

OPEN ACCESS

ISSN 2280-4056

*E-Journal of  
International and Comparative*

# LABOUR STUDIES

Volume 13 No. 03/2024



**ADAPT**  
www.adapt.it  
**UNIVERSITY PRESS**

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**@ 2024 ADAPT University Press**

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Online Publication of the ADAPT Series  
Registration No. 1609, 11 November 2001, Court of Modena  
*www.adaptbulletin.eu*

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# Remote Work and Gender Equality: Perspectives from the EU

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**Abstract:** Remote work is seen as a means to balance professional and personal life, as well as to increase employment accessibility for mothers and caregivers. In this context, remote work may operationalise not only Article 31 of the EU Charter of Fundamental Rights, which pertains to fair and just working conditions, but also Article 23, which addresses gender equality. However, statistical data indicate that it is predominantly women who work from home, a trend that could potentially widen the gender gap between male and female workers in office environments. This may reinforce gender stereotypes and confine women to domestic roles. In light of these considerations, this paper aims to explore whether and how remote work could serve as an effective tool in bridging the gender divide within the EU labour market.

**Keywords:** *Gender equality; EU labour market; digitalisation; remote work; EU social dialogue.*

## 1. Introductory Remarks on Gender Equality in the EU Labour Market

Women constitute one of the most vulnerable categories of workers, as evidenced by statistical data. The current global labour force participation rate for women is just under 47%, while for men it stands at 72%<sup>1</sup>. The

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<sup>1</sup> <https://webapps.ilo.org/infostories/en-GB/Stories/Employment/barriers-women#bridging-gap>.

25-percentage point difference – which exceeds 50% in some regions – highlights the gender divide in the workforce.

From an economic standpoint, reducing the gender gap in labour force participation could significantly boost global Gross Domestic Product (GDP). From a broader perspective, this imbalance may foster social inequality, with serious consequences at both the collective and individual levels, such as gender pension gaps, an increased risk of old-age poverty for women, unequal wealth distribution, and low female representation in decision-making roles. Legally, the gender divide in the workforce may both cause and result from gender discrimination and the non-compliance with fair and decent working conditions, exemplified by the gender pay gap, high rates of women in non-standard jobs, underrepresentation of women in top professional roles, challenges in work-life balance, unpaid care work, and violence and harassment at work.

Furthermore, the Covid-19 pandemic exacerbated these issues. The socioeconomic effects of the health emergency disproportionately affected women, as reflected in higher unemployment levels, greater exposure to the virus due to the overrepresentation of women in roles requiring physical contact<sup>2</sup>, and a surge in requests for assistance related to domestic violence<sup>3</sup>.

Overall, gender equality remains comparatively better in the European Union than in other parts of the world, with 14 of the top 20 countries globally for gender equality being EU Member States<sup>4</sup>. As noted, “the European Union is considered one of the world’s most advanced political systems regarding the promotion of gender equality, with its policies often regarded as exceptional”<sup>5</sup>. Nevertheless, the gender gap in the labour market within EU countries is not substantially different from the global situation, as reported by the European Commission<sup>6</sup>. Despite progress

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<sup>2</sup> For example, in hospitals, nursing homes, supermarkets, and home care.

<sup>3</sup> S. BUZMANIUK, *Gender equality in Europe: a still imperfect model in the world*, in *European Issues*, 2023, p. 1; EIGE, *Evidence to Action: Gender equality and gender mainstreaming in the COVID-19 recovery*, Publications Office of the European Union, 2023, p. 11.

<sup>4</sup> As reported by the European Commission’s Communication “*A Union of Equality: Gender Equality Strategy 2020-2025*”, 5.03.2020, in <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0152>.

