TELEWORK IN BELGIUM

Sharing experiences & lowering thresholds

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Introduction

The debate on teleworking has been flaring up every now and then during the past thirty years. The roots can be found in people’s endeavour to solve problems of mobility, flexibility and work/life balance. The concept was therefore introduced in the seventies in California for example with the purpose of diminishing mobile needs and economising on energy sources, but also of heightening people’s environmental awareness within the context of ‘the greening of America’. Thus it happened that people started working (part-time) at home or closer to their homes to cut down on the cost of commuting. In both the US and EU, a marginal part of the working population started to perform certain tasks at home (programming, translating, editorial work). At first telecommunication systems did offer remote access to a company computer for consulting or entering data only. From the nineties onwards, teleworking began to be implemented in an increasing number of companies thanks to the rise of the Internet and mobile communication, and the further development of other ICT applications. The infrastructure of telecommunication creates the necessary conditions to be able to (co-)operate from a distance, while the development of specialised software enables teleworkers to be involved in teamwork (Daniels, 2000; Zegveld, 1995).

Belgium does not have so-called ‘natural factors’ to stimulate teleworking (as well as the use of other online services), such as great distances between cities and/or a lack of infrastructure (e.g. highways, freeways). It is a small and densely populated country with an extensive road system: both cities and countryside are, at least in theory, easy to reach by personal or public transport. Belgium has, together with The Netherlands, the highest motorway density (Eurostat 2004). In practice, however, accessibility these days can no longer be dissociated from problems of mobility. The majority of the population (60%) go to work by car and are more and more confronted with traffic jams in certain regions. Consequently, the total number of hours sacrificed to traffic jams has been calculated. In one year, about 8.3 million hours have been lost due to traffic congestion on freeways. This problem is mainly experienced in the Flemish part of the country. The freeways and approach roads of Brussels and Antwerp top the list of traffic jams (Belgium’s 25 longest lasting traffic jams in 2002). From this, it is possible to work out the cost of congestion, i.e. the total cost of the time spent on traffic jams by commuters, businessmen and truck drivers\(^1\). The total cost is estimated at 114,000,000 euro for one year. The agony of queuing costs approximately half a million (460,000) euro per working day. The impact of traffic jams on the environment can also be calculated: 360,000,000 euro (in 2002). Unless some drastic measures are taken, the traffic congestions and their accompanying costs are expected to increase (Logghe & Vanhove, 2004).

Uplifting news is that the use of the information highways is increasing. As far as the ICT infrastructure is concerned, a rise from 200,000 (February 1998) to 2,000,000 (March 2004) Internet connections can be observed. Belgium has 33 Internet users per 100 inhabitants. This number exceeds the European average of 24 (ITU, 2004). Two out of three

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1 Different costs are taken into account for different road users, namely a truck drivers’ hour in a traffic jam has another financial impact than a commuter. For more information regarding methodology and results cf. Logghe & Vanhove (2004) Transport & Mobility Leuven, www.tmleuven.be
connections consist of broadband (ISPA, 2004). The penetration of broadband is high in Belgium (14/100 inhabitants). The country holds the third position after Denmark (15.6%) and The Netherlands (14.7%). It is also comforting to know that the proportion of broadband connections in Belgium is twice the average penetration of broadband in the EU (EU15: 7.6%, EU25: 6.5%)\(^2\).

Another important trump card is the degree of penetration of cable distribution in Belgium. Our country has approximately 3,800,000 subscribers to cable, and about 90% of the families are supposed to have teledistribution (NIS, 2001). This becomes particularly important in the current development of interactive television, which can have important applications for both private and professional ends.

Although Belgium is part of the European middle group as far as teleworking is concerned, the phenomenon is to be situated at the crossroad of a number of social priorities making the interest in working from a distance particularly topical. Teleworking is not only brought up as a possible solution for problems of mobility, but also as a lever for equal opportunities in the labour market for specific groups of the active population, and the striving after a better balance between work and private life.

\(^2\) Fixed broadband penetration rate per 100 population, EU25 figures based on COCOM data, 1st July 2004. 10th report on European Electronic Communications Regulation and Markets 2004: http://europa.eu.int/information_society/topics/ecomm/all_about/implementation_enforcement/annualreports/10threport/index_en.htm
Experiences with and attitudes towards teleworking

2.1 BELGIUM’S MID-POSITION

With 10.6% (or 437,000 teleworkers), Belgium is situated slightly below the European average (13%) (Empirica, 2002). 7.5% of the Belgian employees are telehomeworkers (EU-15 average is 7.4%; Empirica, 2003 based on SIBIS 2002). In the European Survey on Working Conditions, teleworking was examined as well. In the third report (2000) it is observed that approximately 2% of the working population works full-time at home, while 6% does so for at least one quarter of the working time².

Since the beginning of European measurements on teleworking in 1994, the teleworking population is supposed to have increased with 17% per year (Empirica, 2000). Supplementary telehomeworking, in particular, is rising. When one compares the results from 1999 and 2002, an annual rise of 39% is to be noticed for supplementary telehomeworking in the EU (i.e. from 2% in 1999 to 5.3% of the employees). Permanent or alternating telehomeworking has stabilised within the same period of time (from 2% in 1999 to 2.1% in 2002, Empirica 2003).

Despite Belgium’s score in the EU still being on average (10.6%), the number of teleworking employees has been doubled compared to 1997 when the proportion (formal and informal) was estimated at 5.3% (EU average 3.1%, cf. ETD)⁴. However, results of measurements and assessments tend to differ depending on the definition of teleworking and the method one applies. In 1996, for example, IDC⁵ estimated the number of Belgian teleworkers at 46,000, whereas JALA⁶ counted 30,000 teleworkers in Belgium. Three years later, ETD estimated the number of teleworkers in Belgium and Luxembourg at 250,000 (or 6.2% of the active population), which is a rise of 25% compared to the previous year. At that time, however, the average rise in the EU was estimated at 45%.

The share of 10% which is now brought forward corresponds to the results from other researches. The Eurobarometer, for example, counted 9.4% teleworkers in Belgium (4.9% of which are regular teleworkers and 4.5% are occasional teleworkers). Alcatel⁷ concluded that 10% of the Belgian employees are teleworking today. Hence it is possible to confirm the estimation made by the Belgian Teleworking Association, i.e. about 10% of the Belgian working population (European Commission, 2000). According to the Empirica study, supplementary teleworking is practised most of all in Belgium (5.3%). The second and third place are respectively occupied by independent teleworking (2.5%) and mobile teleworking (2.4%). Permanent or alternating homeworking occurs less frequently (2.2%).

In an e-survey in Flanders (Walrave & Dens, 2003) it was observed that there are about 17.6% teleworkers among the Internet users⁸. In the Walloon provinces 7% of the employees are said to have experience with teleworking. 13.4% of companies with Internet access offer their employees the possibility to telework (4% in 2001), while 6.8%
are planning to do so (AWT, 2002). Another type of research in both communities (Vandenbrande et al., 2003) reveals a significant difference between Flanders (41.6%), the Walloon provinces (14.8%) and Brussels (52.7%) in the implementation of teleworking in companies.

Another survey shows that, at present, about 20% of the service sector in Flanders declares to offer their employees the opportunity to telework. 8% does not give any support to teleworkers (such as ICT), while 11% does. There are significantly more companies with more than fifty employees that offer teleworking possibilities (28%) than smaller organisations (Van Dongen, 2004, p. 68). Recent research shows that businesses are ready to invest more in teleworking projects. A survey among 500 Belgian companies (Insites, 2004) showed that 4 out of 10 firms want to invest in the implementation of teleworking or want to support existing teleworking projects in their organisation in 2005.

On the other hand, the e-survey conducted among employees and managers in Flanders (cf. Walrave & De Bie, 2005) shows that non-teleworkers and managers without teleworking experience in their company still have a lot of questions and doubts concerning teleworking. It is difficult however to compare all these different data due to dissimilarities with regard to the definition of teleworking, the investigated population and the applied methodology.

The following tables, in which a number of results are brought together, enable us to compare a number of countries in various researches.

<table>
<thead>
<tr>
<th>Country</th>
<th>IDC Teleworkers</th>
<th>JALA Teleworkers</th>
<th>ETD Teleworkers</th>
<th>% working population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>8</td>
<td>29</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>Belgium</td>
<td>46</td>
<td>30</td>
<td>5</td>
<td>200</td>
</tr>
<tr>
<td>Denmark</td>
<td>43</td>
<td>18</td>
<td>100</td>
<td>250</td>
</tr>
<tr>
<td>Finland</td>
<td>36</td>
<td>26</td>
<td>15</td>
<td>150</td>
</tr>
<tr>
<td>France</td>
<td>148</td>
<td>417</td>
<td>30</td>
<td>240</td>
</tr>
<tr>
<td>Germany</td>
<td>139</td>
<td>294</td>
<td>400</td>
<td>600</td>
</tr>
<tr>
<td>Greece</td>
<td>—</td>
<td>31</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>Italy</td>
<td>51</td>
<td>188</td>
<td>40</td>
<td>250</td>
</tr>
<tr>
<td>Ireland</td>
<td>—</td>
<td>51</td>
<td>10</td>
<td>50</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>—</td>
<td>2</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>157</td>
<td>52</td>
<td>200</td>
<td>600</td>
</tr>
<tr>
<td>Portugal</td>
<td>—</td>
<td>48</td>
<td>3</td>
<td>60</td>
</tr>
<tr>
<td>Spain</td>
<td>9</td>
<td>192</td>
<td>5</td>
<td>80</td>
</tr>
<tr>
<td>Sweden</td>
<td>80</td>
<td>33</td>
<td>30</td>
<td>180</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>307</td>
<td>1,199</td>
<td>280</td>
<td>1,800</td>
</tr>
<tr>
<td>Total</td>
<td>1,024</td>
<td>2,478</td>
<td>1,125</td>
<td>4,630</td>
</tr>
</tbody>
</table>

Table 1: Estimate of the number of teleworkers in Europe according to various sources (at the end of 1997, in thousands, Johnston & Nolan, 1998, p. 20; SERV, 1999, p. 13).
The concept of teleworking is more and more associated with mobile work and is even used as a synonym. Nevertheless, only a segment of the mobile workers can be defined as teleworkers who switch between various locations or who, thanks to ICT, also perform their tasks while being on the road. In a survey on the share of mobile workers\(^{15}\) Empirica observes that Belgium (26%) belongs to the middle group here as well, and scores slightly below the EU average (28%). Mobile work, however, is more broadly defined than teleworking. Teleworkers constitute one segment in the population of high-tech working nomads, for it is possible to telework from a fixed location (from home or from a satellite office, for example). On the other hand, nomadic work is also possible without ICT. These are a number of differences preventing the equalisation of teleworking and mobile work. An interesting observation is that, as far as mobile work is concerned, Belgium finds itself in the main group, whereas The Netherlands, Finland, Sweden, the United Kingdom, Germany and Ireland constitute the leading group.

Teleworking can also be defined in a very broad sense, encompassing every task which is not performed inside the company’s four walls but is managed from within the company by means of ICT. This definition not only covers a company’s own teleworking employees, but also the calling in of services from a distance offered by other companies (e-services) or self-employed workers ((fre)Lancers). When defined as such, one may conclude that 54.5% of the companies with more than 50 employees in Belgium apply some type of teleworking, as shown in the following figure (Vandenbran de et al., 2003).

Table 2: Numbers of teleworkers and percentage according to Empirica (2002)

<table>
<thead>
<tr>
<th></th>
<th>Absolute numbers x 1000 (in 2002)</th>
<th>% of the working population (in 1999)</th>
<th>% of the working population (in 2002)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>6,030</td>
<td>6.0</td>
<td>16.6</td>
</tr>
<tr>
<td>UK</td>
<td>4,794</td>
<td>7.6</td>
<td>17.3</td>
</tr>
<tr>
<td>The Netherlands</td>
<td>2,075</td>
<td>14.5</td>
<td>26.4</td>
</tr>
<tr>
<td>Italy</td>
<td>1,988</td>
<td>3.6</td>
<td>9.5</td>
</tr>
<tr>
<td>France</td>
<td>1,473</td>
<td>2.9</td>
<td>6.3</td>
</tr>
<tr>
<td>Sweden</td>
<td>771</td>
<td>15.2</td>
<td>18.7</td>
</tr>
<tr>
<td>Spain</td>
<td>708</td>
<td>2.8</td>
<td>4.9</td>
</tr>
<tr>
<td>Denmark</td>
<td>584</td>
<td>10.5</td>
<td>21.5</td>
</tr>
<tr>
<td>Finland</td>
<td>516</td>
<td>16.8</td>
<td>21.8</td>
</tr>
<tr>
<td>Austria</td>
<td>508</td>
<td>—</td>
<td>13.8</td>
</tr>
<tr>
<td>Greece</td>
<td>438</td>
<td>—</td>
<td>11.1</td>
</tr>
<tr>
<td>Belgium</td>
<td>437</td>
<td>—</td>
<td>10.6</td>
</tr>
<tr>
<td>Ireland</td>
<td>182</td>
<td>4.4</td>
<td>10.9</td>
</tr>
<tr>
<td>Portugal</td>
<td>167</td>
<td>—</td>
<td>3.4</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>10</td>
<td>—</td>
<td>5.6</td>
</tr>
<tr>
<td><strong>EU</strong></td>
<td><strong>20,681</strong></td>
<td><strong>6.0</strong></td>
<td><strong>13.0</strong></td>
</tr>
</tbody>
</table>

\(^{15}\) Mobile work and multi-locational work are defined as types of work requiring the employee’s willingness to move between locations. Mobile work comprises five types of employees, distinguished by an increasing level of detachedness from the workplace: 1. On-site movers: work requiring movement on a certain site 2. Yo-yo’s: occasionally working away from a fixed location 3. Pendulums: work alternately at two different fixed locations 4. Nomads: work at changing fixed locations 5. Carriers: work while being on the road (transporting goods or people). (Empirica, 2003, p. 2).
Because a fair share of the employers in Belgium has less than 50 employees, SMEs (about 300 companies with less than 50 employees) have been added to the Emergence survey (267 big companies), thus changing the share of companies in which teleworking is applied: the percentage descends to 45.2%. Furthermore, it is interesting to see that the majority of teleworking is carried out by people who are not employed by the company itself (30%). Merely 8% of the companies which have been examined offer their own employees the opportunity to telework (about 17,000 companies). Only a fraction of these last companies (about 1%) applies telehomeworking. A somewhat larger share (6%) is attributed to nomadic work carried out by a company’s own employees. In total, some 200,000 Belgian employees are supposed to be involved in some type of teleworking within the company. The most recurring type appears to be working in a company’s own satellite offices or back-offices (100,000), or mobile work.

