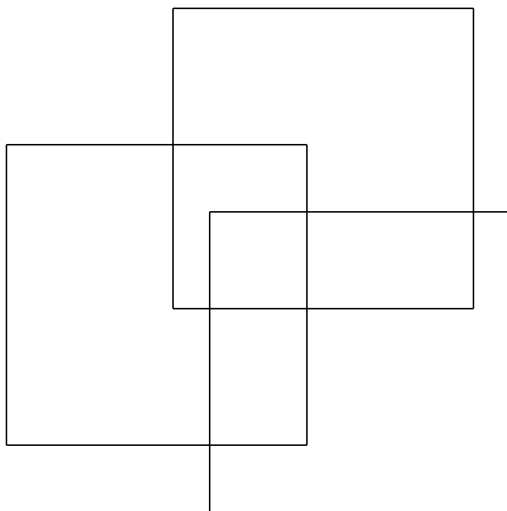




Final report

**Global Dialogue Forum on the Challenges and Opportunities of Teleworking
for Workers and Employers in the ICTS and Financial Services Sectors**
(24–26 October 2016)



GDFTWEFS/2016/9

INTERNATIONAL LABOUR ORGANIZATION

Sectoral Policies Department

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Geneva, 2017

INTERNATIONAL LABOUR OFFICE, GENEVA

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Introduction

1. The Global Dialogue Forum on Challenges and Opportunities of Teleworking for Workers and Employers in the Information and Communications Technology Services (ICTS) and Financial Services Sectors was held at the International Labour Office in Geneva from 24 to 26 October 2016. The Governing Body of the ILO had decided the convening of the Forum at its 326th Session (March 2016) ¹ and approved the Forum composition.
2. The purpose of the Forum was to allow tripartite participants to share their experience of telework in the above sectors with a view to increasing their understanding of, and developing consensus on the way forward, with regard to its: (a) prevalence; (b) economic and social risks and benefits; and (c) employment relationships.
3. The Chairperson of the Forum was Ms Elsbeth Akkerman, Minister Plenipotentiary and Head of the Economic Affairs Section of the Netherlands Mission to the United Nations and other International Organizations in Geneva. The Government group Vice-Chairperson of the Forum was Mr Enrique López Arce (Paraguay). The Employers' group Vice-Chairperson of the Forum was Mr Ignacio Funes de Rioja, while the Workers' group Co-Vice-Chairpersons of the Forum were Ms Stenström and Mr Kerr. The Secretary-General of the Forum was Ms van Leur, Director of the Sectoral Policies Department (SECTOR), the Deputy Secretary-General was Mr Isawa, the Executive Secretary was Mr Sendanyoye, and the coordinator of the secretariat services was Mr Minocri.
4. The Forum was attended by 100 participants, including 51 Government representatives and advisers from 23 member States, as well as eight Worker and six Employer participants, and eight observers from intergovernmental organizations (IGOs) and international non-governmental organizations.
5. The Chairperson noted that telework was neither novel nor a different form of employment or occupational category. It had been introduced in the 1970s on the West Coast of the United States, and had experienced exponential growth in developed countries due to the rapid advances in information and communication technologies (ICTs). However, because the phenomenon was transforming the way work was organized, where it was performed and by whom, and how co-workers and supervisors interacted, it could result in new forms of employment relationships. The Chairperson pointed out that statistical data on telework was uneven, and their reliability and comparability across countries were difficult to measure. Nevertheless, some studies conducted in the European Union (EU) indicated that workers with higher qualifications and male workers were generally more likely to perform telework, possibly due to the fact that telework was more frequent in male-dominated sectors and occupations.
6. The Deputy Secretary-General of the Forum noted that the 326th Session of the Governing Body (March 2016) had mandated that the Forum allow the tripartite participants to share their experiences of telework in the two sectors with a view to increasing their understanding of, and developing consensus on, the way forward. It was also to examine existing standards relevant to telework, and consider how social dialogue could be harnessed to promote decent work in telework. He also stressed that effective telework programmes in ICTS and financial

¹ ILO: *Sectoral meetings held in 2015 and proposals for sectoral work in 2016–17*, Governing Body, 326th Session, March 2016, GB.326/POL/6.

services should enhance the opportunities for women and men for decent and productive work in conditions of freedom, equity, security and human dignity.

7. The Executive Secretary presented the issues paper.² He cited the ILO Director-General's Report to the 104th Session of the International Labour Conference, *The future of work centenary initiative*,³ which noted how new ICTs were providing new opportunities and challenges. Discussions were less about where work was performed and more about what it produced, which in turn required rethinking managerial and supervisory approaches and methods of work. Section 2 of the paper explored the many definitions of telework, noting that the lack of a universal definition hindered attempts to measure it. The third section discussed the prevalence of telework around the world, which was also difficult to ascertain and compare internationally as estimates of its incidence across countries was derived from different reports compiled from a wide range of sources. Section 4 consisted of two parts, namely the benefits and challenges of telework in ICTS and financial services sectors, and its demographics and gender composition. Contrary to conventional assumptions, the report revealed that in most cases teleworkers were male. Section 5 explored tripartite consultations about telework highlighting negotiated joint declarations in these two sectors among social partners in various countries and/or regions. Section 6 focused on the lack of a specific international instrument to address the issue of telework, even though some argued that the Home Work Convention, 1996 (No. 177), and the Home Work Recommendation, 1996 (No. 184), would seem to be applicable. The paper's conclusion noted that telework was growing and becoming increasingly prevalent and had far-reaching implications for the world of work, and it stressed that in the absence of a universal definition, there were significant challenges to developing appropriate policy responses.
8. A Worker co-Vice-Chairperson (Ms Stenström), noted that technology was transforming work and how it was performed, particularly in ICTS sectors. ICT advances were enabling more and more work to be undertaken outside traditional environments. The social partners had, for many years already, been including telework in collective bargaining. European social partners in both the ICTS and finance sectors had, for instance, signed agreements covering telework. There was, however, a need to go beyond teleworking in its traditional form to reflect how it was used in reality in today's labour market. As highlighted in the Office's issues paper, defining the term "telework" was not easy. However, in her view, the Forum should focus on the implications of teleworking for workers, employers and governments rather than on the issue of definitions. A growing number of teleworkers were self-employed, in employment relations with little or no social protection, and some even without any remuneration. It was unacceptable that workers should be the ones to be burdened with all the risks of market fluctuations. Governments needed to ensure social protection for all workers and to revise existing regulations in cooperation with social partners in order to ensure that their coverage extended to all working people, including those in all types of telework arrangements. Both governments and the social partners were also key players in ensuring upscaling and retraining of all workers, including teleworkers to avoid any eventual stagnation. All employers also needed to take into account the effects of worker isolation in teleworking arrangements and their implications on innovation and productivity, and aim to ensure quality jobs and services. Constructive social dialogue and collective agreements on telework between the parties were also important. The Forum was an excellent opportunity to start the process in this regard.

² ILO, 2016: http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/--sector/documents/publication/wcms_531111.pdf.

³ ILO: Report of the Director-General to the International Labour Conference, 104th Session, 2015, Report I: *The future of work centenary initiative*, paras 62 and 70.

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9. The Employer Vice-Chairperson noted that adopting a broad definition of telework would make it more difficult to discuss, and called for limiting the scope of discussion in order not to go beyond what was necessary to come up with applicable conclusions. He agreed with the Office that telework was not a new form of employment but rather a new way of organizing work, which enabled a higher degree of work–life balance that was more adapted to workers’ needs and priorities. For employers, it meant an increased ability to attract and retain talent as more and more workers were themselves increasingly demanding this form of working arrangement. Employers in telework arrangements were unable to exercise the traditional form of supervisory control over their workers, which had created concerns regarding data security, the monitoring of compliance with worker health and safety, social security and hours of working regulations. It was important that the Forum should address these issues, even though there was no single size-fits-all solution. It was also important to understand that not all jobs or workers were suitable for telework. The flexibility made possible by teleworking provided various benefits, for example, reduced commuting times and costs for workers, and a decrease in traffic congestion and carbon emissions. While cost reduction was a significant consideration, teleworking should not be seen only as a cost reduction measure; it was also a means of bringing more people into employment, especially those who might otherwise be excluded from the labour market without the use of advanced ICT. Lastly, he reaffirmed the dearth of reliable statistics and analysis on the impact of telework.

 10. A representative of the Government of Ecuador underlined the significance of the conclusions that he hoped would be reached by the Forum. In August 2016, his country had introduced national regulations to cover the 15,000 workers already involved in telework, a number it was hoped would rise to 75,000. This was particularly important given the economic recession in the country due to instability in the price of oil and in the country’s foreign exchange rate. Telework had brought major benefits, including those related to work–life balance as well as a positive impact on productivity. It had also made it possible to extend maternity leave from three to 12 months, with three months of paid and nine months of unpaid leave, which allowed women to work as teleworkers. Optimization of physical space and working hours, lower absenteeism, greater inclusion, in particular of vulnerable groups, improved working-time flexibility, savings on commuting costs, were among other positive impacts of telework. Ecuador also hoped telework could help to substantially reduce the country’s unemployment.

 11. The Government Vice-Chairperson noted that his group welcomed the organizing of the Forum, which was of great importance for member States, especially given the wide expansion of ICTs to various aspects of working life. Governments were committed to engaging in joint efforts to enable further work on the conceptualization and establishment of mechanisms for the improved implementation of telework. The challenge was to define telework in such a way as would make it possible to encompass different types of the phenomenon. It was important for governments to develop appropriate mechanisms for effectively monitoring the use of telework and guaranteeing decent work. Telework could also be a tool for employment creation and a means for facilitating the employment of vulnerable groups of people, such as those with disabilities, youth, or workers with care responsibilities. Telework could facilitate employment for such groups of workers, establish itself as a favourable form of work organization even as it helped countries to achieve significant reductions in environmental impact. It was hoped that the Forum would allow participants to come up with suggestions for alternative innovative mechanisms that could ensure telework was successful in promoting decent work.

