

Introduction

Nicola Countouris, Valerio De Stefano, Agnieszka Piasna and Silvia Rainone

1. The genesis of the book: fundamental questions about where and how we work

Debates on the future of work have taken a more fundamental turn in the wake of the Covid-19 pandemic. Early in 2020, when large sections of the workforce were prevented from coming to their usual places of work, remote work became the only way for many professions to continue to perform their economic activities and provide their services. In this way, what had been a piecemeal, at times truly sluggish, evolution towards a multilocation approach to work turned into an abrupt, radical and universal shift (ILO 2021). It quickly became clear that the consequences of this shift were far more significant and far-reaching than simply changing the address of one's workspace. They involved a series of rapid, blockbuster transformations that, it was already clear back then, were going to outlast the 'mandatory lockdown' phase of the pandemic.

Early discussions within the multidisciplinary community of the European Trade Union Institute (ETUI) Research Department on the transformations that the pandemic was bringing on how work is organised and performed showed the complexity of assessing the impact and the future trajectories of remote work. These led to fundamental questions being raised, discussed and explored: from the nexus between the location from where work is performed and how it is performed to how remote locations may affect the way work is managed and organised, as well as the applicability of existing legislation. Additional questions concern remote work's environmental and social impact and the rapidly changing nature of the relationship between work and life. The concepts and frameworks that could be drawn from the literature on telework at the time were rather inadequate as they had been coined for what was an exceptional phenomenon rather than a structural one. While they provided some useful starting points for further research, they clearly needed to be validated against a very different landscape and, perhaps more importantly, they needed to be revised in light of the rapid transformations determined by the unprecedented scale of the experience.

These early discussions highlighted the gaps in existing knowledge about remote work, but they also made it clear that insights from different areas of research could shed light on this emerging debate. Thus, a group of ETUI researchers and academics embarked on a fascinating and challenging journey of formulating critical questions about remote work and examining them from the perspective of their disciplines. The debate went beyond the four walls of the Institute, drawing inspiration from and sharing the perspectives of experts from academia and international institutions as well as from the

trade union world, as evidenced by the composition of the editorial team. This volume is the culmination of those analytical efforts.

1.1 Probing assumptions and searching for answers

While the decoupling of ‘work’ from the traditional concept of ‘the workplace’ may be – in many ways – revolutionary, it most certainly does not imply that work may happen nowhere or that the actual place of work does not have an impact on the very performance of work. On the contrary, the physical location of work away from the traditional ‘office space’ is having a growing influence in shaping several outcomes of remote work for workers (Risi and Pronzato 2021). It has become increasingly obvious that not everyone has access to the same quality of working space at home and that, when working from home, there are different sets of roles and duties – many of them ‘gendered’ and socially constructed – competing for workers’ time and attention. The departure from a shared and standardised place of work into highly individualised locations with unequal potential and constraints can deepen existing inequalities as well as generate new ones.

Paradoxically, just as remote work is emerging from the shadows and into the light, remote workers – by their very nature – are disappearing out of sight, both literally and metaphorically. Managerial practices built around the notion of the presence and visibility of workers in the workplace are increasingly being challenged, as are the power relations on which they are premised. With the disintegration of the traditional concept of managerial oversight, the very rationale behind employing workers under traditional employment contracts is being questioned, with numerous employers no longer feeling that remote work practices ensure a sufficient degree of subordination such as to justify the *quid pro quo* between control of labour resources and worker protection that is inherent to the concept of the contract of employment. It might be useful to draw parallels with the proliferation of outsourcing and the platformisation of work and, against this background, to identify the potential future challenges to work and employment conditions related to remote working (Piasna 2022; Weil 2019; Wood et al. 2019). In a similar vein, collective bargaining and representation instruments built around a physical and shared workplace will need to be reimagined if they are not to lose their influence and relevance.

