उपकरण प्रदान किया गया था?
   _____
   _____

5. **Do you currently have any WFH policy in your organization?**
   क्या आपके संगठन में वर्तमान में कोई WFH नीति है?
   o   **Yes**   o   **No**

6. **(Based on Question no. 5) If YES, please mention some of the essential features of the current WFH policy of your organization. If NO, what kind of disadvantages do you experience for not having a WFH option?**
   (प्रश्न संख्या 5 के आधार पर) यदि हां, तो कृपया अपने संगठन की वर्तमान डब्ल्यूएफएच नीति की कुछ आवश्यक विशेषताओं का उल्लेख करें। यदि नहीं, तो WFH विकल्प न होने से आपको किस प्रकार के नुकसान का अनुभव होता है?
   _____

7. **Are there any disadvantages of working from home? If yes, please specify.**
   क्या घर से काम करने के कोई नुकसान हैं? यदि हां, तो कृपया निर्दिष्ट करें।
   _____

8. **Do you feel flexible working arrangements enhance productivity?**
   क्या आपको लगता है कि लचीली कार्य व्यवस्था उत्पादकता बढ़ाती है?
   o   **Yes**   o   **No**
   Please give reasons to support your answer
   कृपया अपने उत्तर के समर्थन में कारण दें
   _____

9. **Is there any other form of flexible working arrangement (other than Work from Home) practiced in your organization? If yes, please specify.**
   क्या आपके संगठन में किसी अन्य प्रकार की लचीली कार्य व्यवस्था (घर से काम के अलावा) प्रचलित है? यदि हां, तो कृपया निर्दिष्ट करें।
   _____
   _____

Analysis of the Feedback/Questionnaires
Workshop on "Work from home: Designing Flexible Working Hours Policy"

Table No-1

Number of the Respondents

Number of the Respondents		
Female	Male	Total (%)
39.00	61.00	100.00

Number of the Respondents
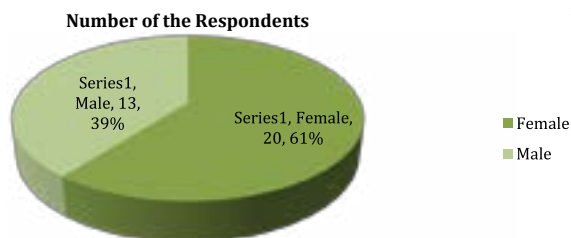
Table No-2

Organization having Work from Home (WFH) policy before Covid-19

Organization having Work from Home (WFH) policy before Covid-19		
Yes	No	Total (%)
06.00	94.00	100.00
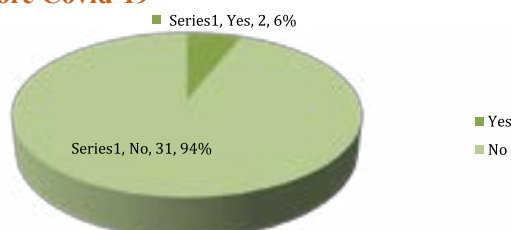
A case of organization having work from home policy before Covid-19

S. No	A case of organization having work from home policy before Covid-19
1.	We encountered challenges while working at the hotel, leading us to discontinue our work for brief period, although we continued to receive payment from welfare fund which was compensated post developing WFH guidelines for noncore staff.
2.	Before COVID-19, we had students from China. As a result, some of us taught online and downloaded lessons from the classroom to use at home.

Table No-3

Respondent working from home during Covid-19

Respondent working from home during Covid-19		
Yes	No	Total (%)
58.00	42.00	100.00

Respondent working from home during Covid-19

Guideline to work from home during Covid-19

	Guideline to work from home during Covid-19	
S. No	Yes	No
1.	The employer conducted remote work training sessions to familiarize employees with working remotely and provided detailed explanations of the guidelines to follow. Additionally, resources necessary for remote work were made available to employees.	
2.	Employees were instructed to adhere to protocols such as working shifts, regular hand washing, wearing face masks, and maintaining social distancing measures to ensure safety in the workplace.	
3.	While there weren't specific adjustments, the standard working hours remained consistent with regular working days as from office before Covid-19 in schools.	
4.		I worked in accordance with the syllabus provided.
5.	Remote work arrangements were implemented on a contractual basis for noncore activities.	
6.	Yes, normal working hours applied, requiring availability during those hours without fail. The only difference was that we were working from home.	
7.	I adopted a rational approach within my department to prevent disruptions to work. When I tested positive for COVID-19 with minor symptoms, I transitioned to working from home.	
8.		There were no officially sanctioned guidelines in place.
9.	Private companies and organizations had their own set of guidelines in place.	

| 10.		It seems like work-from-home arrangements were primarily communicated through messages or updates.
11.	For employees working from home, the employer ensured they had access to functional applications such as Microsoft Teams and reliable WiFi, allowing them to work remotely and participate in meetings.	
12.	Job tasks were required to be shared via email.	
13.	My Supervisor requested that I ensure timely responses to emails and attendance at online meetings or workshops.	
14.	Since 2020, we have received a circulated letter outlining the work-from-home policy by the Public Service Department. This policy allows for either a whole-day or half-day approach, and employees may be requested to apply for work from home by the head of the department.	
15.	Guidelines were provided based on the prevailing lockdown rules at the time.	
16.	Setting a specific time during the day was part of the arrangement.	
17.	We have a telework protocol in place, which involves the installation of specialized apps for registration, system access, and advanced work functions.	
18.	In case of an emergency, work arrangements were accessible online. Planning of tasks was overseen by the manager or general manager for the team, with time schedules provided accordingly.	
19.	During the COVID-19 pandemic, we worked from home for 15 years, utilizing Zoom video chats for communication and collaboration.	

