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> **The Next Normal:
The Changing Workplace in
[NAME OF COUNTRY]:**
An Advocacy and Action Agenda



The COVID-19 pandemic has brought the most significant changes in generations to the workplace. At its core, the pandemic has fundamentally changed where, when and how many people work. The adoption of new ways of working and new technologies have created major shockwaves, upending many long-standing norms and practices. Workers are facing unprecedented changes in the nature of work, with longstanding practices, such as the need to go to a physical workspace, being questioned. The pandemic has raised a wide range of questions, for example: Has the pandemic changed the skills necessary to be successful in the workplace? Will remote workers find it easier or harder to bargain with their employer for pay rises and improvements in conditions? Has the rise of remote work increased labour market competition and eroded worker bargaining power? Can remote workers live in another country and what would the tax implications of such an arrangement be?

Enterprises have also faced unprecedented changes, and had to question fundamental assumptions about their operations, such as whether they still need physical premises or how they measure and reward what workers produce. Enterprises also face new questions brought on by the enormous disruptions of the pandemic, for example how they can monitor contractual working time when no one is physically clocking into a workplace or which costs associated with remote work they should pay. Employers are also addressing questions they've never previously faced, such as who is liable if remote workers injure themselves at home? For enterprises, there are many inter-related considerations and questions about how these many changes interact with issues such as employment law, worker taxation and benefits, health and safety, data privacy and protection, and corporate law and taxation.

All this has wide-ranging implications for public policy over the coming years with likely legislative changes. In order to effectively engage in this process the [NAME OF EBMO] will in the first instance, through its members, to identify key concerns and perspectives of the business community.

This Advocacy and Action Agenda has been developed as [NAME OF EBMO] an initial vehicle to gather and collect this critical information from members. We have laid out here a set of key questions and draft recommendations where we feel legislative and policy activity is likely. The [NAME OF EBMO] will subsequently follow up with members throughout various [NAME OF EBMO] committees, policy groups and through workshops and seminars along with survey work to concretize policy proposals and convey our members perspectives to policy makers.

1. Remote and hybrid work

► Policy questions

How will labour laws govern remote work and other types of increased workplace flexibility?

- Does current legislation provide sufficient flexibility for remote and hybrid work arrangements, including but not limited to flexible working hours?
- How overtime hours performed remotely be effectively monitored?
- What is the impact of remote and hybrid work on the legal status of an employment relationship that has mostly been based around a fixed time period and fixed workplace?
- What are the implications of the shift from measuring employment based on 'time' to one based on 'outputs'?
- Who bears the cost of equipment and expenses associated with remote work?
- What is the employer's duty of care for remote and hybrid workers when they work offsite?
- What specific restrictions, such as a right to disconnect, are necessary to protect the privacy and personal lives of workers?
- Do national laws need to be updated to effectively govern remote work that crosses borders?
- Are there material tax, employment and immigration questions flowing from cross-border working arrangements?

► Draft Recommendations

- **[NAME OF EBMO]** will advocate for a legal framework that explicitly allows for the following in both individual and collective agreements:
 - » Contractual flexibility of the times and locations where work is performed.
 - » Flexibility to change traditional onsite allowances into other forms of support for remote workers who have changed the location or mode of work.
- **[NAME OF EBMO]** will advocate for a clear definition of the employer's duty of care, as well as limitations on the employer's liability, for remote workers engaged in offsite work.
- **[NAME OF EBMO]** will encourage and actively participate in national-level dialogue about reforms to the legal framework and the definition of the employer's duty of care.
- **[NAME OF EBMO]** will advocate for a regulatory regime for transnational remote work that is comparable to that for domestic workers. This will ensure that workers do not have perverse incentives to work internationally and provide a level playing field for all enterprises – foreign and domestic – when it comes to hiring and retention.
- **[NAME OF EBMO]** will advocate for an enforcement regime regarding transnational remote work that is comparable to that faced by employers domestically.

2. Performance and Productivity

► Policy questions

- How will enterprises measure and reward worker performance in the future?
- Does the legal and regulatory framework need updating to allow for these types of measurement and performance-based compensation?
- Is the legal and regulatory framework around performance-based pay, including pay transparency, adequate and appropriate?
- What types of performance monitoring should be legally allowed for remote work, including for purposes of verifying hours worked, overtime, and other matters?
- Does the legislative framework concerning performance monitoring need updating, including explicitly addressing the use of surveillance tools and software?

