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Blurred Lines: How Employer-Driven Volunteering Reshapes the Meaning of Work

Dana Volosevici *

Abstract. This paper examines the legal classification of employee participation in corporate social responsibility (CSR) initiatives organised by employers, focusing on the boundary between work and non-work under European Union labour law. The employment relationship has evolved toward a value-based model in which employees are positioned as stakeholders advancing organisational objectives through volunteering programmes and sustainability initiatives formally characterised as voluntary. The analysis reveals that employee CSR participation has become a structured component of corporate governance, frequently coordinated during paid working hours, integrated into performance evaluation systems, publicly recognised through internal communications, and linked to career advancement. Under such conditions, formal voluntariness conceals organisational mechanisms that constrain employee autonomy and reflect structural subordination inherent in the employment relationship. The study examines whether time devoted to employer-organised CSR activities constitutes "working time" under Article 2(1) of Directive 2003/88/EC. Through systematic analysis of Court of Justice case law, including *Simap*, *Jaeger*, *Matzak*, and *BX*, the paper demonstrates that the decisive criterion lies in the employee's availability and subordination to the employer's authority. Where employers determine when, where, and how CSR activities occur, where participation is integrated into organisational oversight, and where employees perceive professional consequences for non-participation, the legal criteria of working time are fulfilled. The paper further addresses work intensification accompanying CSR participation, where unchanged

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contractual duties generate latent intensification through heightened productivity expectations and compressed schedules. This legal qualification carries significant consequences for remuneration, working time limits, and occupational health protection. The analysis contributes to understanding how contemporary corporate practices reshape labour law concepts, arguing that CSR participation materially restricting employees' autonomy should presumptively be classified as working time, preserving protective boundaries essential to employees' fundamental rights.

Keywords: *Working time; Corporate social responsibility; Directive 2003/88/EC; Employee consent; Structural subordination; Work intensification; EU labour law; Employer-organised volunteering.*

1. Introduction

The employment relationship has undergone a profound transformation over the past decades¹. From the classical Fordist model, grounded in hierarchy, subordination, and a strictly delimited set of duties defined by the job description, it has evolved toward a relational and value-based model in which employees are increasingly regarded as integral stakeholders within the organisation. Contemporary human resource management and corporate governance discourse no longer portray employees merely as factors of production but as partners in advancing shared organisational values and societal objectives². In this paradigm, the employment relationship extends beyond the economic exchange of

¹ Z. Adams, *The Legal Concept of Work*, Oxford University Press, Oxford, 2022; S. Deakin, *Decoding Employment Status*, in *King's Law Journal*, 2020, vol. 31, n. 2, 180–193; A. Supiot, *Beyond Employment: Changes in Work and the Future of Labour Law in Europe*, Oxford University Press, Oxford, 2001.

² I. Aust, B. Matthews, M. Muller-Camen, *Common Good HRM: A Paradigm Shift in Sustainable HRM?*, in *Human Resource Management Review*, 2020, vol. 30, 100705; A. Crane, D. Matten, S. Glozer, L. Spence, *Business Ethics: Managing Corporate Citizenship and Sustainability in the Age of Globalization*, Oxford University Press, New York, 2019; R. Díaz-Carrion, M. López-Fernández, P.M. Romero-Fernández, *Evidence of Different Models of Socially Responsible HRM in Europe*, in *Business Ethics: A European Review*, 2019, vol. 28, n. 1, 1–18; M.R. Greenwood, *Ethics and HRM: A Review and Conceptual Analysis*, in *Journal of Business Ethics*, 2002, vol. 36, n. 3, 261–278; D.E. Rupp, *An Employee-Centered Model of Organizational Justice and Social Responsibility*, in *Organizational Psychology Review*, 2011, vol. 1, n. 1, 72–94; G.D. Isbasoiu, *Tourists as Stakeholders. For a Better Tourist Involvement in Promoting Sustainable Tourism*, in *Jus et Civitas*, 2023, vol. 10, 41–47.

labour for remuneration, encompassing participation in the social and environmental mission of the enterprise³.

This reconfiguration is particularly visible in the growing involvement of employees in corporate social responsibility (CSR) and sustainability programmes. Through volunteering initiatives, environmental campaigns, and community projects, employers promote an image of collective engagement in which both the organisation and its workforce contribute to the firm's social footprint. Employees are not only participants in such activities but also feature prominently in corporate sustainability reports, where their actions serve as tangible expressions of the company's ethical and reputational commitments. CSR thus functions as a new vector of organisational identity, blending moral discourse with managerial control and repositioning employees as ambassadors of corporate virtue⁴.

However, this normative reframing of the employment relationship cannot obscure its underlying legal structure. Despite the rhetoric of shared purpose, the contract of employment remains a juridical instrument through which the employee undertakes to perform work for and under the authority of an employer in exchange for remuneration known as salary. The essential elements of subordination, direction, and control persist as the defining features of the relationship. Consequently, any activity organised, coordinated, or incentivised by the employer must be examined through the lens of these legal foundations, regardless of its ethical or philanthropic presentation.

In this context, the participation of employees in CSR initiatives, particularly those involving organised volunteering, raises fundamental legal questions. To what extent is the employee's consent to such participation genuinely free, given the inherent asymmetry of the employment relationship and the reputational and promotional incentives attached to CSR involvement? What is the legal nature of the time devoted to these activities: can it be qualified as "working time" within the meaning of Article 2(1) of Directive 2003/88/EC, or does it belong to the sphere of personal autonomy and rest? Finally, how should the potential

³ T. Piketty, *Capital et Idéologie*, Éditions du Seuil, Paris, 2019.

⁴ J. Macke, D. Genari, *Systematic Literature Review on Sustainable Human Resource Management*, in *Journal of Cleaner Production*, 2019, vol. 208, n. 1, 806–815; C. Obrad, V. Gherheș, *A Human Resources Perspective on Responsible Corporate Behavior: Case Study of Multinational Companies in Western Romania*, in *Sustainability*, 2018, vol. 10, n. 3, 726; D. Satz, *What Is Wrong with the Commodification of Human Labor Power: The Argument from "Democratic Character"*, in J.D. Jonker, G.J. Rozeboom (eds.), *Working as Equals: Relational Egalitarianism and the Workplace*, Oxford University Press, Oxford, 2023, Chap. 2.

consequences of this qualification be addressed, including the implications for remuneration, occupational safety, and the right to rest guaranteed under Article 31(2) of the Charter of Fundamental Rights of the European Union?

These questions are not merely technical but fundamental to understanding how contemporary corporate practices challenge traditional labour law boundaries. As CSR becomes an embedded component of European corporate governance⁵, labour law must confront the paradox that activities celebrated as voluntary expressions of solidarity may, in practice, operate as extensions of employer control. The present analysis therefore seeks to clarify the legal significance of employee participation in CSR, to assess its compatibility with the normative framework governing employment, and to contribute to a broader understanding of how contemporary corporate practices reshape the concept of “work” under European labour law.

2. Methodological Framework

The methodological approach adopted in this study is grounded in the recognition that the legal classification of employee participation in employer-driven volunteering cannot be examined in isolation from its organisational and managerial context. A purely doctrinal analysis—detached from the empirical reality of how corporate social responsibility (CSR) initiatives are designed, supervised, and experienced—would risk generating abstract conclusions unsupported by the factual mechanisms that shape employee behaviour and managerial control.

