

## TELEWORKING – JUST A LEGAL OPPORTUNITY OR BASIS FOR REDEFINING THE CONCEPT OF LABOR RELATIONS DURING COVID-19 AND IN THE POST PANDEMIC PERIOD

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**ABSTRACT:** Covid-19 pandemics initiated a profound societal and economic changes with a reflection in the ways of working and labor relations. One year into the pandemics this topic is one of the most sensitive and one that will experience the most intense repercussions. This is visible not only by the rising unemployment, but also in terms of reorganization of the work processes and operationalization of the concept of working from a distance. There is no doubt that this has brought to light the reconceptualization of the work engagement. The implementation of the concept of teleworking (telecommuting) in absence of a legal framework and management practices becomes interesting for both employers and employees. The aim of the paper is to define the concept of teleworking and its operationalization by the employers in absence of a legal framework. The comparative analysis of the legal frameworks in EU and RNM with the actual situation will form the basis for recommendations. A special attention will be paid to whether the concept of teleworking with all its negative and positive consequences should remain a preferable and recommended concept as basis for redefining the employment contract in the post-Covid period. The study will utilize a comparative and empirical approach. The research will be done on convenient sample – respondents from private sector companies. Using a questionnaire will help in understanding the attitudes for the current legal framework for teleworking, and the operational practices in using the approach, as well as the managerial practices related to regulations of working hours, performance management and employee wellbeing.

**KEYWORDS:** *teleworking, Covid-19, labor relations*

## INTRODUCTION

The development of technology in today's information society has created real conditions for increasing the possibility for work to be done outside the workplace, usually from home. With the help of the Internet and wireless connection there is a whole range of professions, activities and work tasks that can be performed from a computer, regardless of the location where the action is performed. This situation brings a number of benefits to both employees and employers. For employers, this means reduced costs for renting business premises, costs for transportation and food for employees, costs for electricity and air conditioning of premises. For employees it means the opportunity to work in the comfort of their own home or any place of their choice.

Since the outbreak of the Covid 19 pandemic, working from home or remotely has become an increasingly relevant concept for employers. Eurofound (2020) statistical data affirmed that 37 percent of workers in Europe began to telework in Europe in response to the spread of COVID-19. Working remotely does not suit everyone and should not be mandatory. The application of the concept as a model of work of the future is approached with great seriousness, HRM practitioners help employees when they decide on this type of work for better efficiency and preparation of their employees for distance work, ie for work from home, many companies also introduce courses to acquire the necessary knowledge and skills, such as: necessary knowledge for working with a computer, using the Internet and other communication devices, skills for writing reports, developing telephone communication skills and good organization. Handy & Mokhtarian (1996) emphasize the necessary attention to gaining responsibility, independence in decision-making, assessment

of the situation and the introduction of project documentation in working with such a model.

As it said the old Latin maxim *Ubi societas, ibi jus* (where there is society, there is law), this new situation as regards the operation of the home must be legally regulated to prevent abuses or controversial situations. In this context, normative solutions should be flexible and easily applicable. Probably one of the better solutions would be for the work from home not to be treated with a special contract but to be an integral part of the regular (usual) employment contract.

Internationally, the legal shaping of teleworking is provided primarily by the ILO Home Work Convention, as well as the European Commission (EU) Directive on Home Work. Both mentioned documents (acts) provide a solid legal basis for regulating teleworking, leaving room for further regulation of the matter in the national labor legislation of the states. The general impression is that during their shaping, care was taken to provide adequate (special) legal protection to the workers, if they find themselves in a situation to work from home.

## LITERATURE REVIEW

### DEFINITION OF TELEWORK AND HR PRACTICES

The concept of remote work, which includes work at home, was launched by cybernetics creator Norbert Wiener in the middle of the last century. The fluctuation of economic factors and the development of digitalization at the end of the last century, resulted in the decentralization of jobs (Standen, 1997; Sato et al., 1998; Tavares, 2015). In the last years of the new era, especially during the onset of the pandemic with 19 Covid (Lindorff, 2000; Belzunegui-Eraso&Erro-Garcés, 2020) telework has suddenly experienced

a rebound, interest for this model of employee relation exponentially increased, followed by the dominant attitude that it will become a primary working mode in post Covid time.