<sup>5</sup> S. JACQUOT, *European Union Gender Equality Policies Since 1957*, in *Encyclopédie d’histoire numérique de l’Europe*, 2020, <https://ehne.fr/en/encyclopedia/themes/gender-and-europe/gender-citizenship-in-europe/european-union-gender-equality-policies-1957>. See also S. BUZMANIUK, *Gender equality in Europe: a still imperfect model in the world*, in *European Issues*, 2023, p. 2.

<sup>6</sup> See [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/women-labour-market-work-life-balance/womens-situation-labour-market\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/women-labour-market-work-life-balance/womens-situation-labour-market_en).



over the years, women remain underrepresented in the European labour market. In 2021, 67.7% of women were employed, compared to 78.5% of men.

This gender inequality in the labour market is a critical issue that requires serious attention, particularly as women are not a demographic minority. Statistical data show that, as of January 1st, 2020, there were 219 million men<sup>7</sup> and 229 million women in the European Union, meaning there were 4.7% more women than men – a figure that is expected to increase<sup>8</sup>.

## 2. An Overview of the EU Legal Framework on the Matter

In Europe, persistent challenges remain in achieving gender equality, despite significant progress in recent decades. Lower female participation in the labour market continues to be a consequence of social and cultural factors, prejudices, and stereotypes. This represents a fundamental challenge that must be addressed to ensure equality between men and women in all areas, including employment, work, and pay. Nevertheless, gender equality is a fundamental right and one of the core values of the European Union, as evidenced by the numerous legal provisions in this area. It is enshrined in Article 2<sup>9</sup> and Article 3(3)<sup>10</sup> of the Consolidated Version of the Treaty on European Union, in Article 8<sup>11</sup> of the Treaty on the Functioning of the European Union, and in Articles 21<sup>12</sup> and 23<sup>13</sup> of the Charter of Fundamental Rights.

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<sup>7</sup> See <https://www.istat.it/demografiadelleuropa/bloc-1b.html?lang=it#:~:text=Quasi%20il%205%20%25%20in%20pi%C3%B9,in%20pi%C3%B9%20rispetto%20agli%20uomini>.

<sup>8</sup> [https://www.europarl.europa.eu/EPRS/graphs/2021-Demography\\_IT.pdf](https://www.europarl.europa.eu/EPRS/graphs/2021-Demography_IT.pdf).

<sup>9</sup> “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”.

<sup>10</sup> “It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men”.

<sup>11</sup> “In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women”.

<sup>12</sup> “Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited”.

<sup>13</sup> “Equality between women and men must be ensured in all areas, including employment, work and pay”: art. 23 (1) CFR.

Over time, the European Union has adopted several directives aimed at promoting equality between women and men in the workplace, covering all the most significant aspects of the employment relationship. For example, Directive 2006/54/EC on equal opportunities and the equal treatment of women and men in employment and occupation mandates the prohibition of both direct and indirect sex discrimination. Other key directives include Directive 79/7/EEC and Directive 2010/41/EU, which address equal treatment for men and women in matters of social security and self-employed activities, and Directive 92/85/EEC, which seeks to improve the safety and health at work of pregnant workers, workers who have recently given birth, or those who are breastfeeding. Additionally, the Work-life Balance Directive<sup>14</sup> aims to support working parents and carers in reconciling work and family responsibilities through family-related leave and flexible working arrangements, thereby increasing women's participation in employment.

More recently, the Pay Transparency Directive<sup>15</sup> was adopted to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through enforcement mechanisms, in line with Article 157 of the Treaty on the Functioning of the European Union<sup>16</sup>.

Although not strictly related to employment, two other landmark achievements in the pursuit of gender equality have been made. In November 2022, the Directive on gender balance in corporate boards was adopted as an effective tool for enhancing female representation in decision-making within the largest listed companies in EU member states. Furthermore, in March 2022, a proposal for a directive on combating violence against women and domestic violence was presented by the European Commission.