The metaphorical disappearance of remote workers is also linked to some of the, perhaps less obvious, consequences of the shift of paid work into the private, domestic sphere of the household (Bérestéguí 2021). Industrial and post-industrial societies have largely excluded any labour performed in the private sphere from the notion of work or employment that ought to be remunerated and protected. The few exceptions to this rule, for instance ‘home working’, invariably struggle to attract ‘decent work’ standards (it is not a coincidence that ILO C-177, the Home Work Convention of 1966, has only been ratified by 13 countries). Invariably, work performed at home – not to mention ‘reproductive labour’ – is typically regarded as alien to the public interest and to public regulation. The growth of remote work performed from home reinserts paid labour into the private sphere, revealing the pre-existing regulatory lacunae and creating

new normative tensions at the frontiers of these two worlds: private life and paid work (De Valdenebro Campo et al. 2021).

Remote work has also been invisible in official labour market statistics, with little data available from the pre-pandemic period and little conceptual clarity as to how to measure work that is not performed on employers' premises (see also Felstead 2022). And, as with many concepts in social sciences, what is not measured tends to be ignored (Burchell et al. 2014). It is thus about time to put forward questions and formulate the concepts that can guide future research on remote work.

One area where we might still lack the right questions is the environmental impact of remote work. Early proponents of telework saw it as a modality of work that would reduce commuting time, road traffic and pollution. These assumptions have now been put to the test, revealing a much more complex web of interdependencies and effects. Reduced commuting time may change consumption patterns but it may also change lifestyles, transforming suburbs and city centres. The science does not even seem to be settled on whether virtual meetings have a larger environmental footprint than offline meetings in an office as they require electricity, data storage and more IT equipment, not to mention heated dwellings and additional consumption of energy in the household.

With remote work now clearly emerging as a central component of the broader future of work debate, it requires careful consideration from different perspectives and disciplines in order to arrive at a truly socially embedded approach to the future of remote working. This edited volume, with chapters written by ETUI researchers as well as external experts from academia and the labour movement, lays the groundwork for properly evaluating the risks and potential of post-pandemic and post-emergency remote work. What it aims to contribute is not mere predictions about the development of remote work but, instead, reasoned assumptions about its impact on various aspects of life, society and the economy, coupled with specific policy and regulatory proposals for achieving decent remote work.

2. The state of play on remote work

The following chapters offer a rich, multidisciplinary and multidimensional overview of the phenomenon of remote work. Remote work has now firmly entered its post-pandemic phase and, in doing so, it has claimed a more structural presence in the lexicon of human resource management and work organisation practices and, of course, in the daily lives of millions of workers and businesses. The move away from the contingencies of the Covid-19 emergency and lockdown mandates has, in many respects, also transformed the concept of (remote) work itself, at least in two ways. First, it has opened the use of remote work to choice and deliberation, with workers and employers able to choose whether remote work should feature in the workplace and, if so, to agree (individually and collectively) how it should be treated and regulated. Second, it has opened the possibility of mixing this form of work with other forms and modalities of employment, including in conjunction with the more mundane forms of work from the 'office', often

referred to as ‘hybrid work’, or other forms of work provided outside the employer’s premises extending from platform work to other typologies of ‘peripatetic’ employment.

These two factors – choice/deliberation and the ability to mix different forms of remote and onsite work – are currently leading to a large scale of decentralised – typically company based – experimentation, with certain patterns clearly emerging but with many elements of uncertainty and unpredictability.

In terms of the emerging patterns, the most evident is arguably the progressive consolidation of hybrid work as the ‘new normal’. There is growing evidence that, while the end of Covid-19 mandates has clearly reduced the number of people working exclusively from home, many have retained the possibility of working remotely for at least part of the working week, typically going to the ‘office’ in the middle of the week and working from home on Mondays and Fridays (Financial Times 2022). The number of office workers availing themselves of this option is substantial but varies from country to country (Alexandri et al. 2023). Data published by ETUI in the 2023 issue of *Benchmarking Working Europe* (Countouris et al. 2023) show that, on average, 24 per cent of workers in the EU worked from home at least sometimes in 2021, compared to 12 per cent in 2012, but with important national variations: for example, 54 per cent of Dutch workers teleworked at least in part in 2021, up from only 12 per cent in 2012. Perhaps more importantly, the data suggest that vacancies and openings are increasingly offering some combination of remote and office work in order to lure in applicants whose preferences remain strongly in favour of remote and hybrid work (Romei 2022).