A range of terms such as remote work, flexible workplace, telework, telecommuting, e-working are used interchangeably, with the intention of relating to the use of digital communication technologies. These terms refer to the ability of employees to work in flexible workplaces, especially at home, by using technology execute work duties (Gajendran and Harrison 2007; Grant et al. 2019, Vyas & Butakhieo, 2021). Telework is defined as the use of information and communications technologies (ICTs), such as smartphones, tablets, laptops, and desktop computers, for work that is performed outside the employer's premises (Eurofound and ILO, 2017). European Commission (EC) defines telework as a form of organizing and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis (UNICE/UA-PME et al., 2002). Teleworking is not normally defined so as to include those working in the platform or gig economy; for example a freelancer who works primarily from home may not be classified as a teleworker but might be classified as a home-based worker, under the terms of ILO Convention 177 on Home-work (1996a). Gajendran and Harrison (2007) described telecommuting as "an alternative work arrangement in which employees perform tasks elsewhere that are normally done in primary or central workplaces, for at least some portion of their work schedule, using electronic media to interact with others inside and outside the organization," notably, they indicated that "elsewhere" refers to "home" (p. 1525).

Baruch and Nicholson (1997) study identified four factors such as: individual factors, job factors, organizational factors, and family/home factors that need to be fulfilled for telework to become feasible and effective. Further factors that should be considered as significant for the development of teleworking are environmental, safety, and legal aspects. Environmental factors in collision with economic one are the foundation of the emergence of teleworking. Regarding to the legal or regulatory factor and its effects on telework, the European Framework Agreement on telework suggest to be adapted by political interests given the correlation of forces of social partners in each country. Namely, the lack of regulation is also considered as one of the most pressing issues in the implementation of teleworking practices at a transnational level (Prosser, 2011).

The applicability of the concept is viewed through the perspective of benefits for both concerned parties involved - employees and employers. The advantages, include and are not limited to reduced commuting time, avoiding office politics, using less office space, increased motivation, improved gender diversity (e.g. women and careers), healthier workforces with less absenteeism and turnover, higher talent retention, job satisfaction, and better productivity (Mello 2007; Robertson, Maynard, and McDevitt 2003). A series of studies indicate flexibility in terms of time and space and employees saving travel time and value of travel time (Allen et al. 2015; Vilhelmsson and Thulin, 2016; Zhang et al., 2020; Choudhury et. Al., 2021). In that direction Purwanto et al. (2020) reasoned that work from home could support employees in terms of flexible time to complete the work and save money for commuting to work. Some studies point out that telework can reduce turnover rate and increase employees' productivity, job engagement, and job performance (Collins

& Moschler, 2009; Dutcher, 2012; Bloom et al., 2015; Delanoeije and Verbruggen 2020). Correspondingly, e-working can increase productivity, flexibility, job satisfaction, work life balance, including reducing work-life conflict and commuting (Grant et al. 2019).

Business prospects refer primarily to the reduction of the usual costs (Tremblay 2002; Baines and Gelder 2003; Matthews and Williams 2005; Gajendran and Harrison 2007; Wheatley, 2012; Kazekami 2020; Okubo et al., 2021) such as electricity, internet, space rental, transportation costs. By working remotely, employers employ quality people (including people from vulnerable groups, such as mothers and fathers with young children, people with physical disabilities) who live outside the company headquarters, without much additional investment. The quality of work is decisively influenced by the psychological factor, and thus refers to the comfortable environment in one's own apartment and the possibility for a person to distribute his work day.