Table No-4
Infrastructure provided by employer during work from home during Covid-19

Infrastructure provided by employer during work from home during Covid-19		
Yes	No	Total (%)
52.00	48.00	100.00

Infrastructure provided by employer during work from home during Covid-19

Series1, No, 16, 48% Series1, Yes, 17, 52% ■ Yes ■ No
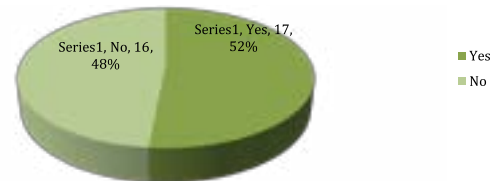
Responses on Infrastructure provided by employer during work from home during Covid-19

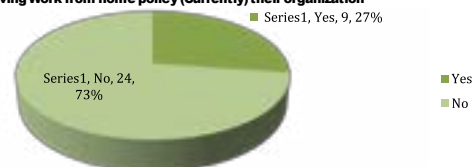| S. No	Infrastructure provided by employer during work from home during Covid-19	
	YES	NO
1.	Employees were equipped with essential tools such as computers, Zoom/Teams accounts, web cameras, and other platforms to facilitate online communication and information sharing among each other.	
2.	At the onset of the pandemic, I was employed by a company engaged in sales and shops, and during the COVID-19 period, we did not transition to remote work.	
3.	Data facilities were provided or transported as needed during the pandemic period.	
4.		No tools were provided during the pandemic period.
5.	Internet connectivity was necessary to access emails and participate in virtual meetings during the pandemic period.	
6.		There were no tools provided. I used my personal computer, phone, printer, and data bundles.
7.		No tools were provided during the pandemic period to facilitate remote work or communication.
8.	We operated on a shift system for our work schedule.	
9.	Transportation and allowances were provided for the selected staff reporting for duty.	
10.	Internet facilities were provided to support remote work and communication during the pandemic period.	
11.	I provided my labtop and all other systems that I am working with to make sure they will be available at home and no issues will arise regarding them.	

12.	Since 2023, officers at the executive level have been provided with laptops instead of desktops, facilitating work from home or work from any location. Additionally, the government has provided Google platforms such as Gmail and Google Drive as official platforms, ensuring that documents and work are easily accessible by others within the same organization.	
13.	Employees were provided with essential tools of trade such as cell phones, tablets, laptops, and data services to facilitate remote work and communication.	
14.		No tools were provided to facilitate remote work or communication.
15.	Employees were given access to apps, systems, or platforms for remote work and communication, but they were not provided with computers.	
16.	Google Worksheets and the SAP system facilitated remote work, and all employees were provided with laptops to support their work from home.	
17.	Employees were equipped with computers, headphones, and web cameras to support their remote work needs.	

Table No-5

Respondent having Work from home policy (Currently) their organization

Respondent having Work from home policy (Currently) their organization		
Yes	No	Total
27.00	73.00	100.00 (%)

Respondent having Work from home policy (Currently) their organization
- Series1, Yes, 9, 27%
- Series1, No, 24, 73%

Main features of the work from home policy

S. No	Main features of the work from home policy
1.	Removal at the tight work schedule for health and safety.
2.	In my country, Welfare paid overtime for working on the shift system. As we don't have the infrastructure to work from home.
3.	The organization gives free space for the managers to set the policy. For my department, there are 2 days for each of us to work online weekly.
4.	Imposed by the Public Sector Department for the public sector. Full day or half day basis (4 hours either before or after the lunch break). The guidelines specifically underline two ways permitting WFH. Asked by the employer to WFH and applied by the employee To be approved by the HOD only. The policy and regulations are still ongoing, regardless of gender, on whatever basis there is.
5.	The policy is there, but it is not yet being put into place. This is because it is only for the emergency of COVID-19. Thus it was softened without an oversight of other regulatory issues. Such as laws, times, and infancy for the employees.
6.	According to the law of the South Sudan Police Service, a very officer or any police personnel shall be on duty for 24 hours and his/her place of work. WFH policy: divide the forces into two groups; others would work at morning duties and another group at night duties.
7.	We work 40 hours weekly (5 days)
8.	The virtual headings, shift management, and virtual dedications were taken care by H.R.
9.	Even though COVID-19 has ended, we still use online studying. When the weather is too cold to study because of the heavy snow, or when we arrive, officials visit. All roads, especially main roads, are closed, and there is a heavy traffic jam. That is why school-children can stay at home and study online.

Challenges faced by the respondents not having the working from home policy

| S. No	Challenges faced by the respondents not having the working from home policy	
	YES	NO
1.	The unavailability of work-from-home options increases travel and other expenses, while communication issues persist. Additionally, time management is affected by remote work. However, implementing a centralized platform can enhance teamwork.	
2.		No response
3.		No response
4.	The employee frequently takes leave or is often late, which may impact their ability to fulfill parental responsibilities effectively. This leads to decreased work productivity and increased inefficiency. Consequently, there is a risk of organizational depreciation and loss of skilled employees.	
5.	The lack of work-life balance increases management tasks and affects accountability for some tasks.	