► Draft Recommendations

- **[NAME OF EBMO]** will advocate for a legal and regulatory framework that:
 - » Allows broad use of performance-based pay.
 - » Allow for reasonable types of employer monitoring of remote and hybrid work, giving employers the tools they need to ensure workers are performing.
 - » Requires clear disclosure to workers about performance monitoring.
 - » Ensures that the rights and privacy of workers is respected.
- **[NAME OF EBMO]** will develop tools and case studies about the use of performance-based pay and performance monitoring for distribution amongst members.

3. Workplace Relations

► Policy questions

- Have new forms of direct and indirect discrimination, harassment, workplace bullying and gender-based violence surfaced during the pandemic?
- Do regulations on trade union rights, industrial action, dispute resolution processes need to be adjusted to accommodate online processes?
- Do laws allow for adequate flexibility to change scheduling or other steps to ensure social distancing, reduced hours contracts, etc. that may be needed either for worker health and safety or business sustainability?
- Does the legal and regulatory framework allow enterprises to increase use of contractors while also making sure that these workers have equal access to worker's rights and social protection systems while not being disadvantaged in terms and conditions of work?
- Do legislation and workplace agreements effectively cover hiring workers from other countries?
- What rules should govern conflicting priorities regarding remote work, with the needs of enterprises to monitor remote worker performance on the one hand and the right of workers to a reasonable level of privacy on the other?
- What rules will govern the rights of workers to disconnect from work when working remotely?
- How are trade unions and employer and business membership organizations affected by remote and hybrid work, when workers are physical dispersed?
- How will trade unions represent workforces that are increasingly dispersed across multiple jurisdictions?

► Draft Recommendations

- **[NAME OF EBMO]** will encourage member enterprises to regularly communicate and engage with workers, and augmenting this with digitally enhanced mechanisms and technologies to expand reach and accessibility.
- **[NAME OF EBMO]** will develop short guidelines (with education and awareness campaigns) on new forms of direct and indirect discrimination, harassment, workplace bullying and gender based violence that have surfaced as a result of Covid19. Provide for confidential worker assistance counselling where feasible.
- **[NAME OF EBMO]** will seek clarity on whether regulations on trade union rights, industrial action, dispute resolution processes need to be adjusted to accommodate online processes.
 - » Short-time work when required for reasons beyond an employer's control.
- **[NAME OF EBMO]** will provide assistance to members in developing guidelines and processes for hiring remote workers from other countries.



4. Skills

► Policy questions

- What changes are needed in curricula and TVET structures and funding to keep pace with the rapid increase of demand for workers with digital skills?
- Can new mechanisms be set up to encourage workers to engage in trainings, such as by paying a stipend or ongoing wages to people while undergoing training?
- Can new methods of skills training delivery, such as digital courses, be implemented to provide a cost-effective way to meet skills needs?
- Can the legal and regulatory framework better incentivize employers to reskill current workers rather than hiring new workers or contractors?
- Can mechanisms to review skills needs across sectors be improved, so that skills supply interventions can more rapidly pivot in line with emerging demands? Should an EBMO skillsmapping exercise amongst enterprises be part of this mechanism?
- How can skills development systems produce more in-demand multiskilled workers, who have not just a technical skill but the capacity to use them in a digital work environment and the soft skills (communication, teamwork, etc.) to maximize their benefit?
- Do skills mapping exercises include the growing global market for certain skills, such as IT skills, and factor these changing labour market dynamics into planning skills development?
- How can skills training systems be more accessible to the low skill, low wage workers most hurt by the pandemic and most in need of new skills to transition into more skilled and higher paying work?

► New services for businesses using digital platform

- **[NAME OF EBMO]** will advocate for skills systems that prioritize low skill, low wage workers, and provide incentives for their participation, such as stipend or ongoing wages to people while undergoing training.
- **[NAME OF EBMO]** will advocate for mechanisms to regularly review emerging skills needs across various sectors, as well as the agility of skills training systems to meet ever-changing skills demands.
- **[NAME OF EBMO]** advises members to prioritise training for managers and supervisors to manage teams remotely.
- **[NAME OF EBMO]** will advocate for an assessment of the capacity of training quality standards and accreditation authorities to provide rapid quality assurance and certification of short courses and micro credentials for on-demand skills training.
- **[NAME OF EBMO]** will advocate for training and accreditation authorities to provide rapid quality assurance and certification of short courses and micro credentials for ondemand skills training.

5. Digital access and protection

► Policy questions

- How can digital access and connectivity be prioritized, with an emphasis on underserved communities and locations?
- How can the benefits (flexibility, quality of life and otherwise) associated with remote work become accessible to a broader group of workers, spreading beyond just high-skilled service sector workers who currently benefit most from remote work?
- How can digital adoption amongst SMEs be promoted and facilitated? Similarly, improved access to finance, training, etc.?
- Does the legislation and policy frameworks regarding the disclosure of protected company or personal information need to be reviewed?
- Is legislation on workers privacy and their right to disconnect fit for purpose?
- Have data privacy laws that impact if and how personal data can be processed been considered?