Accordingly, this research proceeds in two analytically distinct but complementary stages. The first stage relies on a contextual and interpretive analysis of organisational practices related to CSR and volunteering. Drawing on evidence from corporate sustainability reports and secondary literature in management, the study examines both the *patrimonial* objectives of such programmes (economic, reputational, and fiscal) and their *non-patrimonial* aims (ethical, relational, or motivational). It further analyses the organisational mechanisms through which employees are integrated into the company’s volunteering activities.

⁵ D. Volosevici, *Corporations – Between Governance and Social Responsibility: The European Commission Approach*, in *Economic Insights – Trends and Challenges*, 2013, vol. II (LXV), n. 2, 124–135.

This stage does not aim to quantify participation, but rather to reconstruct the normative and managerial logic underpinning these initiatives. The objective is to emphasise that CSR participation must be assessed, on a case-by-case basis, both as a genuinely voluntary expression of employee agency and as a managed form of engagement aligned with the employer's strategic and reputational objectives. This necessarily requires that the ensuing legal analysis be grounded in a rigorous establishment of the facts in each individual case.

The second stage applies this organisational understanding to the legal framework governing employment relations under European Union law. Building upon the factual findings from the first stage, the analysis examines three interrelated legal dimensions: the authenticity of the employee's consent to participate in CSR activities organised or directed by the employer; the legal qualification of the time devoted to such activities under Article 2(1) of Directive 2003/88/EC and the relevant case law of the Court of Justice of the European Union; and the implications for occupational safety and accident protection.

The methodological design thereby ensures that legal interpretation remains anchored in the concrete dynamics of organisational life. It allows for a rigorous assessment of whether participation in CSR activities—although formally voluntary—reflects the structural subordination inherent in the employment relationship.

Finally, this methodological framework recognises that the employment contract remains, in essence, a legal instrument by which the employee undertakes to perform work under the authority of the employer in exchange for remuneration. The extension of this framework to include moral or reputational obligations—such as participation in CSR programmes—calls for a careful examination of whether such practices respect the boundaries of contractual consent and the employee's rights to autonomy, rest, and safety.

3. From Ethical Engagement to Organisational Control: Employee Participation in CSR Practices

It is widely acknowledged, and has been for a long time, that corporate social responsibility (CSR) integrates social and environmental concerns with business objectives, thereby shaping corporate values and

contributing to the organisation's overall reputation⁶. The growing institutionalisation of corporate social responsibility has not only reshaped the external perception of companies but also transformed the internal dynamics of employment relations. Beyond its philanthropic dimension, CSR now functions as a governance instrument that aligns employee behaviour with the organisation's strategic and reputational objectives⁷.

CSR strengthens corporate identity primarily through the enhancement of image and reputational legitimacy. Companies that invest in socially responsible initiatives, move beyond mere compliance with regulatory obligations by cultivating a positive public profile that enhances their capacity to attract and retain skilled employees⁸. Such initiatives associate the enterprise with values such as ethics, solidarity, and civic engagement. At the same time, corporate social responsibility helps shape an organisational culture that genuinely reflects the company's stated commitment to social and environmental values. In organisations where internal culture is cohesive and consistent with these values, CSR

⁶ H.R. Bowen, *Social Responsibility of the Businessman*, Harper & Row, New York, 1953; T.J. Brown, P.A. Dacin, *The Company and the Product: Corporate Associations and Consumer Product Responses*, in *Journal of Marketing*, 1997, vol. 61, n. 1, 68–84; S. Sen, C.B. Bhattacharya, *Does Doing Good Always Lead to Doing Better? Consumer Reactions to Corporate Social Responsibility*, in *Journal of Marketing Research*, 2011, vol. 38, n. 2, 225–243; C.M. Branco, L.L. Rodrigues, *Corporate Social Responsibility and Resource-Based Perspectives*, in *Journal of Business Ethics*, 2006, vol. 69, n. 2, 111–132; X. Luo, C.B. Bhattacharya, *Corporate Social Responsibility, Customer Satisfaction, and Market Value*, in *Journal of Marketing*, 2006, vol. 70, n. 4, 1–18; G. Walsh, S.E. Beatty, *Customer-Based Corporate Reputation of a Service Firm: Scale Development and Validation*, in *Journal of the Academy of Marketing Science*, 2007, vol. 35, n. 1, 127–143; K. Walker, *A Systematic Review of the Corporate Reputation Literature: Definition, Measurement, and Theory*, in *Corporate Reputation Review*, 2010, vol. 12, n. 4, 357–387.

⁷ A.D. Ellis, *The Impact of Corporate Social Responsibility on Employee Attitudes and Behaviors*, in *Academy of Management Proceedings*, Academy of Management, Briarcliff Manor, NY, 2009, 1–6; J. Shen, H. Zhang, *Socially Responsible Human Resource Management and Employee Support for External CSR: Roles of Organisational CSR Climate and Perceived CSR Directed toward Employees*, in *Journal of Business Ethics*, 2019, vol. 156, n. 3, 875–888; Z. Zhang, J. Wang, M. Jia, *Integrating the Bright and Dark Sides of Corporate Volunteering Climate: Is Corporate Volunteering Climate a Burden or Boost to Employees?*, in *British Journal of Management*, 2021, vol. 32, n. 2, 494–511.

⁸ M.R. Greenwood, *Ethics and HRM: A Review and Conceptual Analysis*, in *Journal of Business Ethics*, 2002, vol. 36, n. 3, 261–278; A. Crane, D. Matten, S. Glozer, L. Spence, *Business Ethics: Managing Corporate Citizenship and Sustainability in the Age of Globalization*, Oxford University Press, New York, 2019; S.-R. Bang, M.-C. Choi, J.-Y. Ahn, *Human Resource Practices for Corporate Social Responsibility: Evidence from Korean Firms*, in *Frontiers in Psychology*, 2022, vol. 13, 893243.

initiatives tend to have a stronger impact, leading to measurable gains in performance and a positive effect on employee satisfaction⁹.

When CSR principles are perceived as authentically integrated into a company's core values, rather than treated as symbolic or peripheral, they become embedded within the organisation's moral and cultural framework¹⁰. Under such circumstances, employees are more likely to internalize the company's mission and to perceive its social and environmental commitments as congruent with their own ethical convictions and personal sense of purpose. This congruence between individual and organisational values exerts a measurable influence on employee retention. Identification with the organisation fosters affective commitment and a durable sense of belonging that transcends purely transactional or economic motivations. Employees who experience such alignment tend to exhibit higher loyalty and lower turnover intentions, as their attachment to the enterprise is grounded not merely in contractual reciprocity but in shared meaning, collective purpose, and long-term identification with the company's broader social mission¹¹.

⁹ M.L. Barnett, R.M. Salomon, *Beyond Dichotomy: The Curvilinear Relationship Between Social Responsibility and Financial Performance*, in *Strategic Management Journal*, 2006, vol. 27, n. 11, 1101–1122; X. Deng, X. Long, D.A. Schuler, H. Luo, X. Zhao, *External Corporate Social Responsibility and Labor Productivity: AS-Curve Relationship and the Moderating Role of Internal CSR and Government Subsidy*, in *Corporate Social Responsibility and Environmental Management*, 2020, vol. 27, n. 1, 393–408; I. Ducassy, *Does Corporate Social Responsibility Pay Off in Times of Crisis? An Alternate Perspective on the Relationship Between Financial and Corporate Social Performance*, in *Corporate Social Responsibility and Environmental Management*, 2013, vol. 20, n. 3, 157–167; J.S. Story, F. Castanheira, *Corporate Social Responsibility and Employee Performance: Mediation Role of Job Satisfaction and Affective Commitment*, in *Corporate Social Responsibility and Environmental Management*, 2019, vol. 26, n. 6, 1361–1370; S. Valentine, G. Fleischman, *Ethics Programs, Perceived Corporate Social Responsibility and Job Satisfaction*, in *Journal of Business Ethics*, 2008, vol. 77, n. 2, 159–172.