The latest directives in this field stem from the European Commission's Gender Equality Strategy 2020-2025. This strategy adopts a dual approach, combining gender mainstreaming with specific measures for the advancement of women, aiming to ensure better policymaking and more efficient resource use. Additionally, the European Commission seeks to frame gender equality policies from an intersectional perspective.

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<sup>14</sup> Directive 2019/1158/EU.

<sup>15</sup> Directive 2023/970/EU.

<sup>16</sup> "Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied": art. 157(1).



Intersectionality<sup>17</sup> is a cross-cutting principle that considers multiple factors of discrimination affecting individuals, including gender, age, race, sexual orientation, disability, and more. Women are a heterogeneous group and may face intersectional discrimination based on various personal characteristics.

The goal is to create a Union in which women and men, in all their diversity, are free to pursue their chosen life paths, have equal opportunities to succeed, and can equally participate in and lead European society<sup>18</sup>.

Despite this comprehensive regulatory framework, gender inequalities persist. Gender gaps remain in employment, entrepreneurship, and public life, even though women surpass men in terms of educational attainment<sup>19</sup>.

### 3. Gender Equality Tested by Digitalisation

Amid the ongoing digital transition – one of the most significant societal transformations – it is crucial to assess whether and how digitalisation can help bridge the gender divide in the workplace.

According to the United Nations Development Programme (UNDP), the UN's lead agency on international development, “digitalisation is not gender-neutral”<sup>20</sup> because “deep-rooted gender stereotypes prevent women and girls from harnessing the myriad opportunities offered by digital technologies for personal and professional advancement.”

In general, digitalisation appears to place more strain on women than on men, as revealed by research conducted by the European Institute for Gender Equality in 2018<sup>21</sup>. This study found that in countries where young people (aged 16-24) report lower levels of confidence in their digital skills<sup>22</sup>, the confidence gap between women and men is significant, with a disparity of as much as 25 percentage points in Finland.

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<sup>17</sup> The term was coined by K. CRENSHAW, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, in *University of Chicago Legal Forum*, 1989, no. 1, p. 139.

<sup>18</sup> See [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-equality-strategy_en).

<sup>19</sup> OECD, *The Pursuit of Gender Equality. An Uphill Battle*, OECD Publishing, Paris, 2017.

<sup>20</sup> UNPD, *Gender Equality in Digitalization. Key issues for programming*, in [www.unpd.org](http://www.unpd.org), 2021, p. 4.

<sup>21</sup> EIGE, *Gender equality and digitalisation in Europe*, in <https://eige.europa.eu/publications-resources/publications/gender-equality-and-digitalisation-european-union>, 2018.

<sup>22</sup> E.g., Latvia, Austria and Finland.

This digital divide has a profound impact on educational and career choices: across the European Union, “more than twice as many young men as women have learned to programme” and become ICT specialists<sup>23</sup>. Science, technology, engineering, and mathematics (STEM) fields are among the most gender-segregated areas of the education system, as reflected by the low percentage of women graduating in these subjects in the EU over the past decades.

This gender division is mirrored in the labour market, where women are underrepresented in technological sectors, and ICT jobs remain predominantly male-dominated<sup>24</sup>.

#### 4. Remote Work as a Double-Edged Sword for Women

Digitalisation not only creates new job opportunities by promoting emerging sectors but also paves the way for new forms of work organisation and methods of work performance<sup>25</sup>. From this perspective, remote work is one of the most relevant and widespread examples of digital technologies applied to employment relationships.

Remote work encompasses a broad and rapidly evolving range of circumstances and practices. At its core, it involves performing work outside company premises. In practice, remote workers complete their duties outside a traditional office environment, typically using technological tools.

Although remote work is now widespread, it remains controversial because, while it offers numerous advantages, it also presents significant drawbacks. On the one hand, it can be an effective means of balancing professional and personal life by reducing commuting time and the associated stress. It also serves as a tool for promoting inclusion in the labour market, as remote work increases the accessibility of employment for mothers, caregivers, and individuals with disabilities. On the other hand, it raises several concerns regarding labour rights, psychosocial risks, social protections, and the potential for widespread technological unemployment<sup>26</sup>.