 12. The representative of the Government of South Africa expressed his appreciation for the opportunity to learn from the experience of telework in the ICTS and financial services sectors from the tripartite constituents of other countries, as this helped in developing a greater understanding of the issue. Creating legal and regulatory frameworks to manage the changes and new challenges, founded on safeguarding and advancing the fundamental

human rights principles of equality, dignity and freedoms, was a very important step in the right direction. In South Africa, workers' rights were protected by the Constitution and national laws as long as they worked for at least 24 hours in a month. Telework was a new and growing phenomenon in the country, but most companies still preferred the traditional way of working with telework largely restricted to professional workers at supervisory and middle management levels, for telework policies and procedures did not exist as yet. His delegation hoped the Forum would pay particular attention to information security, social security, freedom of association and collective bargaining for teleworkers, as well as on whether minimum wage or task-based wage should be the preferred mode of payment for telework. Having noted how the enforcement of labour regulations could be a major challenge in teleworking arrangements, he saw the desirability of international instruments to guide the international community on this issue.

13. The representative of the Government of Japan noted that telework had gained popularity in tandem with rapid ICT advances, and that the Forum provided a timely opportunity to discuss the issue. His Government had promoted telework through various initiatives, and already 16 per cent of companies in his country had introduced some form of telework. Given its declining population, Japan was committed to promoting telework as it provided flexible forms of working and offered significant potential benefits to workers, employers and the wider society. He looked forward to learning further from other countries' experiences.
14. The representative of the Government of Chile stressed that the issue was of particular importance in the context of the ILO's centenary initiative on the future of work. In his view, a number of questions required consideration, including how, in teleworking arrangements, employment for all, social protection, occupational safety and health (OSH), and workers' rights could be guaranteed. The challenge was to find ways for those engaged in telework to have access to decent work in accordance with the Sustainable Development Goal 8, to be achieved by 2030. His country had advanced in this form of work arrangement with 10 per cent of its workers in telework, and some regulations in place, but many challenges remained. He underlined the importance of the Forum as a learning platform.
15. The representative of the Government of Costa Rica remarked that his country had been developing and learning from the use of telework for the past ten years, so that today, different aspects of the phenomenon, beyond the simple question of whether it was desirable, were already being analysed. The key challenge now was reconciling a society that had changed so rapidly in terms of employment and promoting an inclusive society. Other important questions were: how to promote dialogue between workers and employers; how to include vulnerable groups; how to ensure the application of decent work principles in such a diverse and heterogeneous society. He hoped the Forum would provide an opportunity for the exchange of ideas that would lead to a shared vision on telework, and on where and how to place this issue to benefit future generations.

Challenges and benefits for decent and productive work associated with growth in different forms of telework in ICTS and financial services

16. The Employer Vice-Chairperson asked the Forum to focus its discussion on telework as a way of organizing work in agreement between the worker and the employer, and not as a different type of employment relationship. Telework was already creating better opportunities, especially for women workers. The public policy environment, such as the provision of an enabling infrastructure and guaranteeing equality to teleworkers, was of fundamental importance for these sectors. Employers did not primarily adopt telework to save costs, but often upon the request from workers for whom telework provided flexibility, saved commuting time and facilitated the employment of women and disabled people. It was

also well understood that it should be entirely voluntary. For employers, telework also helped attract the best workers. Concerns about isolation were unwarranted, because in most situations the workers went to the workplace from time to time as well as teleworked. How to safeguard sensitive data security and the confidentiality of clients' and workers' personal information represented one of the major challenges for employers, which required adequate infrastructure. Employers underlined the need for health and safety measures to be complied with in telework.

- 17.** The Worker co-Vice-Chairperson (Ms Stenström), recognized many positive features of telework for workers, employers and society, ranging from stress reduction, positive environmental impacts, and savings in terms of workers' commuting time and costs. In the context of the overall objective of securing decent and productive work, trade unions saw several aspects to discuss in order to attain greater win-win solutions. Her group advocated for compliance with national and international standards, specifically the ILO Declaration on Fundamental Principles and Rights at Work (1998) and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (1981). Trade unions had an important role to play in this sense, as many aspects needed to be considered for a win-win solution. For example, workers were concerned about the real effects of telework on work-life balance and the danger that workers might find themselves in fact bearing all the health and safety risks related to telework. Teleworkers should, in addition, be adequately coached on how to ensure they had equal access to opportunities for training and skills development as well as on how to avoid becoming isolated from colleagues and supervisors.
- 18.** The Government Vice-Chairperson stated that each member State should develop a definition of telework on the basis of tripartite social dialogue, as well as enact appropriate legislation to implement decent work principles. Challenges to greater adoption of telework included infrastructure for connectivity as well as strengthening of security measures, and those that facilitate the extension of access to decent work opportunities to vulnerable groups. They also include the increased pressure on infrastructure from telework and its environmental impact. In addition, several international bodies foresaw the disappearance of many occupations and the creation of many new ones, as well as the migration of workers from rural to urban labour markets. Digital education in the formal system should become a springboard for development of skills from childhood, and generalized utilization of the labour observatories. He endorsed the development of sustainable and smart cities, and reaching out to citizens who had remained isolated from digitalization, pointing out the important role of such United Nations institutions as the ITU and the World Summit on the Information Society, for this integration and networking purpose.
- 19.** The representative of the European Banking Federation (EBF) disagreed with the notion that most jobs were suitable for telework, as they could only be identified through proper workplace assessments. Financial services work was broadly compatible with telework, but with its high privacy and confidentiality requirements, it was not possible to be overly optimistic about its prospects to shift to telework. The Forum should not demarcate between traditional work organization and telework, but rather between regulated and unregulated employment. Employers needed to secure and expand the pool of skilled workers, as indicated in paragraph 50 of the issues paper. Employers' priority was less about reducing costs and more about securing work continuity for workers who become parents, and for ageing workers. Telework required leadership training and securing the well-being of teleworkers who were not physically linked to their colleagues, which was more expensive than in on-site work. He was not aware of any study showing that telework improved productivity, or that it had been used to the detriment of workers. Employers also agreed with the Workers' group on the need to secure teleworkers' access to training.
- 20.** A Worker participant from Japan remarked that telework had helped his country to better address issues related to workers' ability to care for their children as well as elderly relatives, but it needed to be made more systematic. Telework induced isolation, but further

development of ICTs could help to reduce such isolation and to develop new and improved forms and types of work organization.

- 21.** The Government representative of Costa Rica reported that his country had promoted telework over the last ten years and that 26 institutions were already using these kinds of work arrangements. Mechanisms to monitor, control and follow up on teleworkers' occupational safety and health had been set up with trade unions' active participation. Guidelines on the use of telework had also been developed for private companies, municipalities, and freelance workers. He looked forward to hearing from the other participants regarding their own experiences in this area.
- 22.** An Employer participant from Spain emphasized that employers needed to adapt to the challenges that have been mentioned, as well as to find mechanisms to facilitate access to information and experience on telework the benefits of which, in her view, far outweighed the challenges.
- 23.** A Worker participant from the United Kingdom reported that a union-sponsored survey in her own country indicated that 30 per cent of work absenteeism was stress related. The survey also showed alarming levels of stress associated with working in isolation, with one company, for instance, having incurred a loss of 1 million pounds sterling in eroded productivity.
- 24.** A representative of the Government of Paraguay reported that connectivity challenges in her country limited equality of access to telework. Efforts were nevertheless under way to develop guidelines on the use of telework.
- 25.** An Employer participant from Sri Lanka underlined the importance of developing official guidelines on the use of telework, noting that a survey among the youth carried out by his federation had found that the flexibility accorded by telework arrangements was among the factors that attracted them to work in the sector.
- 26.** A Worker participant from Argentina stressed that telework should be voluntary and allow workers to also work on their employers' premises from time to time, attend face-to-face training, rotate with other workers, and establish and maintain continuous contacts with colleagues on company premises. He agreed that establishing proper standards, rules and guidelines on the use of telework, for instance through collective agreements, could ensure equality of treatment between teleworkers and their office-based counterparts. Governments could monitor and enforce such rules.
- 27.** The representative of the Government of Spain believed that telework did not necessarily have to entail the isolation of workers in those arrangements. He suggested that the ILO should collaborate with the ITU on developing telework standards and other technological matters related to its use.
- 28.** A Worker participant from Finland reported that telework had been in use in her country for a long time, providing an example of a local company which had been able to make cost savings by offering telework arrangements to 60 per cent of its workers during the construction of its premises. While Finnish trade unions had a generally positive view of telework, a number of unacceptable situations also existed, for instance that of an insurance company which allowed telework for only the most productive 25 per cent of its staff which, in turn, had had the unacceptable effect of increasing their workloads.
- 29.** An Employer participant from Spain agreed that telework should be voluntary, as was any mutually agreed choice to switch between office-based work and telework. She was of the view that uniform criteria could not be applied to all countries and sectors, as these should rather be based on the will of the parties and collective agreements. It was also important to

understand that not all companies, jobs or workers were suitable for telework arrangements. In her own country, telework played an important role in providing social protection and equal opportunity by allowing women to continue to work while caring for family members.