► Draft Recommendations

- **[NAME OF EBMO]** will advocate for policies that improve digital access and inclusion.
- **[NAME OF EBMO]** will promote IT access and skills audits as a way to identify needs and address digital access challenges
- **[NAME OF EBMO]** will advocate a clear regulatory framework governing the disclosure of protected company or personal information, while assisting member businessesenterprises to adopt clear policies and procedures to ensure the security of protective information.
- **[NAME OF EBMO]** will encourage members to allow non-employeeworker household members to use internet connectivity and devices for learning and earning purposes, provided this does not interfere with the worker's requirements.

6. Health, Safety & Wellness

► Policy questions

- Do OSH policies need to increase their focus on safety compliance requirements for remote and home-based workers?
- Does existing OSH legislation adequately protect the health and safety of workers and others such as customers and suppliers who enter the workplace?
- Does existing OSH legislation ensure that workers have their own legal duty to take reasonable care for the health and safety of themselves and others?
- Does the legal framework allow businessesenterprises to compel workers to be vaccinated or introduce restrictions on their workplace activities, such as limiting their participation in congregate settings like meetings?
- What policy measures are needed to help SMEs take steps to address workplace health and safety at the same level as large enterprises?
- How can labour laws and individual enterprises help to address the mental health challenges that accompany remote work?
- Will enterprises be liable for wider harms that befalls a remote employeeworker such as domestic abuse?

► Draft Recommendations

- **[NAME OF EBMO]** will advocate for revisions to OSH policies to provide greater clarity about the health and safety rights and obligations of both workers and employers when the worker is engaged in remote work.
- **[NAME OF EBMO]** will advocate for revisions to the OSH regulatory framework to ensure that it clearly elaborates on the rights and responsibilities of both workers and employers when it comes to minimizing the spread of diseases at the workplace.
- **[NAME OF EBMO]** will support workplace and national level dialogue about vaccinations and what restrictions, if any, will be faced by workers who voluntarily refuse vaccination.
- **[NAME OF EBMO]** will develop and provide member enterprises with tools to address the health and safety hazards involved with remote work, especially psychological and emotional stress of workers.
- **[NAME OF EBMO]** will advocate for clear restrictions on the liability of employers in areas that fall beyond the employer's duty of care.

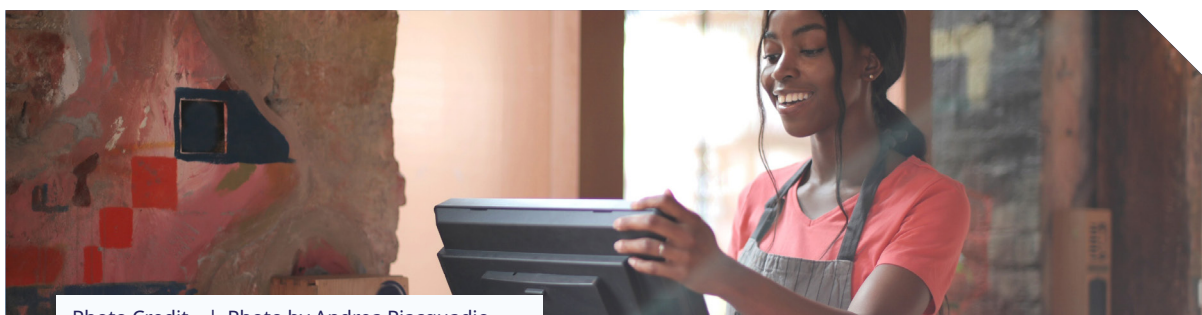


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How [NAME OF EBMO] will respond to the needs of members