<sup>23</sup> See <https://www.oecd.org/en/topics/gender-equality-and-digital-transformation.html>.

<sup>24</sup> EIGE, *Gender equality and digitalisation in Europe*, in <https://eige.europa.eu/publications-resources/publications/gender-equality-and-digitalisation-european-union>, 2018.

<sup>25</sup> M. RUSSO, *Is the smart working the new frontier for Italian workers' well-being?*, in S. BELLOMO, F. FERRARO (edited by), *Modern Forms of Work. A European Comparative Study*, Sapienza University Press, 2020, p. 241.

<sup>26</sup> OECD, *Automation and independent work in a digital economy*, in [www.oecd.org](http://www.oecd.org), 2016; A. MCAFEE, E. BRYNJOLFSSON, *The Second Machine Age: Work, Progress, and Prosperity in a time*

From a gender perspective, it is important to highlight that statistical data show that it is predominantly women who work from home. This could exacerbate the gender gap between male and female workers in office environments, reinforcing gender stereotypes and confining women “to the home,” where they may struggle to balance remote work with domestic responsibilities, such as childcare<sup>27</sup>. As noted, “women workers also bear the brunt of unpaid care work and domestic responsibilities”<sup>28</sup>. Another aspect to consider is the growing number of incidents of domestic violence among remote workers engaged in home-based work. International statistical data reveal an increase in such cases during the two years severely affected by the pandemic. Restrictions on freedom of movement and the resulting necessity for remote work carried out from one’s private home led to a significant rise in incidents of domestic violence<sup>29</sup>. Domestic violence refers to violence occurring within the family unit, irrespective of the existence of biological or legal ties. Victims are primarily women<sup>30</sup>, as this form of violence stems from gender inequality and coercive control models targeted at them. It is a serious violation of the right to life and personal integrity<sup>31</sup>. For many female workers who are victims of violence, the workplace represents a safe refuge for at least part of the day. If the boundary between workplace and home is erased through remote work, even this limited escape is lost. Therefore, remote work can become a double-edged sword for women.

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*of brilliant technologies*, New York, 2016; E. LACKOVA, M. RUSSO, *Regulating (Un)Employment Effects of Automation. Challenges For Employee-Oriented Technological Transition*, in *Hungarian Labour Law E-Journal*, 2022, no. 2, p. 25.

<sup>27</sup> K. ARABADJIEVA, P. FRANKLIN, *Home-based telework, gender and the public-private divide*, in N. COUNTOURIS, V. DE STEFANO, A. PIASNA, S. RAINONE (edited by), *The future of remote work*, ETUI, Brussels, 2023, p. 61.

<sup>28</sup> See <https://www.ilo.org/resource/news/eliminating-vulnerability-female-workers-exploitation-palm-oil-and>.

<sup>29</sup> R. HARVEY, *The ignored pandemic. The dual crises of gender-based violence and Covid-19*, in [www.oxfam.org](http://www.oxfam.org), 2021.

<sup>30</sup> It is appropriate to clarify that potential victims of domestic violence can also be men, elderly people, minors, LGBTIQ (lesbian, gay, bisexual, transgender, non-binary, intersex and queer) people.

<sup>31</sup> A. DI STASI, *Il diritto alla vita e all'integrità della persona con particolare riferimento alla violenza domestica (artt.2 e 3 CEDU)*, in A. DI STASI (edited by), *CEDU e ordinamento italiano. La giurisprudenza della Corte europea e l'impatto nell'ordinamento interno (2016-2020)*, Wolters Kluwer Cedam, Milano, 2020, p. 1-31.