6.	I have to go to the office regularly, as the work hours are fixed with no flexibility.	
7.		No response
8.		No response
9.	IT relies solely on adhering to scheduled work times and may not guarantee employee efficiency during that period. The ability to achieve a work-life balance enhances productivity.	
10.		No response
11.		No response
12.		No response
13.	According to the timetable, I conducted my classes. Teaching evening students proves to be challenging.	
14.	Due to the absence of a work-from-home policy, employees are required to be punctual and present in the office, even when there is no work at times. This lack of flexibility particularly affects nursing and new mothers, leading to higher rates of absenteeism. The absence of a work-from-home option also contributes to reduced productivity.	
15.	There was no official work-from-home policy; however, private organizations implemented it. Some workers failed to complete their tasks at home, leading to increased contact among individuals and contributing to the spread of diseases. Some individuals deceived themselves into believing they were working effectively from home, resulting in extended working hours and very low productivity.	
16.		No response
17.		No response
18.	As for menstruation, there are not many bags available because most of them are on-site.	
19.	Lack of work-life balance leads to exhaustion and stress, coupled with a lack of independence in decision-making. Team office space expenses are high, contributing to stagnation and an increase in workload for existing employees.	
20.		No response
21.	Employers have not implemented any labor laws for remote work from home.	
22.		No response
23.	Work-life balance is compromised as employees find it challenging to allocate time for personal and family responsibilities, leading to increased stress and reduced productivity. Furthermore, the ability to focus on key areas is hindered by constant workplace distractions and divisions.	
24.	It's time-consuming and incurs a lot of travel expenses.	

Table No-6
Respondent Sharing disadvantages of Work from home policy

Respondent Sharing disadvantages of Work from home policy		
Yes	No	Total (%)
67.00	33.00	100.00

Respondent Sharing disadvantages of Work from home policy

Series1, No, 11, 33%
Series1, Yes, 22, 67%
■ Yes
■ No
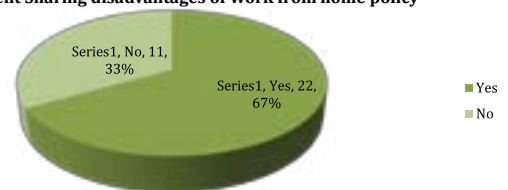
A case of disadvantages of working from home

S. No.	A case of disadvantages of working from home	
	YES	NO
1.	Respect for technology issues is highly emphasized and valued.	
2.	Working from home may present challenges in finding a quiet space away from people and distractions, potentially leading to decreased productivity due to interruptions.	
3.	There was no interaction or discussion. It appeared talking to walls.	
4.	Issues of time discipline and product output due to Imbalance in work distribution.	
5.	Working from home can indeed pose challenges for performance assessment, as supervisors may not have the opportunity for frequent physical meetings with employees. Additionally, it may hinder employer-employee interaction and collaboration, as individuals could struggle to concentrate on work due to personal commitments or family issues.	
6.	Some works cannot be done from home.	
7.	You need to have discipline and self-control. Lack of focus and a schedule can be problematic.	
8.	Indeed, working from home may lead to increased usage of utilities such as electricity, water, and internet, which may not be fully covered compared to when working in an office provided by the employer. Additionally, the potential for accidents or mishaps at home may not be adequately addressed compared to workplace coverage.	

9.	Lack of discipline in meeting deadlines and balancing it with other competing demands.	
10.	Employees may become less motivated while working from home.	
11.	Disturbances from family, friends, connectivity issues, power outages, and limited access to information are common challenges faced when working from home. These disruptions impacted.	
12.	Social isolation and discrimination can indeed be concerns when working remotely, as can technical issues. It's important for employers to address these challenges by fostering inclusive communication channels and providing support for technical difficulties to ensure employees feel connected and supported while working remotely.	
13.	The lack of video participation from some students can indeed impact the effectiveness of remote teaching, as it may hinder the teacher's ability to gauge student engagement and understanding. This challenge underscores the importance of finding ways to encourage student participation and active engagement in online learning environments.	
14.	The absence of communication among team members hindered collaboration and productivity.	
15.		Having leads or team leaders can indeed help facilitate focus and direction within a team. Their guidance and support can aid in aligning efforts toward common goals and maintaining productivity.
16.	A lack of resources and interruptions from family members can disrupt workflow and hinder productivity when working from home. It's essential to address these challenges by setting boundaries, communicating needs with family members, and seeking solutions to mitigate interruptions. Additionally, employers can provide support by offering resources and guidance to enhance remote work environments.	
17.	Time management and organization are crucial skills when working remotely. It's important to establish a schedule, prioritize tasks, and create a productive work environment to effectively manage time and stay organized while working from home.	
18.	Some tasks may not fit into a scalable framework and may require ongoing supervision to ensure they are completed accurately and efficiently. This underscores the importance of effective management and oversight, especially in tasks that are not easily standardized or automated.	
19.	The majority of employees lacked the necessary technical expertise, leading to additional workload for those with the requisite skills, who often had to work beyond their usual hours to cover for others and fulfill additional duties.	
20.	Working from home presented unique challenges, particularly for women, who may face additional family responsibilities. It's important for employers to recognize and address these challenges by providing support and accommodations to ensure all employees can effectively balance their work and family responsibilities.	
21.	Advancing technology and a stable internet connection are essential for successful remote work arrangements. These resources enable employees to stay connected, access necessary tools and information, and collaborate effectively while working from home.	
22.	The absence of a legal framework policy for Work From Home can lead to ambiguity and inconsistency in remote work arrangements. Establishing clear guidelines and policies can help ensure fairness, consistency, and compliance with relevant laws and regulations.	