From the point of view of environmental protection, the studies of Mitomo & Jitsuzumi (1999) and Helminen & Ristimäki (2007) consider the benefits of remote work to be extremely important. Due to the reduced traffic on the roads, less exhaust gases appear, and the traffic jams are reduced. Also, from a safety and health perspective, studies by Gray et al., (1993); Ertel et al., (2002); Buomprioso et al., (2021) identify reduced chances of accidents, less chance of accidents at work with milder or more severe consequences.

However, working remotely brings with it certain weaknesses. Employers concept is a challenge in terms of supervision of work (ILO, 1996), the cost of training and the high cost of equipment and maintenance of operating rooms in the homes of employees. The unions believe that working remotely stands in the way of

their strength (power) and the path of collective bargaining. In terms of working hours, working remotely allows for changes in the direction of overcoming the strict "working hours" replaced by flexible working hours. Thus defined the new flexibility imperceptibly include the blurred line between work and family (Coenen and Kok, 2014;). A recent study has indicated that remote workers may feel a particular pressure to stay electronically connected to the employer premises all the time (Eurofound & ILO, 2017). In this sense, along with blurred boundaries between work and family life that lead to overwork (Grant et al. 2019), Baruch (2000) and Kazekami (2020) highlighted employees distraction by the presence of young children or family members while working at home. In a similar vein, Eddleston and Mulki (2017) relate to the management of boundaries between work and family of remote workers revealed that this mode of work relates to the inability of remote workers to disengage from work. Purwanto et al. (2020) and Gajendran and Harrison (2007) argued that employees bearing the costs for electricity and the internet costs by themselves as well as for reductions in productivity determine by the harmed relationship between coworkers.

Depending on the work being done and the personal characteristics of the workers, it can be concluded that workers who have good self-organization and discipline can have a better personal life, while for other workers, this way of working can be significant problem. Despite the obvious benefits of working from home, replacing live communication with conference meetings and the lack of personal contact among employees develops a sense of social isolation (Baro et al., 2020). It is thought that the greatest shortcomings in the work from home or working remotely is the impact on the employees' mental health (Cooper and Kurland, 2002; Tavares, 2015;

Buomprisco, 2021), the feeling of social isolation (Collins and Moschler (2009), the need to constantly be connected to their workplace (e.g. reading emails), leading to some mental fatigue (Belkin et al., 2016).

For the smooth functioning of the work from a distance, it is necessary operational and administrative support, so that it is extremely important for these companies to be consistently and accurately guided by exceptional openness and transparency to new forms of work.

## LEGAL CONTEXT FOR TELEWORKING

Companies use work from home for a variety of reasons. It may be a management decision due to new business processes, or it may be due to specific problems, such as lack of space, a desire for greater profitability and productivity, or cost reduction. It can also be a way to solve the problems of finding and retaining highly skilled workers or simply due to less environmental impact by not using daily transportation to work. Flexible way of working can also be initiated by workers who want a more flexible and creative way of working, without connection to a specific location and a lot of travel.

The applicability and operationalization of the concept is governed by the legal framework set by the ILO, the EC and national policies. The main applicable International and EU instruments specifically focused on telework include the Home Work Convention, 1996 (No. 177) (ILO, 1996a) and the ILO Home Work Recommendation, 1996 (No. 184) (ILO, 1996b), which have historically been applied to home based workers and may offer some guidance on how to approach some of the aforesaid telework challenges, as well as the Framework Agreement on Telework, concluded on 16 July 2002, by the European cross-industry social partners (UNICE/UAPME et al., 2002).

These standards have historically been applied to home based workers and may offer some guidance on how to approach some of these issues (ILO, 1996a, 1996b, 2020)

## HOME WORK CONVENTION, 1996 (NO. 177)

Originally, the C177 Home Work Convention (1996) sets the standard for the general application of the Teleworking concept.