## 5. The Key Role of the EU Social Dialogue in Improving Remote Work from a Gender Equality Perspective

Although European provisions exist to protect women's rights and promote gender equality within the European Union, translating these normative provisions into tangible societal changes requires concerted efforts across various sectors, including social dialogue. Indeed, communication and negotiation among governments, employers, workers, and other stakeholders play a pivotal role in shaping attitudes, policies, and practices capable of responding to the need for gender-sensitive solutions. From this perspective, the EU social partners could play a key role in improving the working conditions of remote workers to promote gender equality. The term "European social partners" specifically refers to the organisations at the EU level engaged in European social dialogue, as provided under Articles 154 and 155 of the Treaty on the Functioning of the European Union (TFEU). These include representatives of management (employer organisations) and labour (trade unions).

Social dialogue between workers' and employers' representatives is a central component of the European social market economy<sup>32</sup>, and the TFEU states that its promotion is one of the common objectives of the European Union and its Member States<sup>33</sup>. As provided for by Article 155 TFEU, agreements concluded at Union level are intended to co-design, together with the European Commission and national governments, balanced measures to create an enabling environment for enterprises and better living and working conditions.

When remote work was still a niche topic, the first outcome of social dialogue on the matter was the Framework Agreement on Telework, signed on 16 July 2002. During a consultation with social partners on modernising and improving employment relations, the European Commission invited them to begin negotiations on telework. The items on the agenda included identifying flexible working arrangements, making businesses productive and competitive, and achieving the necessary balance between flexibility and security. This framework agreement was the tangible outcome of their collective bargaining. It is important to highlight that the EU social partners were forward-thinking, as digitalisation applied to work was still in its early stages at the time. According to the impact assessment conducted in 2008 by the European

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<sup>32</sup> EUROPEAN COMMISSION, *The role of social partners in the design and implementation of policies and reforms*, Brussels, 2016, p. 1.

<sup>33</sup> Art. 151 TFEU.

Commission, the Framework Agreement on Telework “may be considered a success”<sup>34</sup> because the instruments chosen, and the level of protection and guidance they provided, were deemed adequate in the majority of EU Member States.

According to the EU social partners, remote work could be a win-win strategy as it increases productivity and work-life balance simultaneously. For this reason, they paid significant attention to its regulation<sup>35</sup>, especially regarding the most critical aspects, such as health and safety<sup>36</sup>, data protection and privacy<sup>37</sup>, and collective rights<sup>38</sup>. However, the Framework Agreement on Telework does not make direct references to gender equality. At that time, the situation of remote workers had not yet been analysed from a gendered perspective, and the number of workers involved in remote work was negligible.

This changed during the COVID-19 pandemic, as working remotely was specifically considered an effective measure to limit the spread of the Coronavirus in the workplace. European statistics from 2019 show that only 5.4% of employed people were working remotely<sup>39</sup>, whereas, during the health emergency, nearly 70% of full-time workers across Europe were working from home. Although there was a slight decline in 2022<sup>40</sup>, this upward trend in teleworking is set to continue as technological developments increase the number of jobs that can be performed remotely, and both employee and employer preferences lean more towards remote working.

Following the telework boom during the health emergency, several studies focusing on the phenomenon have shown that working remotely “has a disproportionate negative impact on women in terms of work–life

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<sup>34</sup> See the Report on the implementation of the European social partners’ Framework Agreement on Telework {COM (2008) 412 final}.

<sup>35</sup> For a more detailed comment of the Framework Agreement on telework, see M. RUSSO, *Twenty years of EU Agreements on Remote Work from 2002 to 2022. What next?*, in *Freedom, Security and Justice. European Legal Studies*, 2023, no. 3, p. 217 ff.

<sup>36</sup> Art. 8 of the Framework Agreement.

<sup>37</sup> Artt. 5 and 6 of the Framework Agreement.

<sup>38</sup> Art. 11 of the Framework Agreement.