- 30.** A Worker participant from Belgium stated that telework could only add meaning to work if it was offered without discrimination. He noted that training must be provided during working hours, and aim at fostering professional growth rather than current output. Workers in these arrangements should also have access to union participation and representation. He called for the discussion to focus on individual and collective rights for teleworkers, so telework could mean more than a measure to increase productivity and reduce costs.
- 31.** A representative of the Government of South Africa, noting that telework was not widespread in his country, hoped to learn from the other participants regarding the types of work that lent itself most to telework and the relevant dispute resolution laws on telework around the world. He also hoped to hear views regarding intellectual property rights and the ownership of creative products when telework arrangements involved parties that were not confined within the borders of a single country.
- 32.** An Employer participant from Japan defined teleworkers as regular staff who worked at least one or two days a week away from their regular workplace. He stated that employers benefited regardless of the high cost of putting in place effective technological data security measures when staff worked away from the company's premises. Referring to a point made earlier by another participant, he noted that worker isolation would not arise when the teleworker only worked away from the employer's premises once or twice a week.
- 33.** A Worker participant from Costa Rica agreed with the point made earlier by the Employer participant from Spain, but noted that not all governments or employers shared this view. When the H1N1 pandemic had erupted in her own country, the Government had issued an executive decree allowing pregnant women to work from their homes. In her country, only 1,500 public sector workers currently had access to telework, even though the Government could save up to 61 million Costa Rican colones if it extended those arrangements to at least 10 per cent of public servants. It was important to avoid discrimination in worker access to telework; to ensure workers had the right to return to work at their employer's premises; to provide them with equal access to training and opportunities to compete for job vacancies; and to set in writing the rights and obligations of workers and employers in telework arrangements. Social dialogue on all these and other issues related to telework was the best way to move forward.
- 34.** The Government representative of Côte d'Ivoire reported that while no legislation on telework existed as yet in his country, studies on the issue were under way. He noted employer and worker cost reductions from reduced commuting times and savings on transport, and wondered about the level of digital maturity, equipment and technology required to be able to derive full benefits from telework; the impact of telework on other sectors, including the transport and energy sectors, and whether the State should merely create an enabling legislative framework or whether it needed to assume a more active role.
- 35.** The representative of the EBF, responding to the remarks made by the Government representative of South Africa, explained that responses to cross-border telework would necessarily depend on the applicability of foreign laws in the country in which the worker resided. Teleworking only provided flexibility in terms of place of work; hours of work and working schedules were regulated by other laws and statutes. He agreed that worker isolation could be mitigated by working several days a week in the office, although distant rural-based staff were more likely to benefit from arrangements where telework was the regular form of working. It was important to ascertain whether individuals and specific functions were

telework-compatible to ensure that any telework was voluntary, which collective agreements would then build on.

- 36.** A Worker participant from Sweden contended that in order for the discussion to reflect the wide spectrum of the changing world of work, there were many other different forms of telework that needed to be included in the discussion, beyond regular work performed away from the employer's premises, often from home, one to two days a week.
- 37.** A representative of the Government of Paraguay reported that a draft bill on telework had been introduced in his country's legislative bodies. In addition, a presidential decree had been issued which called for a study to be undertaken on the likely impact of introducing telework in the public sector. Such implementation would be based on social dialogue to ensure its use was in line with decent work, complied with the standards contained in the national labour code and would not lead to increased unemployment. He was of the view that, in considering the use of telework, governments, employers' and workers' organizations in each country needed to define what was suitable, what would create employment opportunities and ensure decent work.
- 38.** An Employer participant from Nigeria highlighted the increasing demand of telework in his country even though the statistical data about that phenomenon was scarce. He underscored the importance of investing in the education and skills development aspects required for telework from the beginning, in order to attract the best talents and compete in the global economy.
- 39.** The representative of the Government of Costa Rica agreed, adding that demand for telework, access to enabling digital technologies, and growth in new technology-related occupations were increasing. It was also important to implement telework arrangements which were safe, healthy and secure for all parties, governments and the environment. It was equally critical to ensure workers were fully aware of their rights, while, in turn, employers should be conversant with decent and safe forms of telework implementation. Tripartite dialogue would be needed in the development of telework implementation frameworks.
- 40.** An Employer participant from Colombia invited the Forum to limit the discussions to formal economy teleworkers, whose rights were already currently recognized. In response to a point previously made by the representative of the Government of Costa Rica, she underlined that not all jobs were suitable for telework, and employers needed to assess such compatibility on a case-by-case basis.
- 41.** A Worker participant from Belgium stressed the right of teleworkers to disconnect from enterprise systems. He believed the Forum should consider policies to ensure that telework was performed only during normal working hours to avoid situations of work overload because increased remote access to enterprise systems could lead to outcomes whereby workers never ceased to be at work, for instance to check and respond to work-related emails, and others where employers might at times ask their workers to continue to work even outside normal working hours.
- 42.** A representative of the Government of South Africa echoed the concern by the previous speaker, calling for an instrument to define issues related to working time in teleworking arrangements. He also underlined the importance of considering the issue of cross-border telework in the context of increasing globalization as it was possible to imagine circumstances in which workers' rights could be undermined.
- 43.** The representative of the EBF, noting that workers and employers were still in a learning process regarding telework, drew attention to the Forum title which underscored the fact that telework challenges concerned both social partners. While health and safety obligations were

indeed easier to enforce in employer-controlled workplaces than in a worker's private dwelling when telework was home-based, it would still be difficult to track the exercise of different rights for office-based as opposed to teleworkers where the employment relationship and the legal rules were identical for both categories of work. In some situations, rules could bind not only the employers but also the workers' private conduct and working time. He also pointed out that German work councils had the right to visit every workplace to verify compliance with health and safety rules and European Union laws, which would not be possible if the worker refused to give them access to his private home. The challenge was enacting rules for the different working environments. Regarding working time, he cited a study carried out by German international banks which found that workers with flexible schedules were better able to overcome stress even with a high workload.

44. A Worker participant from Costa Rica reported that Banco Popular social partners in her country took eight months to bargain and conclude a collective agreement which included telework, because both parties considered the issue important for each of them. She urged the Forum to propose solutions to the challenges related to the use of telework that would benefit all parties.
45. A representative of the Government of Paraguay asked the Employers' group to indicate what, in their view, were the benefits of telework for themselves. Several Latin American countries had put in place incentives to encourage companies to adopt and promote telework, including tax benefits and payroll tax incentives, among others. She sought to know whether those incentives were still relevant for the employers.
46. The Employer Vice-Chairperson, speaking as an Employer participant from Argentina, stressed that the advantages of telework depended on a company's specific circumstances as well as the particular situations of the sectors within which they operated. The Forum should avoid suggesting any limits to teleworking arrangements, proposing, instead, ways to allow them to achieve their potential. Towards this goal, his country needed to improve the enabling infrastructure and the requisite skills for a growth in telework uptake. Incentives to encourage employers to implement telework were sometimes essential and helped them to increase their efficiencies. He was of the view, however, that an open concept of telework, as well as the development of the necessary tools and assistance to help promote its growth in his country, was essential.

Policies and practices that best address the challenges to decent and productive work while maximizing the benefits of growth in telework for enterprises, workers and society

47. The Worker Co-Vice Chairperson (Ms Stenström) stressed that telework conditions should respect labour laws and regulations. She also underlined the need to include such conditions in collective bargaining, ensuring that social protection and equal rights for all workers were part of the collective bargaining agenda, whether such workers were in telework arrangements or were based at their employers' premises. Governments and employers needed to take adequate measures to ensure that teleworkers were not isolated and felt themselves fully as a part of the company workforce. Telework should be voluntary and reversible, with clear descriptions of the employment conditions, such as the right to be covered by collective bargaining and individual contracting. It should also ensure that all teleworkers had the same opportunities and rights covered by the same regulations and agreements as their non-teleworking colleagues. Tripartism was the key to ensuring equitable access to training and skills development opportunities. Where regulations were lacking, governments had to take responsibility to put them in place to ensure workers' rights to social protection and decent work were effectively respected.

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- 48.** The Employer Vice-Chairperson stated that his group did not recognize a particular challenge for decent work from telework. There was, in his view, no need for further legislation to cover this issue because, as mentioned earlier, the discussion was about a particular way of organizing work in regular employment in selected economic sectors. He noted, however, that telework could bring challenges in terms of human resources management, especially with regard to personnel selection, team building and staff organizational commitment and loyalty. Governments too needed to commit to promoting telework in terms of putting in place the necessary infrastructure, and sufficient and secure and efficient connectivity. He proposed to develop broader and more reliable statistical data, as well as carrying out of serious studies regarding the impacts of telework, including the different initiatives already undertaken and best practices on telework in these two sectors.
- 49.** The Government Vice-Chairperson proposed nine policies based on discussions within his group. First, creating commissions or similar groups within each country to promote telework, establish the necessary infrastructure and develop tripartite networks; second, building the capacity to provide the necessary skills and knowledge for teleworking in all economic sectors including the aspect of extending its use to involve vulnerable groups; third, promoting infrastructure, such as telecentres or social innovation centres in which teleworkers have the necessary space, technologies, computers and connectivity, preferably located in disadvantaged areas; fourth, developing observatories on telework which could provide support on telework to parties within countries and provide statistics to the Office; fifth, generating recommendations or guidelines for governments with regard to cybersecurity and privacy protection; sixth, drafting ILO guidelines compiling existing international private law and tools on cross-border telework; seventh, conclusion of framework agreements, such as the European Union framework agreement, with guidelines to help governments promote analysis incorporating the points of view of diverse groups; eighth, encouraging telework in economic sectors in which the workers do not have access to high-speed internet and other infrastructure, particularly in remote or more vulnerable areas; and ninth, improving and reducing the cost of internet access, especially in rural areas, in order to stem the high migration of rural workers to urban areas.
- 50.** A Worker participant from Brazil noted that some legislation in his country covered working hours, salary, and career progression for all workers, irrespective of workplace. He pointed out that telework required specific negotiations, for instance provisions to cover work-related accidents at home. He reiterated the need for all workers to be covered by the same standards and to be entitled to collective bargaining and the same rights at work as their colleagues working from employers' premises.
- 51.** A representative of the Government of South Africa explained that his country had as yet to experience significant prevalence of telework, but was happy to have had the opportunity to learn from other countries' experience on this issue. From this, it was possible to conclude with regard to advantages and disadvantages of telework that, for workers, it could provide flexible working time, which enabled them to conciliate work with family life, but employers needed to put in place measures to ensure workers' occupational health and safety in remote workplaces removed from their usual work premises. Also, ensuring an enabling environment so that workers who do not work on the same premises could still interact with each other in order to be able to engage in collective bargaining posed a challenge. At the same time, the ministries of labour should be responsible for ensuring those workers in teleworking arrangements who were not unionized were effectively protected. There was also a danger that investors might feel they were better off relocating elsewhere or not investing in countries where the law was more favourable to workers than to employers, which could lead to more severe unemployment for those countries with effective worker protections.
- 52.** An Employer participant from Spain emphasized the need to agree that telework was a modality for work organization, allowing greater flexibility in where and when work was

performed. In her view, making rules regarding telework too complex, or access to it too difficult and unequal, would affect its viability. It was important for governments and public policy to be supporting of telework for its growth. She wondered which countries or enterprises had worked on the issue of teleworkers' occupational health and what particular challenges they had had to address in this regard.