¹⁰ H.-R. Kim, M. Lee, H.-T. Lee, N.-M. Kim, *Corporate Social Responsibility and Employee–Company Identification*, in *Journal of Business Ethics*, 2010, vol. 95, n. 4, 557–569; R. van Dick, J.R. Crawshaw, S. Karpf et al., *Identity, Importance, and Their Roles in How Corporate Social Responsibility Affects Workplace Attitudes and Behavior*, in *Journal of Business and Psychology*, 2020, vol. 35, n. 2, 159–169; R.C. Sheel, N. Vohra, *Relationship Between Perceptions of Corporate Social Responsibility and Organisational Cynicism: The Role of Employee Volunteering*, in *The International Journal of Human Resource Management*, 2016, vol. 27, n. 13, 1373–1392.

¹¹ L. Lee, L. Chen, *Boosting Employee Retention through CSR: A Configurational Analysis*, in *Corporate Social Responsibility and Environmental Management*, 2018, vol. 25, n. 5, 948–960; M.P. Low, S.F. Ong, P.M. Tan, *Would Internal Corporate Social Responsibility Make a Difference in Professional Service Industry Employees' Turnover Intention? A Two-Stage Approach Using PLS-SEM*, in *Global Business and Management Research*, 2017, vol. 9, n. 1, 24–41; D.K. Peterson, *The Relationship Between Perceptions of Corporate Citizenship and Organisational Commitment*, in *Business and Society*, 2004, vol. 43, n. 3, 296–319; D.E. Rupp, R. Shao, D.P.

Employee participation in corporate social responsibility initiatives is increasingly encouraged and institutionalised within organisations, to the extent that employees often become integral components of CSR programs themselves. Companies that incorporate CSR into performance appraisal systems actively stimulate employee engagement by linking participation to financial incentives such as bonuses or promotions¹². This integration of CSR into reward structures transforms ostensibly voluntary activities into actions perceived as instrumental for achieving professional success.

Moreover, CSR involvement frequently functions as an implicit criterion for career advancement. Employees who participate in CSR initiatives may anticipate heightened managerial recognition, which can, in turn, enhance their prospects for promotion and professional visibility within the organisation. The symbolic and reputational dimensions of CSR engagement further reinforce these dynamics. Public acknowledgment, through awards, mentions in corporate sustainability reports, or visibility on company websites and press releases, shapes how employees perceive the social and professional value of their participation¹³.

Employee perceptions of corporate social responsibility may vary depending on factors such as gender, occupational status, generational affiliation, and the economic sector in which individuals are employed. These differences shape both the degree of employee engagement in CSR initiatives and the way in which the benefits and broader impact of such activities are perceived. Understanding these variations is essential for assessing the voluntariness of participation and the extent to which CSR practices reinforce or mitigate structural inequalities within the employment relationship.

Research indicates that men and women may perceive and experience CSR in distinct ways, influencing their patterns of participation in volunteering or social engagement programs. As Rupp et al.¹⁴ note, gendered value orientations play an important role in shaping employees' motivation to

Skarlicki, E.L. Paddock, T.-Y. Kim, T. Nadisic, *Corporate Social Responsibility and Employee Engagement: The Moderating Role of CSR-Specific Relative Autonomy and Individualism*, in *Journal of Organizational Behavior*, 2018, vol. 39, n. 5, 559–579.

¹² V. Soundararajan, J.A. Brown, *Voluntary Governance Mechanisms in Global Supply Chains: Beyond CSR to a Stakeholder Utility Perspective*, in *Journal of Business Ethics*, 2016, vol. 134, n. 1, 83–102.

¹³ D.E. Rupp, *op. cit.*

¹⁴ D.E. Rupp, R. Shao, M.A. Thornton, D.P. Skarlicki, *Applicants' and Employees' Reactions to Corporate Social Responsibility: The Moderating Effects of First-Party Justice Perceptions and Moral Identity*, in *Personnel Psychology*, 2013, vol. 66, n. 4, 895–925.

engage in socially responsible activities. Women, in particular, tend to display stronger pro-social and altruistic motivations, which may enhance their willingness to participate in CSR initiatives. This divergence contributes to differentiated forms of engagement, with gender-specific expectations influencing how employees align their identities with the company's social objectives. Such patterns may also reinforce organisational stereotypes, as participation becomes associated with gendered conceptions of care, empathy, or moral responsibility.

Occupational status further influences how CSR participation is perceived. Employees occupying higher hierarchical positions, such as managers or team leaders, often regard CSR involvement as an opportunity for professional development and the enhancement of personal reputation¹⁵. For them, CSR functions as an instrument of career advancement and social signalling within the organisation. Conversely, lower-level employees may perceive CSR participation as an additional obligation—an expectation that extends their workload without proportional recognition or compensation.

Generational affiliation also plays a central role in shaping attitudes toward CSR. Younger employees, particularly those belonging to the Millennial and Generation Z cohorts, tend to value social responsibility as an integral component of corporate identity. These generations expect their employers to demonstrate active social engagement, perceiving CSR not as a peripheral obligation but as a core dimension of organisational legitimacy. For them, participation in CSR reinforces personal and professional authenticity. By contrast, older generations, whose work identities were often shaped in different economic and cultural contexts, may view CSR as an externally imposed or strategically motivated initiative, thereby engaging with it more instrumentally or sceptically¹⁶.

Sectoral differences further complicate these dynamics. Employees in the non-profit or public sectors, whose professional ethos is already oriented toward collective or humanitarian objectives, generally perceive CSR more

¹⁵ H. Choi, B. Choi, J. Byun, *The Relationship Between Corporate Social Responsibility and Earnings Management: Accounting for Endogeneity*, in *Investment Management and Financial Innovations*, 2018, vol. 15, n. 4, 69–84.

¹⁶ B. Wisse, R. van Eijbergen, E.F. Rietzschel et al., *Catering to the Needs of an Aging Workforce: The Role of Employee Age in the Relationship Between Corporate Social Responsibility and Employee Satisfaction*, in *Journal of Business Ethics*, 2018, vol. 147, n. 4, 875–888

positively than those in the corporate sector, where such initiatives may be viewed as reputation-driven or marketing-oriented¹⁷.

An examination of the sustainability reports submitted by leading EU-based corporations by market capitalization reveals a marked evolution in the role of employee volunteering—from a marginal philanthropic gesture to a structured component of corporate governance and human resources policy. What once appeared as a manifestation of individual altruism has been progressively institutionalised as an element of managerial strategy, closely tied to corporate reputation and compliance with sustainability standards.

ASML¹⁸ offers a paradigmatic example of this managerial formalisation through its *Community Partnership Program (CPP)* and *Employee Giving* initiatives. Employees are granted eight hours of paid leave annually to participate in employer-approved projects, cumulatively generating 41,368 hours of volunteering in 2024. These activities, coordinated, financed, and supervised by the company, are expressly integrated into its operational and reputational strategy. The *Matching Gifts* programme, which allows ASML to double employee donations up to €10,000 per year, further illustrates the employer's active involvement and the embedded nature of volunteering within the firm's governance structure. Such arrangements demonstrate that employee volunteering has ceased to be spontaneous or autonomous; it functions instead as a managed activity conducted within the parameters of hierarchical authority and working time.