Namely, according to Article 1 of the Convention, the term remote work also means work that is done from home. Ratification of the Convention is in line with national policies in terms of operationalization of the concept of doing work from home, and refers to the promotion of equal treatment of workers at home and others working for pay, taking into account the special characteristics of work at home and where possible, application of the conditions of the same or similar type of work, which is performed in a company (Article 4). According to the same article, equal treatment shall be promoted in particular for: (a) The right of workers to establish an organization at home or to join a similar organization of their choice and to participate in the activities of such organizations; (b) Protection against discrimination in employment and occupation; (c) Occupational safety and health protection (d) Reward; (e) Statutory social security and protection; (f) Access to training; (g) Minimum age to be eligible for employment; (h) Maternity protection.

The Convention also states that National Laws and Regulations on Occupational Safety and Health will also apply to work performed at home, taking into account its specific characteristics and establishing conditions under which the use of certain substances may be prohibited. and certain types of work at home, for safety and health reasons (Article 7).

Furthermore, Article 9 provides that the inspection system in accordance with national law and practice will ensure compliance with the laws and regulations applicable to work performed at home; as well as that in case of violation of those laws and regulations, appropriate legal procedures will be provided and effectively applied, including punishment, where their application is appropriate (ILO, 2020).

### **HOME WORK RECOMMENDATION, 1996 (NO. 184)**

According to the ILO Recommendation on Work at Home (1996), each member, in accordance with national law and practice, should designate a body or bodies entrusted with the formulation and implementation of national work policies at home. As far as possible, tripartite bodies or organizations of employers and workers should be involved in shaping and implementing national policies. Gender-disaggregated data, as well as data on the scope and characteristics of domestic work, should be collected so that they can serve as a basis for national policy on home work and the implementation of measures. In addition, the Recommendation explicitly states that an employee working from home, be notified or informed about everything related to their specific conditions of employment in writing or in any other appropriate manner that would be consistent with national laws and practice

Recommendation (No. 184) stipulates that the competent authority should ensure the registration of the employer and the employee doing the work from home. The employer should also keep records of the employee's working hours, the amount of salary paid to the employee, the costs associated with the work of the employee doing the work from home, the forms, in accordance with national laws and regulations. (ILO, 1996).

In order to protect the work of the worker who does his work from home, the Recommendation indicates that the competent body should ensure the implementation of the guidelines for safety and health regulations, as well as precautionary measures. The employer should inform the employee about all the dangers, point out the measures to be taken with the protective equipment, and the employee should be provided with the necessary personal protective equipment. On the other hand, the worker should, in accordance with the prescribed measures for safety and health at work, take all appropriate and necessary protection measures (Paras. 19–22).

### **EU DIRECTIVE FOR INDIVIDUAL EMPLOYMENT CONDITIONS EC 1991/533/EC**

EC Directive 1991/533 / EC addresses the obligation of the employer to inform workers of the conditions which may apply to the contract or employment of any worker, even one who works from home, on important aspects of the contractual relationship. . These aspects refer to the identity of the parties, place of work, job specification, start date of work, amount of paid leave, length of notice period, amount of salary, duration of working day or week (UNICE/ UAPME, 2002)

The European Trade Union Confederation (ETUC), the Union of Industrial and Employers' Confederations of Europe / the European Union of Crafts and Small and Medium-Sized Enterprises (UNICE/ UEAPME), and the Centre of Enterprises with Public Participation (ECPE) have adopted the first European agreement that provides greater security for workers working from home within the EU member states. The agreement aims at establishing a general framework at European level concerning the employment conditions of teleworkers and at reconciling the needs for flexibility and security shared by employers and workers. It

grants teleworkers the same overall level of protection as workers who carry out their activities at the employer's premises ([https://www.asi.is/media/312703/teleworking\\_agreement\\_en.pdf](https://www.asi.is/media/312703/teleworking_agreement_en.pdf)).

Given the fact that the concept of telework covers a wide and fast evolving spectrum of circumstances, the above stated agreement focuses on several key areas in which the specific nature of telework must be taken into account, viz: voluntary nature of teleworking (Directive 91 / 533 / EEC); employment conditions; data protection; privacy (Directive 90/270); equipment; health and safety (Directive 89/391); organization of work; training of teleworkers; the collective rights of teleworkers.