Table No-7
Respondent reporting "Flexible working arrangements enhance productivity"

Respondent reporting "Flexible working arrangements enhance productivity"		
Yes	No	Total (%)
94.00	06.00	100.00

Respondent reporting "Flexible working arrangements enhance productivity"

Series1, No, 2, 6%

Series1, Yes, 31, 94%

- Yes
- No

A case of Respondent reporting "Flexible working arrangements enhance productivity"

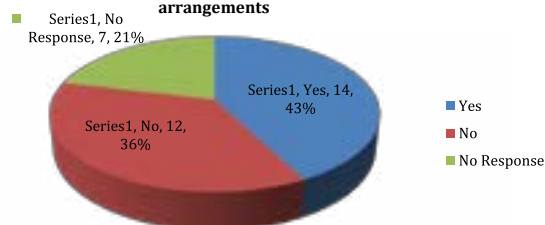| S. No	A case of Respondent reporting "Flexible working arrangements enhance productivity"	
	YES	**NO**
1.	Flexible working arrangements can contribute to achieving a better work-life balance, reducing stress levels.	
2.	Analytical and statistical capabilities are enhanced.	
3.	High employer satisfaction can lead to increased responsibility and productivity among employees.	
4.	Employees working from a place of comfort according to their own standards can indeed improve their output.	
5.	When everyone feels free to work, it automatically leads to psychological satisfaction, ultimately enhancing productivity.	
6.	Flexible working arrangements can indeed enhance work-life balance.	
7.	Flexibility options enable individuals to adjust their schedules according to the times of day when they perform best.	
8.	"Could accomplish all of my plans."	
9.	Providing flexible working hours can indeed lead to greater seriousness and commitment towards work.	
10.	If properly implemented, people can work at the time when they are most active, which enhances productivity. Additionally, working from home can also enhance productivity by providing employees with opportunities for growth through active involvement, ultimately improving satisfaction in the long run.	
11.	Flexible working arrangements can indeed improve diversity, attract top talent, and enhance employee engagement.	
12.	In some cases, flexible working arrangements can enhance productivity, especially in task-based jobs, where efficiency can be improved.	
13.	Flexible working arrangements can increase morale in the workplace.	
14.	Indeed, flexible working arrangements provide individuals with independence and trust in them to accomplish more.	
15.	Flexible working arrangements help to build a balanced work-life.	
16.	Flexible working arrangements allowed choosing workspace, whether it's a coffee shop, home, or other comfortable location.	
17.	Flexible working arrangements provide a better environment for employees to find their ideal working conditions, minimizing the pressures and stresses faced in urban areas such as traffic jams and travel expenses.	
18.	Flexible working arrangements help employees focus on key areas without office distractions and enable them to develop personal timelines aligned with organizational goals.	
19.	Eliminating commuting time can significantly impact one's productivity in the workplace.	
20.	Eliminating commuting time can indeed increase productivity.	
21.		No Response
22.		No Response
23.		No Response
24.		No Response
25.	Working from the comfort of their homes allows individuals to meet organizational targets without disruptions.	
26.	Reduced commute time leads to more productive hours, an improved work-life balance, and decreased stress.	
27.	To save time, effective time management allows individuals to work remotely, eliminating the need for commuting to the office.	
28.	Indeed, flexible working arrangements can help save time and money. Additionally, some students are highly active and work effectively in such environments.	
29.	Working from the comfort of one's own zone.	
30.	Yes, you can work anytime and anywhere, from the comfort of your own space.	

31.	You can plan your day as you wish and accomplish tasks accordingly.	
32.	Flexible working arrangements can indeed contribute to achieving a better work-life balance and reducing stress.	

Table No-8
Respondent reporting other forms of flexible working hours arrangements

Respondent reporting other forms of flexible working hours arrangements			
Yes	**No**	**No Response**	**Total (%)**
43.00	36.00	21.00	100.00

Respondent reporting other forms of flexible working hours arrangements

A case of Respondent reporting other forms of flexible working hours arrangements

S. No	A case of Respondent reporting other forms of flexible working hours arrangements	
	YES	**NO**
	Rotational work schedules, with all associated benefits, can be adjusted among workers at any time based on the situation, with supervisor approval.	
	The shift system entails that employees involved in drilling operations stay at the camp and work 12 hours a day for a period of 2 weeks. Following this, they take a 2-week break while another team takes over.	
	Roster-based working arrangements are applicable exclusively to specific groups.	
		No further action is required; the matter has been duly noted.
		There is none.
	Feeding time of 2 hours is allocated for a nursing mother. Workloads are adjusted, particularly for the mother, so that they have to work less, fostering a more informal setting.	
	Attending meetings virtually from the office and utilizing venue compression, immigration and health workers work longer hours on certain days and rest for the remainder of the time.	
	Ensuring that persons with disabilities have access to all necessary tools and equipment is crucial to align organizational goals with inclusivity. Reassigning duties to individuals with medical conditions that impact their current responsibilities is facilitated by obtaining consent from a medical board.	
	One year after childbirth, nursing mothers are mandated to leave work one hour before the stipulated time to attend to their baby's needs.	
	The work was conducted through virtual Zoom meetings during the Covid-19 period.	
	The virtual headings and profiles of the lawyers.	
		We can buy or sell products.
		No, we do not have the infrastructure for remote work from home.
	Yes, there is a flexi-time option available. You may start and end your workday at your discretion, as long as you complete the day's work and attend to responsibilities during a designated lunch break.	

