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'Workers have the right to disengage from work'

General secretary of the ICTU, Patricia King, explains Ireland's new code of practice to establish new ground rules in the digital labour arena

Since April, employees in Ireland have been guaranteed a fundamental right to disconnect from work. What does it mean and why is it so important?

From now on, workers essentially have the right to disengage from work and refrain from working in electronic communications outside of the normal working hours. One of the fundamental points is that an employee would have a right not to routinely perform work outside of the normal working hours, and that they wouldn't be penalised for refusing to attend work matters outside of those hours. There may be an emergency situation in anybody's work that would arise, and of course that is covered and it's permitted. But the hours of work should be respected under this code of practice that the government have agreed to put in place and that employers have agreed to respect.

It is also a means to fight unpaid overtime. Many people work in fields like insurance companies and government services thatare not covered by terms and conditions that would state what happened in overtime circumstances. Companies or employers often have been feeling that they were entitled to make connections with employees outside their working hours. This was becoming problematic.

Which effect did the pandemic have for passing this the new code of practice?

The pandemic highlighted that there certainly were circumstances that could be exploited or manipulated. We suddenly have many people routinely working from home. It is much more difficult to have the start and finish time stipulation because people are not actually leaving a place of work. They work from home all day and

employers might contact them all the time. People were expected to work past their normal working hours without receiving any compensation for it. It is a lot easier to breach all of the rules because of the pandemic scenario.

Now, that is not to say that in the past, prior to the pandemic, there were not circumstances where employers were requiring a connection after normal working hours. It was an issue. In fact, trade unions lodged their campaign for the right to disconnect prior to the pandemic. But it was brought to the fore and highlighted in much more stark terms when the pandemic occurred, because a lot of administrative type functions are now being performed from home.

How does the new code of practice in Ireland look like compared to practises within the EU and other countries? The European Parliament recently called for a similar law, but in most countries, there is not a right to disconnect yet. Is Ireland ahead in this regard?

We sought to have it as a law and we only got it as far as a statutory instrument through the code of practice. However, we may be ahead of some countries, even in terms of the stipulations that are in it.

The agreement brought the employers and trade unions together to set out these general good practice principles and agreeing to acknowledge and respect the terms of this code of practice. This is a good step forward from our point of view. It puts the issue of right to disconnect on the centre of the table. It's acknowledged by the employers it's an issue. While we would have preferred a law, we think that it is a step in the right direction.

As remote work in general is becoming more and more normal, do we need further legislation to keep up with recent developments?

What the government have so far agreed with us is that workers should have the right to seek working from home and that the employer should treat that request seriously. That is as far as we have got in terms of the government making an agreement with us on remote working.

However, there is a lot of work going on, which has not yet been completed, in relation to the subject of remote working. That involves not just possible extra payment and how that is organised, but also regarding health and safety of the workers concerned, what the employer provides in terms of equipment and so on.

In Ireland there seems to be some degree of interest in a future blended working scenario for people, whereby they would have time in office and time to work from home as well. That seems to be

emerging as a choice that workers may make. We will seek to have that acknowledged and accepted by government and employers. We have not yet agreed on the basis on which that will happen.

Many Western societies are affected by rural depopulation and migration into cites. In urban areas, space is becoming scarce and rents are rising. Is remote work a chance to push back against these developments? The Irish Congress of Trade Unions launched a new strategy specifically for the development of rural communities. What are the core ideas of this plan?

One of the proposals that is currently discussed is to install remote working hubs. That would mean that you have work hubs that were provided by the government, in various towns around the country. People could go to that place of work, which was much nearer their home, rather than commuting for hours into a city.

Ireland is a small country. It has just under five million in population. By German standards some of our towns would be quite small, but rural vibrancy is something that has to be maintained. Work hubs that are located strategically around main towns, whereby people can attend for work, and yet be part and linked into their central place of work, is certainly something that we are very interested in developing in our discussions with government. The key issue here is that using those work hubs is on a voluntary basis.

We have an issue — and I'm sure lots of towns and cities around Europe are going to experience the same — around the whole retail industry: it's the fact that people have developed different customer habits. Certainly, that has accelerated since the pandemic. There is a lot of anxiety around retail outlets that they may not open again in the future, which would really kill off the heart of the town.

The hub notion is something that might be there to add to the revitalisation of an area. Because if hubs are populated by workers, those workers are likely to spend their money and create a demand in the particular town. Therefore, some of these retail outlets might actually survive. That's some of the added positivity from developing these workspaces.

Do you see the danger that the expansion of home office work will put downward pressure on wages? For example, Mark Zuckerberg already announced that employees who work from areas with lower living costs would have to expect cuts in their salaries. Other companies have similar ideas.

Loads of companies have ideas in relation to that. In Ireland, we have not had any indicators that companies are going to go into that space.

I do think that in some of the cities, particularly in Dublin, there is anxiety about how the post-pandemic city will attract the same level of commercial activity, particularly around retail. If people are going to migrate to work in hubs and are going to see that there is an advantage in doing that for them personally, then the cities, certainly Dublin City, might have some levelling off in terms of their commercial activity.

One of the main social issues is around the lack of housing and the high cost of rent and so on. Those problems might influence workers in terms of taking a work option which is nearer to home but which is still linked to their main place of work. People might find that attractive compared to traveling for two or three hours in the morning and in the evening to be in an office space in Dublin City. There are going to be pros and cons.

This interview was conducted by Nikolaos Gavalakis.



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