<sup>39</sup> EUROPEAN COMMISSION, *Telework in the EU before and after the COVID-19: where we were, where we head to*, 2020, [https://joint-research-centre.ec.europa.eu/system/files/2021-06/jrc120945\\_policy\\_brief\\_-\\_covid\\_and\\_telework\\_final.pdf](https://joint-research-centre.ec.europa.eu/system/files/2021-06/jrc120945_policy_brief_-_covid_and_telework_final.pdf).

<sup>40</sup> Because “remote work is often seen as anathema by some who associate it with laziness, low productivity and the degradation of the social fabric of firms and of their creative and collaborative potential”: N. COUNTOURIS, V. DE STEFANO, *Out of sight, out of mind? Remote work and contractual distancing*, in N. COUNTOURIS, V. DE STEFANO, A. PIASNA, S. RAINONE (edited by), *The future of remote work*, ETUI, Brussels, 2023, p. 147.

conflict, stress, and health outcomes”<sup>41</sup>. Consequently, it may widen the gap between men and women, with serious implications for working conditions – such as fewer opportunities for professional training, career progression, and social benefits<sup>42</sup> – and, above all, occupational safety and health, particularly psychosocial risks. The latest available occupational safety and health (OSH) data for teleworkers reveal that “gender inequalities are marked with regard to exposure to OSH psychosocial risks, incidence of work-related health problems, and availability of OSH initiatives in the workplace to prevent or address stress and mental health issues. In all these aspects, women are at a disadvantage compared to men”<sup>43</sup>. Indeed, teleworkers are at greater risk of developing health problems arising from “hyperconnectivity.” This term refers to the continuous availability of workers via multiple types of work-related communication systems, such as email, instant messaging, and mobile phone calls. One of the effects of hyperconnectivity is an increased intensity of work, which could lead to overwork and the risk of burnout, a state of emotional, physical, and mental exhaustion caused by excessive and prolonged stress. It occurs when one feels overwhelmed, emotionally drained, and unable to meet constant demands.

Digitalisation and its impact on the labour market and the world of work have remained on the EU social partners’ agenda in recent years. In June 2020, a Framework Agreement on Digitalisation was signed to implement their multiannual work programme for 2019-2021. This agreement was the result of negotiations aimed at promoting tools and measures<sup>44</sup>, where necessary, at national, sectoral, and/or enterprise levels, in accordance with Article 155 TFEU<sup>45</sup>. According to the Framework Agreement on Digitalisation, the overall goal is to achieve a consensual transition not only through the successful integration of digital technologies in the workplace but also by capitalising on opportunities and preventing and

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<sup>41</sup> EU-OSHA, *Exploring the gender dimension of telework: implications for occupational safety and health*, EU-OSHA publications 2024, p. 1.

<sup>42</sup> On the point, see V. FILÌ, *Le difficili libertà delle donne tra gender wage gap, soffitti di cristallo e bassa fecondità*, in *Lavoro Diritti Europa*, 2021, no. 2; V. FILÌ, *Brevi riflessioni su differenziale di genere e discriminazioni indirette nel sistema italiano di sicurezza sociale*, in *Equal. Rivista di Diritto Antidiscriminatorio*, 2024, no. 1, p. 45.

<sup>43</sup> EU-OSHA, *Exploring the gender dimension of telework, cit.*, p. 11-12.

<sup>44</sup> See <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9729&furtherNews=yes>.

<sup>45</sup> “Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements” (par. 1).



minimising risks for both employees and employers. The aim is thus to ensure the best possible outcome for everyone.

Another step forward in the digital transition was the Joint Work Programme 2022-2024, signed by the European social partners on 28 June 2022. While the aims of the Joint Work Programme are numerous<sup>46</sup>, reviewing and updating the 2002 Framework Agreement on Telework is the first priority. Although there is no mention of gender equality in this document, there are several references to the need to improve work-life balance, which affects women disproportionately.