PPT of ILO Standard on Working Time & Working Hours Arrangements

ILO Standard on Working Time
& Working Hour Arrangements

Anoop Satpathy
Wage Specialist, ILO Decent Work Technical Team for South Asia
15 March 2024

Working Time: What is It & Why is It Important

- **Working time is the period of time that a worker spends at paid labor.**
- **Working time and wages are at the core of all employment relationships**
  - They are both fundamental to all work done by the ILO
  - Working hours is one of the most critical condition of work as it has the most direct and visible impact on the day-to-day lives of workers (also managers to some extent)
- **The number of working hours (working time) and the way those hours are organized (working time arrangements) can impact on the** quality of work life **(and life in general) influencing the workers' health and well-being, time away from work (rest periods) and earnings.**
- **Working hours and how they are organized can determine productivity, profitability, and, in some instances, the viability of an enterprise.**
- **Working time has been considered so important to ILO constituents that the first ILO convention was on working time:**
  - ILO Hours of Work (Industry) Convention, 1919 (No. 1)

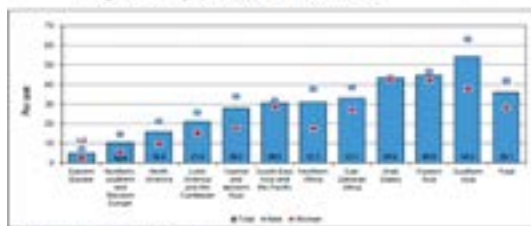### Overall Working Hour Trends
Bifurcation of Working Hours

- **World's workforce is divided between segments experiencing excessive hours on the one hand and short/variable hours on the other**
- **Substantial portions of the global workforce working either excessively long hours (more than 48 hours per week), which particularly affects men, or short hours/part-time work (less than 35 hours per week), which predominantly impacts women.**

Working Time: Trend in Long Hours

Many workers are working long working hours in many parts of the world

Notably in South Asia

Figure 1.1. Percentage of workers working long hours (more than 48 hours a week) by specific subregions, total employment (2016–15 for most countries)

ILO's Approach to Working Time Issues

Working time has a number of important components, which provide the foundation for ILO's work.

1. Working Hours **(quantity of working hours during a day or week and limits on working hours)**
2. Working Time **Arrangements (the organization of working hours during a day, week, or longer period that make up a work schedule)**
3. Rest Periods **(scheduled periods of rest from working hours, which include daily meal breaks, rest breaks at work, daily rest period, weekly rest day(s), annual leave)**
4. Emergency Working Time Arrangements **(working time arrangements used during a national, provincial, or local emergency to maintain employment and enterprise viability; these include work-sharing, telework, job-sharing among others)**
5. Overlapping issues **(working time overlaps with a number of other issues affecting workers and employers including overtime hours, piece rate work, collectively bargained sectoral hours, etc.)**

Working Hours

- **Working hours refers to the number (or quantity) of hours per day or week that a worker may work.**
- **Working hours can be broken into two categories:** normal working hours and maximum hours
- **Normal Hours –** Number of regulated working hours establishing a regular workday or work week.
  - ILO standards provide for 8 working hours per day and 48 hours per week (over a six day workweek).
- **Maximum Working Hours –** Are the number of normal hours plus additional overtime working hours per day or per week (**Maximum Working Hours = Normal Working Hours + Overtime Hours)**
  - Maximum hours are normally set in regulations (e.g. national or provincial laws) and are meant to set the absolute maximum number of hours that a worker can work during a day or week.
- **Normal and maximum working hours can be regulated by regulation and by collective agreement.**

International Labour Standards on Working Time

- **The ILO has had over 30 standards on working time in its history (most sector specific).**
- **Recently, based on review by the Standards Review Mechanism, the number of applicable working time standards has been reduced.**
- **The ILO currently uses the following Conventions and Recommendation on working time:**
  - **Hours of Work (Industry) Convention,** 1919 (No. 1);
  - **the Hours of Work (Commerce and Offices) Convention**, 1930 (No. 30);
  - the **Forty-Hour Week Convention,** 1935 (No. 47);
  - the **Night Work Convention, 1990** (No. 171);
  - the **Part-Time Work Convention, 1994** (No. 175);
  - the **Reduction of Hours of Work Recommendation,** 1962 (No. 116); the **Night Work Recommendation,** 1990 (No. 178); and the **Part-Time Work Recommendation,** 1994 (No. 182).

Working Time Arrangements

- **Working Time Arrangements (WTA or work schedules) are used organize of working hours during a day, week, or longer period that make up a work schedule**
  - Structured taking into account legal daily and weekly normal and maximum working hour limits
  - There are ways to organize working time to meet worker and employer needs (best method is negotiated working time arrangements between workers and employers)
- **Some types of working time arrangements include:**
  - **Shift work -** "a method of organization of working time in which workers succeed one another at the workplace (and work stations) so that the establishment can operate longer than the hours of work of individual workers"
  - **Staggered Working Hours** - different starting and finishing times are established for different groups of workers in the same establishment; however, once these starting and finishing times have been chosen (or fixed with the employer), they remain unchanged.
  - **Compressed Workweek** - the same number of working hours being scheduled over fewer days than is typical in a standard workweek, which also results in longer working days (e.g. 10 hour days, 4 work days)
  - **Basic Flexi-Time** – organization sets 'core hours" and workers are allowed to choose when to start and finish work, as long as they are available during core working hours.
  - **Hours-Averaging Schemes** - allow for variations in daily and weekly hours of work within specified legal limits, over a legally specified period of time, while requiring that working hours amount to a specified weekly average over the period within which the hours are averaged.

