

Teleworking in France:

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1 Introduction

This document is the result of an intensive research within the framework of an academic project, the aim of which is to highlight the skills developed in terms of English writing abilities. The main goal of this study is to analyze the main characteristics of teleworking in France.

Teleworking is a new form of work that the employee can carry out at a distance or at home. The employee is therefore geographically distant from his employer and transmits his work or the results of his activities to him by various means. The concept of telework is relatively fresh, it has been enriched by the recent development of new communication technologies. The definition of teleworking excludes employees who occasionally complete a report from home, even if they use a personal computer or laptop provided by their employer. This definition also excludes employees with commercial functions who report to their employer on contacts with prospects or customers using a mobile phone.

Teleworkers are considered to be all employees who regularly (or not) carry out their work, outside the premises of the employing company. This new way of working is also characterized by the fact that the relationships are mainly electronic. So how has this new way of working developed and what are some main statistics attached to it (in France)? What are the legal aspects of teleworking in France?

2 History of teleworking:

by: Mouad Ettalbi & Lahlou Benidiri

In this part we will detail how telecommuting came to be while sharing some of the milestones achieved over the years. Considering the actual health and economic crisis, we felt it necessary to mention the impact covid-19 is having on telecommuting.

2.1 Origins and Evolution:

Right up until the industrial revolution, a considerable number of people were using their place of residence for work. Farmers worked their lands and kept their livestock at home while craftsmen used their homes as workshops. With time, the small workshops transformed to industrial plants and transportation options became more advanced causing a commuting nightmare.

In 1967, Messerschmitt-Boelkow- Blohm, an aerospace company based in Munich, experienced a severe traffic bottleneck around its factory, so they started offering flexible working hours to help employees work out a variety of commuting arrangements and thus teleworking was born, at the time it was referred to as flexible work schedules (1).

In 1972, Hewlett-Packard was the first US company to propose flexible working arrangements for its employees. The same year the term "telecommuting" was coined, Jack Nilles a physicist with NASA and the US Air Force, started a telework project involving 30 employees, they were working remotely on an advanced communication system. When Nilles was asked about his current project, he responded that what he was doing was "telecommuting" as a result the expression was born. Fast-forward six years, and telecommuting became so popular that the U.S Congress had to recognize its benefits which is why they issued a policy to regulate it in 1978. The U.S was the first country to create a legislation regarding flexible work arrangement.

During the eighties, the main technological communications systems used for telecommuting were the phone, the fax and the courier services. This made it complicated for managers to follow the progress of each employee. Since then, technology has made telecommuting easier for workers. Personal computers, the Internet and broadband made it increasingly easy for people to work outside the office.

As part of the U.S Federal Appropriations Act, agencies are authorized to use federal funds to install phone lines and other equipment and to pay monthly service charges of teleworker homes. All Federal employees are permitted to telework if they could do so without diminished employee performance. In 2013 Federal employees in Washington who worked from home during four official snow days saved the government an estimated 32 million dollars.

As the years passed by, the number of studies and articles analysing health, economical and environmental benefits of telecommuting grew exponentially. In addition, the term telework and telecommute is being abandoned by many individuals and organisations in

favour of distributed work, mobile work or intelligent work.

2.2 Telecommuting today:

Today more than ever, the unprecedented COVID-19 public health crisis is testing companies ability to adapt to remote work schemes. Many major employers have instructed their workers to work remotely from home, in order to reduce the spread of the pandemic. The corona virus will likely be the trigger for companies to implement teleworking strategies in far greater numbers than we are seeing now, even after the end of the pandemic, but for now many of the workers are not experienced in working remotely, they will need to adjust to teleworking overnight without preparation. So how is the workforce adapting to today's situation and how can we increase the productivity of inexperienced teleworkers?

"Ready or Not: Are Employees Ready to Go Remote?" is a research study conducted by Wrikers (2), in which they used SurveyMonkey to survey 1,000 full-time workers who are employed in businesses with more than 200 employees. The survey revealed that almost half of the employees (49%) state that they never work from their homes. In addition, 23% of workers say they rarely work from home except in special situations, such as caring for ill children or during severe meteorological conditions. 9% of respondents say they work full-time remotely and 9% say they work from home several days a week.