In short, depending on the concept’s definition and the investigated population, conclusions tend to diverge, or, to quote Qvortrup: ‘counting teleworkers is like measuring rubber band. The result depends on how far you stretch your definition’ (Qvortrup, 1998, p. 21).

Beside keeping a record of the number of teleworkers (regardless of their definition), it is interesting to examine which concrete positive or negative experiences they have. It is also interesting to examine whether or not there is growing potential for teleworking; whether non-teleworkers would be willing to consider any type of work from a distance, and the extent to which they wish to implement this type in their current work situation.


2.2  PROFILE OF BELGIAN TELEWORKERS AND NON-TELEWORKERS

There are significantly more men among the population of teleworkers. This can be observed from various kinds of research carried out between 2001 and 2003 (Alcatel, 2002; Illegems, 2001; Vandenbrande et al., 2003; Walrave & Dens, 2003). The majority of a company’s own teleworking employees and e-lancers are men. In 40% of all teleworking projects women are strikingly absent (Vandenbrande et al., 2003).

In addition, teleworkers are, on average, slightly older and higher skilled than non-teleworkers (Alcatel, 2002; Illegems, 2001; Walrave & Dens, 2003).

Most of the interrogated teleworkers work at home (81.7%). Nearly one out of ten teleworking respondents performs mobile work (9.1%). Both satellite office (2.3%) and telecentre (3.2%) appear to be less popular teleworking locations. Finally, 3.7% of the respondents mention other teleworking places: where meetings with clients take place, for example. As for the amount of time spent on other work locations, striking figures have emerged. The majority of teleworkers spend only (a small) part of their working hours at home or closer to home: 54.3% telework less than a quarter of the total amount of working hours, 21.1% spend 25% to 50% of the working hours on teleworking, 12.1% carry out the majority of their work assignments by means of teleworking (between 50 and 75%) and 12.5% telework between 75% and 100% of the total amount of working hours. Permanent teleworking is very rare (Walrave & Dens, 2003).

2.2.1  Attitude towards teleworking types

In an e-survey respondents’ attitudes towards certain dimensions of teleworking have been sounded out. Further on in the questionnaire, respondents have been asked to compare different types of teleworking based on these items. Two kinds of statements can be distinguished: statements on (1) the advantages or disadvantages with regard to the teleworking individual’s job or private life, and (2) the advantages or disadvantages with regard to society. These statements have been compared within the context of two particular types of teleworking: homeworking and working in telecentres.

The following chart and table give an outline of the respondents’ attitudes towards the advantages and disadvantages of teleworking as far as the individual is concerned.
The figure shows that, on the positive side, the concept of teleworking is usually thought of as a solution to reduce the home-to-work commuting (97.8%). The second place on the list of advantages is taken up by the opportunity teleworking creates to enhance the combination of one’s private and professional life (90.1%). The top three of advantages is completed by the statement which proclaims a greater autonomy of teleworkers in the execution of their daily work (89.6%). The statement departing from a greater work motivation takes up a fourth position (64.3%). Moreover, homeworking gets a higher score on every positive teleworking statement (on the private as well as the professional life scales) than working in a telecentre does (Walrave & Dens, 2003, pp. 171 – 172).

The loss of social contact with colleagues working for the same company is seen as teleworking’s greatest demerit (69.4%). One third of the respondents also fears that the division between private and professional life will fade (36.3%). The same share of respondents associates teleworking with a decreased involvement in corporate activities (35.8%). One fifth of the respondents fears less appreciation of the work done (19.3%).

A focus on the differences between homeworking and working in a telecentre primarily reveals a fear of isolation when thinking of homeworking (66.9% for homeworking; 15.8% for working in a telecentre). A plausible explanation for this contrast is the optional face-to-face contact with colleagues from one’s own company or with employees from other companies offered by telecentres. According to the respondents, homeworking increases
the probability of a blurring division between professional and private life (36.8% agree with homeworking; 5.3% agree with working in a telecentre). The majority of the respondents experience no huge difference between homeworking and working in a telecentre as to the loss of appreciation of their work (19.6% agree with homeworking; 11.9% agree with working in a telecentre). A lower involvement in corporate activities is a fear that goes together with homeworking (36.8% for homeworking and 17.6% for working in a telecentre).

Next, we will examine the difference between teleworkers and non-teleworkers as to their assessment of the advantages and disadvantages of teleworking in greater depth. As for the advantages, one can state that teleworkers hold a much stronger positive view than non-teleworkers with regard to the statements on teleworking enhancing the combination of professional and private life\textsuperscript{16}. The same applies to the rise in work motivation\textsuperscript{17}. Both groups more or less agree to the same extent with the following advantages: a decrease in commuting time and more autonomy. Teleworkers agree to a lesser degree than non-teleworkers with the disadvantage that teleworking makes one have to give up on social contact with colleagues\textsuperscript{18}. Teleworkers are also aware of a lower involvement in company activities, but again to a lesser degree than non-teleworkers suppose\textsuperscript{19}. The same applies to the appreciation of the work done\textsuperscript{20}. Keeping the experience of teleworkers in mind, non-teleworkers seem to slightly underestimate the advantages mentioned above on the one hand, whereas they are too scared of several disadvantages of teleworking on the other hand. Yet, there is one disadvantage teleworkers agree significantly more with than non-teleworkers: the blurring division between professional and private life\textsuperscript{21}.

The possible interaction between teleworking, work/life balance and productivity was also measured by Taskin and Delobbe (2002)\textsuperscript{22}. They observed that intensive telehomeworkers feel significantly more autonomous and productive in their work. On the other hand, their organisational involvement diminishes. Finally, teleworking is favourable for the work/life balance according to the surveyed teleworkers.

Some surveys in Belgium (Alcatel, 2002; Illegems, 2001) show that compared to teleworkers, who are well aware of the costs that go with teleworking, non-teleworkers tend to underestimate the expenses.

With regard to the social features, the majority of the respondents (86.5%) agree with the statement that teleworking creates more employment opportunities for less mobile or disabled people. Opinions differ (46.9% agree) on the increase in employment opportunities for women. Only one fifth of the respondents endorses the negative statement: ‘Teleworking complicates the negotiation opportunities with the unions’. Exactly half of the respondents believe that teleworking does not have an influence on the negotiation opportunities with the unions.

According to a wide majority, homeworking in particular offers more possibilities for less mobile or disabled people, and for women. A telecentre is somewhat perceived as a continuation of the company: it would complicate the negotiation opportunities with the unions relatively less (Walrave & Dens, 2003, p. 173).

\textsuperscript{16} Combination professional and private life: \(t=-3.406, \ df=1153, p=0.001\)
\textsuperscript{17} Greater work motivation: \(t=-3.541, \ df=1046, p=0.001\)
\textsuperscript{18} Loss of contact: \(t=7.651, \ df=1140, p=0.000\)
\textsuperscript{19} Lower involvement: \(t=2.352, \ df=1136, p=0.019\)
\textsuperscript{20} Less appreciation: \(t=4.54, \ df=982, p=0.000\)
\textsuperscript{21} Blurring division between professional and private life: \(t=-3.356, \ df=974, p=0.025\)
\textsuperscript{22} Taskin & Delobbe (UCL, IAG) surveyed 77 employees in five companies and compared the job involvement, autonomy, affective implication towards the manager and colleagues, and work/life balance between teleworkers and non-teleworkers (Taskin & Delobbe, 2003).
2.2.2 The desire of non-teleworkers

Unlike the penetration of teleworking, the European interest in the concept has remained stable since 1999. According to Empirica (SIBIS, 2002), 62.7% of all working Europeans (including those who are not already teleworking) are interested in teleworking, which is as a matter of fact slightly below the European average as to be found in the ECaTT study (68%). In accordance with the ECaTT study, Empirica observed a very high interest in teleworking especially among job-seekers. Belgium’s score is above average with regard to the general interest in teleworking (73.1% versus the EU average of 62.7%), permanent homeworking (43.7% versus 40.1%), alternating homeworking (53% versus 51.5%) and, finally, working in a telecentre (68.8% versus 54.5%). Furthermore, the ECaTT study from 1999 shows there is a strong preference for alternating and supplementary teleworking. In other words, most of the employees in the EU prefer part-time teleworking (combined with office work), supplementary teleworking (after office hours) and, to a lesser degree, full-time teleworking and working in a telecentre (ECaTT, 2000). The interest in homeworking, alternating work (i.e. to work partly at home and partly at the office) and working in a telecentre was measured in the TELDET study as well. In 1994, alternating teleworking was already given strong preference to.

In an e-survey in Flanders only 2.8% of the non-teleworkers declare showing very little interest in teleworking, whereas 11% shows little interest. This means that in total, 86.2% of the non-teleworking respondents display an interest in teleworking. The non-teleworking respondents tend to prefer a combination of homeworking and working at the main office. Their own house is the second most preferred work location. It is followed by mobile work and offices close to home, whether or not in combination with the main office. As to the number of days a week one would like to telework, the majority prefers two (26.5%) or three (21.5%). About 15.2% of the (non-teleworking) respondents opt for teleworking full-time. 12.4% are in favour of four days a week and 14% prefer one day a week. Finally, 3.6% would rather telework sporadically (less than one day a week). Thus, non-teleworkers also prefer to telework alternately (Walrave & Dens, 2003, p. 169).

Illegems inquired after the teleworkers’ favourite work station as well. As much as 82.4% of the respondents preferred homeworking. In the Alcatel study, the interested (80%) were interrogated in two steps: first, they were asked to name the teleworking station they preferred most, and, subsequently, to mention the amount of time they would be willing to work there. Alternating homeworking on a part-time basis (part-time at home and part-time at a fixed work station) turned out to be the most popular type of teleworking. It must be added, however, that 20% of the respondents was mildly enthusiastic about permanent teleworking.

During the analysis of the e-survey (2003), special attention was paid to elements that affect the desire to telework. The result is a typology of non-teleworkers based on opinions on teleworking. The non-teleworkers can be divided into three large groups: the ‘convinced’ (37%), the ‘interested’ (48%) and the ‘opposed’ (14%). The ‘convinced’ judge their current situation feasible for teleworking and would consider switching to this work-type if they were given the opportunity. They are significantly more annoyed by traffic jams in comparison with other groups in the typology. The majority of convinced respondents hold the view that
more than half of their assignments could be carried out on a different location than the main office (at home or in a telecentre). Moreover, they see teleworking as an incentive in their pursuit of a job. The ‘interested’ represent a middle group that has a positive attitude towards teleworking, but is unable or unwilling to take the plunge. This group is also more in favour of a combination between teleworking and a traditional work location. Finally, the ‘opposed’ do not see any of the advantages attributed to teleworking. On the one hand this view can be explained by the fact that their jobs are not feasible for teleworking, and, on the other hand, by the absence of irritation when they find themselves in commuter traffic jams. When looking for another job, they are not inclined to take the possibility to telework into account (Walrave & Dens, 2003, p. 175–183). This and other important factors determining the interest in teleworking, are described below.

2.2.3 Factors affecting interest in teleworking

Mobility
People’s preference for teleworking is primarily associated with commuting. The determinant factor is not the distance but the amount of time one needs to commute. Once the commuting time exceeds the duration of 45 minutes, the desire to telework increases (see figure 3). When traffic jams and especially traffic jam annoyance are added, the interest in teleworking rises even more.

![Figure 3: Relation between the duration of the journey to work and the desire to telework](image)

Family situation
It is generally accepted that having children is a determinant factor in people’s willingness to telework. Living together with a partner appears to be an important determinant as well. The following graph shows that the share of ‘convinced’ and ‘interested’ respondents is above average among the group of non-teleworkers with a rather specific family situation, with partner and with children. It is different for respondents who are living alone or living together with others. In their case, the relation between family situation and the desire to telework is opposite. They are less convinced.

25 \( x^2 = 7.2, df = 2, p = 0.027 \)
These results are shown in the following figure.

![Figure 4: Relation between family situation and desire to telework](image)

**Education level**

Although teleworking is often considered a privilege of highly-skilled people (teleworkers have a higher education level compared to non-teleworkers), the results of the e-survey show that highly-skilled persons are not necessarily more willing to telework. The distribution of ‘Convinced’/‘Opposed’ decreases as the level of education rises. From a bachelor’s degree onwards, the share of ‘convinced’ is smaller than the share of ‘opposed’. At a lower education level (secondary education junior and senior cycle) the relation is quite opposite.

**Job characteristics**

The education level is a predictor for the job level of the respondent. This explains why we find the same trend for the job levels compared to the education levels. Of the executive group there are about as much executives who do not want to telework at all as there are executives wanting to work at home. Less executives than clerks want to telework. This, in itself, is not surprising. Work does not let go of them, they are absorbed in it and their job requires it as well. Managing people from a distance is not self-evident. On the one hand executives or managers are labelled as ideal teleworkers, while on the other hand teleworking does not seem like an option to them because in order to manage employees, their presence on the work floor is thought to be indispensable.

If one group were eligible for teleworking, this would probably be the group of office workers/clerks. About 80% of the respondents are clerks. Within this group of clerks there are about three times more ‘convinced’ than ‘opposed’. If the almost 50% of wanting respondents are added, the result is 85% clerks that are interested in teleworking.

**2.2.4 To want, to be able and to be allowed**

As for the opportunity to telework, we would like to take another look at the Empirica study (2002). Whereas approximately 30% of the working Europeans believe to be qualified for homeworking (criterion: my job allows me to work at home for at least one
day a week), merely 2.1% works permanently or alternately at home. In other words, the potential of teleworkers is much stronger than the praxis, at least in the opinion of the employees. The results for Belgium run parallel.

On the other hand, the reasons behind the other respondents’ assessment that they do not qualify for teleworking have also been investigated. The main reason appears to be the need for face-to-face contact, be it with clients, employer or colleagues. Another reason is that many employees are unable to telework due to material shortcomings. A fair share of the respondents nevertheless believe they do not qualify for teleworking because their employer would not permit it. There are big differences between the European countries concerning this last reason, which may partly account for the practice of teleworking in these countries. Thus merely 0.3% of the Dutch employees who believe they do not qualify for teleworking mention ‘my employer does not permit teleworking’ as a reason, whereas the share in Belgium is 14%.