## METHODOLOGY

The research used qualitative research to obtain data and propose solutions for the legal regulation of the issue of teleworking. The qualitative data was used to support the findings of the desk review for the legal basis of the telecommuting. The approach for collecting data was an open ended questionnaire using a purposeful sampling frame. The qualitative approach was deemed more suitable for the present research as it offers a possibility for gathering of rich and insightful data and uncovering the reasons for specific experiences by giving freedom to the respondents to engage with the topic and share their views in their own terms (Elliott, et.al., 1999). The approach enables participants to explain their lived experiences and dedication for locating meanings people place on different events processes and structures in their lives and connecting these meanings to the social world around them (Miles and Huberman, 1994). One of the most distinguishable characteristics is that the research is happening in naturally occurring situations and that the research is

thus a field research usually concentrated on a small number of cases (Atkinson and Hammersley, 1994; Elliott, et.al., 1999). Shenton (2004) proposed that researcher should pay attention to credibility in preference to internal validity, transferability in preference to external validity and dependability on preference to reliability, when it comes to qualitative data. One way of ensuring credibility is by triangulation (Janesick, 1994) and in this case the triangulation was done by using a document analysis of the legal framework in the country.

Having in mind the importance of the aims of the research and striving for transferability a questionnaire was prepared with 4 demographic questions to uncover general information about the characteristics of the companies participating in the research. The first question asked about whether the company was service or manufacturing one. The second one was about the size of the company, the third one was about the nature of the capital and the fourth one was about the longevity of the company. The next set of questions were open ended questions enabling the participants to freely express their opinions and experiences regarding telecommuting prior and during COVID-19. There were 9 questions in total. Some were connected to the experience of telecommuting prior to the pandemic, some were connected to the experiences during the pandemic. Most of the questions were centered on understanding the legal framework that the companies used good practice from other companies and possible changes to the legal framework that could help the companies.

One of the critiques of qualitative research has been the lack of potential to generalize to different situations and settings, because it lacked representativeness of the sample. However, Hammersley and Atkinson (1995) argued that statistical sampling cannot cover the infinite

universe of cases to which conditionally universal statements apply and therefore it is far better for a research to use cases which have theoretical significance. Therefore this research includes answers from Human Resource Managers (HRM) from companies that have used telecommuting during the pandemic, as those were the people in charge of organizing the work process and the modes of working in recent months. The research included answers from 14 HRM managers. Most of them were from the service sector (84.6%) and the SME sector (87%), most of them worked in companies with predominantly domestic capital (61.5%) and in companies that exist for more than 16 years (69.2%). The data was analyzed using thematic analysis as per the guidelines of Braun and Clarke (2006).

## RESULTS AND DISCUSSION

### TELEWORKING IN NORTH MACEDONIA LABOUR RELATIONS LAW

Starting from the premises of the ILO, Teleworking policies could be an essential part of any business continuity plan. In the case of an unforeseen event (extreme weather, terrorism, pandemic) that prevents employees from taking up work at their regular offices or workplace, the possibility of teleworking allows them to perform work offsite and to keep the organization operational.

In the Republic of North Macedonia teleworking is regulated in the Law on Labor Relations. It is obvious that the regulation is too scarce and short and unfortunately not much attention is paid to this issue. This situation leads to a number of problems and dilemmas that arise in practice with both employers and employees, as well as with the state bodies responsible for the implementation of labor regulations. Teleworking is realized by concluding a special employment

contract. This type of employment contract is regulated by the provisions of Article 50 of the Labor Law, which provides an opportunity for the employee to perform work in his home or premises of his choice that are outside the premises of the employer. However, this type of contract is not fully developed in the Labor Law. Although Article 135 of the Law on Labor Relations provides an exception that in case of teleworking the employer is not obliged to take into account the provisions of this law regarding the limitation of working hours, night work, vacation, day and week rest, the provision is not clear enough. The lack of sufficiently clear and precise provisions in the Law on Labor Relations related to teleworking creates legal uncertainty among employers, which leaves room for different interpretations by the entities involved in this process. Due to legal uncertainty, the ambiguity of the law, there is insufficient interest among employers to conclude such contracts, although practice requires it.