- 53.** A Worker participant from Cameroon stated that regulations to govern telework must evolve. He explained that in many African countries, there was no regulation for telework and labour codes were silent on the phenomenon. He suggested to treat teleworkers as any other regular workers to be included in the relevant regulations, labour codes and collective bargaining agreements. He added that teleworkers should be able to form unions.
- 54.** The representative of the Government of Colombia explained that telework was a different form of working in which workers and their employers communicated through information technology. He reported that Colombia had 95,439 teleworkers in 2016, three times the number registered in 2012. The country also had 10,739 enterprises using telework, which was 2.5 times more than in 2012. The Government's target was 120,000 teleworkers by 2018. The country had adopted a law on telework in 2008. This was supplemented by a constitutional court ruling providing for telework to entail social security and other protections. He explained that his Ministry had a programme that provided information about the benefits of telework, such as increased productivity, cost reductions, enhanced teamwork, reconciliation of work and family life, better mobility, and that it fostered the use of new technologies. The abovementioned law listed the following modalities of telework: autonomous work; independent workers carrying out tasks from places of their choosing; workers with a labour contract that allowed them to alternate between regular work and telework; and mobile teleworkers. Employers had a duty to monitor telework locations and to set days that teleworkers must be in their employer's place of work. They were also obliged to respect regulations related to workplace accidents involving workers in teleworking arrangements. His country was determined to further promote telework as an instrument for increasing productivity.
- 55.** The representative of EBF stated that the challenge, as pointed out in the report, was the physical distances between the workers and management and among the workers themselves. He stressed that many of the issues related to telework were not about their legal status, but rather about practical day-to-day work arrangements. One of the preconditions for success of teleworking was the careful selection of jobs for telework and workers capable of performing them. Managing telework required a different set of leadership qualities, and a focus on results rather than the process. He or she had to ensure that telework was not leading to excessive workloads. For workers, similarly, telework required a different kind of self-organization and self-responsibility. He underlined, furthermore, the importance of ensuring that telework benefited both workers and employers, noting that, for this reason, it was necessary to refrain from premature legislation that would hinder enterprises, workers, and social partners from pursuing its growth.
- 56.** A Worker participant from Sweden remarked that there were at least two categories of teleworkers in her country: the majority enjoyed more flexibility on when to telework, while a minority were full-time workers with fixed time frames, more and more regulated work. She added that the first group was often more qualified, but worked more extensive hours than they should. She hoped the Forum would clarify and define the decent work conditions that should apply to both these categories of workers.
- 57.** A representative of the Government of Paraguay noted that the benefits of telework had been discussed in her country in relation to temporal and spatial flexibility, but that there were still not many regulations on the issue. She asked the Employers to clarify what sort of regulation could be established for teleworking, stressing the benefits of temporal flexibility

to both workers and employers, but was still of the view that it was important to have an adequate definition and measurement of its actual effects from both sides.

- 58.** An Employer participant from Japan considered it inappropriate to introduce a new legal framework for telework, since the phenomenon was as yet not clearly defined. The legal framework should, in any case, regulate all types of labour relations, including those involving telework, with the aim of ensuring benefits for both sides. He also urged for the development of appropriate metrics to measure telework.
- 59.** A Worker participant from Japan stated that as a group, the self-employed were the most vulnerable among those performing telework. They had many assignments from different assignors as if they were employees. There were now a wide range of disparate forms of such telework arrangements involving self-employed workers without any of the collective bargaining rights that regular workers had. He wondered whether such self-employed people were included in the win-win proposals to be made by the Forum.
- 60.** The representative of the Government of Spain emphasized the importance of capacity-building on telework, explaining its advantages and the technologies it required for small and medium-sized enterprises (SMEs) which were prevalent in his country. It was similarly necessary to raise the skills capacity of workers so they could take advantage of the telework infrastructure, which would also help vulnerable groups. He also raised the issue of responsibility over the costs of working from home. Data was also needed to inform policy to ensure decent conditions for cross-border telework.
- 61.** The representative of the EBF, referring to previous comments by the Government representative of Paraguay and the Worker participant from Japan, reiterating that self-employed workers were not part of the discussion. He also maintained that it would be more appropriate to allow companies and workers to agree on regulatory frameworks that best suit them, within the overall employment contract. He added that the flexibility that telework provided would necessarily sometimes entail the blurring of work-life boundaries, which the tripartite partners would need to forbear.
- 62.** A Worker participant from Belgium asked the Employers to clarify the supposed win-win aspect of telework since its implementation entailed enormous costs. He cited the concept of “hot desking” in Belgium in which employees did not have individually dedicated desks, but were required to share them. He noted that the clear benefit of telework for employers would be in productivity increase, but that statistics showed that teleworkers toiled nine to ten hours without any additional compensation, while the normal working day in the employer’s premises was only eight hours.
- 63.** An Employer participant from Spain responding to the previous speaker noted that connectivity in teleworking locations required substantial investment, and therefore only large companies in her country had telework arrangements. The main advantage of teleworking for employers was to motivate workers, who themselves requested telework arrangements for the greater flexibility they accorded them. She doubted whether SMEs, which comprised 98 per cent of the Spanish economy, could afford telework. The “win-win” outcome might vary between companies. Teleworking should also be voluntary for both parties.
- 64.** A Worker participant from Belgium underlined the responsibility of both employers and unions to protect workers in teleworking arrangements.
- 65.** The representative of the Government of Ecuador shared information on his country’s regulations which made telework voluntary and required teleworking contracts to be submitted to the Ministry of Labour for review and approval. In his view, legislation should distinguish between telework in self-employment and employment settings. He also stressed

that confidentiality concerned both employers and workers, but that when properly implemented, telework could lead to win–win outcomes for workers, employers and society at large.

- 66.** The Employer Vice-Chairperson, speaking as an Employer from Argentina, reaffirmed the main advantage of telework as being its geographical flexibility rather than flexible working hours. The norms regarding maximum working hours should be respected even in telework. In his view, more companies, particularly small enterprises, would have implemented teleworking were it not that it required significant investments in training, reliable infrastructure, etc. The Forum should encourage governments to promote initiatives for reliable telework infrastructural systems, training and training guides. Employers were convinced that telework represented a win–win work arrangement, but required experience and support from governments and international organizations.
- 67.** A Worker participant from Argentina acknowledged that no one would invest to make a loss, but pointed out the great difference between the advantages for employers and workers as, in his view, the required investments were not really so great that the enterprise could not afford them. While he agreed arrangements should be voluntary, there was still a need to protect workers in situations where employers reduced working space at their premises and workers were required to reserve it if they had to work at their employer’s premises. Freelancers’ telework would need to be regulated to ensure such work arrangements were really voluntary. Finally, he believed that if contracts were negotiated on an individual basis rather than collectively, the worker would lose.
- 68.** A representative of the Government of South Africa considered that there seemed to be consensus that more work needed to be carried out regarding flexibility in telework arrangements, as such flexibility could have unintended consequences, and should not be used as an excuse or opportunity to avoid employer liability. He noted that his delegation would take this into consideration when dealing with the third point for discussion.
- 69.** An Employer participant from Colombia, responding to the comment made by the Worker participant from Argentina, noted that new human resources processes and skills investments would have to be introduced in order to make telework successful. If a worker was unable to organize themselves at home, then the enterprise or worker could request a reversal of telework arrangements. In addition, responding to the representative of the Government of Ecuador, she emphasized the need for telework agreements to specify the tasks, conditions, security, safety and also responsibilities entailed in the arrangement. In terms of costs, she believed that enterprises in her country had to make major investments, particularly in data security, which was especially crucial in the financial services sector. She believed, finally, that increased staff training to facilitate telework would increase worker motivation.
- 70.** A Worker participant from Japan pointed out that the Employer participant from Argentina had identified challenges only for employers. He supported addressing challenges through regulation, and urged the Forum to propose ways on how ICTs could be used effectively to improve work–life balance beyond space and time considerations.
- 71.** The representative of the EBF expounded on the advantages for employers, including with regard to recruitment of remotely located talented workers who might otherwise not be able to commute to the employer’s work premises or who needed to care for children or older family members. Employers had invested a lot of time and money to keep workers trained to the levels needed. He also noted that there were not enough teleworkers to implement “hot desking” along with telework, although not every worker needed a desk every day. Regarding working hours, he agreed that it was important not to overburden the worker, but argued that workers also should communicate when they had worked their hours, which was more important for telework than for traditional work.

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72. A Worker participant from Belgium expressed concern whether telework might not lead to workers with physical disabilities being placed in involuntary isolation at home and unable to interact with colleagues, not because they wanted to telework but, rather, because of a lack of facilities in the traditional work premises. He also asked how a teleworker could take time for his or her family affairs when needed.
73. The representative of the Government of Ecuador explained that his country's regulations on night work required employers to set up internal mechanisms to closely monitor night hours worked as well as the payment for them. It was also mandatory for workers to be informed about conditions applicable to any additional working hours. In a similar vein, while telework was voluntary, the employment contract should still clearly spell out the specific conditions applicable to such work arrangements.
74. The Employer Vice-Chairperson stressed that telework should not be used to supplant national laws aimed at workers with special needs. However, in those countries without such laws or minimum requirements for workers with special needs, telework might indeed facilitate accommodating the employment of those with such needs. It was also important to distinguish telework carried out on a full-time, part-time or on a blended full-time/part-time basis. The concerns over possible isolation of teleworkers should not be exaggerated as other workers – for instance, professional truck drivers – worked alone but without anybody being concerned about their isolation. His group believed the Forum should focus more on the benefits of teleworking, and avoid extending the discussion to other unrelated work issues, as excessive expectations could deprive the parties of the opportunity to develop a consensus that maximizes the benefits of telework.
75. A Worker participant from Belgium interpreted the statement by the Employer Vice-Chairperson as an attempt to redefine telework, despite having earlier insisted that should not be the purpose of the Forum. As a recent phenomenon, telework continued to raise new problems. While all agreed telework should be voluntary, employers could still impose conditions that made it difficult for their workers to refuse and to undertake work outside normal working hours when asked to do so.
76. The representative of the Government of Côte d'Ivoire explained that his delegation sought to learn from other countries which had more experience in telework, especially as regards the legal frameworks to regulate telework.
77. The Employer Vice-Chairperson clarified that his previous statement was not aimed at defining telework, which was constantly evolving and therefore very hard to define.