Linde¹⁹ provides an even more explicit illustration of the convergence between corporate management and employee participation. Its *Employee Community Engagement* programme permits employees to volunteer during paid working hours, subject to managerial authorization. In 2024, Linde employees devoted 80,401 hours—valued at approximately USD 1.9 million—to projects worldwide. These activities are systematically monitored, evaluated, and disclosed as indicators of employee engagement

¹⁷ S. Raub, S. Blunschi, *The Power of Meaningful Work: How Awareness of CSR Initiatives Fosters Task Significance and Positive Work Outcomes in Service Employees*, in *Cornell Hospitality Quarterly*, 2013, vol. 55, n. 1, 10–18.

¹⁸ ASML Holding N.V. (Veldhoven, Netherlands) is a Dutch multinational corporation and the world's leading supplier of photolithography machines essential to semiconductor manufacturing. ASML Holding N.V., *Annual Report 2024*, ASML Holding N.V., Veldhoven, 2025, <https://www.asml.com/en/news/press-releases/2025/asml-publishes-2024-annual-reports> (accessed 17 September 2025).

¹⁹ Linde plc is an Irish-domiciled multinational industrial gases and engineering company. Linde plc, *Sustainable Development Report 2024*, Linde plc, Dublin, 2025, <https://www.linde.com/sustainability/reporting-center> (accessed 17 September 2025).

and corporate culture. Their inclusion in sustainability reporting confirms that volunteering is deployed as an instrument of organisational governance, contributing to both internal cohesion and external accountability.

LVMH²⁰ and L'Oréal²¹ have institutionalised similar forms of participation. LVMH reports that 93% of its workforce was offered at least one opportunity to engage in employer-organised projects, with 44,764 employees participating in 2024 in initiatives focused on education, inclusion, and entrepreneurship. L'Oréal's *Citizen Day*—a global one-day volunteering event held during paid working hours—mobilized 27,000 employees across 72 countries in collaboration with 730 non-profit organisations. Both programmes are explicitly designed, branded, and scheduled by management, with participation monitored and reported as a dimension of corporate performance. Under such conditions, employee discretion is effectively absorbed into the organisational logic of CSR compliance and image-building.

By contrast, companies such as Novartis²², AstraZeneca²³, Hermès²⁴, and Roche²⁵ adopt less formalised approaches. Their sustainability reports

²⁰LVMH Moët Hennessy Louis Vuitton SE is a French multinational luxury goods conglomerate. LVMH Moët Hennessy Louis Vuitton SE, *Universal Registration Document 2024*, LVMH Moët Hennessy Louis Vuitton SE, Paris, 2025, <https://urd.lvmh.com/fr/2024> and <https://www.lvmh.com/en/press/key-documents> (accessed 17 September 2025).

²¹L'Oréal S.A. is a French multinational cosmetics and personal care company. L'Oréal S.A., *Universal Registration Document 2024*, L'Oréal S.A., Clichy, 2025, <https://www.loreal-finance.com/en/annual-report-2024/> and <https://www.loreal.com/en/esg-performance/> (accessed 17 September 2025).

²²Novartis AG is a Swiss multinational pharmaceutical company. Novartis AG, *Novartis in Society Integrated Report 2024*, Novartis AG, Basel, 2025, https://www.novartis.com/sites/novartis_com/files/novartis-integrated-report-2024.pdf (accessed 17 September 2025).

²³AstraZeneca PLC is a British-Swedish multinational pharmaceutical and biotechnology company. AstraZeneca PLC, *Sustainability Impact Report 2024*, AstraZeneca PLC, Cambridge, 2025, https://www.astrazeneca.com/content/dam/az/Sustainability/2025/pdf/AZ-Sustainability-Impact-Publication_May2025Final.pdf and <https://www.astrazeneca.com/sustainability/resources.html> (accessed 17 September 2025).

²⁴Hermès International S.C.A. is a French multinational luxury fashion and leather goods house. Hermès International S.C.A., *Universal Registration Document 2024*, Hermès International S.C.A., Paris, 2025, <https://finance.hermes.com/en/policies-publications/> (accessed 17 September 2025).

emphasise social responsibility, ethical business culture, and community investment, yet they do not specify the modalities or extent of employee volunteering. Novartis prioritises professional development and equitable remuneration; AstraZeneca reports community investments totalling USD 126.7 million across 65 countries without detailing employee involvement; Hermès and Roche refer generally to local initiatives and sustainability efforts without quantifiable indicators.

These variations in corporate practice demonstrate that CSR participation has evolved from spontaneous individual choice to institutionalised organisational activity, raising questions about the legal nature of such engagement and the authenticity of employee consent.

4. Between Freedom and Subordination: The Problem of Consent in CSR Participation

From a legal standpoint, employee participation in volunteering activities organised by the employer raises several interpretative challenges, primarily concerning the qualification of such participation as a private act or as an activity connected to the performance of work²⁶. The existence of a link with the employment relationship cannot be denied where the activity is organised, promoted, or coordinated by the employer; the central issue lies, however, in identifying the intrinsic cause that motivates the employee's involvement and assessing whether the employee's consent to such participation is genuinely free.

The employment contract is formally grounded in the mutual consent of the parties. Under general principles of contract law, consent must be free, informed, and uncoerced to produce valid legal effects. However, European labour law has long recognised that the formal equality of contract law principles inadequately captures the substantive reality of the employment relationship. The structural asymmetry between employer and employee, rooted in economic dependence, information disparities, and the hierarchical nature of workplace organisation, fundamentally constrains the employee's capacity to exercise free choice in employment matters.

²⁵ Roche Holding AG is a Swiss multinational healthcare company active in pharmaceuticals and diagnostics. Roche Holding AG, *Sustainability Report 2024*, Roche Holding AG, Basel, 2025, <https://assets.roche.com/f/164639/x/dc6ed68134/en-sustainability-report-2024.pdf> (accessed 17 September 2025).

²⁶ S. Sekar, L. Dyaram, *What Drives Employees to Participate in Corporate Volunteering Programs?*, in *Social Responsibility Journal*, 2017, vol. 13, n. 4, 661–667.

This recognition has profound implications for the legal treatment of consent in the employment context. The Court of Justice of the European Union (CJEU) has consistently held that employees cannot validly waive rights conferred by labour law, even through apparently voluntary consent, because such rights pursue objectives of public policy and the protection of health and safety²⁷. In *Pfeiffer*, the Court emphasised that the protective purpose of working time legislation would be undermined if employees could contract out of maximum working time limits, given their position as the weaker party in the employment relationship²⁸. Similarly, in *Fuß*, the Court reaffirmed that the fundamental right to paid annual leave cannot be waived by individual agreement, as this would enable employers to circumvent mandatory protections through contractual arrangements that employees feel economically compelled to accept²⁹.

This jurisprudential line establishes a crucial principle: in the employment context, formal consent does not necessarily reflect substantive autonomy. Where structural power imbalances exist, the law must look beyond the appearance of agreement to assess whether the employee genuinely retains freedom of choice or whether consent is effectively predetermined by the conditions of employment.

Participation in CSR activities organised by employers reveals precisely this tension between formal voluntariness and substantive subordination. Employers consistently characterise CSR engagement as "voluntary," thereby positioning it outside the realm of contractual obligation and working time. This characterisation serves important functions for the employer: it preserves the altruistic and ethical framing essential to CSR's reputational value, avoids triggering obligations related to remuneration and working time limits, and shifts responsibility for participation to the employee's individual choice.