## 6. Critical Issues and Prospects Towards “EU...Quality”

These recent agreements on the matter are encouraging signs of a new era of social dialogue within the European Union. As attested by the International Labour Organization (ILO), in recent years, “EU-level social dialogue has been rich, involving social partners in individual sectors making statements on the impact of digitalisation on the economy”<sup>47</sup>. Even though the diversity of national systems of social dialogue<sup>48</sup> and the decline in membership density of unions and employers’ associations in many Member States<sup>49</sup> are critical issues that EU social partners have been facing, “there is no doubt that such social dialogue at EU level will feed into and stimulate the social partners to conclude more specific agreements”<sup>50</sup>.

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<sup>46</sup> The other issues included in the programme are the green transition, youth employment, work-related privacy, and surveillance, improving skill matching in Europe, and capacity building.

<sup>47</sup> Y. GHELLAB, D. VAUGHAN-WHITEHEAD, *Enhancing social partners’ and social dialogue’s roles and capacity in the new world of work: Overview*, in D. VAUGHAN-WHITEHEAD, Y. GHELLAB, R. M. DE BUSTILLO LORENTE (edited by), *The New World of Work. Challenges and Opportunities for Social Partners and Labour Institutions*, ILO publications, 2021, p. 9.

<sup>48</sup> The differences involve not only the institutional frameworks but also differing levels of operational capacity of social partner organisations in different countries, *a fortiori* after Eastern enlargements: Poland, Hungary, Slovenia, the Czech Republic, Slovakia, Latvia, Estonia, Lithuania, Cyprus, and Malta joined the EU in 2004. In 2007 Bulgaria and Romania were added. The last entry was Croatia in 2013.

<sup>49</sup> Even though there are substantial differences in union density figures across EU Member States, since the early 1980s, trade union density rates have been declining, largely due to the growing number of employees who choose not to join a trade union and the expansion of non-standard forms of employment: <https://www.eurofound.europa.eu/en/european-industrial-relations-dictionary/trade-union-density>.

<sup>50</sup> Y. GHELLAB, D. VAUGHAN-WHITEHEAD, *cit.*, p. 9.

Nevertheless, the European social partners could have done more – and can still do more – to strengthen the benefits of remote work for women and use digitalisation to close the gender gap.

The first issue they should address is implementing various forms of hybrid work, which can be an effective flexible working arrangement. Indeed, the EU social partners seem to focus exclusively on telework, which refers to the way employees carry out their duties from home. This form of telework is also known as home working. However, working from home for an extended period can lead to serious risks of isolation and reduced career progression opportunities. Therefore, hybrid work, which involves working partly within company premises and partly outside, could combine the advantages of remote work with the reduction of its disadvantages.

For instance, the Italian form of hybrid work, referred to as agile work<sup>51</sup> or more commonly, smart work, if used correctly, could have an encouraging gender impact, as indicated by Article 18 of Law No. 81/2017. Indeed, paragraph 3-bis of Article 18 gives working parents with children under twelve years of age priority access to agile work. Moreover, paragraph 3-ter establishes that if an employer refuses or hinders the use of agile work, they cannot obtain gender equality certification<sup>52</sup>.

Secondly, three years have passed since the European Parliament resolution on the necessity of recognising the so-called right to disconnect<sup>53</sup>, yet the directive remains a proposal. The right to disconnect<sup>54</sup> refers to the right to refrain from using technological work tools and from engaging in work-related electronic communications