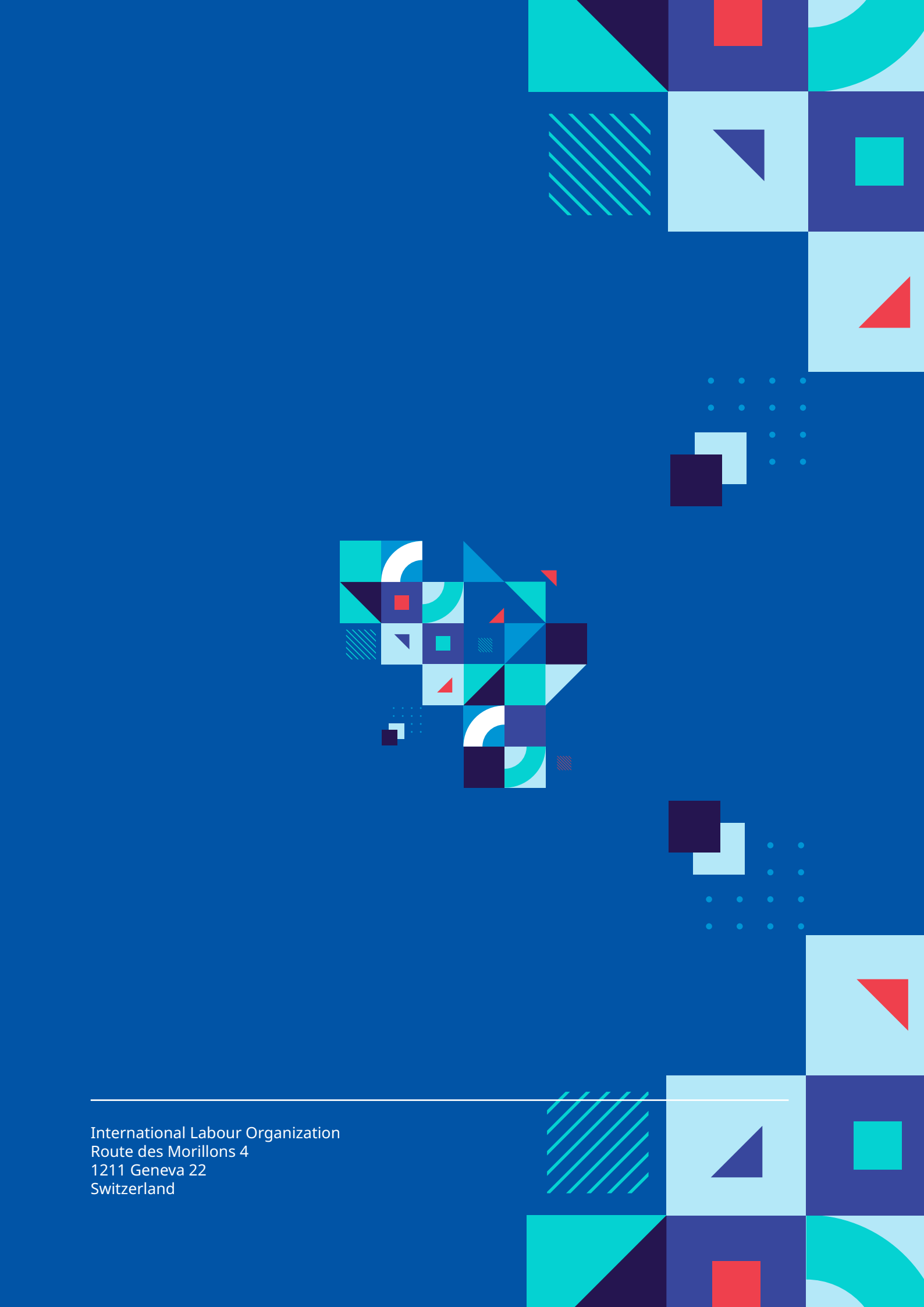
[NAME OF EBMO] will critically evaluate its own governance, operations (finance, IT, human resources, risk management), communication, membership engagement and stakeholder relations in order to determine if they are optimally positioned to respond rapidly to the emerging new environment. New technologies and increased use and acceptance of technologies has enabled [NAME OF EBMO] to widen the footprint of our services to members across the country. Additionally, it has enabled us to become a more inclusive organization by enabling greater participation via online platforms of policy groups, committees and AGMs. [NAME OF EBMO] will continue to explore new ways how it can remain a member driven organization and 'fit for purpose' for the emerging post pandemic environment.

[NAME OF EBMO] believes the issues laid out in this document require a serious and concerted evidence-based approach by social partners and policy makers. There are many complex issues that place fundamental questions on how labour markets have been organised. [NAME OF EBMO] believes that we should take a cautious and methodological approach to policy and legislative changes, one informed by data and real experiences from the workplace actors. This will require in the first instance a commitment to social dialogue. Therefore, [NAME OF EBMO] is asking government to establish a national **Post-Pandemic Policy Task Force**. This multistakeholder, multi-Ministry Task Force will be charged with developing national responses that positions [NAME OF COUNTRY] to be ready for the challenges and to take advantage of the opportunities that the post pandemic global economy will bring.

The overarching goal of [NAME OF EBMO] is to help shape a collective vision for the post pandemic labour market and we believe that this .Advocacy and Action Agenda provides a useful starting point.



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