Employers are asked questions regarding this type of contracts due to the lack of legal solutions: How to record and regulate working hours and overtime work in this case; The manner of regulating the specific relationship between the employer and the employee when concluding these contracts.

Therefore, as a solid solution, it is necessary to initiate an amendment to the Law on Labor Relations, which will include provisions that will specify the conditions and manner of concluding this type of contract, mandatory elements that should be contained in it, which are refer in particular to: working hours (which is usually flexible, the way of recording working hours, overtime work, night work, day off); the tools and equipment for performing the activity that should be provided by the employer; the use of their own devices (tools and equipment)



by the employee and the reimbursement of the costs for their use and other specific elements; providing protection and health at work.

The rights and obligations and conditions that depend on the nature of the work at home are determined between the employee and the employer in the employment contract. The law imposes an obligation on the employer (duty) to provide safe conditions for protection at work at home (Article 50, LRO, Employment contract with work at home). The employer can arrange things outside its premises that are not dangerous or harmful to the health of the worker and other persons and do not endanger the environment. The labor inspector may prohibit the employer from organizing work at home, if work at home is harmful to the workers working at home, or to the living and working environment where the work is performed (Article 5, LRO).

There are no comprehensive data about the extent of teleworking in specific sectors, such as education or state administration, while the regular statistical reports (labour market surveys and statistical yearbooks) do not recognize teleworking as regular mode for labour relation.

## RESULTS FROM THE QUESTIONNAIRES

The results of the questionnaire show that most of the companies did not have protocols or policies for teleworking prior to the pandemic, but most of them held trainings on data protection, health and safety, work-life balance and dealing with technical difficulties whilst working from home. Therefore it can be noted that even though the companies did not implement teleworking some of them were preparing to test the concept. The pandemic served as a catalyst of the changes.

Most of the companies included in the research use teleworking during the pandemic to some extent based on the nature of their operations. The most noted

changes in the work schedules and the modes of working were listed as:

- using rotations where some workers work at the office and other from home and they switch on an agreed schedule;
- administrative workers working from home whilst those providing services are physically present due to the nature of the work;
- continuing to work physically without much changes to the work modes but using online tools for training, recruitment and selection and evaluation.

Having the experience of working online using teleworking the participants accentuate the following advantages to teleworking:

- easier scheduling of meetings
- improved efficiency of meetings that are done online
- saving time on travel and parking
- savings (mostly in terms of upkeep of the facilities, electricity etc)
- flexibility and better work-life balance
- rapid implementation of digital and online tools
- effectiveness
- learning new skills

On the other hand the HR managers listed disadvantages of the teleworking:

- lack of clear beginning and ending of the work hours: “The work hours are usually abused and people end up sitting in front of the computer whole day long: morning to evening”
- problems with coordination of work processes
- losing motivation and becoming less efficient with time

- social loafing among worker: “We have faced a situation where some people do very little or no work at all and others are constantly working very hard”
- lack of control by the managers
- problems with team-work assignments
- feelings of being isolated, lack of face-to-face encounters, lack of social interaction

As can be seen the data showed great variety of responses. Whilst some companies accentuated that the work was done with improved efficiency others stated that the productivity suffered. In some companies using teleworking the work-life balance improved, in others it declined. The differences were mostly based on whether the companies implemented policies and protocols for teleworking or not. Some companies tried to implement teleworking with minimal changes in their policies and procedures whilst others did their best to adjust everything to the new situation. Therefore the companies need more guidance and legal framework to base their decisions regarding teleworking. The need is even greater as the companies are split in using resources developed in other companies and countries. Some of them went to great lengths to adapt to the new reality: “I have analyzed many practices from the world and still follow what is going on in countries with more developed HR”. Others state that the upper management had no interest in changing anything and those companies did not try to implement many of the concepts related to teleworking. In addition all companies state that the legal framework is not adequate and not helpful to the companies. Most of them accentuate that the legal framework lacks operationalization of the concept, clarity and precision in defining teleworking. The companies also lack guidance on measuring performance, evaluation and control during teleworking. During the pandemic

the companies did not encounter legal issues regarding teleworking and some even cooperated with the institutions mostly in terms of helping the workers understand that their workplaces are still safe. Some of the participants even accentuated that some Governmental recommendations were vague and open to interpretation like which workers are entitled to work from home. This means that the legal framework needs to be clear and precise.