Rest Periods

- **Different forms of rest and annual leave are important for a workers physical and mental well-being.**
  - If structured properly within the work schedule, they can all have a positive impact on occupational health and safety as well as improve productivity in the workplace.
  - In addition to maximum hour limits, regulatory requirements for rest periods can help to limit excessive working hours.
- **ILO Standards on Rest Periods**
  - The Weekly Rest (Industry) Convention, 1921 (No. 14); the Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106); the Holidays with Pay Convention (Revised), 1970 (No. 132); the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103) the Holidays with Pay Recommendation, 1954 (No. 98)

Types of Rest Periods:
- **Workday Breaks -** breaks organized during the working day by pausing the work for the purpose of resting, eating or other needs (e.g. lunch, coffee/tea break, etc.)
- **Daily rest -** the period a continuous period of rest between workdays within a twenty-four hour period.
- **Weekly Rest -** refers to a minimum break of at least 24 consecutive hours (1 day) from work within a seven day period.
- **Annual leave -** yearly vacation or holiday, consisting of consecutive days or weeks off work, which may be paid.

Emergency Working Time Arrangements

Emergency working time arrangements are arrangements that can be used during natural and/or economic crisis to help enterprises stay in business and workers to remain employed (such as during the current Covid Global Pandemic).
Some different methods include;
- **Worksharing** - Work sharing is a reduction of working time intended to spread a reduced volume of work over the same (or a similar) number of workers in order to avoid layoffs or, alternatively, as a measure intended to create new employment.
  - Developed in Germany in the 1920's to address the depression, it has been used in a number of European countries to protect jobs during the Covid crisis (has links to wage subsidies).
- **Telework –** through the use of information and communication technology (ICT) it is a method for working away from the employer's workplace/establishment building.
  - Historically, telework has been based on a voluntary agreement between the employer and an employee for a specified period of time, but since March 2020, it has become a key method to keep people working and protecting their health.
- **Job-sharing -** job-sharing, which refers to a voluntary arrangement in which one full-time job is split into two part-time jobs (not the same as worksharing above).

Covid & Post-Covid Working Time Measures

- **The global Covid pandemic has created massive disruptions to markets, supply chains (notably in Asia region), and workplaces.**
  - Owing to the differences in infection rates in different countries, the disruptions have had different impacts on countries in the region.
- **Working time arrangements and emergency working time arrangements can be considered under these circumstances to limit the impact of market disruptions for workers and employers.**
- **Work arrangements used so far:**
  - **Telework** – Owing to wide availability of information and communication technologies (ICT) as well as improved broad band, telework has gone from an individual agreement between worker and employer to become broadly used. A new frontier in work arrangements, constituents are aggressively looking to see how best to use this system in policy and regulation.
  - **Worksharing** – Subsidies provided by government to employers to help pay for reduced working hours by workers: Aim is to keep enterprises open and workers employed for a short period until market picks up
- **Provided medical and scientific clearances are provided, the following scheduling work using these working time arrangements may play a role in transitions back to the workplace.**
  - Scheduling alternative working time arrangements to reduce interaction of workers in workplace during Covid crisis. They can include: staggered working hours and flexi-time work scheduling

Working Time Overlaps: Cross Cutting Issues

- **Working time issues can be addressed either specifically in laws and policies in the categories outlined above or through overlaps with other issues (Working time as part of the regulatory and policy "mosaic" concerns of constituents)**

Some key overlap issues involving working time are:
- **Overtime** is an important overlap issue between working time and wages, but in law is addressed in working time provisions, including in ILO standards (e.g. Article 6(2) of ILO Convention No. 1 sets the minimum overtime rate at 125%).
- **Piece rate work** involves pay for piece production, but must also account for working hours meant to produce product (e.g. time and motion study)
- **Collective bargaining/industrial relations** – working hours are often a key issue and can involve sector specific arrangements.
- **OSH** – excessive working hours (including overtime) can cause health problems for workers/poor enterprise productivity; night work also has a number of issues tied to OSH (BPO & call centres in Asia)
- **HRM** – developing, implementing, and monitoring work schedules and WTA are important for worker & employer
- **Social insurance** – most systems based on full-time work, but what about part-time access
- **Worksharing** – working time and wage subsidies are tied to protect jobs and enterprises
- **Sectors of Economy** – Different sectors may require specific solutions, including working time solutions (also relates to collective bargaining and industrial relations where TU are present).

Telework: Definition and Forms

Telework can be defined as the use of Information and Communication Technology (ICT) - such as smartphones, tablets, laptops and desktop computers – for the purposes of work outside the employer's premises (either from the worker's home or from another location).

The use of telework during the Covid-19 period raised several issues, making it important to distinguish between mandatory telework v. worker-employer agreed telework

- **Mandatory Telework: Telework that is required by authorities based national health or safety concerns**
  - The Covid experience, was imposed with many of the issues above being addressed in an ad hoc manner by employers, workers, and social actors (based on Covid, this may continue to linger or be applied periodically in some parts of the world
- **Worker-Employer Agreed Telework: is normally based on established regulatory guidelines (e.g., office rules), with negotiated conditions of telework use, how it will be managed, and how it will work to meet worker and employer expectations.**
- Telework is not going away after the pandemic, but a growing debate about the "Hybrid Model" of work
- **Hybrid Model of Telework involves a worker working part of their time in the employer's workplace (e.g., office) and part of the time remotely (e.g., from home)**

Regulatory Levels to Address Telework & Right to Disconnect

- **International Labour Standards (ILS)**
  - ILO Conventions & Recommendations on maximum working hours, part-time work, night work, weekly rest, annual leave; wages and wage protection, equal pay, and OSH are among the standards that may apply to telework
  - Currently no ILS specifically on telework or right to disconnect (however **Article 24 of UN Convention on Human Rights Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay).**
- **Regional Agreements (through regional regulatory systems)**
  - European Union Framework Agreement on Telework (2002) (negotiated between European Trade Unions and Employers Associations
- **National legislation (in private sector and administrative laws in public sector)**
  - Similar issues as identified above in ILS, but also including right to privacy and right to disconnect measures
- **Collective Bargaining Agreements (in private and public sector, where applicable)**
  - National, sectoral, or workplace agreements between workers and employers can include provisions that regulate the telework relationship (these are often structured on higher levels of regulation identified above)
- **Workplace Regulations**
  - Regulations agreed by workers and employers in workplace (these are often structured on higher levels of regulation identified above)