The reorganisation of remote work around a hybrid work norm has several important consequences for both workers and employers. These are explored in greater detail in the different chapters of this edited collection but it is worth briefly listing them here. For workers, the most obvious implication is that hybrid work arrangements can simultaneously bring together both the best and the worst of each of the two modes of work they are composed of, office work and remote work. For example, they can lead to job intensification and a blurring of working time and personal time during ‘working from home’ days, as well as additional workload demands during ‘office work’ days under the direct supervision of managers concerned about productivity or the completion of certain office-based tasks in a shorter number of days. It can also lead to more remote surveillance for the purposes of monitoring home work productivity in ways that can spill over into greater managerialism and control during office days. The blurring of home work and office work lines has important implications for employers, too. In the pre-hybrid work era, personal lives used to be hidden to employers, especially to those keen to turn a blind eye. But with the home becoming an extension of the office, at least some days of the week, this is no longer possible and even non-inquisitive managers are regularly confronted with concerns about ‘personal’ wellbeing that, prior to the pandemic, were – literally – none of their business. There is evidence that employers that do not engage with these novel requests may be confronted, if not with ‘great resignations’, then with ‘quiet quitting’ practices (Economist Impact 2023).

This ‘worst of both worlds’ scenario is undoubtedly the one that is currently focusing the minds of trade unions and, to a certain (but lesser) extent, of regulators. As suggested by some of these chapters (Chapter 7 in particular), the key concerns of national and supranational trade unions is to ensure that remote and hybrid work arrangements do not lead to an erosion of working conditions and trade union rights. Second to this priority is that of preventing businesses from, broadly speaking, externalising certain costs and risks to workers – e.g. the costs related to work equipment but also those related to energy bills, subsistence and, no less importantly, health and safety at work – simply because part of work is being performed remotely from their homes. A third priority is that of addressing risks that are specifically linked to the remote portion of hybrid work, from data mining to undue surveillance practices to the risk of falling behind in terms of training opportunities and career progression. Discussions and negotiations about the ‘right to disconnect’ feature prominently within this debate.

Hybrid work would appear to be less exposed to the obstacles to trade union access and mobilisation that would appear to be inherent to pure, full-time remote work, with workers’ representatives being at least able to interact with a more traditional ‘office workforce’ some days of the week. But, even so, it should be clear that the organisational challenges faced by the union movement, and by workers themselves, of ensuring that hybrid work does not become an opportunity for scaling down trade union presence in the workplace are nothing short of formidable. To simplify a more complex point developed in greater detail in Chapter 6, if half of the workforce is not present in the office half of the time, then unions do need to adapt their recruitment, communication and mobilisation strategies to a hybrid and online environment. Neither does hybrid work mean that all of the workforce works from the office some/most of the time, with some workers periodically being allowed to work fully remotely for considerable periods of time for various reasons some of which could be linked to personal or family related vulnerabilities. Overall, a shift away from the physical office space as the central locus for unionisation is forcing unions to experiment with the creation of new, online communities but with results that will need to be carefully monitored in the years to come.

While hybrid work features prominently in the current state of play on remote work, it is important to note that full-time remote work is also growing in popularity, often (but not always) in association with the proliferation of platform mediated work. This trend brings along a unique set of challenges and regulatory questions, only some of which are currently being addressed or engaged with by the various national and supranational legal instruments on platform work. So, for example, purely remote forms of telework (whether mediated by a platform or not) lend themselves much more to a transnational and cross-border provision of work and services than hybrid work, in ways that raise important challenges for tax, social security and even labour and employment process rules. Digital nomads may well have the freedom to reside in one country and offer their services in another, but the country in which they live and access important public services may not be the same as the one in which they and their employers/principals are paying their social security contributions. Often, in order to make the most of the undeniable benefits that come with greater autonomy and freedom, remote workers and remote employers may agree to change the very nature

of their contractual arrangements, shifting them away from protected employment and into the sphere of self-employment and commercial contracts. Overall, this will in time require a reconfiguration, in more universal and supranationally coordinated terms, of important elements of employment protection and social security legislation but, as Section 3 suggests, this is not the only challenge lying ahead on the road to a more worker centred regulation of remote work.