It seems that the majority of the respondents of the Flemish e-survey (86.2%) are in favour of one type of teleworking, if necessary in combination with a traditional office. Yet, do they deem their current job feasible for it? One fourth of the non-teleworking respondents judge the implementation of teleworking in their current job impossible because they need special materials for their work, or because they have intense face-to-face contact with clients. A majority of 66.3% think that their current job is feasible for teleworking. Again, the respondents accentuate the fact that they would be able to telework on a part-time basis: 29.1% of the respondents think they could be intensive teleworkers and are able to execute 75% to 100% of their tasks outside the office. 32.7% of the respondents estimate to be able to telework between 50% and 75%, and 25.4% of the respondents deem they could have only little teleworking time, i.e. between 25% and 50% of the working hours. 8.4% would only be able to telework less than 25% of the working hours. Whether or not one’s current job is feasible for teleworking also depends on the employer’s consent. According to 28% of the respondents, the permission to telework will certainly be granted. Almost one third of the respondents (30.9%) cannot predict the supervisor’s reaction. Approximately four out of ten respondents (40.9%) think the employer will not agree. Possible grounds for refusal that are stressed are: job-related reasons (working in close collaboration with colleagues, face-to-face contact with clients, use of special machines, etc.) and the manager’s fear for loss of direct control. A possible refusal on the manager’s behalf is associated with a lack of confidence and control, a fear of change and excessive expenses by respondents who regard their current function as feasible for one teleworking type or another (Walrave & Dens, 2003).
2.3 FACTORS AFFECTING TELEWORKING EXPERIENCE

The opportunity to telework, the desire or preference for teleworking and the actual practice depend on many factors. Next, we will discuss some of these factors, departing from the research that was carried out in Belgium.

Job characteristics
There is a greater opportunity to telework when one’s job includes the making of non-routine decisions and when one qualifies for result-oriented management without being subjected to the supervision of a direct executive. The following factors matter as well: a non-stationary job, experience in the taking home of work, flexible working hours, having no need for frequent contact with colleagues or employer, and/or having to work overtime frequently (Illegems, 2001).

Despite the fact that semi- and unskilled teleworking exists, one may deduce from the characteristics mentioned above that the opportunity to telework is estimated to be greater for highly-skilled workers (this was confirmed for the number of teleworkers in the following studies in Belgium: Alcatel, 2002 & Illegems, 2001). According to Vandenbrande et al. (2003), teleworking is mostly applied to perform accounting tasks (16%) and software development (14%), which are followed by graphic work (9%) and customer service (8%). The possibility of accounting being carried out by means of teleworking is in itself greater since this function is much more common than, say, graphic work. Hence, the researchers have based their calculation of those functions for which teleworking is used on companies which actually have a need for this function: among those who are in need of software development, 37% appeals to telework; the share for graphic work is 27% and for accounting 19%. Thus, the top three remains unaltered, but the sequence has changed. The smaller companies in particular (with less than 10 employees) make use of teleworking for their accounting (18.1%). Those specific jobs which are feasible for teleworking are also listed by other authors (De Volder, 1998; Ducheyne, 1999; Nilles, 1998). Huws, however, points out that the drawing up of lists with jobs fit for teleworking is rather a waste of effort. After all, from the moment some type of ICT is introduced into a company, the company changes in terms of ‘who does what, where, when and how’, and the functions move along (Illegems, 2001, p.84). The fact that ICT is used for the performance of tasks at a distance by a company’s own employees or the outsourcing of tasks, makes it possible for the tele-performed tasks to be spread geographically. Teleworking activities in Belgium, however, are situated close to the company. In 26.6% of the cases, teleworking is carried out within the company’s region; in 6.9% a different region occurs. Merely 4.1% of the companies allow the tasks to be performed abroad. The best scores are obtained by Belgium’s own neighbouring countries as far as foreign teleworking locations are concerned. Less work is relocated in countries outside the EU with low wages (Vandenbrande et. al., 2003, p. 53-54).

Family situation
The following factor strongly affects the desire to telework: having children (confirmed with regard to the number of teleworkers; the group of teleworkers has more respondents with children than the group of non-teleworkers, Alcatel, 2002). Furthermore, the age of the youngest child is important, more employees with young children telework (Empirica, 2000; Illegems, 2001).
Commuting
A very important variable in the explanation of the desire to telework revolves around commuting: on the one hand, the travelling distance between the private home and the main office, and, on the other hand, the travelling time between these two locations (confirmed as regards the number of respondents who are willing to telework; Illegems, 2001). It is clear from this last study that teleworkers who sacrifice more than one hour of their time to commuting, telework more, since they are more able and more willing to telework. The preference for teleworking is proportionate to the degree of irritation caused by commuting (Alcatel, 2002).

Demographic features
The age and gender of the preferring and current teleworker are ambiguous factors. The argument that especially women want to telework because it enables them to combine domestic and professional tasks more successfully, recurs frequently in the existing literature. Furthermore, women appear to have a strong preference for teleworking. Nevertheless, most of the actual teleworkers are quite obviously men (Alcatel, 2002; Empirica, 2000; Empirica 2002; Illegems, 2001). As for the preference for teleworking, it is assumed that there are more important factors than gender, despite there being a connection (Illegems, 2001).

A second important variable is age. The fact that young people are practically raised with a PC and are often skilled in ICT, is a possible explanation for the preference for and practice of teleworking (confirmed with regard to the number of people wanting to telework, Alcatel, 2002). This is refuted however as far as the number of respondents is concerned: respondents aged 45 and older telework more (Alcatel, 2002). The fact that flexibility is (or can be) utilised by the senior employees in particular, is ascribed by Illegems to the fact that older employees no longer have an extensive career planning, plus they have the necessary experience, loyalty and capital to start teleworking (Illegems, 2001).

According to the Empirica survey (2002), the average age of the European teleworker is 40. The average age is lowest in Belgium, i.e. 36, whereas the Netherlands is the country with the highest average age (45). Nevertheless, the average age depends on the type of teleworking: young people mainly carry out mobile work, whereas older people mainly carry out independent telehomeworking.

Apart from this, positive attitudes towards teleworking are very important, both from the employer’s and the employee’s side. Finally, the opportunity to telework also depends on one’s income. People with a large income are more likely to qualify for teleworking (Illegems, 2001). Income, training, leadership, living room space, ...: all these factors are more or less related to the image of the well-paid knowledge worker. Thus, the opportunity to telework appears to be somewhat of a privilege after all. Hence, it is hardly surprising that the number of people wanting to telework obviously exceeds the number of people allowed to telework and the actual teleworkers. Nevertheless, the permission to telework does not automatically result into a preference for and actual practice of teleworking.

Company characteristics
Illegems (2001) examined the extent to which companies that have already implemented teleworking, differ from companies which do not consider teleworking as an option (yet).
We will briefly summarise a number of significant differences. The following description applies to those companies in which teleworking has already been implemented: companies acquainted with the phenomenon of teleworking; companies active within a knowledge-based sector; companies that make use of electronic communication; companies placing a LAN (Local Area Network) connection at the disposal of the majority of their employees; companies in which co-ordination and control are mainly directed towards output; companies which mainly apply non-routine decision making; companies experienced with flexible working hours; companies with highly-skilled employees; companies consisting of a large number of employees; companies in which the majority of employees are clerks or executives.

Vandenbrande et al. (2003, p. 43-56) ascertain as well that on average, the percentage of implemented teleworking is, although not significantly, lower for small companies (with less than 10 employees) (30%) than for big companies (40%). This concerns all teleworking types (e-services and e-lancers included). As for teleworking being offered to one’s own employees, significant differences can be observed in favour of the big companies (16.9%) where employees get more opportunities to telework than in small companies (6.2%). It has also been examined whether the ratio for teleworking depends on the sector, i.e. whether companies in the ‘knowledge sector’ 29 are more experienced with teleworking than organisations not belonging to this sector. 47% of the companies belonging to the knowledge sector appear to have implemented teleworking, which decreases to 32% for companies not belonging to this sector. Especially in the sector of company services (consultancy, computer services, etc.), teleworking is, in general (45.8%) but also by the company’s own employees in particular (18.4%), significantly used more than in other sectors 30. This is where the teleworkability of the functions and tasks in, for instance, consultancy and ICT services manifests itself clearly, as opposed to other sectors (such as trading) which require the employee’s physical presence in the company.

Although technology being the foundation which makes it possible for these knowledge workers to telework, it happens sometimes that one focuses solely on the implementation of new technologies, at the expense of the organisational aspects of this new working type. Teleworking can influence the values and standards shared by a group of people working together and can affect the actions (working, communicating) that are part of the company culture. The implementation of teleworking can affect this company culture enormously. This becomes particularly problematic when it is implemented in one particular department of the company. All too often the consequences of teleworking are merely being considered for this one department. However, it is equally important to examine how the new working type affects both the other departments and the non-teleworkers within the department in which teleworking has been introduced.

Bundervoet, Depickere & Henderickx (1999, p. 35) have reached this conclusion. They have examined teleworking cases in Belgium and other countries as well. Remarkable is that most of these projects were started up by one section in particular (IT department, HR, or certain employees themselves). If one wants to extend the project to the entire organisation, one will observe that teleworking concerns many different sections of the organisation, and that the structural implementation of teleworking often implies some radical organisational changes. What’s more, not only the costs but also the loss of control and contact immediately make themselves felt, as opposed to the benefits. These are some important factors in explaining the failure of certain pilot projects. The

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29 For this research, a group of subsectors of which it is assumed that the input/throughput and output of knowledge is higher than in other sectors, has been selected from the secondary, tertiary and quaternary head sector in order to attain the best possible definition of the ‘knowledge sector’ (Vandenbrande et al., 2003, p. 44).

30 The use of telework in the primary/secondary sector is 26.5%, in the government 32.7% and in other private services (outside the company services) 36.2%. In the primary/secondary sector the offer of telework to one’s own employees is 7%, for private services 5% and for the government 8.4%. This contrasts sharply with the company services of which 18.4% offer telework to their own employees. (Vandenbrande et al., 2003, p. 46).
traditional organisational practice appears not to be adjusted to telework. The principal causes for this are to be found within the following two dimensions: the organisation of work and the control dimension.

As for the way in which teleworking may affect the organisation, it is necessary to distinguish operational from strategic teleworking projects. Operational teleworking projects include a number of teleworking days centred around activities which can be carried out autonomously, but still offer a central location which fulfils a social role. In this type of project, few alterations are made to the internal organisation of work. In this case, teleworking is obviously made-to-measure.

On the other hand there are projects involving a strategic vision which do in fact bring about some radical changes in the organisation of work. Here, teleworking seems to be part of a large-scale reorganisation (*Business Process Re-engineering*).

The second organisational dimension is the control dimension. Certain organisations are unable or unwilling to let go of the traditional ways of control, and therefore remain sceptical about teleworking because they hold on to direct supervision. Meanwhile, Bundervoet confirms the following statements concerning the middle management: The middle management and the direct superior in particular find the concept of teleworking hard to swallow. They cannot get used to the idea of not being able to see their co-workers sitting right next to them. The strong concealed opposition is thus related to the hierarchical customs that are still prevalent in most companies. According to Bundervoet et al., the not being able or willing to let go of the traditional ways of control is an important—if not the principal—factor in explaining why teleworking has not been able to break through. Furthermore, these control mechanisms will be less applicable with so-called knowledge workers, and often have a contra-productive effect. Hence, an evolution towards new types of management can be detected. These concepts are called *empowerment, coaching, self-control* etc. Certain employers also introduce control mechanisms that are based on the employees’ output, in which the reward is sometimes dependent on the performance. The extent to which this type of control can be employed, depends on the possibility to express the employees’ tasks in terms of quantity. *Management by objectives or by output* often goes hand in hand with this type of control. Certain standards of judgement are here being pushed forward. The extent to which such methods can be employed depends on the nature of the function, the complexity and the quantifiability of the tasks. Both of these control principles which offer an alternative to the more traditional types of direct supervision (i.e. empowerment and output control), are also to be found within the context of teleworking, in which they are presented as the most adequate management methods. However, this output control can be extended to the 360° feedback or evaluation systems, in which employees are being co-evaluated by various persons such as colleagues, the management, and customers. Thus the research carried out by Bundervoet et al. shows that the inadequate breakthrough of teleworking is rooted in the lack of integral new organisation concepts and the accompanied changes in work organisation and management.

It appears that the new organisation concepts have not fully penetrated as far as the current reality of organisations. A lot of organisations look upon teleworking as being made-to-measure. This concerns mostly employees who spend a number of days teleworking on tasks that can be performed autonomously. However, as long as no effective changes are being made to the internal work organisation, the teleworking area will always remain restricted. These kinds of changes demand expertise in order to, by means of a multidisciplinary approach, implement teleworking successfully and permanently.
In order to support the implementation of teleworking, a number of initiatives have been developed to back up organisations with more information and financial contributions to obtain professional advice. Yet, the specific aspects of the legal framework of teleworking and of telehomeworking in particular is still somewhat unclear. What follows is an in-depth examination of both the incentives and the barriers with regard to the formal implementation of teleworking in Belgium.
The legal framework applicable to teleworking depends on the concrete form it adopts. In this context, work that takes place in satellite offices (decentralised office space provided by the employer) does not raise any particular juridical questions. The general Employment Contracts Act (Act of 3 July 1978) prevails.

The same is true for those employees working in telecentres, for whom infrastructure and possible additional services are hired by the employer. Thus the employee works in an office provided by a third party, i.e. the company that rents the infrastructure. The general regulations are applied and the employer has to ascertain that all obligations regarding safety and hygiene have been complied with. Furthermore, the employer will pay attention to the safety of the company’s data, the reliability of ICT and accompanying services, since a telecentre’s infrastructure is shared by employees from different organisations.

Besides this category, there are also the categories of mobile workers and (part-time) telehomeworkers. Mobile workers perform certain tasks outside the company’s four walls, i.e. at the locations of clients and while being on the road. Their statute does not alter if they work at home only sporadically. If an employee works at home or another location of his own choice on a regular basis, these performances are subjected to the Homeworking Act (of 6 December 1996). The fact that there had not been a legal framework for homeworking in Belgium until 1996 constituted a major stumbling block both for the teleworking candidate and the company wishing to adopt this type of teleworking. Meanwhile, the government has taken care of this juridical void by introducing the Homeworking Act. However, it will soon become clear that some regulations of this Act as well as of other acts concerning employment legislation are sometimes hard to apply to teleworking. Apart from the Homeworking Act, we will also discuss the Welfare Act, the general regulation on prevention and protection and on occupational accidents. Finally, we will deal with the privacy rights of (tele)employees, in the light of possible automatic control of the employer on the use of ICT.

3.1 Homeworking Act

This Act places homeworking within the scope of the Employment Contracts Act. On the one hand, the homeworker is put on a par with other employees taking the specific characteristics of homeworking into account. On the other hand, a homeworker is able to deliver work autonomously without an employment contract as a self-employed entrepreneur31. In this report, however, we will not elaborate on self-employed homeworkers.

31 The consequences of this distinction are expounded in, a.o., Janvier & Verlinden, 1999.
The Act defines homeworking as the performance of work on payment of a wage, under the authority of an employer, at the employee’s home or any other location of his or her own choice, without being under the control or direct supervision of the employer (art. 199.1).