However, this rhetoric of voluntariness conceals a complex organisational reality in which multiple mechanisms generate normative expectations and implicit pressures to participate. When CSR activities are coordinated during working hours, publicly celebrated through internal communications, integrated into performance appraisal systems, or visibly

²⁷ *Joined Cases C-397/01 to C-403/01, Pfeiffer and Others v Deutsches Rotes Kreuz, Kreisverband Waldshut eV*, ECLI:EU:C:2004:584, paras 80–83

²⁸ *Ibid.*, para 82: "Those provisions are [...] rules of Community social law which are of particular importance and which, in the absence of more specific Community provisions in this respect, must be given effect by the Member States."

²⁹ *Case C-429/09, Günter Fuß v Stadt Halle*, ECLI:EU:C:2010:717, para 32.

endorsed by senior management, they become embedded in the organisation's culture and expectations in ways that constrain genuine employee choice. Several interconnected mechanisms transform formally voluntary CSR participation into an extension of managerial authority.

The incorporation of CSR participation into performance evaluations or competency frameworks signals that engagement constitutes expected organisational behaviour. The asymmetry inherent in performance management means that employees cannot freely decline participation without risking professional consequences. Research confirms that when CSR activities are linked to financial incentives such as bonuses or promotions, employees perceive participation as instrumental to professional success rather than genuinely voluntary, converting ethical engagement into a performance requirement³⁰.

Corporate communications frequently celebrate employee CSR participation, naming participants and quantifying volunteer hours. This public dimension creates reputational incentives that operate as soft compulsion. Employees who decline participation become conspicuously absent from visible manifestations of organisational citizenship, potentially signalling lack of commitment. Where participation is visibly tracked and celebrated, non-participation becomes a form of dissent that carries social costs within the workplace community, conditioned not only by direct employment consequences but also by peer dynamics and informal social sanctions.

Managerial behaviour and organisational culture generate powerful expectations around CSR participation even in the absence of explicit policies. When senior management visibly participates or team leaders encourage involvement, employees receive clear signals about organisational expectations. The hierarchical structure of employment means that alignment with managerial priorities affects professional prospects. This dynamic is particularly pronounced where refusal to participate must be explicitly communicated and potentially justified, placing non-participants in a psychologically and professionally uncomfortable position.

Finally, when employers schedule CSR activities during paid working hours, designate specific times and locations, or coordinate participation as team-based events, they exercise characteristic prerogatives of managerial authority. This organisational control over the modalities of

³⁰ V. Soundararajan, J.A. Brown, *op. cit.*

participation distinguishes employer-coordinated CSR from genuinely autonomous volunteering and demonstrates that participation occurs within the structure of subordination that defines the employment relationship.

From the perspective of labour law, the question is not whether employees subjectively experience participation as voluntary or coerced, since individual perceptions may vary widely based on personality, position, and context. Rather, the question is whether the *structural conditions* surrounding participation preserve meaningful employee autonomy or whether they reflect the exercise of employer authority that legally characterises working time.

Drawing on established principles from CJEU jurisprudence and the protective rationale of labour law, voluntariness ceases to exist where participation produces explicit or implicit consequences for employment status, is organised under conditions determined by the employer, serves identifiable employer interests, or carries social and professional costs for non-participation.

Where CSR engagement is linked to performance evaluations, promotion decisions, or bonus calculations, the employee faces a choice between participation and professional disadvantage, a choice structured by the power asymmetry of the employment relationship. This principle extends beyond formally documented connections to encompass implicit consequences. Where employees reasonably believe that CSR participation affects their professional standing based on managerial communications, organisational culture, or observed patterns of recognition, the legal analysis must account for these perceived consequences even if not explicitly codified.

Similarly, where the employer determines the timing, location, or specific activities comprising CSR participation, the employee is subject to the employer's direction in a manner characteristic of working time. The allocation of paid working hours to employer-designated activities and the specification of approved charitable partners reflect the exercise of managerial prerogatives over employee time and effort. The fact that employees may genuinely support the causes involved does not alter this assessment: the decisive factor is whether the employer exercises control over the modalities of the activity, not whether the employee experiences that activity positively.

Under Directive (EU) 2022/2464 (CSRD), large companies must report on workforce engagement in sustainability initiatives. Where employee CSR participation fulfils these mandatory reporting obligations, it directly serves organisational compliance functions.

Finally, even where participation produces no direct employment consequences, the social dynamics of workplace communities may generate pressures that constrain autonomy. Labour law recognises that subordination operates not only through explicit command but also through conditions that make certain choices professionally or socially costly. The CJEU's analysis in *Matzak* illustrates this principle: the Court held that geographical and temporal constraints imposed by the employer objectively limited the employee's autonomy to pursue personal activities, thereby constituting working time³¹. Similarly, where organisational conditions make non-participation in CSR activities professionally or socially costly, employees do not retain the meaningful autonomy required for participation to qualify as genuinely voluntary personal activity.

The foregoing analysis does not suggest that all employee engagement with social causes during the employment relationship must be classified as working time. Genuine voluntariness can exist, but it requires conditions that preserve substantive employee autonomy.

Thus, genuine voluntariness exists where the employer neither organises, sponsors, nor coordinates the activity, providing at most general information about external volunteering opportunities available in the community. Participation must occur entirely outside paid working hours and workplace premises, without employer provision of time, resources, or logistical support. No connection may exist, formal or informal, between participation and employment-related evaluations, recognition systems, career progression, or professional reputation within the organisation. Employees must exercise complete discretion over whether, when, where, and how to engage in volunteering, selecting causes and organisations according to personal values and preferences. Non-participation must carry no consequences, explicit or implicit, formal or social, within the employment relationship. Finally, the employer must neither monitor nor report on employee participation, ensuring that such activities remain entirely within the sphere of private life.

These conditions ensure that the employee genuinely retains the autonomy to freely dispose of their time and that participation reflects personal choice rather than the structural subordination inherent in the employment relationship. Where these conditions are not satisfied, the formal characterisation of participation as "voluntary" cannot override the legal reality that the employee remains, in substance, at the employer's disposal and subject to the employer's authority.

³¹ *Case C-518/15, Ville de Nivelles v Rudy Matzak*, ECLI:EU:C:2018:82, paras 61–62.

5. The Legal Classification of Time Devoted to Employer-Organised CSR Activities as Working Time

The classification of time devoted to employer-organised CSR activities raises complex legal questions under EU labour law, particularly where such initiatives occur outside the employee's contractual schedule or are portrayed as voluntary engagement. Employers frequently characterise volunteering as personal engagement undertaken during employees' leisure time, thereby situating such activities beyond the scope of the employment relationship. However, when CSR activities are shaped, coordinated, or actively promoted by the organisation, through internal communications, recognition incentives, or integration into performance evaluation systems, the conceptual and legal separation of such initiatives from the employment relationship becomes increasingly difficult to sustain. These organisational features demonstrate that employer-sponsored CSR activities serve corporate objectives and strategic interests, thereby narrowing the employee's genuine freedom to decline participation without professional repercussions.

We shall next examine whether, and under what conditions, the time devoted to employer-organised CSR activities may be legally classified as "working time" within the meaning of Article 2(1) of Directive 2003/88/EC (the Working Time Directive), with reference to the relevant case law of the Court of Justice of the European Union (CJEU).