Asked about the future of the concept of teleworking most HR managers state that teleworking will be something that will be continually used in the future. Most of them state that that they would like to see it combined with other modes of working and with clear regulations of the duration of teleworking (most of them would like to limit it to 2-3 working days per week). However they also accentuate that the legal framework would need to define the limits of minimum/maximum teleworking hours alongside other issues such as flexible work days and similar concept related to work-life balance. Possible recommendations and bylaws should regulate control, communications and evaluations of the work during teleworking as the concept is clearly linked to the future of the work. According to the HR managers the work contracts should also include matters regarding teleworking and flexibility mostly in terms of work hours, measuring productivity and health and safety.

Ristovski (2011) a decade before the pandemic points to the fact that the employment contract for performing work outside the premises of the employer contains all the elements of each employment contract, primarily elements that will make the contract special and specific such as: the duration of working hours according to work norms; type of work; the way of organizing the work; the conditions for performing the work; the manner of supervising the work of the employee; the use and the fee for the use of their means

for work at home; the amount of earnings and payment deadlines; reimbursement of other work-related costs and the manner of determining them; other rights and obligations. The employer is obliged to submit the employment contract thus prepared and concluded by performing work at home, to the labor inspector, within three days from the day of concluding the contract (Article 265, paragraph 1, item 9 and paragraphs 2 and 3 of the same article, LRO).

## CONCLUSIONS

Among the many new challenges posed by the Covid 19 pandemic in all segments of life, including the field of labor relations, teleworking has emerged as a concept, appropriate and applicable in the new normal.

The normative analysis showed that at the international level there is an appropriate level of legal coverage of the concept of teleworking. However, further analysis has shown insufficient level of regulation of the concept at the national level. Considering the close relationship between management practices in human resources and labor law, there is an evident need for legal intervention to further regulation and clarification of the concept in order to clear its successful implementation in practice. The deepening of the domestic labor legislation would go to determination how to record and regulate working hours and overtime work. Furthermore, it will be important to be included provisions that will specify the conditions and manner of concluding this type of contract, mandatory elements that should be contained in it, which are refer in particular to: working hours (which is usually flexible, the way of recording working hours, overtime work, night work, day off); the tools and equipment for performing the activity that should be provided by the employer; the use of their own devices

(tools and equipment) by the employee and the reimbursement of the costs for their use and other specific elements, providing protection and health at work. From the aspect of the normative set-up, we believe that the mentioned amendments and modifications to the regulation would be of great benefit and importance for the companies themselves. Empirical research conducted for labor purposes showed that domestic companies (employers) are not fully prepared to implement this concept of employment. However, what can be concluded is their willingness to work on improving things, primarily by creating internal acts of the companies that would clarify most of the aspects related to teleworking. In this way, the potential weaknesses of the existence of this concept of employment would be reduced.

Based on the research, it can be concluded without a doubt that teleworking will remain “present on the scene” in the post-pandemic period, developing as a concept of employment that will become increasingly popular and accepted by both workers and of employers.

## CONFLICT OF INTEREST

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

## AUTHOR CONTRIBUTIONS

Concept of the manuscript was made by K.T., M.A., A.T., and D.J.P.; additionally K.T., M.A., A.T., and D.J.P. contributed significantly towards data acquisition; A.T. conducted data cleaning and analysis. Draft of the manuscript was written by K.T., M.A., A.T., and D.J.P. All listed authors have read and agreed to the published version of the manuscript.

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