Like all employment contracts, the contract for the employment of homeworkers is characterised by the fact that the employee commits himself to work on payment under the authority of the employer. There are, however, two significant differences:

- On the one hand, the work is executed at the employee’s home or any other location of his or her own choice;
- On the other hand, the work is executed without the employee being under the control or direct supervision of his or her employer.

In function of the nature of the work that needs to be executed, the employment contract for homeworking will be an employment contract for clerks or workmen. Thus, the Act is aimed at both manual and intellectual labour.

An important positive aspect of this Act revolves around flexibility. The Act explicitly applies to mixed situations, in which the employee spends only part of his or her working hours at home. When an employee works partly at home and partly in the company, he is tied to the specific rules of the Homeworking Act on the one hand, and to the general rules of the Employment Contracts Act on the other hand (Deswert, 2002, p. 6; Janvier, 1999, p. 14; Vanthournout, 2001, p. 100). In practice, the arrangements concerning the share of telehomework are formulated in a separate agreement, or as an appendix with the existing employment contract. Still, the problem is that it remains unclear whether the Act also applies to occasional homeworkers, employees who merely work at home for a couple of hours sporadically or depending on personal or professional circumstances, who work every now and then, but not regularly, from home (Cornil, 2004, p. 3). Since the legislator makes no distinction between occasional and part-time homeworking, it is rather delicate not to apply the regulations of this Act to sporadic teleworkers or telehomeworkers who, after their office hours, perform complementary work from home.

Thus, one of the obligations this Act imposes on the employer, is the conclusion of a written employment contract including a number of mandatory data (art. 119.4). In order to be valid, the employment contract for homeworking needs to be separately concluded in writing for each individual employee, from the moment the performance of homeworking commences at the latest.

The contract has to contain at least the following data:
In case no document of sorts has been composed (in time), the homeworker may end the agreement on homeworking without having to observe a term of notice and free from compensation (art. 119.5). However, when an employee works partly (systematically two days a week, for instance) at home and part-time in the office, the suspension of the agreement only applies to the homeworking part (Deswert, 2002, p.8). The same goes for situations in which a document is not in accordance with the legal stipulations, i.e. when one or more of the mandatory data are missing, with the exception of the costs. In this last case one may appeal to the legally fixed amount of 10% of the gross income, unless the employee can prove that the costs he has made are higher (cf. infra).

Next, we will mention some of the basic stipulations of the Homeworking Act.

> **Place**

It is possible to telework from home, but the employee may also perform certain tasks on other locations (e.g. his own country cottage or the house of a third party). If the teleworker carries out his tasks in any other place besides the main place of residence, the contract should mention this. The performance of work in a satellite office or telecentre is not covered by the Homeworking Act, since the satellite office is perceived as being part of the company’s working area. Thus, the usual regulations (concerning employment contract, safety, health, assurances, etc.) are applied. The renting of space in a telecentre brings along a number of obligations on the employer’s behalf: he needs to see to it that his teleworkers can carry out their tasks under good circumstances regarding safety and health, and that the regulations regarding working hours are respected.

> **Costs**

Homeworkers are faced with certain costs (heating, electricity, telephone, etc.) that are normally charged to the employer. The employment contract must principally mention the amount of costs at the employer’s charge, which is then added to the employee’s wage. The legislator has not provided limits for this amount, because homeworking varies individually in terms of frequency and circumstance. The legislator does provide a sanction, however, if no amount has been settled. When this

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32 If the individual or collective agreement does not contain this agreement, the Act supplies a subsidiary regulation, cf. infra.
reimbursement of expenses occurs neither in the individual nor in the CBA (collective bargaining agreement), a subsidiary regulation of the Act determines a fixed amount of 10% of the gross income for the days spent on homeworking, unless the employee can prove by means of vouchers that the amount he has spent on expenditure is higher than the fixed amount. This, of course, does not include the equipment (PC, laptop, Internet connection, printer etc.) put at the homeworker’s disposal by his employer. As far as the installation of software is concerned, it is best to check the licence agreement on possible restrictions preventing the use of software at the homeworking location, and, if necessary, to decide on its possible adjustment in consultation with the software company. We emphasise that the fixed amount concerning the reimbursement of expenses (the 10% rule) applies to fulltime homeworking and that the increasingly occurring flexible forms of work (part-time in the office, part-time at home) require a more flexible agreement on the reimbursement of expenses. On a fiscal level and on the level of social security, such a reimbursement is designated as a reimbursement of expenses at the employer’s charge, and is not subjected to advance business tax or levy tax on social security contributions. Supposing employer and employee agree on a higher amount than the one that has been fixed, disputes with National Office for Social Security could arise. Therefore, it is necessary for the teleworker to keep the vouchers concerning these costs (Deswert, 2002, p. 7, 9). Supposing the employee is allowed to use the PC for private ends as well, this advantage would be subjected to taxes and social security contributions. The use of computer equipment is fixed at 180 euro per year. The Internet connection is fixed at 60 euro per year. In case the employee pays part of the expenditure, this amount is reduced with his personal contribution. The private use of the equipment is also subjected to social security contributions (also fixed at 180 and 60 euro). The employer may also suggest to the employee to purchase the PC infrastructure. Then the employer is allowed to intervene for maximally 60% of the purchase price (limited to an amount of 1250 euro). This intervention on the employer’s behalf is tax-free, provided that it arises from a ‘PC-private plan’, for which the employer needs to satisfy a number of conditions\(^3\). A commercial vehicle can only be withdrawn from an employee when he works fulltime at home or when he gives his consent. It is possible however to reduce the taxes connected to this advantage, to the extent that the number of kilometres between workplace and place of residence decreases as a result from a decrease in commuting.

> **Wage**

The general rules concerning guaranteed daily wages are applicable. The telehomeworker has a right to a guaranteed daily wage in case of illness, accident or circumstances beyond his control that prevent him from doing his job. For instance, a homeworker with a fixed wage who is unable to start or continue his work for reasons that are against his will (i.e. a case of force majeure; cf. infra), such as electricity or telephone failures, or the company’s server being down, has a right to his daily wage. If the homeworker is not paid on a fixed basis, but by the piece or according to his performance (e.g. according to the number of lines translated, or each task that has been completed), it is difficult to calculate the loss of wage since the teleworker is basically free to determine his own working hours and since it is difficult to get a proper insight into what his exact work performance at that time could have been (cf. art. 119.10 §2).

> **Hours of employment**

One of the advantages associated with tele(home)work is precisely the fact that the employee receives great flexibility in the determination of his working hours. However, it may also occur that the employer wants to settle a certain degree of accessibility or a specific working schedule. This, for instance, is likely to occur when the homeworker works for a helpdesk or a contact centre and needs to be accessible for a certain number of hours in order to answer questions or to solve problems. In such cases, it is best to regulate and mention this explicitly in the employment contract. Those regulations concerning Sunday’s rest, holidays, the observance of working schedules, extra hours, breaks, and night work do not apply to homeworking. It is however possible to deviate from this

As for the control on working hours, the employer is not allowed to exercise supervision on the selected working scene (i.e. the employee’s home or any other location of his choice). If he wants to supervise the employee automatically (control on logging on and off, computer processing or even camera surveillance), a number of regulations concerning the protection of privacy (cf. CBA no. 68 concerning camera surveillance and CBA no. 81 concerning online communication data, cf. infra) need to be observed. Of all types of automatic control, output control by means of MBO (management by objectives/output) is most preferable.

> **Suspension**

Since the homeworker (for this part of his work) does not perform his tasks on the employer’s shop floor, the reasons for suspension have been adapted to this particular situation.

In case of illness or accident, the homeworker needs to report his inability to work immediately, and submit a medical certificate within two working days. However, some medical reasons may imply that the homeworker is indeed able to work. Supposing that the (part-time) teleworker is unable to move due to an injury, he still would be able to continue his work in the home office. On the other hand, a non-teleworker who finds himself in a similar situation, could be declared disabled, since he is not able to move to the head office or to his clients (Cornil, 2004, p. 14).

Suspension due to technical failures is not applicable. However, if the technical failure is situated within the company (server problems, for example), the homeworker is considered to be subjected to circumstances beyond his control, since this could be neither foreseen nor overcome and obstructs the employee’s work performance.

Suspension due to bad weather conditions is also inapplicable. In practice, however, these may impede or obstruct the homeworker’s work in case certain equipment needs to be delivered to his home.

Apart from this, the homeworker also has a right to a number of days of leave for applications when the employer ends his employment contract (inapplicable to homeworkers whose wage is not fixed). He is also given priority when there are vacancies within the company (provided that a number of rules are observed), because homeworking has a voluntary nature and his return to the employer’s office can be facilitated this way.
3.2 WELFARE AT WORK ACT

The Act concerning the welfare of workers during the performance of their work (4 August 1996) applies to all employers and employees. Thus the Act also regulates the well-being of teleworkers, both at home and in telecentres or satellite offices. The concrete application of this law on telehomeworking, however, is not as simple. Part of the regulations constitute no problem whatsoever: the employer needs to supply the employee with the appropriate equipment, a sound screen, ... Yet, those regulations revolving around the organisation and decoration of the workplace cannot be connected to homeworking: does the employer need to be responsible for the organisation of the teleworker’s sanitary fittings or emergency exits?

Nevertheless, the legislator has discerned this problem in time. As early as 1994, the National Labour Council has insisted on ‘adjustments in the light of specific characteristics of homeworking’. Article 4 of the Act reports that the king has the authority to establish particular rules ‘especially for homeworkers’. The employer’s welfare responsibilities towards homeworkers and office workers are the same. Regarding the Act, it is important not to overlook the employee’s duty, in accordance with the training and instructions he has received, to take care of his own safety and health and the safety and health of other persons involved to the best of his ability. Thus, there is a shared responsibility, which is why it would be best to include a number of arrangements concerning safety and welfare in the homeworker’s employment contract (Vanthournout, 2001, p. 120–121).

The Labour Inspectorate monitors the observance of this Act. However, the Act of 16 November 1972 determines that these inspectors need the inhabitant’s or magistrate’s written permission in order to inspect the teleworker’s workplace. The companies’ own prevention counsellors also need the written permission of the teleworker.

Article 7 of the Act more or less concretises the obligations towards telecentres. For their execution of measures concerning the employees’ health and safety, the Act requires a close co-operation between enterprises or institutions that operate on the same workplace. Therefore, the prevention counsellors of the various enterprises need to enter into consideration with each other. Nevertheless, the final responsibility with regard to the employees’ welfare in teleworking offices remains with the employer. In a satellite office the employer is responsible for his employees’ welfare anyhow. In a telecentre, where space and infrastructure are rented to employees from different companies, the manager of the telecentre will, in practice, answer the fulfilment of obligations inherent in this Act.

It should be noticed that the Royal Order of 27 August 1993 concerning the use of visual display equipment applies to all types of teleworking. This Royal Order obliges the employer to prevent and rectify the risks connected to the use of a computer. The employer needs to make sure that the computers placed at the disposal of his employees meet the minimum requirements established by this Royal Order. These requirements concern (1) equipment, i.e. screen, keyboard, desk and desk chair, (2) environment, i.e. space, lighting, blinding and reflections, sound, heat, radiation and moistness, and (3) computer/human interface, i.e. software.
3.3 GENERAL HEALTH AND SAFETY REGULATIONS AT WORK

These regulations contain conditions for the organisation of the workplace, for example regarding hygiene at the workplace, fire hazards and fire fighting and the health of employees (orders of 11 February 1946 and 27 September 1947). In the meantime the General Health and Safety Regulations at work (ARAB or RGPT)\(^{37}\) have been repeatedly and fundamentally changed based on European regulations and other developments. The Metagids (http://meta.fgov.be) of the Belgian federal government contains information about the replacement of the ARAB by the Codex on Well-being at Work.

There are conditions in place for teleworking from satellite offices. The regulation is more complicated for homeworking. First of all, one can ask oneself if these conditions can apply, as the home of the homeworker would then become part of the company’s premises. In addition, there are certain conditions such as for air ventilation, lighting or temperature that are difficult to apply to telehomeworking. For example, one can hardly demand that the door at the homeworker’s home opens outwards.

3.4 OCCUPATIONAL ACCIDENTS ACT

A teleworker can be the victim of a work-related accident at home. The Occupational Accidents Act (of 10 April 1971) defines a work-related accident as an accident of an employee during and due to the execution of an employment agreement that results in an injury (article 7). This is therefore also applicable to teleworkers, because the law does not state that the accident must take place at the enterprise, but during the execution of the employment agreement. No regulations were specified for homeworkers. In principle, the onus of proof lies with the employee, and the importance of witnesses is particularly great. Finding witnesses is problematic for homeworkers who are usually alone in the home. It is therefore extremely important that clear arrangements are made in this respect. The mere existence of an injury is not sufficient. The sudden event that caused the accident and the chronology must also be proved. Because in many teleworking situations specific working hours are not strictly imposed, it is sometimes also hard to demonstrate that the accident happened during working hours and therefore during the execution of the employment agreement.

Furthermore, many teleworkers work part-time at home and commute regularly to the office. In addition, a homeworker may go and fetch material needed to do the work at home (e.g. ink cartridges, paper, etc.). Not all teleworkers do their day’s work at home. They must be insured on the way to and from a telecentre, and also at the workplace itself. In all these cases occupational accident insurance is compulsory. The question now is if an employer can simply rely on the existing policy to cover the employee when the work situation changes and the employee works part-time at home or elsewhere. The employer should examine these special situations together with his insurer. As specified above, the problem of work accidents at home is particularly a problem of onus of proof.

The employer must inform the insurer when an employee starts teleworking (partly) as soon as possible. The insurer can then assess the risks of the new situation. Does this mean that the policy becomes more expensive? The professional association of insurance companies (www.assuralia.be) believes not, because the risk in itself is not greater than when homeworking (Bastien, 2002)\(^{38}\). The reasons for this are, first of all, that
the homeworking location must meet all welfare and safety policy requirements, and secondly that risks during the commute to and from work are reduced or disappear.

Work accidents\(^{39}\) can occur in two ways: while working for the employer at home and on the way to the office or for other activities that are necessary for the day’s work. The employee must also be insured outside his own home on the way to and from the office, for example, when he has to attend meetings or work at the office a couple of times a week. Other movements of the employee can also be put on a par with commuting to and from work, such as when the employee visits a client or purchases office supplies for his home office.