5.1. Autonomous EU Concepts of Working Time and Rest

Article 2(1) of Directive 2003/88/EC defines "working time" as "any period during which the employee is working, at the employer's disposal and carrying out his activity or duties, in accordance with national laws and/or practice."³² Article 2(2) defines a "rest period" as "any period which is not working time."³³ The Court of Justice has consistently emphasised that these concepts are mutually exclusive and must be interpreted autonomously under EU law, independent of national

³² Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9, Article 2(1).

³³ *Ibid.*, Article 2(2).

classifications, contractual terminology, or the parties' subjective characterisation of the activity³⁴.

The autonomous nature of these definitions serves to ensure uniform protection of employees' health and safety across Member States and prevents circumvention of mandatory working time protections through contractual arrangements³⁵. Consequently, any time devoted to activities connected with employment must fall into one of these two categories, working time or rest, whether the activities take place within or outside contractual hours and irrespective of whether remuneration is provided³⁶.

This binary classification has particular significance where employers organise activities that are formally characterised as "voluntary" but functionally integrated into workplace expectations and organisational culture. The question becomes whether the employee retains sufficient autonomy to genuinely dispose of their time for personal purposes, or whether they remain effectively at the employer's disposal.

5.2. The Test of Availability and Subordination: CJEU Case Law

The decisive criterion for classifying time as "working time" lies not in the intensity or economic productivity of the activity, but rather in the employee's availability and subordination to the employer's authority. As established in the foundational cases of *Simap*³⁷, *Jaeger*³⁸, and *Dellas*³⁹, the critical factor is whether the employer determines the conditions under which the employee's time is spent and thereby restricts the employee's autonomy to pursue personal and social interests.

The CJEU has repeatedly held that a period constitutes working time when the employee is required to be physically present at a place determined by the employer and to remain available to provide services if called upon⁴⁰. Neither the nature of the activities performed nor their direct contribution to the employer's productive output is determinative. What matters is whether the employee's freedom to manage their own

³⁴ Case C-303/98, *Sindicato de Médicos de Asistencia Pública (Simap) v Conselleria de Sanidad y Consumo de la Generalidad Valenciana*, ECLI:EU:C:2000:528, paras 47–51; Case C-151/02, *Landeshauptstadt Kiel v Norbert Jaeger*, ECLI:EU:C:2003:437, para 58.

³⁵ *Pfeiffer and Others*, *op. cit.*, paras 80–83.

³⁶ Case C-909/19, *BX v Unitatea Administrativ Teritorială D*, ECLI:EU:C:2021:893, para 29.

³⁷ *Simap*, *supra* note 34.

³⁸ *Jaeger*, *supra* note 34.

³⁹ Case C-14/04, *Abdelkader Dellas and Others v Premier ministre and Ministre des Affaires sociales, du Travail et de la Solidarité*, ECLI:EU:C:2005:728.

⁴⁰ *Simap*, *supra* note 35, para 48; *Jaeger*, *supra* note 35, para 63.

time is objectively and significantly constrained by requirements imposed by the employer.

Although much of the early case law concerning working time classification arose in the context of essential public services (particularly healthcare and emergency services), the underlying principles extend more broadly to all employment relationships governed by Directive 2003/88/EC. The case of *Ville de Nivelles v Matzak* (C-518/15)⁴¹ is particularly instructive.

In *Matzak*, the CJEU considered whether stand-by time spent by a volunteer firefighter at his home, during which he was required to respond to calls within eight minutes, constituted working time. The Court held that stand-by time during which an⁴² employee must remain contactable and respond to calls from the employer within eight minutes, while required to be physically present at a place determined by the employer, must be regarded as working time. The Court reasoned that the obligation to remain physically present at the place determined by the employer (even if that place was the employee's home) and the geographical and temporal constraints resulting from the eight-minute response requirement objectively limited the employee's opportunities to devote himself to personal and social interests⁴³.

Critically, *Matzak* establishes that physical presence at the traditional workplace is not required for time to qualify as working time. What matters is whether constraints imposed by the employer objectively restrict the employee's ability to manage their time freely⁴⁴. The intensity of the constraint is assessed functionally: does the requirement meaningfully prevent the employee from planning and engaging in personal activities?

More recently, in *BX v Unitatea Administrativ Teritorială D* (C-909/19)⁴⁵, the CJEU addressed whether mandatory vocational training undertaken outside normal working hours at the premises of an external training provider constituted working time. The Court held that where a employee

⁴¹ *Matzak*, *supra* note 31.

⁴² E. Gramano, *Stand-By Time Through the Court of Justice's Lens*, in *European Labour Law Journal*, 2022, vol. 13, n. 4, 577–584.

⁴³ L. Mitrus, *Defining Working Time versus Rest Time: An Analysis of the Recent CJEU Case Law on Stand-By Time*, in *European Labour Law Journal*, 2022, vol. 14, n. 1, 35–47; M.A. García-Muñoz Alhambra, C. Hiessl, *The Matzak Judgment of the CJEU: The Concept of Worker and the Blurring Frontiers of Work and Rest Time*, in *European Labour Law Journal*, 2019, vol. 10, n. 4, 343–352.

⁴⁴ *Ibid.*, paras 59–62.

⁴⁵ *BX v Unitatea Administrativ Teritorială D*, *supra* note 36.

receives instructions from the employer to attend vocational training to carry out their duties, and where the employer has signed the vocational training contract, the employee is at the employer's disposal during the training periods. The fact that the training did not take place at the employee's usual place of work, but at the premises of the training provider, did not prevent the periods from being classified as working time, as the employee was required to be physically present at the place determined by the employer.

This case is particularly relevant to employer-organised CSR activities. The Court emphasised that the concept of working time cannot be interpreted in a manner that would enable employers to impose training obligations outside normal working hours to the detriment of employees' right to sufficient rest, given that employees are the weaker party in the employment relationship. The Court further noted that it was irrelevant that the obligation arose from national legislation or that the activity performed during training differed from the employee's normal duties⁴⁶.

Moreover, the CJEU's case law on working time consistently emphasises the protective purpose of Directive 2003/88/EC. In *Pfeiffer and Others* (Joined Cases C-397/01 to C-403/01)⁴⁷ and *Fuß* (C-429/09)⁴⁸, the Court confirmed that working time limitations are designed to safeguard employees' health and safety and constitute social rights that cannot be contractually waived by individual employees. This protective framework requires that the concept of "working time" be interpreted broadly to ensure effectiveness of these fundamental protections.

Similarly, in *Tyco* (C-266/14)⁴⁹, the Court held that time spent travelling between home and the first and last customers of the day by employees without a fixed workplace must be regarded as working time. The decision reinforced that spatial flexibility or organisational arrangements that disperse work across multiple locations do not negate employer control where the employee's time remains subject to the employer's instructions and the employee lacks freedom to pursue personal interests during that period.

⁴⁶ *Ibid.*, paras 32-35.

⁴⁷ *Pfeiffer*, *supra* note 27.

⁴⁸ *Fuß*, *supra* note 29.