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<sup>51</sup> Art. 18 and following law 22 May 2017, no 81. see, *ex multis*, M. BROLLO, *Il lavoro agile nell'era digitale tra lavoro privato e pubblico*, in *Il Lavoro nelle pubbliche Amministrazioni*, 2017, no. 1, p. 119; G. SANTORO PASSARELLI, *Il lavoro autonomo non imprenditoriale, il lavoro agile e il telelavoro*, in *Rivista italiana di diritto del lavoro*, 2017, no. 3, p. 369; M. MARTONE, *Il lavoro agile nella l. 22 maggio 2017, n. 81: un inquadramento*, in G. ZILIO GRANDI, M. BIASI (edited by), *Commentario breve allo Statuto del lavoro autonomo e del lavoro agile*, Wolters Kluwer Cedam, Milano, 2018, p. 461; C. SPINELLI, *Tecnologie digitali e lavoro agile*, Cacucci, Bari, 2018; M. TUFO, *Il lavoro digitale a distanza*, Editoriale Scientifica, Napoli, 2021; M. RUSSO, *Il datore di lavoro agile. Il potere direttivo nello smart working*, Edizioni Scientifiche Italiane, Napoli, 2023.

<sup>52</sup> Provided for by art. 46-bis of legislative decree 11 Aprile 2006, no. 198

<sup>53</sup> EU Resolution 21.01.2021 (2019/2181). On the topic, see A. FENOGLIO, *Una veste digitale per il diritto al riposo: il diritto alla disconnessione*, in *Lavoro Diritti Europa*, 2021, no. 4, p. 12; E. FIATA, *L'iniziativa europea sul diritto alla disconnessione*, in *Lavoro Diritti Europa*, 2021, no. 4.

<sup>54</sup> J. E. RAY, *Naissance et avis de décès du droit à la déconnexion, le droit à la vie privée du XXIème siècle*, in *Drroit social*, 2002, no. 11, p. 939; J. E. RAY, *Grande accélération et droit à la déconnexion*, in *Drroit social*, 2016, no. 11, p. 912.

outside of service hours, without facing disciplinary consequences<sup>55</sup>. In other words, employees cannot be disadvantaged for keeping their mobile phones or computers switched off, nor for not answering phone calls or responding to emails and messages during holidays or rest periods. Therefore, this right has a transversal scope, concerning fundamental issues such as rest time, health and safety, and work-life balance, all of which particularly benefit women, who traditionally spend more time than men fulfilling caregiving responsibilities.

Indeed, the right to disconnect may be one of the most effective ways to put into practice not only Article 31 of the EU Charter of Fundamental Rights, concerning fair and just working conditions, but also Article 23 regarding equality between men and women, as highlighted in the resolution text<sup>56</sup>.

The involvement of social partners is crucial to implementing this issue, particularly by identifying the most effective measures to exercise disconnection. To make it effective, it is essential to establish detailed arrangements to ensure disconnection in a fair and transparent manner.

The topic is complex and multifaceted, as identifying the most effective policies and tools to remove social, cultural, and legal obstacles to gender equality and ensure the active participation of women in the European labour market is not an easy task. However, in light of the EU regulatory framework, the collective agreements signed by the European social partners, the existing literature, and the current state of play, as demonstrated by the available data, the time may be ripe to capitalise on the many opportunities offered by digitalisation to enhance equality in Europe.

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<sup>55</sup> On the right to disconnect, see, *ex multis*, E. DAGNINO, *Il diritto alla disconnessione nella legge n. 81/2017 e nell'esperienza comparata*, in *Diritto delle relazioni industriali*, 2017, no. 4, p. 1024; R. ZUCARO, *Il diritto alla disconnessione tra interesse collettivo e individuale. Possibili profili di tutela*, in *Labor & law. issues*, 2019, vol. 5, no. 2, p. 215; M. RUSSO, *Esiste il diritto alla disconnessione? Qualche spunto di riflessione alla ricerca di un equilibrio tra tecnologia, lavoro e vita privata*, in *Diritto delle relazioni industriali*, 2020, no. 3, p. 682.

<sup>56</sup> On the point, see A. ADINOLFI, *Evoluzione tecnologica e tutela dei diritti fondamentali: qualche considerazione sulle attuali strategie normative dell'Unione*, in *Quaderni AISDUE*, 2023, no. 15, p. 331.



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