The principle here is that the accident is covered if a connection is made with the professional activity. If it appears that the accident had nothing to do with his job, this is not covered by the work accident policy. The problem here is that providing evidence is more difficult than in a traditional work situation where colleagues can act as witnesses. If the homeworker is not required to perform his task within a strict timescale (which is the contrary often the case for a contact centre operator who must be on telephone stand-by at specific hours), the homeworker can in principle carry out his work in the evenings, even at night, during the weekend or on public holidays, which means a work-related accident remains possible. Insurers have already thought of solutions for this special work situation. One possible solution is the 24 hour clause which offers an extended work accident cover. On the other hand an agreement can be reached with the insurer that all accidents within a certain period will be regarded as work accidents, unless the insurer can provide evidence to the contrary. This possible solution still has the problem that the employee must be able to proof that the accident took place within the specified period (Deswert, 2002, p. 19).

Possible risks concerning work accidents must also be prevented at the homeworking location. The rules concerning safety, hygiene and ergonomics are also applicable here. Taking respect for the employee’s privacy into account, the employer and employee can agree that certain principles of safety are respected, and that these measures may be checked on-site. Certain companies include such a clause in employment contracts for (part-time) teleworkers at home, which is the preferred choice.

3.5 THE EMPLOYEES’ RIGHT TO PRIVACY

The protection of privacy at the workplace is currently a subject for debate for both employees in general and teleworkers in particular. Some think that privacy and work are contradictions in terms, as privacy rights cannot be enforced when the employee is doing his work making use of the employer’s ICT. Others believe that the right to privacy does not stop at the entrance to the office building, or even the home office where one makes use of the employer’s ICT. For tele(home)workers the situation is therefore even more complex because in their own home, en route, at customers, or for example at a telecentre they usually (partly) carry out their work using ICT made available by the employer. The employer rightly wishes that use of his material be spared from activities that can reduce productivity, use up valuable bandwidth or could be illegal. One therefore has the difficult task of finding the right balance between the legitimacy of a certain level of supervision by the employer of the use of the work equipment on the one hand, with the protection of the employee’s personal privacy on the other.

Certain companies wish to literally detach personal and professional ICT use from
each other, requiring their teleworkers at home to use their own PC for personal e-mail and Internet use, and therefore to disconnect the computer made available by the employer from the cable or telephone line and to use the same (or another) connection for the personal PC. Other companies tolerate certain forms and quantities of personal communication. Whether or not agreements are respected is sometimes checked by measuring the teleworker’s productivity. Others prefer to check this by technological means.

To be able to monitor the (tele)employee’s telecommunication processes, one must take account aspects such as the legislation for the protection of communication secrecy and the Privacy Act (of 8 December 1992)⁴⁰. The principles that form the basis of the possibilities and limitations as regards the control of employees’ ICT usage have been specified in the advice of the Belgian Privacy Commission (Advice no. 10/2000, of 3 April 2000, cf. www.privacy.fgov.be). In 2002 a collective bargaining agreement (CBA no. 81) was also drawn up concerning the monitoring of employees’ Internet and e-mail usage⁴¹. In principle the employee’s telecommunication processes (e-mail traffic, browsing websites, chatting, and also phoning using a land line or a mobile) are protected by the right to privacy and telecommunication secrecy. Monitoring by the employer is possible if specific requirements are met. These requirements are based on a number of basic principles of the privacy law, in particular the finality principle, proportionality principle and the transparency principle. In other words, a level of monitoring is only possible for specific purposes with resources that are in proportion to the intended purpose (i.e. not excessive) and where it is clear beforehand to the employee that monitoring is a possibility in certain circumstances. These three guaranteed principles will be studied in detail below. The aim is to find a balance between the employer’s right to monitor the use of the equipment, and respect for the protection of employees’ privacy.

> **Finality principle**

As determined in the CBA electronic online communication can be monitored with the following aims (art. 5)⁴²:

1. the prevention of illegal or libellous acts, acts that conflict with good moral behaviour or that could harm another person’s dignity;
2. the protection of the enterprise’s economic, trading and financial interests that are confidential as well as combating any practices that conflict with this;
3. the safety and/or the smooth technical operation of the enterprise’s IT network systems, including monitoring of the related costs and the physical protection of the enterprise’s installations;
4. compliance in good faith with the principles and rules prevailing at the company for the use of online technologies.

These aims must also be clearly and explicitly communicated to the employees, for example in a specific text containing the rules on e-mail and Internet usage within the context of the work relationship (cf. infra, transparency principle).

> **Proportionality principle**

The basic principle is that when online traffic is monitored only necessary monitoring data may be processed. The collective bargaining agreement proposes a phased procedure.

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⁴¹ CBA no. 81 regarding the protection of the privacy of employees vis-à-vis the controlling of electronic online communication data of 26 April 2002 was declared generally mandatory by the Royal Order of 12 June 2002.

⁴² Information about the scope of, among other things, this article in the report of the National Labour Council (26 April 2002) and in Gerardin, 2002, p. 15. The author indeed remarks that the objectives are formulated very broadly. Case law will have to stake out the bounds of these purposes (Gerardin, 2002, p. 20).
A first monitoring strategy is the collecting of general information on communication traffic within the enterprise, i.e. without these data being linked to individuals. Only when one establishes infringements of one or a number of objectives 1, 2 and 3 one may proceed with the second strategy of the monitoring policy, i.e. the direct individualisation of the communication data (article 15). In this way the identity of the person(s) responsible for these serious infringements can be detected.

If infringements of objective 4 are established from generally collected data (for example periodic statistics on Internet traffic), one proceeds with the third strategy, which is the indirect individualisation of the communication data preceded by an informing phase (articles 16 and 17). The aim of the informing or alarm bell procedure is to inform employees that infringements (of objective 4) have been established. It is also announced that the communication data will be individualised if the infringement(s) is(are) detected again. In this informing phase one will take the opportunity to brush up the agreed rules of conduct to prevent the recurrence of the infringement(s).

If an infringement takes place again, the employee (or employees) responsible is (are) identified. Note that this concerns the identification of the person responsible and the communication data. As regards the content of the communication processes, one makes a distinction between content of an occupational nature and a private nature. If the private nature of the communication becomes clear (for example by a subject line in an e-mail) the content may not be examined. If the communication has occupational content and this is not disputed by the employee, the content may be examined.

The alleged person responsible is invited for a discussion to resolve any misunderstandings, and in order to allow the person in question to make his standpoint, possibly assisted by a trade union representative. Such a discussion always precedes an individual evaluation or decision concerning the employee.

> **Transparency principle**

The abovementioned procedures and the whole system that an employer wishes to introduce to support the monitoring policy are communicated both collectively and individually. An employer planning to organise a monitoring system, must first inform involved parties before starting the installation of it. Collectively one informs the Works Council43 or (in the absence of it) the Committee for the Prevention and Protection at Work44 or (in the absence of this) the trade union representatives or employees.

All employees must be individually informed of the monitoring system in simple terms (and this information must be updated when changes are made to the monitoring system). The way in which this is communicated (the bearer of the information) is not specified. Employees can be informed by inclusion in the employment regulations (the disciplinary action, for example, must certainly be included), the employment agreement or on a warning box in the software used, etc.

Information (collectively and individually) needs to be provided about such aspects as the purposes of the monitoring policy, whether or not personal details are saved and how long, the duration of the monitoring procedures, the material made available to the employee, and how it can be used in a work context. Finally, the sanctions are specified in case of an offence (included in the employment regulations).

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43 The Works Council consists of representatives of the employer and personnel. Companies employing at least 100 workers are compelled to constitute a Works Council. The Council advises on the labour organisation and the staff policy. Moreover, it has a decisive task in matters such as the company regulations, the settling of holidays and study leaves, and the employment and dismissal criteria.

44 The Committee for Prevention and Protection at Work is composed of an equal number of employer’s and workers’ representatives and must be constituted in companies employing at least 50 workers. It is the task of this Committee to make the workplace safer, healthier and more attractive. It advises on the prevention of industrial accidents and occupational diseases. It can, for instance, make proposals to adapt the working environment as much as possible to the needs of the workers. In co-operation with the safety and the medical department it supervises the observance of the labour protection regulations.
In its Advice (no. 10/2000, cf. www.privacy.fgov.be) the Privacy Commission goes into more detail about the information that must be made available and the rights of the parties involved relating to their personal details.

The abovementioned limitations mean that the permanent control of communication traffic linked to individual employees is out of the question. Other technical measures can work preventively by blocking access to certain websites by means of filters. Technology for control purposes, clear arrangements and information in this respect are being increasingly linked to each other. An increasing number of organisations are choosing to draw up a number of rules of conduct in the form of a policy based on the abovementioned regulations with which clear arrangements are made. It is therefore, on the basis of the dialogue between employers and (representatives of) employees, that the possible uses of ICT and the possibilities and limitations of the monitoring policy are established.

3.6 FURTHER DEVELOPMENT, REFINEMENT OR CLARIFICATION OF THE LEGAL FRAMEWORK?

Although a legal framework on homeworking was established in 1996, there are still some ambiguities in the legal framework for teleworking at home. There are still uncertainties both for the (candidate) teleworker and the employer wanting to introduce teleworking, for example as regards accident insurance.

The legislator imposes them to draw up a separate employment agreement for each homeworker. All adaptations as regards homeworking must be visible in the employment agreement. This is not a very flexible regulation for employers who want to introduce this flexible form of employment.

We can conclude that it is extremely important for teleworkers and social partners to make clear arrangements beforehand, and that these parties, together with the legislator go in search of a more flexible and suitable framework for teleworking. Hitherto, making clear arrangements could have avoided any confrontation with ambiguous legislation. Because satellite offices and telecentres do not legally fall under the Homeworking Act, the law in this field is a little simpler. In the meantime the European social partners signed a framework agreement relating to teleworking in the summer of 2002 (cf. annex).

This agreement offers minimum guarantees of rights of teleworkers and has to be converted at national level. Besides the determination of the rights and obligations of teleworkers, other initiatives can also be taken to facilitate this form of work organisation. This is also translated in the advice and initiatives of employees’ and employers’ organisations.

45 Article 10 of the CBA determines that ‘the installed control systems will be regularly evaluated depending on the case by the Works Council, the Committee for Prevention and Protection at Work or with trade union representatives in view of suggestions to adapt them to match technological developments’. These periodic evaluations also have the objective of examining if certain techniques can be used to achieve equally good or better specific objectives with less intrusion into personal privacy (Report of the National Labour Council, 26 April 2002, p. 7).

46 There are numerous examples of such policies on the Internet. An example (in French) based on Belgian law: www.droit-technologie.org/dossiers/exemple_directives_cybersurveillance_travailleurs_juillet02.pdf. Cf. also Vanthournout, 2001: pp. 244-277.
Vision of the trade unions and employers’ organisations

Teleworking poses new challenges for social partners. Employees and employers are confronted with numerous new opportunities, but also problems that can result from this form of employment. This requires attention for special points in social consultation.

Trade unions defend the protection of the current basic employee rights such as equal pay, compensation, and training and career opportunities, irrespective of the employee’s work location and the fact that teleworkers are less often at the employer’s main premises. They also want to ensure that teleworkers do not themselves have to pay the costs of the infrastructure and accessories needed to do their job. On the other hand, it is feared that the evaluation of homeworkers may take place in a more stringent way than for non-homeworkers. In a nutshell, the debate about teleworking does not involve negative attitudes by these bodies with regard to this form of work organisation as such, but there is a fear that the working conditions of teleworkers could deteriorate. These issues and concerns are explained in several publications of Belgian trade unions. They see the advantages of teleworking, but they demand certain guarantees with respect to the teleworker’s rights and other conditions to make teleworking successful for both parties.

Employers’ organisations also emphasise the advantages of teleworking for the different parties involved, and refer to a number of prior conditions that must be fulfilled with respect to determining the teleworking feasibility of jobs, the control possibilities, and other aspects such as the costs associated with teleworking.

More information is needed concerning myths and reality of pros and cons of different teleworking types. Moreover some employers’ organisations fear a blocking of the growth of teleworking, due to stringent overregulation limiting the flexibility needed to implement teleworking in companies based on specific characteristics and needs of individual sectors and organisations. In addition to awareness campaigns, government can encourage teleworking through fiscal and/or financial incentives. Refining some existing legal aspects and encouraging ICT-skills of (potential) employees, are also part of the basic conditions.

A summary of the points that require attention and the advice that has been formulated per employees’ and employers’ organisation, is provided below. This makes the convergence of a number of points clear, but it also shows that sometimes other accents are placed or other priorities made. For an update of this information we refer to their website. Finally, the recommendation of the Social Economic Council of Flanders (SERV) is mentioned.

The ABVV/FGTB (the Belgian Socialist Trade Union, www.abvv.be or www.fgtb.be) has drawn up a number of actual trade union requirements with respect to teleworking:

> The teleworker retains employee status with equal pay and equal employment conditions.

The ABVV/FGTB (the Belgian Socialist Trade Union, www.abvv.be or www.fgtb.be)
> Teleworking is voluntary.
> Permanent training, both for teleworkers and non-teleworkers.
> Teleworking is alternated with working at the office.
> The employer is responsible for material and furniture.
> On top of his wages the teleworker receives compensation for all his expenses (heating, electricity, rent, etc.).
> The health and safety instructions must be observed and monitored by the company’s Committee for Prevention and Protection at Work.
> Teleworkers must have the right to meet their trade union representatives, and they must be able to participate in trade union activities, also during working hours.
> Trade union representatives must be able to communicate with the teleworker using the enterprise’s network.

With respect to the use of ICT and any monitoring by the employer, attention was devoted to work and privacy in a separate brochure. The ABVV/FGTB (research and training centre Iwerf) has conducted a number of investigations within the context of the OSPRACT project (www.ospract.org) concerning various aspects of teleworking.

The BBTK/SETCA (the employees’ and manager’s union of the ABVV/FGTB, www.bbtk.org or www.setca.org) published a brochure in 1996 with answers to 50 questions on the subject of teleworking. They also emphasised the role of the trade union representative, even if the way of working changes (one could refer to this as the telédélégué). Trade union representatives must supervise the way in which teleworking is introduced at home and in compliance with legislation. Teleworkers must be able to visit their trade union representatives during working hours and attend meetings. Contact must be possible by e-mail. The reports of the Works Council and the Committee for Prevention and Protection at Work must be available electronically. The employment agreement and the collective bargaining agreement may specify that the teleworker may use the equipment for trade union purposes, for instance to stay in touch with trade union representatives, read reports, participate in electronic trade union forums and newsgroups.

Also, prior to the introduction of teleworking in a company, the contribution of the trade union representative is important within the context of the Works Council. The Works Council must obtain information on the management’s plans relating to employment evolutions, work rotas, training, the introduction of new technology, etc. The introduction of teleworking must also be on the Works Council meeting’s agenda. Trade unions must be able to check and question the way in which teleworking is organised. This must be established in a collective bargaining agreement. The members of the Works Council must also receive regular updates of all the enterprise’s employees who are teleworking at home. There is also a role to be played by the Committee for Prevention and Protection at Work. This joint industrial committee has an important contribution to make with the organising of tele(home)working. This takes place within the framework of the admission of new employees and the provision of information and training to prevent work accidents and occupational illnesses. The committee has an advisory role concerning all suggestions, measures and resources that have consequences on safety, hygiene or health, and the introduction of new technology. The committee can also play a role in monitoring the homeworker’s workplace.