⁴⁹ *Case C-266/14, Federación de Servicios Privados del Sindicato Comisiones Obreras v Tyco Integrated Security SL and Tyco Integrated Fire & Security Corporation Services SA*, ECLI:EU:C:2015:578

5.3. Application to Employer-Organised CSR Activities

Applying these principles to employer-organised CSR activities, several factors suggest that time devoted to such activities should presumptively be classified as working time where:

- The employer determines when, where, and how CSR activities take place, designating specific dates, times, locations, or approved charitable partners. Employees are instructed or expected to participate, even if participation is formally characterised as "voluntary."
- CSR participation is integrated into mechanisms of organisational oversight, such as performance evaluation systems, promotion criteria, internal communications celebrating participant contributions, or implicit expectations communicated through workplace culture and managerial behaviour.
- Although participation may not be formally mandatory, employees perceive professional or reputational consequences for non-participation, particularly where senior management visibly participates or where participation is publicly tracked and recognised.
- The activities serve the employer's strategic objectives, such as enhancing corporate reputation, building team cohesion, demonstrating commitment to sustainability goals, or fulfilling corporate reporting obligations related to environmental, social, and governance (ESG) criteria.
- Employees must be physically present at designated locations at times specified by the employer, whether during or outside contractual working hours, thereby restricting their ability to freely manage their time and pursue alternative personal or family activities.

Where these conditions are satisfied, the legal criteria of availability and subordination established in *Simap*, *Jaeger*, *Matzak*, and *BX* are fulfilled. The employee is effectively "at the employer's disposal" within the meaning of Article 2(1) of Directive 2003/88/EC, even if the activity differs from their usual professional duties and even if it occurs outside their normal working hours.

Conversely, CSR activities may legitimately qualify as rest periods where the conditions for genuine voluntariness are satisfied, that is, where the employee genuinely retains autonomy to freely dispose of their time without organisational pressure or consequences

6. Latent Intensification: CSR Participation and the Cumulative Burden of Contemporary Work

Another legal concern arises from the implicit redistribution and intensification of work that frequently accompanies employee participation in CSR activities. Even when such participation takes place during nominal working hours, the total volume of contractual duties imposed on the employee generally remains unchanged. Time allocated to volunteering is therefore often compensated through heightened productivity expectations or de facto unpaid overtime compressed into the remaining working schedule. In practice, CSR participation may give rise to a form of *latent intensification*, an increase in the required pace, concentration, and output of labour, without any corresponding contractual amendment or remuneration.

In academic literature, *work intensification* is understood as the process by which employees are required to work harder, faster, or more productively within the same temporal limits, typically without additional resources or pay. Green defines it as “the rate of physical and/or mental input to work tasks performed during the working day,”⁵⁰ capturing both the physical and cognitive dimensions of effort. Since the early 2000s, scholars have identified work intensification as a defining feature of contemporary employment relations⁵¹, reflecting profound structural changes in production systems, managerial expectations, and the psychological contract between employer and employee.

Work intensification manifests in two main forms. *Extensive intensification* involves an increase in total working hours, while *intensive intensification* occurs when employees are required to increase their output or effort within the same working time⁵². The latter form holds particular legal significance in the CSR context, where employees are frequently expected to maintain standard productivity levels despite devoting part of their working time to employer-organised volunteering. Quantitatively, this intensification translates into completing more tasks in less time, working

⁵⁰ F. Green, *It's Been a Hard Day's Night: The Concentration and Intensification of Work in Late Twentieth-Century Britain*, in *British Journal of Industrial Relations*, 2001, vol. 39, n. 1, 56.

⁵¹ F. Green, S. McIntosh, *The Intensification of Work in Europe*, in *Labour Economics*, 2001, vol. 8, n. 2, 291–308; B. Kubicek, M. Paškvan, C. Korunka, *Development and Validation of an Instrument for Assessing Job Demands Arising from Accelerated Change: The Intensification of Job Demands Scale (IDS)*, in *European Journal of Work and Organizational Psychology*, 2015, vol. 24, n. 6, 898–913.

⁵² F. Green, *Why Has Work Effort Become More Intense?*, in *Industrial Relations: A Journal of Economy and Society*, 2004, vol. 43, n. 4, 709–741

at greater speed, multitasking, and reducing idle or recovery periods. Qualitatively, it involves intensified cognitive and emotional demands: continuous self-direction, initiative-taking, lifelong learning, and complex decision-making under compressed time constraints⁵³.

These defining characteristics, accelerated pace, time pressure, diminished recovery periods, task accumulation, and technological acceleration, have become structural components of modern employment. Employees are required to deliver higher output within increasingly rigid deadlines, while digital tools and permanent connectivity amplify the expectation of constant responsiveness. The traditional *porosity* of the working day, formerly allowing moments of rest or reflection, has been progressively eroded⁵⁴, leaving minimal space for recuperation. Consequently, when participation in CSR activities indirectly feeds into this process, it does not occur in isolation but rather compounds an already intensified work environment, amplifying the cumulative pressures inherent in the employment relationship.

Scholars have documented that the erosion of boundaries between professional and private life contributes to heightened stress, reduced recovery opportunities, and increased burnout risk⁵⁵. Where employer-organised CSR activities add to employees' overall workload or diminish their capacity to rest and recuperate, they may raise concerns not only under working time provisions but also under the employer's broader duty to protect employee health under Article 31(2) of the Charter of Fundamental Rights and Directive 89/391/EEC (the Framework Directive on Safety and Health at Work).

Admittedly, establishing proof that work intensification has been generated specifically by occasional participation in employer-organised CSR activities presents significant evidentiary challenges. Demonstrating causation between discrete CSR events and measurable health impacts or violations of working time limits is methodologically complex, particularly where participation occurs infrequently or irregularly.

⁵³ S. Mauno, M. Herttamp, J. Minkinen, T. Feldt, B. Kubicek, *Is Work Intensification Bad for Employees? A Review of Outcomes for Employees over the Last Two Decades*, in *Work & Stress*, 2022, vol. 37, n. 2, 100–125

⁵⁴ S.D. Rosso, *Mais Trabalho! A Intensificação do Labor na Sociedade Contemporânea [More Work! The Intensification of Labor in Contemporary Society]*, Boitempo Editorial, São Paulo, 2008.

⁵⁵ H. Pluut, J. Wonders, *Not Able to Lead a Healthy Life When You Need It the Most: Dual Role of Lifestyle Behaviors in the Association of Blurred Work-Life Boundaries with Well-Being*, in *Frontiers in Psychology*, 2020, vol. 11, 607294.

This difficulty is compounded by the fact that, in contemporary work organisations, what typically occurs is not isolated work intensification attributable to a single cause, but rather a *cumulative process* of intensification arising from multiple organisational practices and expectations operating concurrently⁵⁶. These include extended working hours, increased task density, heightened performance expectations, digital connectivity demands, and various forms of "voluntary" but organisationally promoted activities, of which CSR participation may be one component⁵⁷.

These multiple intensification pressures, operating together, may collectively reach a threshold sufficient to produce adverse effects on employee health, safety, and work-life balance, even where each individual factor might appear relatively modest or reasonable in isolation. The cumulative nature of these demands renders the attribution of specific health impacts to any single organisational practice particularly problematic from an evidentiary standpoint, while simultaneously heightening the risk that the aggregate burden will exceed sustainable and lawful levels of work demands.

This cumulative dynamic underscores the importance of a precautionary approach in classifying employer-organised activities as working time. Where organisational practices incrementally extend effective working hours or reduce genuine rest periods—whether through formal requirements or through culturally embedded expectations—the protective framework of Directive 2003/88/EC may be incrementally eroded. A functional analysis of whether employees retain meaningful autonomy to freely dispose of their time is therefore essential to prevent circumvention of working time protections.

7. Conclusion

The contemporary reconfiguration of the employment relationship through corporate social responsibility initiatives represents more than a shift in organisational discourse or managerial practice. It constitutes a

⁵⁶ G. Bangham, M. Gustafsson, *The Time of Your Life: Time Use in London and the UK over the Past 40 Years*, Resolution Foundation, London, 2020, <https://www.resolutionfoundation.org/publications/the-time-of-your-life/> (accessed 23 August 2025).