International Labour Standards (ILS)
That May Apply to Telework & Right to Disconnect

At this time there is no specific ILS on telework or right to disconnect, but some ILS may still be useful to define some working conditions for teleworkers:
- ILO Occupational Safety and Health Convention, 1981 (No. 155) and ILO Occupational Safety and Health Recommendation, 1981 (No. 164) – Note Article 13 of C155 may be important in crisis situations (like Covid) to request telework
- ILO Hours of Work (Commerce and Offices) Convention, 1930 (No. 30) - 8 hours per day/48 hours per week, (could be crucial in right to disconnect legal analysis)
- Night Work Convention, 1990 (No. 171) (could be useful in right to disconnect legal analysis)
- Part-Time Work Convention, 1994 (No. 175)
- ILO Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106) – At least 24 continuous hrs. per 7-day workweek (could be crucial in right to disconnect legal analysis)
- ILO Holidays with Pay Convention (Revised), 1970 (No. 132) – annual leave
- ILO Homework Convention, 1996 (No. 177) – regular and consistent home based telework
- ILO Protection of Wages Convention, 1949 (No. 95) and ILO Protection of Wages Recommendation, 1949 (No. 85) Ensure proper wage payments to all workers (including teleworkers).
- ILO Code of Practice on Protection of Workers' Personal Data – Code is meant to provide guidance on the protection of workers' personal data collected by employer.

Since the pandemic began in 2020 there have been informal discussions by ILO constituents about the need for a specific international labour standard on telework, but no formal action has been taken on this issue to date.

Regional Standard on Telework

- On 16 July 2002, the ETUC, UNICE/UEAPME and CEEP signed **the European Union Framework Agreement on Telework.**
  - This framework agreement was to be implemented directly by their members, in accordance with the procedures and practices specific to management and labour in the Member States as defined in Article 139 of the EC Treaty.

The EU Framework Agreement:
- Teleworkers benefit from the same legal protection as employees working at the employer's premises and defines a general framework for using telework at the workplace, in a way which corresponds to employers' and workers' needs.
- It concentrates on the aspects which are specific to working at a distance from the employer's premises and highlights key areas requiring adaptation or specific attention such as employment conditions, data protection, privacy, equipment, health and safety, work organisation, training, and collective rights.

European Union Framework Agreement on Telework (Pt. I)

- Telework is voluntary for the worker and the employer concerned.
- Teleworkers benefit from the same rights as comparable workers at the employer's premises.
- The employer is responsible for taking the appropriate measures to ensure the protection of data used and processed by the teleworker for professional purposes.
- The employer respects the teleworker's privacy.
  - If any kind of monitoring system is put in place, it needs to be proportionate to the objective and introduced in accordance with Directive 90/270 on visual display units.
- As a general rule, the employer is responsible for providing, installing and maintaining the equipment necessary for regular telework unless the teleworker uses his/her own equipment.

European Union Framework Agreement on Telework (Pt. II)

- The employer is responsible for the protection of the occupational health and safety of the teleworker in accordance with Directive 89/391 and relevant daughter directives, national legislation and collective agreements.
  - In order to verify that the applicable health and safety provisions are correctly employed, the employer, workers' representatives and/or relevant authorities have access to the telework place, within the limits of national legislation and collective agreements.
  - If the teleworker is working at home, such access is subject to prior notification and his/her agreement.
  - The teleworker is entitled to request inspection visits.
- The framework of applicable legislation, collective agreements and company rules, the teleworker manages the organisation of his/her working time.
- Teleworkers have the same access to training and career development as comparable workers at the employer's premises and are subject to the same appraisal policies as these are their workers.
- Teleworkers have the same collective rights as workers at the employer's premises.

National Telework Legislation: Spain

Royal Decree-Law 28/2020, on remote working schemes (also Article 13 of the Workers' Statute)
- **Distinguishes between remote work, telework, and on-site work.**
  - Remote work: the work activity which is carried out in the worker's home or in the place chosen by the worker, during all or part of the working day, on a regular basis.
  - Teleworking: remote working carried out exclusively or predominantly using computer, telematic and telecommunication means and systems.
  - On-site work: work carried out at the workplace or at a place determined by the employer.
- Telework agreement between employer and worker **must be in writing** (cannot be imposed by employer).
- Equality of treatment and opportunities and non-discrimination must be ensured, between the teleworkers and those who carry out their activity at the employer's workplace.
  - The Law guarantees the equal rights between on-site and remote workers and the same total remuneration among workers.
- Teleworking cannot involve a loss of labour, economic or union rights.
- Teleworking schemes are "reversible", meaning that either party could decide to return to work on-site at any time (giving the agreed prior notice).
- The costs involved in remote work are paid by the company but the 2020 Decree leaves certain aspects to be collectively bargained.
  - Where appropriate, collective bargaining shall establish the form of compensation for the expenses incurred by the worker in this form of remote work, if they exist and have not already been compensated.