3. The way forward

It is undeniable that the proliferation of remote and hybrid work models poses essential challenges to labour regulation systems and trade unions. The blurring of boundaries between private and professional life, the resulting extension of working hours and intensification of work pace, the disproportionate gender impact of these phenomena and the expansion of occupational health and safety risks beyond traditional workplaces are analysed in various chapters of this volume. In addition to these issues, they also focus on the possibility that remote work could transform into an opportunity for businesses to resort to unfettered outsourcing practices through the unilateral misclassification or reclassification of an ever-increasing number of online workers. Furthermore, we cannot understate how the transition to remote work has been accompanied by an enormous spread of abusive and intolerably invasive means of controlling and monitoring work performance. These technological tools have reintroduced forms of personal control, often damaging to human dignity, which have been associated with workplaces since the beginning of the industrial revolution, into the private spaces of workers, paradoxically leading to an extension and intensification of worker subordination.

It is evident, however, that the solution countering these risks cannot be a return to the pre-pandemic working situation. This would mean not only wasting the investments that have been made to enable the shift to remote work, and needlessly opposing a seemingly irreversible trend, but primarily failing to recognise that a significant portion of the workforce does not seem to be willing to turn back the clock to a time when they had to endure hours of daily or weekly commuting and attend the office every weekday now they have realised that a constant office presence is unnecessary. For trade unions, it would be an enormous risk to be identified as ‘champions of the return to the office’ when a growing segment of the working population rejects this as the sole paradigm of working.

The challenge, instead, is to ensure that remote work becomes and stays decent in the future and, for trade unions, to lead the struggle for labour rights in this direction. To this aim, what should be absolutely rejected are the Fordist-Taylorist vision of remote work and the techno-determinism that often accompanies the introduction of technology in workplaces.

In this respect, the false trade-off (Kantor and Sundaram 2022) between the ability to work remotely and the need for increased control and surveillance by management will have to be debunked. Existing studies show that remote work functions best in an atmosphere of mutual trust and increased worker autonomy (Messenger 2019).

Accepting the assumption that the ‘physical’ personal control of management in the office must necessarily be supplanted by the monitoring of keystrokes, stealth screenshots and various forms of spyware would be a mistake. Likewise, it would be erroneous to think that the introduction of these tools is somehow legitimised by them being technically available and now affordable. Such a techno-determinist approach cannot be accepted by the trade union movement and progressive policymakers. Instead, it is necessary to invest time and resources in demonstrating how many of these surveillance practices are already prohibited by labour and employment regulation and to mobilise around limiting the use of any other invasive control tools that continue to evade this regulation. Among other things, this requires collective reflection and policymaking on the scope and intensity of employers’ managerial prerogatives and how compatible these are with modern democratic societies.

We must also reflect more broadly on how technology allows these managerial prerogatives to spill over beyond the boundaries of the contract of employment, facilitating the use of sham self-employment while maintaining tight control over bogus ‘independent contractors’. In this respect, it will be vital to avoid a ‘platformisation’ of remote work, with businesses outsourcing their activities to sham freelancers online, meticulously controlled through technology, as has been happening for some time on various digital labour platforms.

Further consideration is needed on how to respond to the technological blurring of the boundaries between self-employment and subordinate work, especially when work is executed online. It is evident that the common watershed between work that is protected and work that is not based on traditional elements of legal subordination is struggling to keep pace with the phenomena briefly discussed in this Introduction and analysed in depth in the chapters of this volume. Hopefully, the receptivity of authoritative institutions such as the Court of Justice of the European Union to universal protection perspectives may pave the way for future trade union action.

Remote work will, in many ways, be the work of the future but it already represents the present and the way in which millions of workers earn a living. There is therefore a certain urgency in developing strategies and collective action to ensure that it meets the expectations of decency and emancipation that were associated with its blockbuster growth in the early days of the pandemic. We hope that the contributions collected in the chapters of this volume, that Section 4 presents in greater detail, will provide a solid theoretical foundation upon which to build the future of remote work.