As a result of the survey, 43% of people who responded did not feel that they could do their jobs productively by working from home. In fact, more than half (52%) say that a telecommuting policy would seriously reduce their company's performance. For a large number of employees, particularly those who do not usually work remotely, it may be difficult to adapt to best practices in teleworking. In addition, some organizations do not have the IT support infrastructure to enable remote operations, resulting in project bottlenecks and delays.

One of the areas in which companies must act, even beyond the implementation of telework, is communication. An investment in communication equipment in line with the current digitization of companies is necessary. We are talking about communities, forums and social networks not the simple intranet. Also, not all companies have adopted the aspect of managing employees via collaborative tools. The current progress in this area is likely to change the minds of companies that are still able to resist these jewels of HR management.

3 The Evolution of Teleworking legislation:

by: Faïz EL ARJI & Moujahid BOULAOUZ

As teleworking grew and as employees wanted to follow the trend more and more insistently, different regulations, ordinances and laws have been issued throughout the time, so that the teleworking framework gets regulated, more precise, less blurry and more respectful to the workers' and employers' rights and wishes. In the following two sections, we'll see how the legislative texts on teleworking have been changed, since the very first texts until the most recent. We'll discuss, also, the current state of teleworking under the alarming Co-vid19 virus.

3.1 Early legislative texts:

by: Faïz EL ARJI

Teleworking, as defined in the article L. 1222-9 of the Ordinance n 83-634 issued on the 13th of July 1983 in the French Labour Code and modified on the 05th of September 2018, is every working pattern that can be attended to, in an equal way, either inside the premises of the employing company or outside of it, voluntarily, by the means of information and communication technologies, and is performed outside of the working place on a regular basis. And a teleworker, is every employee that is doing the teleworking - according to the definition above - either since the start of his employment or after (4).

The first attempt to clarify teleworking in the French Labour Code was through the article (Article 133) within the Law of; 12nd March 2012 (named: "Sauvadet" Law - Ordinance n 2012-347), and then through the article (Article 46) within the Law of 22nd March 2012 ("Warsmann" Law - Ordinance n 2012-387).

The 133th article from the Sauvadet law states that, according to the definition of teleworking mentioned earlier, an employee can start teleworking after a mutual agreement between him and the chief of staff, and can be ruptured at any moment after a decided notification time. It states also that a teleworker is under the same regulation as any other employer (non-teleworkers) (6).

The 46th article was an attempt to clarify and simplify the legal framework of teleworking at a period when only 9% of workers in France were teleworking, which was low compared to an average of 18% in the rest of the European Union and 30% in Scandinavian countries (5). In this law article we find (7):

- Refusing a teleworking regime is no valid motive for the employer to terminate his employee's work contract
- The employer is to take charge of all the means needed for his teleworker to execute his work
- The employer must, yearly, have an interview with his teleworker where they discuss the teleworking conditions.

- The employer has to set in agreement with his teleworking employee time-slots where he can contact him
- The employer has to inform his employee on every usage restriction on the digital tools and the sanctions he'll get in case he doesn't conform to the restrictions.

3.2 Most recent laws:

by: Moujahid BOULAOUZ

A reform concerning teleworking took place in the Ordinance n2017-1387 within the French Labour Code on the 22nd on September 2017, in which the definition of teleworking was updated, by not stating teleworking as is to be performed on a regular basis. In this Ordinance, the legal framework was more constraining for the implementation of situational and regular telework. For example: The employers must provide the grounds on which they refuse a teleworking request (8).

This previous ordinance has been reformed by issuing the law of the 29th of March 2018, and a collective agreement or a chart is no more required for regular telework. Instead a mutual agreement between the employer and employee can be made by any means of communication. Also, in this new ordinance, teleworking is not an absolute right for the employee, meaning that the employer can refuse it providing he writes the reasons why ((9)).