National Telework Legislation: Spain

Royal Decree-Law 28/2020, on remote working schemes (also Article 13 of the Workers' Statute)
- Employment contracts concluded with minors and in training and apprenticeship contracts
  - The remote working agreement must guarantee at least fifty per cent of on-site work.
- **Right to flexible hours the worker may alter the working hours, respecting the work and rest regulations and the limits established in the remote working agreement signed with the company.**
- **Workers shall have the right to disconnect outside working hours.**
  - The employer must guarantee the right to switch-off, limiting the use of remote working means during rest hours and respecting the maximum length of the working day.
- Employers must take into account the characteristic risks of remote work (psychosocial, ergonomic and organisational factors, etc.) for the evaluation of OSH risks and the planning of the preventive activity.
- Privacy and data protection
  - The employer may not demand the installation of programs on devices owned by the worker, nor require the use of private computers for teleworking.
  - The employer may adopt the measures it deems most appropriate for surveillance and control to verify compliance by the worker with his/her work obligations and duties.
- Failure to formalize the remote working agreement in writing is considered a serious offence, punishable with a fine of between 626 and 6,250 Euros.

The Right to Disconnect

The Right to Disconnect refers to a worker's right to be able to disengage from work and refrain from engaging in work-related electronic communications, such as emails, texting or other communications, during non-work hours.
- **Once again, the principle of the right to disconnect is not new**
  - As ICT devices (mobile phones in particular) have become common, the distinction between "office working hours" and work-related communication outside of the workplace has continued to blur
  - Like the broader topic of telework, the Covid pandemic beginning in 2020 elevated the visibility of the principle of the right to disconnect. (mainly based on the experience of workers teleworking from home).
- **The regulation of the right to disconnect relies on three main pillars (often found in law)**
  1. Working Hour Limits (in labour code or acts limiting daily/weekly working hours, limits on overtime hours)
  2. Right to Rest Periods (in labour codes or acts addressing provisions on daily rest, meal breaks, weekly rest, annual leave)
  3. Right to Privacy (may have broader legal context in some countries; constitutional right, labour right, both)
- **Work-Life Balance is important, but may not always be addressed in law is some countries**

National Regulations on the Right to Disconnect, Pt. I
Countries have taken different approaches to address the right to disconnect.
In the countries below the right to disconnect is established as a specific labour right:
- **France** - France pioneered the right to be disconnected (le droit à la déconnexion) in a revision of the French labour code that was implemented in 2017, (Article L2242-17 Code de Travail, 2020) includes an obligation for employers and employees in every company with 50 employees or more to negotiate "the use of ICTs", with a view to ensuring respect for the rest and holiday periods of workers and their personal and family lives.
- **Belgium** – Articles 15 to 17 of the 26 March 2018 "Act regarding the strengthening of economic growth and social cohesion". These articles of law (in force since 9 April 2018) establish that issues concerning disconnection and the use of digital communications should be discussed within the Prevention and Protection Committee (PPC), a representative body for employees that must be elected in companies with more than 50 staff members.
- **Italy** - Act 81/2017, which provides the right to disconnect covers so-called "smart workers" via individual agreement. These are defined as those workers who combine working in their offices with working remotely, either to balance work and family commitments or for work-related reasons. The right to disconnect is established via individual agreements.

Regulations on Right to Disconnect, Pt. II
A teleworker's right to disconnect, established in protection of personal data regulations.
- **Spain** - Organic Law 3/2018, of December 5, on the Protection of Personal Data and Guarantee of Digital Rights.
  - Article 88(1) Right to digital disconnection in the workplace. Provides that public workers and employees shall have the right to digital disconnection in order to guarantee, outside of the legally or conventionally established working time, respect for their rest time, permits and vacations, as well as their personal and family privacy.
  - Article 18 of the Organic Law 10/2021 of July 9, 2021, on remote work uses definition above to frame the right to disconnect for remote workers.

Provinces or states have also developed regulations on the right to disconnect
- **Province of Ontario (Canada)** - Working for Workers Act, 2021 requires Ontario businesses with 25 people or more to have a written policy about employees' rights when it comes to disconnecting from their job at the end of the day (from 2 June 2022)

National Regulations on Right to Disconnect, Pt. III

Right to disconnect has been included as part of broader regulatory measures to address all dimensions of telework.
- **Argentina** - Article 5 of Teleworking law (No. 27,555) and Regulatory Decree No. 27/202, entered into effect on 1 April 2021, teleworkers will have the right not to be contacted and to disconnect from digital devices and/or information and communication technologies, outside of their working day and during leave periods.
- **Chile** - Law 21220 Amandina the Code of Work on Remote Work (2020), the employer must respect their right to disconnect, guaranteeing the time in which they will not be obliged to respond to their communications, orders or other requirements. The disconnection time must be at least twelve continuous hours in a twenty-four-hour period. Likewise, in no case may the employer establish communications or formulate orders or other requirements on days of rest, permits or annual holidays of the workers.

Final Observations

- ILO has produced materials that can be helpful for colleagues and constituents to address working time issues (let us know and we can provide links to them).

Glimpses of the Workshop

V.V. Giri National Labour Institute is a premier institution involved in research, training, education, publication and consultancy on labour and related issues. Set up in 1974, the Institute is an autonomous body of the Ministry of Labour and Employment, Government of India. It is committed to establishing labour and labour relations as a central feature in the development agenda through :

- Disseminating knowledge, skills and attitudes to major social partners and stakeholders concerned with labour and employment;

- Addressing issues of transformations in the world of work;

- Undertaking research studies and training interventions of world class standards; and

- Building understanding and partnerships with globally respected institutions involved with labour.

श्रमेव जयते

V.V. Giri National Labour Institute
(An Autonomous Body of Ministry of Labour and Employment, Government of India)
Sector 24, NOIDA-201301
Uttar Pradesh, India
Website: www.vvgnli.gov.in