4. Analytical approach and structure

The objective of this volume is to explore the impact of remote work and to investigate potential constructive and strategic ways of ensuring that it goes hand-in-hand with the interests of workers and society as a whole. In undertaking this fundamental and challenging inquiry, we have opted for a broad definition of the concept of remote work, covering a wide range of situations.

On the one hand, it encompasses forms of telework and hybrid work arrangements that do not involve critical changes in the company's business model or in the contractual classification of workers or the nature of their tasks. These arrangements are linked to an array of issues such as work-life balance, health and safety, surveillance, wages, the skills divide between remote workers and non-remote workers, unionisation and the determination of the applicable fiscal, social security and employment legislation. On the other hand, while these are crucial aspects to address, we believe they do not exhaust the footprint of remote working practices as regards the world of work. The volume therefore also looks at those remote work situations that arise from the broader phenomenon of digitally mediated work. There, a whole parallel set of issues emerges. These go beyond working conditions in the strict sense and include the implications of those business models based on extreme outsourcing tendencies and workforce scalability. From this perspective, remote work, especially when enabled by a digital ecosystem, is linked to a progressive fragmentation of the conventional (legal as well as spatial) notion of the firm and, consequently, to a loosening of the grip of trade union representation and to the growing ineffectiveness of the existing normative paradigm defining the scope of employment protection, that of subordination *in primis*.

Having framed the inquiry in such a pluridimensional fashion, it seemed quite natural to adopt a multidisciplinary perspective. This is reflected in the different and complementary areas of expertise of the editors and the 19 authors who have contributed to the volume. Through its sociological and political science angle, the book unpacks a series of societal and structural transformations linked to the expansion of remote work. Economists' analyses have been crucial in processing existing evidence and patterns in order to identify the trends and discern the complex interrelationships between remote work and the circumstances in which it is located. The volume also reflects the voice of the trade union world, providing the perspective of workers' organisers on a 'spaceless' world of work. Finally, a non-negligible number of authors are labour lawyers, thus giving the overall exploration a solid hold on the regulatory landscape with which remote work practices are confronted.

Enriched by this plurality of disciplines, one of the main contributions of the volume is the definition of a seminal research agenda for further exploration. Indeed, the 12 chapters draw an articulate picture of several work-related dimensions affected by remote work trends. Reflections develop along parallel axes, ranging from the discussion of global and societal dynamics to the implications for the contractual relationship between employers and workers. Similarly, the displacement of the spatial component of work is considered both from a theoretical perspective as a potential paradigm shift for the world of work and, more pragmatically, as a challenge for the implementation of specific regulatory regimes. Another key intuition that emerges from the multidimensional approach of this volume is that the establishment of a worker centred future of (remote) work requires the exploration and development of constructive pathways at different levels and in different directions involving the role of regulators, courts, trade unions, researchers, businesses and workers themselves.

In terms of structure, the volume opens with a reflection by Jon Messenger (Chapter 1) on how remote work alters the temporal and spatial variables of the world of work.

This is not necessarily negative; on the contrary, such changes can empower workers by giving them greater control over their (working) lives. However, it is essential that a number of safeguards are put in place and that the social partners are involved in drawing out the lessons learned from the Covid-19 pandemic. Following this introductory contribution, the volume outlines a series of problematic issues which, far from being new, now risk being exacerbated by the normalisation of remote work.