Recommendations for future action by the International Labour Organization and its Members

78. The Employer Vice-Chairperson requested the ILO to carry out further studies regarding telework in its different modalities in the ICTS and financial services sectors. Those studies should focus on demographic considerations, in particular age, gender, educational levels and the workers' places of work. Such studies should include the proportion of workers in full-time, part-time and other forms of flexible time arrangements; the availability and challenges of infrastructure to promote telework; the supervisory models adopted in each organization that make telework possible; and best practices in companies in the two sectors being discussed across the globe, acknowledging that there is not a one-size-fits-all model, and collecting information for the future.
79. The Worker spokesperson noted that the discussions had highlighted evidence to show that countries were at different stages of applying telework. For example, African countries faced

infrastructure challenges in reaching a level comparable to that of Europe. The information provided in the issues paper was a good beginning, but more research was needed to monitor telework globally. The Office should lead this research and examine more elements of telework; for example, look at the issues involved when the company and the worker are based in separate countries. Such research should have a completion time frame of about two years and be followed up with a smaller meeting of approximately ten to 12 tripartite representatives at which the findings could be disseminated and discussed. The Office should also gather information about joint statements on telework concluded between social partners in different regions, for example those that have been agreed in Europe, in the ICTS and the financial sector, and disseminate them to other constituents around the world to inform their own work on the issue. Particular attention should be paid to workers' rights and their safety and health, focusing not only on the present but also the possible evolution in telework as highlighted in paragraph 2 of the Office's paper. Lastly, Workers agreed with their Employer counterparts that the outcome had to be a "win-win" situation.

- 80.** The Government Vice-Chairperson made nine recommendations to the Office. First, the ILO should draft guidelines and a good practices document on cybersecurity in the financial sector, as this sector was extremely susceptible to concerns in this area. Second, develop guidelines for private international law and cross-border telework, to establish the connections between the aforementioned topics set out in one document. Third, gather statistics on telework worldwide on an annual basis. Fourth, generate a broad collaborative network by creating a form of webpage so that relevant information could be shared and should establish contact persons at the ILO whose sole focus would be on telework, citing the example of the XXI International Telework Academy Workshop, to be held in the Catholic University of Peru on 23–25 November 2016. Fifth, create a facilitation handbook for initiating telework with definitions of telework and decent work. Sixth, teleworking could be on the agendas of ILO Regional Meetings. Seventh, work with other international bodies to draft a comprehensive document on telework. Eighth, organize virtual courses on telework on a segmented and sectoral basis, aimed at governments, workers and employers that are themselves analysing this phenomenon. He also noted that the UN had highlighted the importance of telework in developing countries, which would be helpful. Ninth, look at this issue in a broader sectoral perspective.
- 81.** The representative of the EBF called for governments to be realistic but praised their ambition. The two sectors under discussion were not similar to other sectors; and the ILO Governing Body had selected them because of their extensive use of advanced technology and digitalization. Focusing on them at this stage would ensure the best results. Noting that participants had agreed that this was a learning stage, in which to identify what works best, the proposal to analyse what functions well was appropriate. It would however be premature to consider further recommendations before having enough information.
- 82.** A representative of the Government of Costa Rica suggested that the follow-up to the Forum include a workplan with evolving and sequenced phases and subjects, which could help member States advance on telework regardless of their current stage of development in this area.
- 83.** The representative of the EBF stressed that governments should be encouraged to take the necessary steps to extend the infrastructure needed to facilitate teleworking for more people.
- 84.** A Worker participant from Costa Rica agreed with the recommendations by the Government group, and proposed in addition that the Office set up a liaison office or contact point to document and facilitate the sharing of information on developments regarding telework in different countries, as also proposed by both the Employers' and Workers' groups.
- 85.** A representative of the Government of South Africa asked the representative of the EBF to clarify which recommendations he considered premature, noting that several participants

had stated that telework was here to stay. Noting that participants had also indicated that some countries were ahead of others in implementing telework, he wondered at what stage it would be appropriate to introduce regulations necessary for telework, or which rights needed to be ensured for workers at the current stage and which were not as yet appropriate. He also reiterated his previous question regarding the benefits employers expected from telework as compared to those they claimed for workers.

- 86.** The Employer Vice-Chairperson responded that it had been widely discussed that telework benefited workers, employers, governments and society in general. The challenges were more related with human resource management practices that were as yet unaligned with work performed away from the employer's work premises. The appropriate starting point should be to gather more data because, as the issues paper showed, while telework had existed for decades, reliable information was still lacking. The Office paper had also rightly highlighted the unequal development of telework across sectors and countries, which increased its complexity. There was currently no clear picture regarding the state of telework, and thus also no simple solutions to the challenges it posed, and thus the need for follow-up studies as a basis for formulating appropriate solutions.
- 87.** The Worker co-Vice-Chairperson (Mr Kerr) stated that his group would welcome any progress made by governments and social partners, and proposed that the agreements and joint statements concluded between social partners be shared with governments, as these documents provided examples of workers' basic rights. He encouraged governments to take these documents into account and work with national social partners to advance implementation. He explained that at the current stage it was too early to obtain a globally agreed position, and that additional research was required.
- 88.** A representative of the Government of Paraguay recalled that the issues paper had stressed the need for good statistics. She suggested that, among other things, the ILO develop a classification of the various types of telework, including new forms of work.
- 89.** A Worker participant from Belgium underlined the right of every worker to seek opportunities for employment in the continuously evolving ICT-based work, to be informed about the digital world, and for their work to be properly remunerated. Given the continuously evolving nature of digital work, he wondered what impact this might have on workers' basic rights and their ability to keep their skills up to date.
- 90.** A representative of the Government of Ecuador, noting the ILO's ongoing work on the future of work, felt there was a need for an instrument on telework going beyond the ICTS and financial services sectors, and on which the Forum could make a substantial contribution. In his own country, human beings were considered far more important than capital: there should be a society with a market, not a market society, because capital should be at the service of people. The Office and governments should keep an eye out on the need to regulate the relationship between workers and employers, taking the side of the weaker party while also ensuring not to undermine other rights.
- 91.** An Employer participant from Spain stated that it would be difficult to conduct a study on the impact of telework on workers without first knowing the prevalence of telework, as well as to develop an instrument without a clear picture of the situation. She asked for further studies to understand the current state of affairs, before taking any further action.
- 92.** A representative of the Government of Paraguay supported the proposals by the Government group which he understood as general recommendations. He also suggested referring to the Sustainable Development Goal 8 and the guidelines from the World Summit on the Information Society for valid indicators for the proposed studies. He added that the studies should take into account UN-recognized labour rights, applicable ILO standards, and other

commitments at the regional level that could be used as examples of good practice. He called the Forum to take note of existing instruments.

93. A representative of the Government of South Africa stated that the proposed Convention should be based on facts obtained from the experience of countries involved in telework. He reiterated that many people benefited from telework, but the rights of others were being undermined. The lack of instruments guiding lawmakers led to uncertainty. He also wondered as to who, between the worker or employer, should be responsible for telework-related occupational health and safety. Except for its use of ICTs, he considered that telework was a form of home work, on which an ILO Convention and Recommendation already existed.
94. The representative of the EBF, responding to the previous speaker, pointed out both the ILO Home Work Convention, 1996 (No. 177), and its companion Home Work Recommendation, 1996 (No. 184), dealt specifically with industrial piecework, agreeing that the workplace was similar but the type of work was very different. Although certain aspects of these two could apply, a legal analysis would show that these instruments were inappropriate for telework. The Forum would need to take a different perspective: workers working from a computer in an office did the same kind of work as a person who did telework outside the enterprise. The Forum had discussed creating a new legal framework for this kind of work, but workers' basic rights were already part of the contract and the employment relationship, with no difference in remuneration or rights. He could see no reason to introduce a new type of employment relationship.
95. A representative of the Government of Paraguay supported the timetable proposed by the representative of the Government of Costa Rica, as well as the proposal from the representative of the Government of South Africa, which could also have a timetable but not an immediate implementation of regulations. Employers in telework faced varying environments: while some countries had already begun to regulate this kind of work from as long as a decade ago, others had as yet do to so. He also supported the call from the representative of the Government of South Africa for a clear definition of telework, and for the documentation and dissemination by the ILO of examples of good practice and successful experiences on telework in different countries. The Office had done good initial work and should continue to do so. He pleaded for a long-term roadmap that would enable ILO constituents to handle difficult situations rather than just the immediate implementation of a telework framework. He echoed the call for the setting up of a platform, from which more advanced countries could share their knowledge with others who were less experienced in the field of telework as it was obvious that telework would increase with greater connectivity and become a reality in all countries. He called for supporting countries and sharing examples of good practice in order to promote national structures, ensure decent work, and provide an impetus for job creation as a fundamental pillar for sustainable development.

Discussion of the draft points of consensus and recommendations for future action

96. At the closing plenary session, the Forum considered the draft points of consensus submitted by the Office, GDFTWEFS/2016/5.