A trade union concern about the implementation of teleworking can also result in the joint drawing up of a code of good behaviour or teleworking policy with actual do’s and

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49 Cf. www.bbtk.org/code/nl/page.cfm?id_page=272 (Dutch); www.setca.org/code/fr/page.cfm?id_page=272 (French)
The voluntary nature of teleworking at home is fundamental. Hence, enabling a return to the traditional way of working at the enterprise for whoever so wishes is a requirement.

The equal treatment of teleworkers at home and other employees of the enterprise is a fundamental principle. This principle must be applied for all aspects of the work relationship and considered in the broadest sense: pay (in all its facets: basic pay, pay scales, increases, indexing, additional advantages), access to training, promotion, access to the different services of the enterprise. Within this context suitable solutions for measuring working times must be sought. This equal treatment must also be applied for equality between men and women.

The principle that the costs of the equipment are borne by the employer (including the different connections) and its use is also a fundamental aspect. The issue of the costs of the equipment and determining the costs to actually reflect the incurred costs to carry out the work (and that are normally at the expense of the employer) is most certainly one of the crucial elements for the development of teleworking.

Respect of private life is essential. The home can therefore never be regarded as part of the enterprise. Furthermore, controls carried out with respect to use of the IT equipment cannot be different for teleworkers at home, and this must be subject to the same rules applicable within the enterprise and in accordance with existing regulations.

The most sensitive point is indisputably collective rights. Isolation and the greater likelihood of being a victim of pressure by the employer are risks facing homeworkers. They must in fact be able to be fully included in the social and collective life of the enterprise. They must be able to call upon a trade union representative of their choice, also at home. The introduction of mixed solutions involving both teleworking at home and working at the enterprise allows the repercussions of these disadvantages to be limited.
All these basic conditions are essential if the development of these new forms of employment need to take place without uncertainties or chaos. As far as the ACLVB is concerned it is not possible to support a potential source of employment that is not covered by clear rules and standards. In its capacity of trade union organisation it believes new formulas relating to the defence and support of employees must also be conceived. A new area is created for negotiations between the social partners for a series of aspects requiring innovation by both parties. The time has arrived to acquire the necessary tools to combat misuse and enable the possibilities that homeworking offers to be utilised in the best way (Noël, 1999 & 2004).

The ACV/CSC (General Christian Trade Union, www.acv-csc.be) advocates teleworking within the context of the reduction of travel time, and suggests that teleworking can in principle offer more freedom in work organisation and the choice of working hours for the teleworker. The Christian trade union maintains, however, that if teleworking is to be accepted as a worthy alternative, the following changes must be made:

> The inclusion of teleworking as a possibility through professional and sectoral consultation.

> On the level of the enterprise, the possibility of teleworking must be included in the employment regulations, so that it cannot be allowed or disallowed willy-nilly.

> The further refinement of legislation relating to privacy, health and safety at work and the employer’s monitoring options.

The voluntary aspect is very important with the introduction of teleworking. First of all, this assumes that the employee obtains clear, written information beforehand on the job offered or the changed teleworking employment conditions. The employee must always be able to reverse a decision to start teleworking under agreed conditions or within agreed periods. This basic reversibility of the teleworking situation is important. First and foremost a legal context must be developed within which teleworking at home can develop. Within this general legal and interprofessional context company-related or individual arrangements can then be made according to the actual situation. There is indeed the Homeworking Act, but some concerns remain. For example, the legal provisions on daily and weekly working hour limits are not applicable to homeworkers. Nor does the regulation on overtime, Sunday rest and night work apply to homeworkers. Before encouraging teleworking the employee’s social statute in a teleworking situation must be guaranteed: not only in material terms (pay and employment conditions) but also in immaterial terms (privacy, non-discrimination, etc.). The application of the Welfare at Work Act and the extension of occupational accident insurance are just minimum conditions. In this context the employer also remains responsible for the installation and maintenance of the ICT equipment, including updates of software. All costs of the use of ICT must be borne by the employer (communication costs, costs of wear and tear, insurance against loss or damage).

Within the context of a teleworking situation the employee’s workload must be monitored to a greater extent than usual. International experiments show that the productivity of teleworkers increases. The danger of the time spent going off the rails is, however, real. There must therefore always be a comparable non-teleworking employee available for reference. The measurement and control of the teleworker’s working hours is one of the trickiest points to be agreed. This is yet another reason for placing these individual arrangements in a collective context in which the necessary benchmarks are agreed.

A teleworker remains an employee of the enterprise and under the authority of the
employer. Permanently involving the teleworker with the (rest of the) enterprise is therefore very important. There must be sufficient attention for this involvement and for social contact with colleagues. Regular information about the enterprise and the welfare aspects of the employees (incl. stress prevention) is indispensable.

The collective rights of teleworkers at home must also be safeguarded. This does not solely concern trade union rights and representatives of employees, the entitlement to training and education is also often organised collectively. The teleworker must be able to fully participate.

Finally, the government may not forget the part it plays in the implementation of teleworking. The employment market is facing a significant paradox. Two-thirds of jobs require prior qualifications, while two thirds of job-seekers have insufficient or unsuitable qualifications; 15 per cent of school-leavers are computer-illiterate. The generalising of teleworking at home only threaten to increase this paradox, this hole in the employment market. This is why the government must act. One could already make a start by approaching ICT education in less technological terms. And for this one does not have to wait for the legal framework for teleworking at home (Leurs, 2004).

The **LBC-NVK** (central white-collar workers' union— the federation of managerial staff affiliated to the ACV/CSC, www.lbc-nvk.be) also suggests that teleworking can offer many attractive benefits to the employee and employer. The traditional benefits are endorsed. One may, however, not lose sight of a number of potential risks. This not only concerns social isolation, the blurring of the line between work/private life, but also a number of possible disadvantages with respect to the mutual relationship between employees themselves, the employee/employer and the position of the teleworking employee. This is why a number of essential principles and guarantees were drawn up for the implementation of teleworking in an enterprise:

> Teleworking may not lead to the deterioration of the employee’s status. The danger is not unreal that companies will save on social security expenditure by forcing teleworkers to take the status of a self-employed person.

> Teleworkers at home must be able to carry out part of their work at the office, because maintaining social contact remains a primary importance.

> Teleworking must be voluntary and the right to return to the office must always be available.

> The employer must provide the teleworker with either equipment or space that is comparable to that provided at the office, taking into account all health and safety rules.

> The extra expenditure particular to teleworking must be paid by the employer.

> The teleworker’s private life is respected.

> Employee representatives and health and safety inspectors must be able to inspect the working conditions without conflicting with the teleworker’s privacy.

> Child care: teleworking may not be a substitute for child care or any other form of care. Employers must take account of this and ensure that the necessary measures can be taken.

> Isolation and career development: procedures must be drawn up to protect teleworkers against isolation due to a lack of social contact. They must also be given clear information concerning their career development.

> Teleworkers must be free to join trade unions, and be able to maintain contact with the trade unions. This can be done by ensuring that teleworking is never on a full-time basis.
Employers’ organisations also see important advantages in the application of forms of teleworking if a number of prior conditions are met.

The Union of Self-Employed Entrepreneurs, UNIZO (www.unizo.be) chiefly sees the benefits, but notes that the phenomenon is currently somewhat unfamiliar to SME employers, and warns policy-makers not to block the growth of teleworking at home through new, additional overregulation.

Teleworking at home is also seen as one of the solutions to the traffic issue. The problems concerning road safety, the environment and economic damage are the most conspicuous aspects of this traffic issue. One could also say that the total time required to be productive is constantly increasing because travel times are becoming increasingly longer. This is contrary to the time actually worked which is reducing because of collective working hours reductions. Therefore, the elimination of travel time (and the associated costs) is important. This reduces the total time needed to acquire an income. Working at home de facto represents an important saving in time without effecting working hours or income.

An extra benefit concerns greater flexibility in working time. When teleworking at home, traditional working hours are usually not as strict. It can be expected that working from home in certain conditions is more productive in view of the lack of disturbance by others. The concentration will also be higher when working at home.

Despite the advantages for employers and employees, employees are more concerned about teleworking at home because they think that chances of promotion may be compromised as a result. The ‘out of sight, out of mind’ reflex lies at the basis of the fear here. Nor do employees want to miss social contact with their colleagues. Last but not least, many employees fear that teleworking at home will result in never ending working hours, and that the distinction between work and leisure time will be totally lost. Sight is often lost of the fact that the latter can be solved by making good arrangements beforehand.

Employers are also often hesitant about teleworking at home. The difficulties relating to monitoring are less easy to solve. Within the context of the existing privacy legislation there are indeed very strict rules on the electronic monitoring of work. It is also often the middle management who fears the loss of their raison d’être.

Employers are also often convinced that the introduction of teleworking at home will result in an increase in general costs. Increased awareness is therefore required, certainly at small companies, concerning the solutions available to the questions and problems raised. The phenomenon has not yet really taken off in Belgium because it is still relatively unknown and there are still many unsolved issues.

Finally, UNIZO would regret additional law initiatives that would impede the flexibility offered by the employee and employer. Overregulation could result in less teleworking at home. Should the government take initiatives, the aim must be to promote the possibilities of tele(home)working.

This could be done through awareness campaigns, and (temporary) incentives to encourage SMEs to introduce or consider teleworking at home. The ROI effect (traffic, road safety, the environment, etc.) when introducing teleworking at home not only relates to the employer/employee relationship, it benefits the whole of society.

In a nutshell, UNIZO has a positive view of teleworking because of the traffic issue and the possibilities of the better reconciliation of private and working life, but it also
demands attention for the following aspects:

> Unfamiliarity with the possibilities of teleworking lies at the basis of its slow growth. An awareness campaign could help in this respect.
> Initiatives in support of teleworking, such as incentives, can help employers decide to introduce teleworking.
> A separate homeworker statute is not required, because on the one hand this already exists in pursuance of the Homeworking Act, and because of the likelihood that overregulation will have a slowing effect on the other hand.
> More important than a separate statute is that the employer and employee are able to make good arrangements on the basis of a clear check-list for the specific nature of teleworking.

(Van Laer, 2004)

The Walloon umbrella organisation of SMEs, **UCM** ([www.ucm.be](http://www.ucm.be)) is also stressing the possible advantages of teleworking but also the need for a clear legal framework taking differences between homeworking and teleworking types into account carried out by employees and self-employed.

In its report on the importance of a sustainable mobility policy to companies the Walloon Union of Enterprises, **UWE** ([www.uwe.be](http://www.uwe.be)) also emphasised the abovementioned advantages of teleworking. It can envisage a future for teleworking thanks to the increase in facilities with which evaluation based on quantifiable criteria is possible. The UWE asks special attention for the preservation of cohesion in teams and departments in which teleworking is possible. In addition to the costs for the employer, they note possible savings for the company and an improvement in the employees’ quality of life.

Finally, they point out a number of recommendations for the introduction of teleworking:

- They recommend grouping specific tasks in order to compose a complete teleworking day for employees.
- Teleworking requires the application of management by objectives.
- The employer provides the employee with the necessary infrastructure (in the service industry for example, a PC and an Internet connection). The technology made available also depends on the type of work to be done51.

The **VBO/FEB**, Federation of Belgian Enterprises ([www.vbo.be](http://www.vbo.be) or [www.feb.be](http://www.feb.be)), sees teleworking as an interesting new way of organising working hours and tasks. In certain conditions this can have positive consequences for employees and employers.

Teleworking (in its various forms) can be a competitive advantage for companies which base the implementation on a thorough examination of the enterprise’s needs, the work to be carried out and the personalities of the employees who come into consideration for teleworking. It can also result in savings relating to the infrastructure. An increase in productivity has already been observed at different companies. The advantages for the employee, such as a reduction or reorganisation of the travel time, have positive consequences for both parties as regards costs and stress caused by mobility problems. Employees are increasingly asking to telework to give them greater autonomy to organise their work, and more flexibility for their working time to obtain a better working/private life balance. To develop teleworking to the satisfaction of both parties a number of conditions must be met. The following points for attention can be taken into consideration:

- The examination of the tasks, positions and profiles of employees and their feasibility of teleworking.

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Dialogue between employees, their representatives and the hierarchy;
Openness relating to change processes, including for communication processes and new working methods.
A balance between teleworking hours and hours at the office to guarantee sufficient social contact with colleagues and supervisory staff.
Clear rules must be jointly drawn up by employees and the management based on open communication and trust concerning the actual organisation of teleworking, the expenses, monitoring possibilities, and rules for measuring of the work carried out and the security of company information (Kohnenmergen, 2003).

The VKW (Association of Christian Employers and Business Executives, www.vkw.be) also puts the emphasis on a legal teleworking framework in different publications. The existing regulation does not mean interpretation problems cannot arise in practice. Problems can also be avoided by making a number of clear arrangements (preferably in writing) in consultation with the teleworker. The following points are emphasised:
A clear description of the tasks that can be completed at home.
The clear stipulation of times (hours and days) when the employee can work at home. One must also stipulate from when work becomes overtime if necessary.
Evaluation and monitoring must be possible. This can be based on result requirements, or for example by arrangements on telephone accessibility during certain hours and/or access to the employee's home.
Infrastructure needs. A separate work area in the house with connections for a PC, printer, telephone, fax, etc. is required. It is best to keep the living and working area separate.
Arrangements concerning costs and expense allowances: which costs are borne by the employer (office equipment, telephone costs, PC, modem, mobile, etc.)? To what extent will the employer contribute? Is this a set contribution or based on actual costs?
Arrangements relating to health and safety must also be made and are to be based on existing legal requirements.
Notwithstanding the many advantages of teleworking for the employee, the ‘attendance culture’ still prevails at many companies. Nevertheless teleworking also has several advantages for companies. Obviously there are the positive repercussions of the employee who feels better, but there are also other advantages such as savings on mobility and office costs. If one introduces teleworking on a large scale, savings can be made on office space and travelling expenses. This can be done on the level of the whole organisation, or for a department, for example. Meaningful questions must therefore be answered: what do office space and offices cost, and what are the travelling expenses for the employer? Savings on these costs can release money for portable PCs, mobiles, computer networks and servers and log on stations at the office (at hot desks, for example).

There are also a number of significant risks involved with teleworking, such as social isolation. Employees working too much at home lose touch with their colleagues and the company. The lack of relaying experience and the alienation of the company are negative secondary effects. Regular contact is therefore required.
A second danger concerns flexibility of the work schedule. At first sight this is a benefit, but when the distinction between work and leisure time totally blurs this can lead to problems, certainly for people with a need for social control. It is important that the company makes arrangements with the employee about the work schedule. Ultimately it
is the employee’s responsibility to ensure that he finds a balance between work and private life.