Uma Rani in Chapter 2 adopts a global perspective and shows how remote work, combined with online and platform work, is intensifying cost-driven labour outsourcing trends. The chapter traces the main flows of demand for online or remote work, with particular implications for the US, UK and Indian labour markets, and warns that, in the absence of effective international and universal labour standards, remote and platform work will accelerate the fragmentation of the workplace and exacerbate the downward pressure on working conditions around the globe. Chapter 3, contributed by Mehtap Akgüç, Béla Galgóczi and Pamela Meil, examines the relationship between remote work and the green transition which, they argue, is far less straightforward than commonly presumed. The assumption that less commuting and office use will reduce energy consumption is not necessarily true. In the following Chapter 4, Kalina Arabadjieva and Paula Franklin analyse remote work as a disruptor of the public and private spaces divide and reflect on its implications from a gender perspective. The authors unravel a complex and seemingly contradictory dynamic in which home-based telework has a disproportionately negative impact on women, exposing them to a whole range of unpaid care work, while at the same time having the potential to improve their position in the labour market. Another critical development associated with telework arrangements is the emergence of a new cleavage between those employees who are able to work from home, and who generally have higher skills and wages, and those whose jobs entail tasks that cannot be performed remotely, who have more precarious working conditions and are paid proportionately less. Using representative data on the EU labour market, Wouter Zwysen discusses this phenomenon in Chapter 5 and finds that higher union density tends to be associated with more equitable access to remote work across the workforce.

Having problematised some of the specific implications of remote work, the focus then turns to the role of trade unions in promoting better working conditions for remote workers. The aspect addressed by Kurt Vandaele and Agnieszka Piasna in Chapter 6 is that of the challenges to unionisation that emerge in 'spaceless' workplaces. The authors explore the potential of spontaneous online communities of workers and consider the relationship between these and trade union organising strategies, suggesting that these two dimensions may have a mutually reinforcing role. Providing a direct trade union perspective, Birte Dedden, Stan De Spiegelaere and Maureen Hick's Chapter 7 then reviews collective bargaining experiences around the issue of remote work and outlines a remote work agenda for trade union delegates and organisers. Their recommendations also apply to policymakers who have an essential role to play in ensuring trade union access to remote workers and in strengthening the enforcement of the existing legal framework on information, consultation and collective bargaining rights.

Another fundamental variable determining the unfolding of remote work practices, and more expressly their impact on working conditions, is the regulatory framework. The volume devotes ample space to legal analysis, highlighting both the gaps and the potential of existing (European) legal systems. Nicola Countouris with Valerio de Stefano in Chapter 8, and Silvia Rainone in Chapter 9, respectively, provide a cartography of the weaknesses of traditional legal paradigms and point to potentially constructive routes to overcome the unintended rigidities that undermine the effectiveness of employment protection systems. Focusing on the employment relationship, Countouris and De Stefano suggest that a model based on subordination is increasingly unable to curb the ‘contractual distancing’ implications of remote work. Lacking the spatial dimension of managerial control, employers tend to prefer freelance labour supply, taking advantage of the anachronistic formalism that governs the scope of labour rights. Rainone integrates these observations by showing that transformative dynamics also emerge with respect to the dissipation of the traditional legal concepts linked to the employer’s sphere of influence, such as the notion of establishment or undertaking. In addition, digital remote work is associated with the emergence of monopsonistic dynamics that exacerbate the power imbalance between businesses and workers and urge the introduction of new, more targeted labour standards.

This is followed by a discussion of the implications of remote work for one of the most regulated aspects of EU law, namely the coordination of applicable legal regimes in the case of working arrangements with a connection to more than one Member State, as may well be the case with remote workers who live in a country other than that of their employer. Uglješa Grušić examines in Chapter 10 the applicability of the Brussels I and Rome I regulations to remote working scenarios and suggests that their correct implementation minimises the risk of misclassification of the employment relationship. On the other hand, European private international law as it currently stands supports outsourcing and offshoring practices, with potentially negative consequences for the effectiveness of employment standards. In Chapter 11, Zane Rasnača narrows the focus to the specific and often mediated figure of digital nomads as a case study to analyse the situation of remote workers in terms of labour standards enforcement. The chapter identifies several enforcement gaps, mainly related to legal obscurity regarding the status and protection of mobile remote workers under EU law and ambiguously drafted legislation.

Chapter 12 by Hamid Ekbia closes the volume, sublimating the different angles and dimensions explored in the previous chapters in a theoretical reflection on the future of work. Remote work is embedded within a series of transformative dynamics that are reconfiguring the relationship between space and time in the interest of the perpetuation of capitalist systems. Enabled and displaced by digital technology, work risks drifting into a purely profit-driven narrative. To reverse such a trend, it is argued that the future of remote work must be embedded in an emancipatory and empowering agenda.

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