⁵⁷ C. Korunka, B. Kubicek, *Beschleunigung im Arbeitsleben: Neue Anforderungen und deren Folgen* [*Acceleration in Working Life: New Demands and Their Consequences*], in M. Morschhäuser, G. Junghanns (eds.), *Immer Schneller, Immer Mehr – Psychische Belastungen bei Wissens- und Dienstleistungsarbeit* [*Ever Faster, Ever More – Psychological Demands of Knowledge and Service Work*], Springer VS, Wiesbaden, 2013, 17–39.

transformation in the normative boundaries that distinguish work from non-work, subordination from autonomy, and contractual obligation from voluntary engagement. This study has demonstrated that when employees participate in CSR activities organised, coordinated, or incentivised by their employers, the resulting relationship cannot be adequately characterised through the rhetoric of voluntariness or ethical alignment alone. Instead, such participation must be rigorously assessed within the juridical framework that governs the employment relationship under European Union labour law.

The analysis has demonstrated that employer-organised CSR initiatives operate within a managerial architecture that constrains worker autonomy, transforming formally voluntary activities into components of corporate governance serving strategic and compliance objectives. Under such conditions, employee consent reflects structural subordination rather than genuine freedom of choice.

From the perspective of EU labour law, where the employer determines when, where, and how CSR activities occur, where participation is integrated into organisational oversight, and where workers perceive consequences for non-participation, the worker remains 'at the employer's disposal' within the meaning of Article 2(1) of Directive 2003/88/EC as established in the case law analysed above. This legal qualification carries significant practical consequences: it determines whether participation must be remunerated, affects calculations of maximum working time and minimum rest periods, and engages employer duties regarding occupational health and safety, particularly where CSR activities contribute to work intensification.

CSR participation, when improperly classified as rest time, may contribute to cumulative work intensification. Although establishing direct causation presents evidentiary challenges, the cumulative nature of these processes heightens risks to employee well-being and long-term health.

This study does not dispute the social value of CSR initiatives or genuine ethical motivations underlying them. However, the juridical nature of the employment relationship persists regardless of moral framing. Where CSR participation materially restricts a worker's capacity to freely dispose of their time or serves corporate objectives under managerial influence, such periods should presumptively be classified as working time.

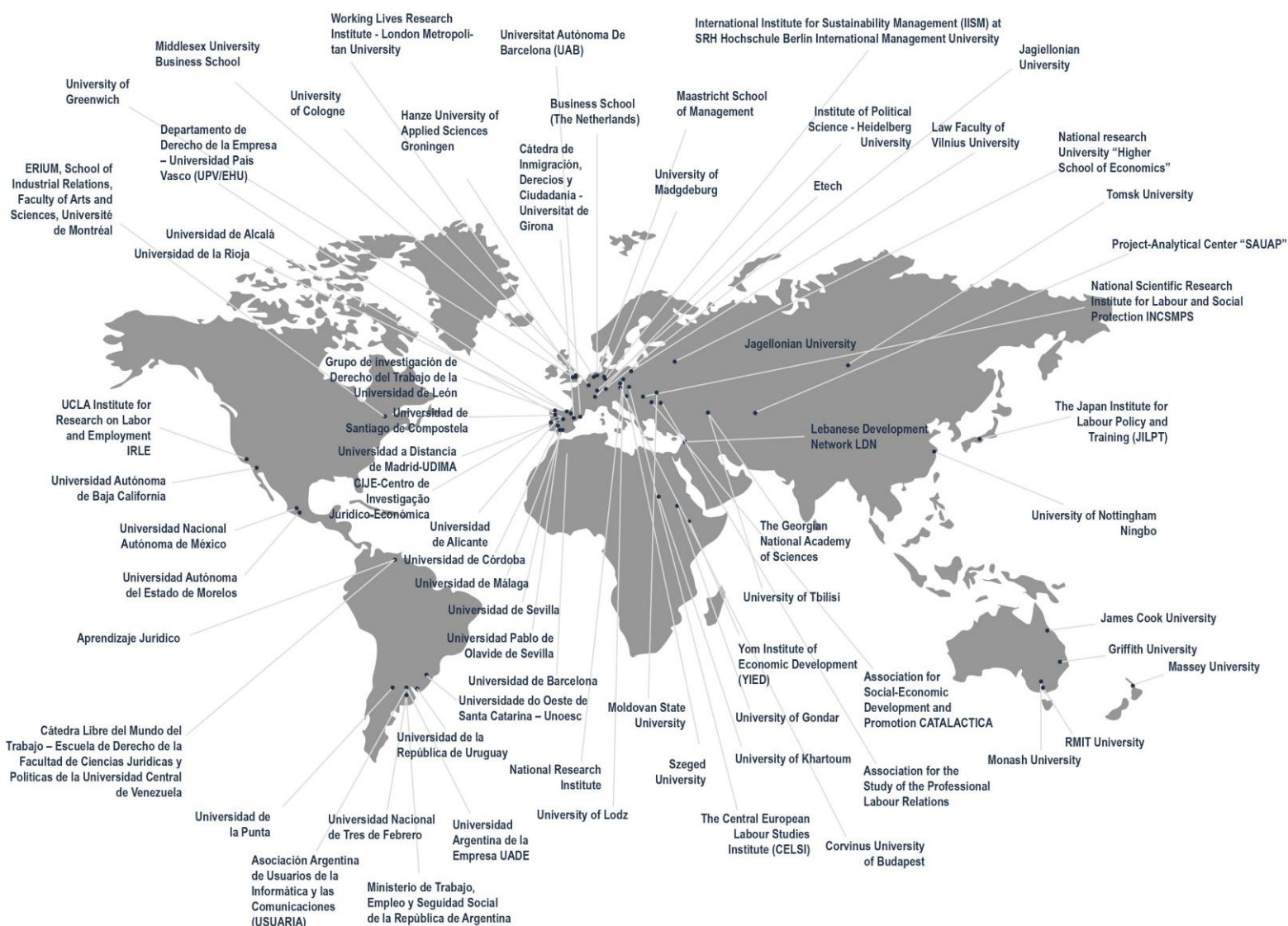
Conversely, where participation occurs entirely at the employee's discretion, without organisational coordination, sponsorship, or consequences, and where the employee genuinely retains autonomy over the timing, location, and nature of volunteering activities, such engagement falls outside the employment relationship and legitimately

qualifies as rest. The distinction depends not on the subjective intentions of the parties or the socially beneficial nature of the activities but on an objective assessment of whether the employee's freedom to manage their own time is constrained by requirements imposed by the employer.

As CSR becomes increasingly institutionalised through sustainability reporting obligations under Directive (EU) 2022/2464, these legal questions acquire heightened practical significance. Employers must ensure CSR programmes respect employment contract boundaries and mandatory labour law protections, while courts must apply functional analysis looking beyond formal labels.

Ultimately, this analysis contributes to understanding how contemporary corporate practices reshape labour law concepts. The blurring of boundaries between work and non-work poses challenges to frameworks protecting worker autonomy and wellbeing. European labour law must maintain clear conceptual distinctions and apply protective principles rigorously, ensuring that employment relations evolution does not occur at workers' fundamental rights expense. The employment relationship remains a juridical structure grounded in subordination, requiring protection against practices extending employer control beyond legitimate boundaries, even when presented as shared values, social responsibility, or collective purpose.

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