Benefits and challenges of telework in the ICTS and financial services sectors, and possible impact on the future of work in these sectors

- 97.** The Forum agreed to delete the word “flexible” in the first line of paragraph 1 in accordance with the view of the Workers’ group spokesperson that it was unnecessary at this point, as the same word appeared elsewhere later in the document.
- 98.** The Workers’ group spokesperson proposed deletion of the second sentence of the same paragraph to avoid ambiguity or binding the Forum’s consensus point on the basis of the current limited knowledge on the subject.
- 99.** A representative of the Government of Paraguay agreed, expressing the view that there seemed to be a consensus to keep the definition of telework very general.
- 100.** The representative of the Government of Spain objected to the proposed deletion as it might allow the inclusion of other forms of work similar to, but not really, telework.
- 101.** A representative from the Government of South Africa proposed replacing the phrase “telework is narrowly defined” with “telework is normally understood”.
- 102.** The Employer Vice-Chairperson indicated either one of the proposed amendments or the original text were acceptable to his group.
- 103.** The proposal from the representative of the Government of South Africa was accepted by the Forum.
- 104.** The Worker spokesperson stated that the adopted amendment should entail deleting the words “Notwithstanding this narrow definition” at the beginning of the last sentence, which would now begin with “Telework also has to be understood ...”. This proposal was accepted by the Forum, and the first paragraph was adopted as amended.
- 105.** The Workers’ group spokesperson proposed, and the Forum accepted, to include the word “inclusive” between the words “promote employment”, in the last sentence of the second paragraph. He also proposed deletion of the phrase “women, disabled persons, and people living in remote communities” in the same sentence, suggesting it be replaced with “all”. The group accepted the initial text, but believed that listing vulnerable groups risked excluding others.
- 106.** The Government Vice-Chairperson agreed, but suggested inserting a footnote encompassing all vulnerable groups, without listing them. The latter was agreed, but the exact phrasing of the footnote was left for later consideration.
- 107.** However, when this discussion was later resumed, the Forum agreed not to include the proposed footnote. The Vice-Chairperson of the Government group explained that the footnote would be intended to be illustrative rather than an exhaustive list.
- 108.** The Employers’ group secretary objected, however, noting that a list of vulnerable groups entailed the risk of leaving out a group or groups, as defined vulnerable groups varied by country.
- 109.** The representative of the Government of Nigeria agreed with the Employers’ group secretary.

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110. When the paragraph was rediscussed at the end of the session, the Workers' group spokesperson accepted the Employers' proposal to include "and skilled", following which the paragraph was adopted as amended.
 111. The Employer Vice-Chairperson proposed the inclusion of the word "better" before the phrase "ability to balance professional and care ..." in the third line, and to include "and more work opportunities" after the word "responsibilities" later in the sentence. He also proposed the inclusion of the words "and a more diverse and a motivated" before the words "labour pool" in the fourth line.
 112. An Employer participant from Spain proposed a subamendment to phrase it as "more diverse, motivated and skilled".
 113. The Workers' group spokesperson agreed with the amendments proposed by the Employers, except for the use of the word "skilled". In itself, telework would not promote access to a skilled workforce, unless there was some specific action by governments and employers for this outcome.
 114. The Employer Vice-Chairperson responded that it would achieve that end by enabling employers to access workers from otherwise inaccessible areas.
 115. The Workers' group spokesperson countered that an extremely high prevalence of cross-border labour recruitment would not be acceptable.
 116. A representative of the Government of South Africa urged the Workers' group to accept the amendment, noting that paragraphs 3 and 11 would also support the Employers' aims.
 117. An Employer participant from Spain explained the reason for her proposal with an example of a company in Spain looking for a Japanese-speaking worker, who could be found in another city in the same country.
 118. The representative of the Government of Spain noted that the section being discussed referred to benefits for the employers, which the Employers' group was best placed to articulate.
 119. A participant from the Government of Paraguay had no objection to the proposed amendment.
 120. A Worker participant from Costa Rica argued, however, that the amendment would close off opportunities for the companies. In view of the need for further discussions, the word "skilled" was left for later consideration.
 121. The Employers' group secretary suggested that the second sentence of the third paragraph begin with the phrase "In the absence of appropriate arrangements, workers can face ...", and that the fourth sentence begin with the phrase "Where possible and required, employers ...". In the same sentence, he proposed to replace the phrase "need to" with "should", and "infrastructure" with "hardware". The resulting sentence would begin as follows: "Where possible and required, employers should shoulder hardware and software costs ..."
 122. The Workers' group spokesperson agreed with the first amendment and with replacing "infrastructure" with "hardware", but not with replacing "need to" with "should" nor with adding the phrase "Where possible and required". He explained that, while the employers should not be expected to shoulder the cost of internet infrastructure, they "needed to" shoulder the cost of hardware and software, which would otherwise fall unfairly on the worker.

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123. A representative of the Government of Paraguay proposed adding the phrase “unless there is a contrary agreement with the worker” as an alternative, as well as adding the word “privacy” so it would read “cybersecurity privacy or the exposure ...”.
 124. The Employers’ group secretary accepted the proposal by the previous speaker.
 125. The Workers’ group spokesperson also accepted both amendments.
 126. The Forum Secretary-General drew the Forum’s attention to the possibility of creating an inconsistency from the amendment in the fourth sentence. She doubted the Forum’s intention in the latter part of the sentence was to transfer responsibilities to the workers, suggesting that if the Forum was in agreement, the Office could come up with a new formulation to reflect the Forum’s intention but without the potential inconsistency.
 127. The Forum agreed to separate the two sentences in order to better reflect the roles and responsibilities of the different actors. At the end of the paragraph, the new sentence would start with “Employers should”.
 128. The Worker Co-Vice-Chairperson (Mr Kerr) proposed replacing the word “should” with the word “must”, in the first and third sentences of the fourth paragraph, to underline the intended messages.
 129. The Employer Vice-Chairperson objected to that proposal, emphasizing that “should” was the appropriate word.
 130. The Employers’ group secretary added that the usual ILO wording includes the term “should”, although some instruments include the term “shall”.
 131. The Worker Co-Vice-Chairperson withdrew his proposed amendment to the first sentence, while clarifying that employers should not avoid certain responsibilities. He also suggested replacing the phrase “enjoy equal rights”, with “enjoy the same fundamental rights” in the first sentence. The Employer Vice-Chairperson counter-proposed with the phrase “have the same duties and fundamental rights”, because rights also entailed concomitant obligations and responsibilities.
 132. A representative of the Government of Paraguay offered a subamendment to read: “enjoy the same rights and obligations as their counterparts ...”, noting that it aligned better with the suggestion made by the Employers.
 133. A representative of the Government of South Africa agreed with the previous speaker, adding that “fundamental rights” should be used rather than “same rights”, but contended that the rights could not be the same for different types of workers.
 134. A representative of the Government of Nigeria proposed using the word “similar” rather than “same”.
 135. The Worker Co-Vice-Chairperson rejected the proposal from the previous speaker, however, because it could sanction different rights.
 136. The Employers’ group secretary proposed the addition, at the end of the second sentence, of the phrase “with the exception of those regulations which are specific to traditional work arrangements”.

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137. A representative of the Government of Paraguay felt it was preferable to give a more positive tone to the phrase “Teleworking is not an appropriate arrangement” in the fourth sentence by deleting the word “not”.
 138. A representative of the Government of South Africa supported the proposal by the previous speaker.
 139. The Worker Co-Vice-Chairperson offered the alternative phrase “may not be”; and adding “and should be subject to collective bargaining” at the end, which would be his group’s condition to accept the proposal from the representative of the Government of Paraguay.
 140. The Employer Vice-Chairperson objected that collective bargaining is a right and not an obligation, which should not be imposed, and warned the Forum that the positive reformulation “is an” could be interpreted in a more restrictive way, changing the meaning of the original text.
 141. A representative of the Government of South Africa noted that the notion of fundamental rights, already included in the paragraph, encompassed collective bargaining, and therefore saw no value in the explicit inclusion of collective bargaining.
 142. The Worker Co-Vice-Chairperson suggested to further include “, as appropriate” to their amendment, as well as reverting back to the original text “is not an”.
 143. The Worker Co-Vice-Chairperson suggested replacing “collective bargaining” with “social dialogue”.
 144. The Employers’ group secretary explained, however, that given their different characteristics and sizes, enterprises should have no obligation to engage in social dialogue, proposing instead to add a new sentence to clarify that social dialogue could be a useful and efficient mechanism.
 145. A representative of the Government of South Africa proposed the following alternative wording: “Due to the fact that teleworking may not be an appropriate arrangement for certain functions and certain types of workers, social dialogue can be a useful and efficient mechanism in this regard.”
 146. The paragraph was adopted, as amended.

Policies and practices that can address decent work challenges and maximize benefits of telework in the ICTS and financial services sectors

147. Paragraph 5 was adopted without amendment, following the rejection of a proposal by the Worker Co-Vice-Chairperson to replace “should” with “must” in the first and the fourth lines.
148. A representative of the Government of South Africa suggested to follow the ILO standard language by referring to “should” as no binding legislation was being developed.
149. The Worker Co-Vice-Chairperson withdrew the amendment in a second round of discussion.
150. The Worker Co-Vice-Chairperson proposed four amendments to paragraph 6. First, he asked that paragraph 6 be separated into two paragraphs, after the phrase “integrity and privacy”. Secondly, he called for deleting the phrase “to ascertain whether an employment relationship

exists,” and “Examples of good practice exist in many countries to ensure” in the new paragraph 7. In that paragraph, he suggested adding “There are examples of good practices in many countries.” after the first sentence.

151. The Employer Vice-Chairperson accepted the first proposed amendment, and further proposed to replace “the risk” with “possible risk” and to delete “of isolation from colleagues and supervisors”.
152. A representative of the Government of South Africa suggested replacing “regulation” with “regulations”, as well as “illness” with “illnesses”.
153. Paragraph 6 and the new paragraph 7 were adopted with these amendments. The following paragraph (paragraph 7 in the Office’s draft document) would now be renumbered as paragraph 8.
154. The discussion on the proposed paragraph 7 did not produce an agreement, and the proposed text on possible solutions to the challenges posed by telework, was deleted after a lengthy discussion that was retaken after the full points of consensus had been discussed.
155. The Workers’ group secretary suggested deleting the first sentence of the new paragraph 8, which the Employers’ secretary agreed to. However, they could not agree on the second sentence. The Workers’ and Employers’ groups disagreed regarding the appropriate level at which the social partners should negotiate and the relevance to this discussion of respecting the normal hours of work while engaging in telework.
156. The Workers’ group secretary contended that the text proposed by the Office limited the scope of solutions to be developed at the enterprise level and did not highlight the key role played by workers and their representatives.
157. However, the Employers’ group secretary did not accept the Workers’ proposed alternatives.
158. The following paragraph retained its original number 8.
159. The Forum adopted paragraph 8 without amendment, thus finalizing the points of consensus of the three points for discussion with the exception of the parts deferred for later.