The Voka, Flemish Economic Union (www.voka.be), also sees teleworking as a possible tool for improved mobility. Furthermore, the introduction of teleworking can meet the growing needs of employees for greater freedom and flexibility to organise their day, a reduction of travel time from and to work, and increased productivity (thanks to such aspects as greater concentration while working in a home environment). Teleworking cannot be seen as an alternative to child care. It could, however, lower the barrier to the employment market for people re-entering the market. Voka also asks for attention for the possible disadvantages of teleworking:

> Lack of communication, social contact and supervision. Clear communication methods and work arrangements and mixed forms of teleworking (returning to the office at regular intervals) will, however, often be able to overcome these problems.
> High investment cost (infrastructure in the home environment or at telecentres). In the long term such investments can also lead to cost savings (lower accommodation costs for the enterprise).
> The communication costs.
> Insufficient ICT skills among employees.

To stimulate the introduction of teleworking the costs would have to be compensated. A fiscal incentive and the lowering of communication costs would comprise a contribution to the extra investment costs. In a document with advice for entrepreneurs concerning diversity (see www.voka.be/files/bestanden/diversiteit.pdf) as well as other publications, Voka has taken different standpoints to stimulate teleworking, including as a result of the increasing mobility problem.

The SERV, the Social-Economic Council of Flanders (www.serv.be), which is made up of members of employees’ and employers’ organisations in Flanders, published a recommendation on teleworking in 1999. The Flemish social partners speak in positive terms about the possibilities of teleworking. With this recommendation they wanted to accentuate this basic position and tried to urge the adoption of more concrete attitudes about the different aspects of teleworking. Based on the attitude that the introduction of teleworking at companies essentially belongs to the domain of social-economic consultation, the Flemish social partners want to take up a clear position. Although many of the different aspects fall under the competence of national and European social partners, a significant contribution can be made from Flemish social-economic consultation. For them the aspects of training and information are particularly important, as well as ambient factors that can stimulate teleworking. These factors fall under the competence of the Flemish Government. They believe that teleworking can be a success for certain employees and certain purposes. In these cases the opportunities offered by the different formulas of teleworking will outweigh the possible negative effects. In this recommendation the social partners use a classification of different forms of teleworking: informal teleworking (occasional homeworking in more senior positions, not usually paid); teleworking at home (e.g. software developers working at home a number of days); mobile work; self-employed teleworking (e.g. freelance journalists who work at home are self-employed); lower qualified teleworking (full-time homeworking, e.g. telephone sales). As far as the legal framework is concerned, the SERV suggests that in...
general terms only teleworking at home and lower qualified work can be classified as homeworking. Anything not explicitly regulated by this law falls under the general Employment Contracts Act. Because the Homeworking Act contains general compulsory provisions, authorised joint industrial committees can themselves draw up regulations for a number of aspects, and help clarify and refine the legal framework. The Flemish social partners also offer a number of suggestions to lower the existing thresholds.

> **Technological threshold**

The social partners observe that although Flanders scores very highly on some technology levels, a number of problems still arise. The Flemish social partners support the various actions of the Flemish Government (DIRV action, IWT, technology valleys, etc.) and point out the importance of learning to work with ICT because this is obviously one of the essential conditions for enabling personnel to start teleworking. The social partners have also requested very specific attention for the good accommodation of employees at the company itself. When introducing teleworking projects, accompanying training and support measures must be provided for employees. The likelihood of success of teleworking projects depends on the cooperation of and coordination between the companies and employees. It is advisable to allow the appropriate consultative structures to play their part here too.

> **Financial thresholds**

The most important financial tools of today’s Flemish Government are research & development subsidies at companies, and investment support by virtue of economic expansion law. As far as the latter is concerned the social partners propose the following initiatives:

- Support for teleworking from accredited specialised offices or organisation experts. As a result, the enterprise can call upon external expertise and have part of the costs repaid.
- Investment support for setting up the infrastructure needed for teleworking.

> **Social thresholds**

If the government can play a part as far as technical and financial thresholds are concerned, the social component is the ultimate area in which social partners together with the government have a contribution to make and responsibility to assume. The thresholds concerning social isolation, privacy, career opportunities and financial thresholds can only be partly solved by legal regulation. Many of these thresholds must be solved at enterprise level and/or sectoral level. On the latter level, the general compulsory provisions of the Homeworking Act give joint industrial committees the ability to make specific sectoral rules on, for example, work and rest time, the way pay is calculated and the refunding of costs.

Finally, the social partners also give recommendations on the selection of employees in teleworking projects:

- only volunteers
- no full-time teleworkers (max. 2 days a week, for example)
- regular consultation and evaluation with the parties involved
- sufficient support and a planned approach
To summarize the above mentioned concerns and priorities of the social partners we recapitulate them briefly hereafter.

- Teleworking is voluntary and reversibility of the teleworking situation is guaranteed.
- Trade union representatives supervise the introduction of teleworking in the context of the Committee for Prevention and Protection and the Works Council.
- Clear agreements are made and information is provided concerning all aspects of teleworking in the form of a teleworking policy.
- Equal pay, career options, training possibilities, access to company information and services etc.
- Alternate teleworking with working in the main office.
- Preserving the cohesion of teams and departments implementing teleworking.
- Include teleworkers in every aspect of the social and collective life of the company.
- Examining specific tasks, positions and profiles that are ‘teleworkable’.
- Examining savings that companies can make by introducing teleworking.
- Respect for the privacy of teleworkers.
- Suitable solutions for measuring working time.
- Clear communication methods and work arrangements.
- Employer provides the teleworkers with the necessary equipment, accessories and training.
- Compensation for expenses home office (electricity, heating, ...).
- Communication possible between teleworker and trade union representatives.
- Development, refinement and/or clarification of legislation concerning health, safety at work, privacy and monitoring options.
- Awareness campaign concerning pros and cons of teleworking types.
- Fiscal and financial incentives for companies introducing teleworking.
- Increasing the ICT-skills among employees by training and other support measures taken or organised by companies and the government.

In addition to the standpoints, advice and actual tips from the social partners, projects were started by the government, various companies and other organisations to provide an answer to the questions and concerns mentioned above. Below we provide a summary of initiatives to raise awareness, information about and support for teleworking.
5.1 **BELGIAN TELEWORKING ASSOCIATION (BTA)**

The Belgian Teleworking Association (www.bta.be) is a non-profit organisation with the objective of studying, encouraging and propagating all forms of teleworking in Belgium, and this in an independent way. The BTA’s membership constitutes a platform and meeting point for all socio-economic actors concerned with new ways of working, and is made up of small and large enterprises, public services and authorities, educational institutions, professional associations, employers’ and employees’ organisations and the media.

5.2 **‘WORKING DIFFERENTLY’ UNIT OF THE MINISTRY OF THE FLEMISH COMMUNITY**

The Flemish Government wants to perfectly adapt its work environment to the profile, culture and requirements of the organisation. The concept ‘working differently’ is used at the ministry as an umbrella term for two, complementary innovative trends in the work environment: innovative flexible offices and teleworking (homeworking and working at a satellite office). Interaction exists between both trends. Working remotely reduces the need for workplaces at the base office. Conversely, a potential disadvantage of hot desking (disturbed and less concentrated work) is resolved by teleworking (Kenniscel Anders Werken — Ministerie van de Vlaamse Gemeenschap, www.vlaanderen.be/anderswerken).

The knowledge unit has both policy preparation and implementation tasks and an advisory function. For its policy preparation tasks, the unit develops a strategic vision concerning the further introduction of the ‘working differently’ concept (flexible workplaces combined with teleworking) within the Flemish Government, and draws up recommendations for the best possible implementation of teleworking. For its policy implementation tasks, the unit acts as an internal consultant for the preparation (project definition, feasibility studies, etc.), implementation and evaluation of projects. Here the supervision of coherence between the various complementary lines of approach needed for such a project (ICT, HRM, building management, etc.) is required. The unit is also the one place to contact for internal and external communication about the ‘working differently’ concept. Finally, knowledge and experience is accumulated from the various activities (teleworking, office innovation, ICT possibilities, change management, etc.) and this information is made available to internal and external clients. Statistical data concerning teleworking within the Flemish Government is also collected, and a methodology is drawn up to support departments through the process of change.
5.3 NATIONAL INSTITUTE FOR HOMEWORKING TRAINING

The NITO (NITO, Nationaal Instituut voor Thuiswerk Opleidingen, INTF, Institut National des Travailleurs à Domicile et Formations, www.nito.be or www.intf.be) has trained some 100 freelancers with its course for new homeworkers in various fields. The available profiles are telemarketers, layout staff, copywriters, technical staff, administrative and encoding employees, interviewers, web designers, etc.

The NITO is active in the field of training and support for both employers and employees.

Together with Markant/CEZOV they have launched ‘working differently’ training courses for employers and employees (www.anderswerken.org). For employers, aspects are covered regarding the preparation and implementation of a teleworking project, including attention for HR, change management, legal aspects and different ICT applications.

The training for teleworkers pays attention to actual skills for teleworkers and the homeworker’s rights and obligations. Both courses have experienced teleworkers and managers who have implemented teleworking in their organisation, who can point out the success factors and pitfalls based on their experience.

5.4 PAJAMANATION

The Flemish Community has granted Pajamanation (www.pajamanation.be) a project subsidy to set up a virtual meeting place for the supply and demand of homeworking and the freelancer network.

Pajamanation, a free service for companies, offers numerous specialised profiles of people who work from home. Companies agree the contract form directly with the employee (self-employed, temporary employees, etc.). The website also offers practical tips and manuals for self-employed homeworkers.

5.5 FLANDERS E-WORKS

To answer the need for listing and centralising information concerning e-work or teleworking, within the context of the enterprise action plan and as an initiative by Patricia Ceyssens, the former Flemish Minister of Economy, Foreign Policy and e-Government, ADM and the Flemish Government took the initiative to launch a unique contact and information point for teleworking in 2004 (‘Vlaanderen e-Werkt’, www.ewerken.be). This virtual e-counter was set up by the Flemish Government together with its partner ADM (Antwerp Digital Mainport), a cooperative platform for ICT users, suppliers and associations in the Flemish region. A lot of other companies have joined this initiative.

The objective of the project is the mobilising and bringing together of knowledge, experience and resources to research, develop, launch and support teleworking by means of a coordinated multidisciplinary approach on legal, economic, social and technological levels. A number of tools were developed (a starters kit with stage plan for the introduction of teleworking into an organisation, a return on investment calculator), a website with up-to-date information about teleworking in Belgium and abroad (www.ewerken.be), good practices and advice, a communication campaign to raise awareness among employers and employees, and finally a series of (e-)seminars and hotspot lunches (www.hotspotlunch.be) about specific e-work project
The target group are Flemish companies and government institutions. Because teleworking is a sort of dormant, silent phenomenon that is usually informally applied in companies, the wish is to make practical experience more widely known. Besides case studies of organisations that explain how they introduced teleworking, individual testimonies of teleworkers can give the phenomenon a face and also demonstrate the advantages of it in real terms.

5.6 **E-MAMA & E-PAPA OF THE YEAR**

The e-mum and e-dad of the year award is an initiative to permanently support teleworking or e-working in Flanders, while bringing the actual experience of teleworkers to the public’s notice. This initiative is intended to promote a better balance between family and work by learning from experience in practice. This is an expression of respect for the personal initiative and creativity that many mothers and fathers show in combining a family and career. Using new technology or new comfort services gives the e-mama or e-papa more time for the family and herself/himself. E-working plays a big part in this. Putting a number of persons in the spotlights is intended to promote awareness of how a better family and work combination can be achieved. Individual witnesses can then explain from practical experience what for them personally determines the success of their teleworking and the combination of work and family, with specification of any pitfalls. To give publicity to these important accounts, for the first time the 2004 e-mama and e-papa were chosen by a multidisciplinary jury of entrepreneurial women and men (www.e-wedstrijd.be).

5.7 **ADVICE & TRAINING CHEQUES**

In addition to information about teleworking, companies sometimes need tailor-made advice. Advice cheques can be used to resolve the individual problems and needs of companies during the implementation of teleworking. The cheque, that pays 50% of the invoice (depending on a number of conditions and up to a certain amount), is a subsidy that offers companies the opportunity to gain affordable professional advice. These cheques can be used to pay accredited advisory bodies and for general business consultancy, feasibility studies and guidance with the implementation of a project. This is therefore a facility for use with a teleworking project (http://adviescheques.vlaanderen.be/)

On the same principle there are also training cheques where the Flemish Government pays 50% of the training costs the employer spends on his employees. This system can also be used for training teleworkers. Besides traditional group training, training cheques can also be used for individual training (such as e-learning/self-tuition) if a number of conditions are met, such as support and evaluation (http://opleidingscheques.vlaanderen.be/).

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52 Cf. also the explanation (in Dutch) on www.ewerken.be/downloads/starterskit/7overheid.pdf
5.8 AGORIA ICT

Because besides the ICT infrastructure ICT knowledge and skills form the backbone of the implementation of teleworking, the initiatives of Agoria ICT also give significant momentum (www.agoria.be). Under the name 'Raising awareness of the economic and social possibilities of ICT as enabling technology' Agoria ICT conducts an awareness-raising programme to stimulate SMEs, schools, colleges of higher education and universities, families and the various authorities. With steadily increasing bandwidth, growing mobility and exponentially increasing storage capacities, ICT allows constituent activities of many economic and administrative processes to take place more independently of each other. The following initiatives fit in this context:

> Researching the (interactive) uses of increasingly high performance broadband technology.
> The ‘Enterprising Together’ Roadshow organised with 16 other federations under the auspices of the VBO/FEB and with the cooperation of a number of Chambers of Commerce.
> Workshops on the PC subsidy regulation with special attention for the role of the PC and the Internet in society today, with special attention for the role of teleworking as the most important use of a PC subsidy project.
> Discussion forum with trade unions, professors and authorities with the subject: ‘On the way to the Knowledge Society’. These discussions stimulate the consideration of the integration of many more knowledge elements in industrial policy.
> The setting up of a digital teaching platform called iDoceo (www.idoceo.be) that allows employees from ICT companies to follow high-level remote courses.

5.9 SME IT-CENTRE

The aim of this organisation (KMO-IT Centrum, www.kmo-it.be) is to promote the correct use of information technology at Flemish companies, and in particular SMEs. It concentrates on IT solutions aimed at improvements and innovation for the organisation, products and processes. The centre organises two types of activities for the target group: raising awareness among a wide public and advice for individual SMEs. In practice, the largest target group consists of SMEs which do not employ specialised IT personnel in particular. The assistance of the centre is often called upon as a sounding board and touchstone when taking decisions concerning ICT.