Recommendations for future action by the International Labour Organization and its Members

160. The introductory paragraph 9 was adopted without amendment.
161. The Worker Co-Vice-Chairperson, initiating the discussion about future action by the tripartite constituents, proposed amending paragraph 10(a) by replacing the word “equitable” with the phrase “ensure equal treatment”.
162. The Employer Vice-Chairperson objected to the proposal, explaining that treatment of workers could be equitable, but not exactly equal.
163. The Worker Co-Vice-Chairperson underlined the basic right of workers to be treated equally.
164. A representative of the Government of South Africa noted that a sentence that referred to treatment of workers should have equal treatment as the basis. However, when referring to

different kinds of work, the right term would be “equitable” and not “equal” as workers working differently cannot be treated in the exact same way.

165. The Employers’ group secretary noted the lack of agreement on what should be understood as equal treatment, but argued that it was fundamental that all workers be treated equitably rather than equally. Employers should bear in mind their responsibility to treat their employees equitably and fairly.
166. The Worker Co-Vice-Chairperson clarified that if an individual was working in an office and the same job was performed by an individual in telework, these two should be treated equally.
167. The Employers’ group secretary, in the discussion held after the full text had been reviewed, contended that the notion described should be either “equal treatment for the same kind of work” or “equitable treatment”. He also remarked that many national laws applied “equitable treatment”, and enterprises had to follow these laws.
168. A representative of the Government of South Africa suggested using the language contained in the ILO’s Equal Remuneration Convention, 1951 (No. 100).
169. A Worker participant from Belgium proposed to use the term “fair” or “correct” instead of “equal” and to add “regardless of their work arrangements” at the end, in order to clarify that it followed the wording in Convention No. 100 mentioned by the previous speaker.
170. The Workers’ group secretary rejected these terms because, in his view, they would not achieve the goal his group wanted. However, after further discussion, he accepted the term “equitable”.
171. The Worker Co-Vice-Chairperson proposed removing the word “flexible”, and adding the words “collective agreement” at the end of the sentence in paragraph 10(b).
172. A representative of the Government of Paraguay agreed, but also proposed replacing the phrase “related to new trends in the world of work” with “resulting from applications of Information and Communication Technology”.
173. A representative of the Government of South Africa also agreed, but inquired about the need to include the terms “collective agreement”.
174. The Worker Co-Vice-Chairperson explained that the specification was to ensure that a collective agreement would have been effectively in place.
175. The Employer Vice-Chairperson agreed to delete the words “flexible” and “related to new trends”, but also rejected adding “collective agreement”, as collective bargaining was not an obligation and could not be guaranteed in every context. He concluded by proposing to add the sentence “fundamental principles and rights at work as well as national law and practice” at the end of the subparagraph.
176. The Worker Co-Vice-Chairperson demanded to keep the term “decent work”.
177. A representative of the Government of South Africa agreed that the concept of decent work should have been kept, but that the sentence about fundamental principles and rights would have then been superfluous. He clarified that it was not necessary to include the word “principles” after “fundamental” since the word “principles” was included in “decent work principles”.

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- 178.** The Employers' group secretary noted that the "Fundamental principles and rights at work" refer to the 1998 ILO Declaration, which is a fundamental tripartite document unanimously agreed by the three parties, and that it is a collection of fundamental principles and rights at work that have to be respected by all ILO member States. It was why the phrase "fundamental principles and rights at work" had to remain and asked the Office for a definition on "decent work principles".
- 179.** The Forum Secretary-General proposed that the section read as: "would align with decent work principles, including fundamental principles and rights at work".
- 180.** The Forum Chairperson concluded that there was agreement on subparagraphs 10(b) and (c), which was not the subject of amendment, but there was a reservation on subparagraph 10(a) with regard to treatment being equal or equitable.
- 181.** The Employer Vice-Chairperson proposed to begin subparagraph 11(a) with the text "barring agreements to the contrary".
- 182.** The Government Vice-Chairperson proposed the following alternative: "Provide teleworkers, barring agreements to the contrary, the equipment", to clarify that this was a responsibility of employers but the workers still could bring their own equipment.
- 183.** The Employer Vice-Chairperson responded by proposing to include "When required and possible" at the beginning.
- 184.** The Worker Co-Vice-Chairperson proposed inserting "including with regard to occupational safety and health" after "training they require".
- 185.** The Government Vice-Chairperson agreed with both amendments.
- 186.** The Employer Vice-Chairperson proposed, however, to separate the wording by inserting the phrase ", and provide training" following "equipment".
- 187.** The Worker Co-Vice-Chairperson proposed to add the word "appropriate", so that it would read: "Provide teleworkers with the appropriate equipment, and training ...".
- 188.** The representative of the Government of Côte d'Ivoire, in turn, noted that equipment and training were separate and that they should be presented separately in order to not change the meaning. He noted that in that case, "barring agreements to the contrary" would not be necessary.
- 189.** The Worker Co-Vice-Chairperson proposed that the word "equivalent" be replaced with the word "equal" in subparagraph 11(b) because workers performing the same tasks required equal treatment.
- 190.** The Employer Vice-Chairperson agreed, and proposed beginning the subparagraph with "Ensure that" and including the words "who have" after the word "employees".
- 191.** The Government Vice-Chairperson agreed with both amendments.
- 192.** The Worker Co-Vice-Chairperson expressed agreement with the resulting text.
- 193.** The Employer Vice-Chairperson proposed to add "arrangements regarding" before the word "telework" and then the deletion of the text following "telework" in subparagraph 11(c).
- 194.** The Government Vice-Chairperson agreed.

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195. The Worker Co-Vice-Chairperson requested an explanation for the proposed deletion.
 196. The Employer Vice-Chairperson replied that these issues had been addressed in other parts of the document and that it was limiting social dialogue to those topics. He hence believed the resulting text would be more concrete.
 197. The Government Vice-Chairperson proposed the inclusion of a new subparagraph 11(d) which would read: “Take all necessary measures to guarantee the cybersecurity of the enterprise.”
 198. The Worker Co-Vice-Chairperson noted that this issue had been covered elsewhere. In order to explain the situation with equipment, however, the wording should not apply to occupational safety and health, as that is related to national legislation. Hence, his suggestion that it be reworded.
 199. The Employers’ group secretary noted that issues of cybersecurity also concerned senior management, and questioned the benefit of this proposal.
 200. The Government Vice-Chairperson noted that the Forum was not just discussing data protection, but also ICT companies and all of the protection that was required to both protect the company itself and benefit the economy.
 201. A representative of the Government of Côte d’Ivoire contended ensuring that third parties could not access protected data.
 202. A representative of the Government of South Africa called for clarity on the separation between training and occupational safety and health, which was the responsibility of the employers while the choice of equipment was for the worker to make.
 203. The Employers’ group secretary proposed in subparagraph 11(d) to add the words “their respective”, instead of “the enterprise”, so that the sentence then would read: “... of their respective enterprises”.
 204. Paragraph 11 was adopted as amended.
 205. Both the Employer Vice-Chairperson and the Worker Co-Vice-Chairperson agreed with subparagraph 12(a).
 206. A representative of the Government of South Africa proposed to add the phrase “With due regard to decent work, promote” This amendment was adopted by the Forum.
 207. The Employer Vice-Chairperson proposed adding the word “any” to the first sentence and to delete the word “flexible” and “work” and to replace it with the word “telework” in subparagraph 12(b) so that the first sentence would read: “Engage social partners in any definition of conditions and criteria for telework” He proposed, furthermore, to add “they might decide to develop;”, after “policies and guidelines” in the third line, and delete “were appropriate”.
 208. The representative of the EBF then proposed to also delete the word “developing” and “including telework and,” in the second, add the word “any”, so that the sentence would read: “work arrangements, and any relevant labour legislation, policies and guidelines, they might decide to develop”.
 209. The Worker Co-Vice-Chairperson and the Employer Vice-Chairperson agreed with subparagraph 12(b) as amended.

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- 210.** The Government Vice-Chairperson proposed, however, to add the phrase “and reviewing any existing relevant labour legislation” after the word “developing” in the second line.
- 211.** The Employers’ group secretary considered that such an amendment would make the second part of the sentence lose balance.
- 212.** The representative of the EBF proposed to add the phrase “and in developing” after “arrangements”.
- 213.** The Worker Co-Vice-Chairperson proposed to add a comma so that the sentence would read: “... arrangements, including in developing and reviewing any existing relevant labour legislation, policies and guidelines”. The rest of the sentence should be deleted so that the paragraph ended after the reference to policies and guidelines.
- 214.** The Employers’ group secretary proposed that the first line should read: “... arrangements, and in developing and reviewing any existing relevant labour legislation, policies and guidelines they might decide to develop or review”. He explained that social partners should engage with governments in defining conditions and criteria for flexible telework arrangements and also in developing and reviewing any existing laws.
- 215.** The Government Vice-Chairperson considered that the paragraph appeared clear but repetitive. Governments understood the need to engage the social partners where necessary. His group would be fine with the Workers’ proposal for a full stop, but they could equally accept the Employers’ proposal. They also had no problem accepting the phrase “if required”, but believed it was unnecessary.
- 216.** The Forum adopted these amendments.
- 217.** The Employer Vice-Chairperson proposed to replace the word “Improve” in subparagraph 12(c) with the word “Adapt”, so that the sentence would then read: “Adapt labour and social protection systems ...”, and to delete the rest of the phrase, so that the subparagraph would stop after the reference to social protection systems.
- 218.** The Employers’ group secretary proposed opening the subparagraph with the words “Guarantee that all”, and add “effectively applicable to telework”, so that the sentence would read: “Guarantee that all labour and social protection systems are effectively applicable to telework.”
- 219.** The Government Vice-Chairperson agreed with the previous speaker’s proposed amendment.
- 220.** A representative of the Government of South Africa suggested removing the word “effectively”, stating that there were no degrees of effectiveness.
- 221.** The Employer Vice-Chairperson proposed adding the word “Monitor and, if required,” to the beginning of subparagraph 12(d), so that the sentence would read: “Monitor and, if required, work towards improving conditions of telework”
- 222.** The Worker Co-Vice-Chairperson proposed adding “decent work”, so that the sentence would read: “Promote telework and decent work and ensure”
- 223.** The Employer Vice-Chairperson proposed that the phrase “If required” should stay at the beginning of the sentence.