There are currently two projects involved with the subject of teleworking:

> IWT Thematic Innovation Stimulation ‘Flexible Workplace Flanders’ project
> the IWT project Technological Services ‘ICT Basic infrastructure and networks for the SME’

The first project is specifically aimed at questions from companies concerning IT solutions for decentralised working (incl. the connection of homeworkers or branch offices with the main office) and the interchanging and/or consulting of data by mobile employees. At some of the companies there is a shortage of general IT knowledge and knowledge of actual IT solutions, there is no long-term IT vision, and there is a communication gap between the demand of these companies and the availability of IT suppliers.
This collaboration collectively supports companies wanting to set up an IT infrastructure for teleworking in general or mobile working in particular. A number of company projects are used as case studies, and the experience and knowledge gained from these projects are distributed through working committees. The most important intended effect is for SMEs to take better and more well-grounded decisions concerning solutions for teleworking and mobile working.

Within the context of the second project, companies can be individually supported for a short while. Over the past year a number of companies were supported in the field of teleworking (or this subject was a part of the support).
Telecentres

So far few organisations have set themselves up specifically as telecentres in Belgium. Below we will briefly discuss Televillage (started in 1997, www.innotek.be) and Offitel (1996, www.offitel.be). The offitel telehub is an initiative launched in Limburg (Genk). The telehub is an open-plan office where all technical provisions for teleworking are offered as standard. Instead of, for example, making the daily Hasselt-Brussels trip one can work from the Offitel telehub centrally located on an industrial estate (Genk Zuid, close to the E314 motorway).

The Televillage is an initiative from Innotek (www.innotek.be), the Kempen’s innovation centre. In 1987 Innotek germinated within the IOK (intermunicipal development association for the Kempen) and the Kempen chamber of commerce and industry, and based itself on a changing vision of regional economic policy. The key aspect of this approach is the development of the region’s own potential. By providing information, guidance and an infrastructure, the aim is to support innovative projects at new companies and existing SMEs. The activities of this Business and Innovation Center were soon expanded with an incubation centre with a network of teleoffices with associated advice and a contact centre. The Televillage has a mixed administration, being private/public governance. The 34 locations are spread across the different Belgian provinces in Flanders and the Walloon Region. The Televillage also has workplaces at companies. The network is therefore wider than the home base. The Televillage offers companies the opportunity of accommodating personnel at different locations, while they receive just one invoice. The locations are on the edge of agglomerations where accessibility by means of public transport is taken into account, and obviously also parking facilities. The buildings are accessible for the disabled, and the office space itself is designed for ergonomics and the possibility of desk-sharing. Classrooms and meeting spaces are also provided for teleworkers, colleagues and clients. Support services such as a telesecretariat are also provided. At present the company offers more than a hundred workplaces, but the occupancy level amounts to no more than 5% (Voka, 07/06/2004).

Business centres also are an option for teleworking within a professional infrastructure. The infrastructure and services offered are also designed for both employees and employers to be able to implement teleworking. Certain centres are located on industrial estates near motorways, and some at the centre of large cities for optimum accessibility by public transport. They offer different formulas, such as a flexible workplace for one person in an open-plan office, or separate offices for one or more employees. Besides an infrastructure and the support of a secretariat for example (for the intelligent routing of the calls, agenda management, etc.), advice is provided on aspects including IT, HR, accounting and marketing (Antwerp Business Center www.abc.be; Businesspark Rivium www.rivium.be; Power Line Office House www.verbessem.be; Regus www.regus.)
Universities have also set up business centres and incubation centres to accommodate starting companies and spin-offs. Such centres offer the opportunity of developing a network of offices to be closer to clients and employees, and accordingly the ability to respond with flexibility to the changing needs of the market thanks to these satellites and the use of mobile and possibly teleworking at home (for a summary of the business centres see the Web site of the Belgian Office Business Centres Association: www.bobca.be/BVZ/BVZ.htm).
Conclusion

Teleworking is quietly seeping into the business community. Too many remaining uncertainties among both employees and employers are impeding the structural and formal introduction of tele(home)work in many organisations. Despite this, teleworking is sometimes used in an informal way to enable a certain flexibility in work organisation and the combination of work and family. This informal nature is an advantage for some because it can be introduced quickly, without additional costs or rights and obligations. On the other hand, this tacit acceptance of teleworking in organisations entails much uncertainty for employees and employers: which criteria are used to decide what work can be done by teleworking, who has the right work attitude, skills and traits to make a success of teleworking for all the parties involved: the employer, employee and the family. There are also still uncertainties about costs, rights and obligations of the teleworker, working hours and performance control, and career opportunities of teleworkers compared to non-teleworkers. These issues are also barriers to the formal introduction of teleworking in a significant way in organisations. The conversion of the European teleworking framework agreement in Belgium would see the start of a wide-ranging discussion about which perspective would be offered for teleworking, and how the different parties involved commit themselves to take further concrete action.

An important initiative to lower existing thresholds is being provided by a number of projects in Belgium. They broach real issues concerning training, legal aspects, management, ICT and the return on investment of a teleworking project. Various testimonials are also being received from different business sectors and the government, from organisations that have experienced the success factors and pitfalls for real. The further development of practical tools for the studying of the feasibility of a teleworking project for one’s own organisation, step by step project development with measurement times and an evaluation after a trial period, the training of supervisory staff and teleworkers, and concrete arrangements in the form of a teleworking policy can all help to reduce the uncertainty. Such tools support the formalisation of teleworking at organisations based on clear and measurable arrangements, where sight is not lost of the fact that teleworking as a flexibility tool also facilitates adaptations to actual needs of employees and employers. Additional practical accounts from organisations that have introduced teleworking and teleworkers themselves, concrete research and the resulting advice may be able to win organisations over. Yet, barriers still remain to be eliminated to meet this challenge. Teleworking indeed challenges important deep-seated concepts such as responsibility, autonomy, control, productivity and efficiency.


BBTK (s.d.) *Praktische gidsen: telewerk.* www.bbtk.org/code/nl/page.cfm?id_page=272


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## Teleworking organisations & projects

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<td>Time for telework (Tijd voor telewerk)</td>
<td><a href="http://www.tijdvoortelewerk.be">www.tijdvoortelewerk.be</a></td>
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<tr>
<td>Training Working Differently (Anders Werken)</td>
<td><a href="http://www.anderswerken.org">www.anderswerken.org</a></td>
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## Related organisations & projects

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<tr>
<th>Organisation</th>
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<tr>
<td>Agoria ICT</td>
<td><a href="http://www.agoria.be">www.agoria.be</a></td>
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<td>BOBCA</td>
<td><a href="http://www.bobca.be">www.bobca.be</a></td>
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<td>IFMA</td>
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<td>KMO-IT</td>
<td><a href="http://www.kmo-it.be">www.kmo-it.be</a></td>
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<td>Offitel</td>
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<td>Televillage</td>
<td><a href="http://www.televillage.be">www.televillage.be</a></td>
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A.1 GENERAL CONSIDERATIONS

In the context of the European employment strategy, the European Council invited the social partners to negotiate agreements modernising the organisation of work, including flexible working arrangements, with the aim of making undertakings productive and competitive and achieving the necessary balance between flexibility and security.

The European Commission, in its second stage consultation of social partners on modernising and improving employment relations, invited the social partners to start negotiations on telework. On 20 September 2001, ETUC (and the liaison committee EUROCADRES/CEC), UNICE/UEAPME and CEEP announced their intention to start negotiations aimed at an agreement to be implemented by the members of the signatory parties in the Member States and in the countries of the European Economic Area. Through them, they wished to contribute to preparing the transition to a knowledge-based economy and society as agreed by the European Council in Lisbon.

Telework covers a wide and fast evolving spectrum of circumstances and practices. For that reason, social partners have chosen a definition of telework that permits to cover various forms of regular telework.

The social partners see telework both as a way for companies and public service organisations to modernise work organisation, and as a way for workers to reconcile work and social life and giving them greater autonomy in the accomplishment of their tasks. If Europe wants to make the most out of the information society, it must encourage this new form of work organisation in such a way, that flexibility and security go together and the quality of jobs is enhanced, and that the chances of disabled people on the labour market are increased.

This voluntary agreement aims at establishing a general framework at the European level to be implemented by the members of the signatory parties in accordance with the national procedures and practices specific to management and labour. The signatory parties also invite their member organisations in candidate countries to implement this agreement.

Implementation of this agreement does not constitute valid grounds to reduce the general level of protection afforded to workers in the field of this agreement. When implementing this agreement, the members of the signatory parties avoid unnecessary burdens on small and medium sized enterprises (SMEs).
This agreement does not prejudice the right of social partners to conclude, at the appropriate level, including European level, agreements adapting and/or complementing this agreement in a manner which will take note of the specific needs of the social partners concerned.

A.2 DEFINITION AND SCOPE

Telework is a form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employers premises, is carried out away from those premises on a regular basis. This agreement covers teleworkers. A teleworker is any person carrying out telework as defined above.

A.3 VOLUNTARY CHARACTER

Telework is voluntary for the worker and the employer concerned. Teleworking may be required as part of a worker’s initial job description or it may be engaged in as a voluntary arrangement subsequently.

In both cases, the employer provides the teleworker with relevant written information in accordance with directive 91/533/EEC, including information on applicable collective agreements, description of the work to be performed, et cetera. The specificities of telework normally require additional written information on matters such as the department of the undertaking to which the teleworker is attached, his/her immediate superior or other persons to whom she or he can address questions of professional or personal nature, reporting arrangements, et cetera.

If telework is not part of the initial job description, and the employer makes an offer of telework, the worker may accept or refuse this offer. If a worker expresses the wish to opt for telework, the employer may accept or refuse this request.

The passage to telework as such, because it only modifies the way in which work is performed, does not affect the teleworker’s employment status. A worker refusal to opt for telework is not, as such, a reason for terminating the employment relationship or changing the terms and conditions of employment of that worker.

If telework is not part of the initial job description, the decision to pass to telework is reversible by individual and/or collective agreement. The reversibility could imply returning to work at the employer’s premises at the worker’s or at the employer’s request. The modalities of this reversibility are established by individual and/or collective agreement.
A.4 EMPLOYMENT CONDITIONS

Regarding employment conditions, teleworkers benefit from the same rights, guaranteed by applicable legislation and collective agreements, as comparable workers at the employers’ premises. However, in order to take into account the particularities of telework, specific complementary collective and/or individual agreements may be necessary.

A.5 DATA PROTECTION

The employer is responsible for taking the appropriate measures, notably with regard to software, to ensure the protection of data used and processed by the teleworker for professional purposes.

The employer informs the teleworker of all relevant legislation and company rules concerning data protection. It is the teleworker’s responsibility to comply with these rules. The employer informs the teleworker in particular of:
> any restrictions on the use of IT equipment or tools such as the internet,
> sanctions in the case of non-compliance.

A.6 PRIVACY

The employer respects the privacy of the teleworker. If any kind of monitoring system is put in place, it needs to be proportionate to the objective and introduced in accordance with Directive 90/270 on visual display units.

A.7 EQUIPMENT

All questions concerning work equipment, liability and costs are clearly defined before starting telework. As a general rule, the employer is responsible for providing, installing and maintaining the equipment necessary for regular telework unless the teleworker uses his/her own equipment.

If telework is performed on a regular basis, the employer compensates or covers the costs directly caused by the work, in particular those relating to communication. The employer provides the teleworker with an appropriate technical support facility. The employer has the liability, in accordance with national legislation and collective agreements, regarding costs for loss and damage to the equipment and data used by the teleworker. The teleworker takes good care of the equipment provided to him/her and does not collect or distribute illegal material via the internet.
A.8 HEALTH AND SAFETY

The employer is responsible for the protection of the occupational health and safety of the teleworker in accordance with Directive 89/391 and relevant daughter directives, national legislation and collective agreements. The employer informs the teleworker of the company’s policy on occupational health and safety, in particular requirements on visual display units. The teleworker applies these safety policies correctly.

In order to verify that the applicable health and safety provisions are correctly applied, the employer, workers’ representatives and/or relevant authorities have access to the telework place, within the limits of national legislation and collective agreements. If the teleworker is working at home, such access is subject to prior notification and his/her agreement. The teleworker is entitled to request inspection visits.

A.9 ORGANISATION OF WORK

Within the framework of applicable legislation, collective agreements and company rules, the teleworker manages the organisation of his/her working time. The workload and performance standards of the teleworker are equivalent to those of comparable workers at the employers’ premises. The employer ensures that measures are taken preventing the teleworker from being isolated from the rest of the working community in the company, such as giving him/her the opportunity to meet with colleagues on a regular basis and access to company information.

A.10 TRAINING

Teleworkers have the same access to training and career development opportunities as comparable workers at the employer’s premises and are subject to the same appraisal policies as these other workers. Teleworkers receive appropriate training targeted at the technical equipment at their disposal and at the characteristics of this form of work organisation. The teleworker’s supervisor and his/her direct colleagues may also need training for this form of work and its management.

A.11 COLLECTIVE RIGHTS ISSUES

Teleworkers have the same collective rights as workers at the employers’ premises. No obstacles are put to communicating with workers representatives. The same conditions for participating in and standing for elections to bodies representing workers or providing worker representation apply to them. Teleworkers are included in calculations for determining thresholds for bodies with worker representation in accordance with European and national law, collective agreements or practices. The establishment to which the teleworker will be attached for the purpose of exercising his/her collective rights is specified from the outset. Worker representatives are informed and consulted on the introduction of telework in accordance with European and national legislations, collective agreements and practices.
A.12 IMPLEMENTATION AND FOLLOW-UP

In the context of article 139 of the Treaty, this European framework agreement shall be implemented by the members of UNICE/UEAPME, CEEP and ETUC (and the liaison committee EUROCADRES/CEC) in accordance with the procedures and practices specific to management and labour in the Member States. This implementation will be carried out within three years after the date of signature of this agreement. Member organisations will report on the implementation of this agreement to an ad hoc group set up by the signatory parties, under the responsibility of the social dialogue committee. This ad hoc group will prepare a joint report on the actions of implementation taken. This report will be prepared within four years after the date of signature of this agreement. In case of questions on the content of this agreement, member organisations involved can separately or jointly refer to the signatory parties. The signatory parties shall review the agreement five years after the date of signature if requested by one of the signatory parties.

BRUSSELS, 16 JULY 2002

Signed: Emilio Gabaglio, General Secretary of the ETUC (on behalf of the trade union delegation) Georges Jacobs, President of UNICE. Andrea Bonetti, President of UEAPME. Rainer Plassmann, General Secretary of CEEP.