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- 224.** The Worker Co-Vice-Chairperson proposed to delete “if required” because it would be for governments to decide if it was necessary or not.
- 225.** The Forum adopted the amendments, but not the phrase “if required”.
- 226.** The Government Vice-Chairperson proposed to add a new subparagraph 12(e), which would read: “Consider establishing a body that facilitates planning, coordinating and executing policies related to telework.”
- 227.** The Employer Vice-Chairperson and the Worker spokesperson agreed.
- 228.** The Forum adopted paragraph 12 with all the amendments.
- 229.** The Employers’ group secretary wondered which Conventions subparagraph 13(a) referred to as international labour standards relevant to teleworking. While his group did not support all the Conventions adopted by the ILO, the Employers recognized the Office’s mandate to promote and encourage the ratification of the Organization’s standards. However, his group could not co-sign a document which included Conventions that they might not support. He also underlined that the Forum was dealing with telework and not with non-traditional work arrangements, and rejected the phrase “innovative social dialogue mechanisms” because it had unknown implications. He therefore proposed to rephrase the subparagraph as follows: “The Office should continue to promote the 1998 Declaration on Fundamental Principles and Rights at Work,” and delete the rest of the point.
- 230.** The Worker Co-Vice-Chairperson, in turn, proposed adding, after “work”, the phrase “with regard to teleworking in ICTS and financial services sectors”. He believed that the innovative mechanisms were a good way to look forward, especially since the document was not legally binding, and the language had already been used in other ILO documents.
- 231.** The Government Vice-Chairperson supported the Employers’ proposal as the promotion of the ratification of Conventions was not relevant because it was already a mandated task of the ILO, and not all Conventions applied to all governments. In contrast, he supported the reference to innovative mechanisms of social dialogue, citing digital platforms as an example.
- 232.** The Worker Co-Vice-Chairperson held that subparagraph 13(c) would be easier to implement if companies also collected data regarding age, gender and other demographic aspects, suggesting, therefore, deleting “and” and adding “, gender, age, demographic structures”.
- 233.** The Employers’ group secretary agreed with the proposal from the Workers’ group.
- 234.** The Worker Co-Vice-Chairperson suggested to add in subparagraph 13(d) after “future actions”, the phrase “, including a tripartite meeting,” because the data collected by companies should help in the follow-up of that meeting.
- 235.** The Employers’ group secretary agreed, but recognized that any tripartite meeting would probably not take place soon.
- 236.** The Government Vice-Chairperson supported the proposed follow-up process, aiming towards a Convention on telework; but the Workers’ proposal for a tripartite meeting would cancel the need to propose a Convention.
- 237.** The Employers’ group secretary proposed to include a new paragraph, suggesting that the Office could potentially conduct a study on innovative mechanisms for clarification. The

proposed new subparagraph (c) read as follows: “The Office should study what innovative mechanisms of social dialogue might be required for telework in the ICTs and financial service sectors.” Subparagraph (c) was adopted, as proposed.

238. The Forum adopted paragraph 13, as amended.

239. The points of consensus were adopted, as amended.

Consensus points of the Forum ¹

Benefits and challenges of telework in the ICTS and financial services sector, and possible impact on the future of work in these sectors

1. Telework is a growing form of working arrangement enabled by information and communication technologies (ICT) whose potential benefits are increasingly recognized and promoted by governments, employers and workers alike. For the purposes of these points of consensus, telework is normally understood as regular work performed by a worker within an employment relationship, away from the employer’s generally recognized work premises. Telework also has to be understood in the context of other trends in the world of work, such as changing employment relationships, cross-border work, ICT-enabled remote working, and the place of work at different points in a worker’s employment lifecycle.
2. Teleworking can provide numerous work and social benefits. Worker benefits can vary from shorter commutes, lower work-related personal expenses and better work–life balance, including a better ability to balance professional and care responsibilities, and more work opportunities. Employers can benefit from increased productivity, lower overhead costs, and access to a larger and more diverse, motivated and skilled labour pool. For governments, teleworking can be a strategy to address urban congestion and environmental problems, and to promote inclusive employment opportunities for all.
3. Teleworking in the ICTS and the financial sector can also pose a number of sector-specific and decent work challenges, including with regard to cybersecurity, privacy or the exposure of confidential information. In the absence of appropriate arrangements, workers can face psychosocial problems related to isolation and blurred lines between work and private life. They can have less access to training and perceive a lack of career development. Occupational safety and health conditions are more difficult to monitor and control in teleworking arrangements, especially where the home is also the workplace. Employers should, unless there is agreement to the contrary with the worker, shoulder the hardware and software costs. Employers should manage data integrity and privacy issues, and provide managers with the required skills to effectively supervise telework. Education systems need to provide skills required for effective telework.
4. Teleworkers have the same obligations and enjoy the same fundamental rights as their counterparts in traditional work arrangements at their employers’ work premises. All laws and regulations applicable to these traditional work arrangements also apply to teleworkers with the exception of those regulations which are specific to traditional work arrangements. Teleworking should be a voluntary and reversible arrangement, and should provide workers with regular opportunities to meet managers and colleagues in person. Due to the fact that

¹ These points of consensus were adopted by the Global Dialogue Forum on 26 October 2016. In accordance with established procedures, they will be submitted to the Governing Body of the ILO at its 329th Session in March 2017 for its consideration.

teleworking may not be an appropriate arrangement for certain functions and certain types of workers, social dialogue can be a useful and efficient mechanism in this regard. Where teleworking is appropriate, opportunities for such arrangements should be provided without discrimination.

Policies and practices that can address decent work challenges and maximize benefits of telework in the ICTS and financial services sectors

5. Telework should meet the legitimate needs of both workers and employers and should not undermine the rights of workers or erode decent work, including as regards freedom of association and the right to collective bargaining, equality and non-discrimination, and security of employment. It should be voluntary and reversible. Adequate worker protection is achieved through appropriate legal and regulatory frameworks, compliance with and enforcement of the law, and effective social dialogue.
6. Different countries have addressed labour-related challenges of telework through various measures, including regulation, and the development of appropriate labour policies and practices, depending on the level of telework and the scope of existing labour law. Where appropriate, regulation can be combined with public investments in education and skills as well in the requisite infrastructure including ICT as a means of promoting and facilitating growth in telework. Regulations can also be used to determine whether accidents or illnesses of teleworkers are work-related or not, to apportion rights and responsibilities in such cases, and to monitor and control cross-border telework and data integrity and privacy.
7. Teleworkers effectively enjoy equal treatment with counterparts in traditional work arrangements in terms of access to social security; conditions of work, training and career development; occupational safety and health; work–life balance; freedom of association and collective bargaining, and in addressing possible risks of psychosocial effects. There are examples of good practices in many countries. Social dialogue is an essential element in the development of appropriate measures to ensure decent work for teleworkers.
8. Public bodies and institutions have an important role in promoting telework and decent work in the ICTS and financial services sectors and in putting in place the infrastructure it requires; fostering assistance programmes to enterprises and workers to acquire the capacity and skills needed to adopt and expand the use of telework; in monitoring trends and providing statistics on telework, in encouraging the development of good practice in this area and collecting and disseminating examples of such good practice; and involving and communicating with the social partners.

Recommendations for future action by the International Labour Organization and its Members

9. In view of the discussion at the Global Dialogue Forum on Challenges and Opportunities of Teleworking for Workers and Employers in the ICTS and Financial Services Sectors, the following future action was recommended.
10. **Tripartite constituents should:**
 - (a) engage in effective social dialogue in order to promote decent work and productive employment and ensure equitable treatment for all workers, regardless of their work arrangements;

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- (b) ensure that work arrangements, including telework and other emerging forms of work organization resulting from the applications of information and communication technologies, are fully aligned with decent work principles, including fundamental principles and rights at work as well as national law and practice;
 - (c) through social dialogue develop and implement appropriate measures to ensure cyber security and the preservation of enterprise data confidentiality while also safeguarding worker privacy in telework arrangements.

11. Employers should:

- (a) provide teleworkers, barring agreements to the contrary, with the appropriate equipment; and provide the training they require, including with regard to occupational safety and health in order for them to perform their work effectively;
- (b) ensure that teleworkers benefit from the same entitlements as all other company employees who have equal workloads, salary and performance standards and evaluation;
- (c) develop, through social dialogue, appropriate workplace arrangements regarding telework;
- (d) take all necessary measures to guarantee the cybersecurity of their respective enterprises.

12. Governments should:

- (a) with due regard to decent work, promote telework and ensure the necessary infrastructure, network security, and integrity and skills development are in place to support its growth;
- (b) engage social partners in defining conditions and criteria for telework arrangements, and in developing and reviewing any existing relevant labour legislation, policies and guidelines;
- (c) guarantee that labour and social protection systems are applicable to telework;
- (d) monitor and work towards improving conditions of telework in ICTS and financial services sectors by ensuring mechanisms for effective compliance are in place, no matter where the work is performed;
- (e) consider establishing a body that facilitates planning, coordinating and executing policies related to telework.

13. The Office should:

- (a) continue to promote the 1998 Declaration on Fundamental Principles and Rights at Work in the ICTS and financial services sectors with regard to teleworking;
- (b) promote social dialogue in the ICTS and financial services sectors and develop the capacity of tripartite constituents to effectively engage in social dialogue;
- (c) study what innovative mechanisms of social dialogue might be required for telework in the ICTS and financial services sectors;

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- (d) work with member States to improve national systems to regularly collect and disseminate objective data on telework, number of workers involved, wages, remuneration and gender, age, demographic structures, working hours, employment relationships, contractual arrangements and other relevant data on the basis of resolutions adopted by the International Conference of Labour Statisticians;
 - (e) undertake and disseminate research and comparative analysis, with a view to possible future action, including a tripartite meeting, on this topic; monitor, assess and map good practices and share knowledge on trends and development of telework in the ICTS and financial services sectors, drivers of change and impact of telework, employment-creation potential, diversification of employment relationships and the impact of cross-border telework.

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Liste des participants
Lista de participantes

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