In the current state of things, and due to the Co-vid19 pandemic, teleworking is compulsory for each and every work that can be done from outside the working place. This means that, approximately, 8 millions of jobs can which amounts to 40% of the jobs in France, should comply to this command. Teleworkers should respect, whether at their working hours or out of them, the well-known safety measures in order to limit the propagation of the pandemic.

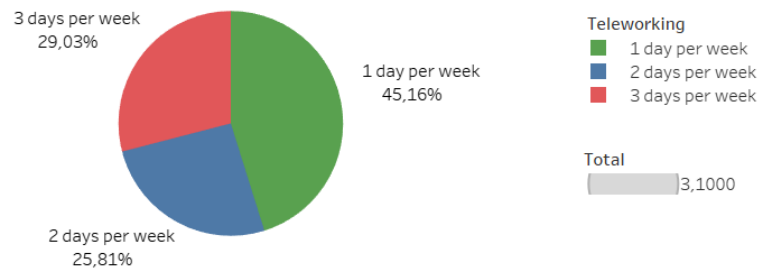
4 Some statistics on teleworking in France:

by: Yassine GUESSOUS, Mohamed DHMINE and Badreddine CHAGUER:

In this section, we describe some of the graphs that we created using Tableau Software in order to visualize some of the recent raw data collected from the INSEE's (National Institute of Statistics and Economical Studies (French)) website, as well as DARES's.

Before including the graphics, we'd like to inform the reader that, in 2017, nearly 25% of the employed people in France agreed on teleworking. This number grew to 29% in 2019, for an average monthly work of 7 days (148h per month). (Source: a IFOP (French Institute of Public Opinion) study conducted for Malakoff Médéric Humanis (11))

Number of working days per week by telework intensity in 2017



Source: INSEE Data

Figure 1: Output of Tableau software

In 2017, 3% of employees report teleworking at least one day a week. 45% of them telework one day a week, 26% telework two days a week and 29% telework three, or more, days a week (figure.1).

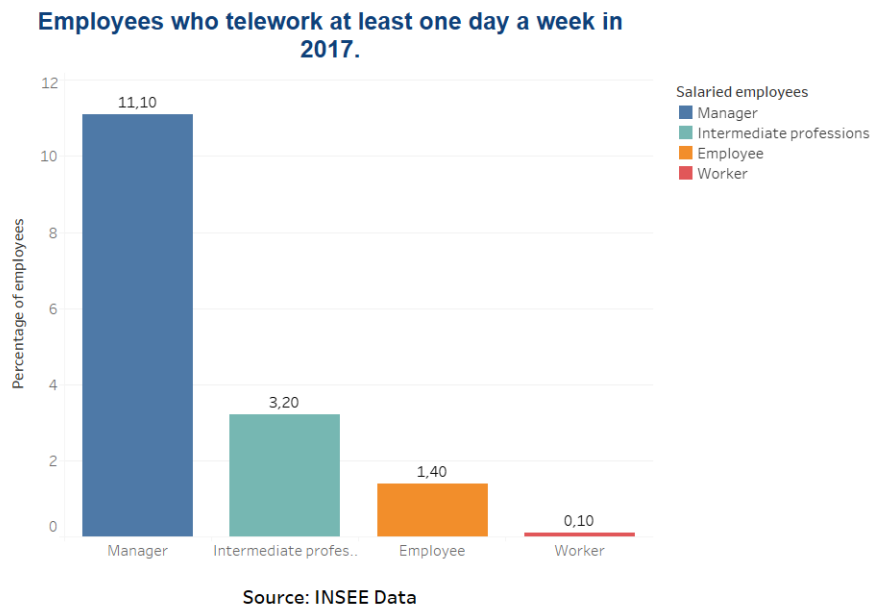


Figure 2: Output of Tableau software

Regular teleworkers are mainly qualified employees: 61% of them are managers, whereas managers represent only 17% of the employees. Thus, 11.1% of managers and 3.2% of intermediate professions report teleworking at least one day a week, whereas this practice is rare among employees and marginal among blue-collar workers (figure.2).

Regular telework in 2017 according to "home-to-work distance"

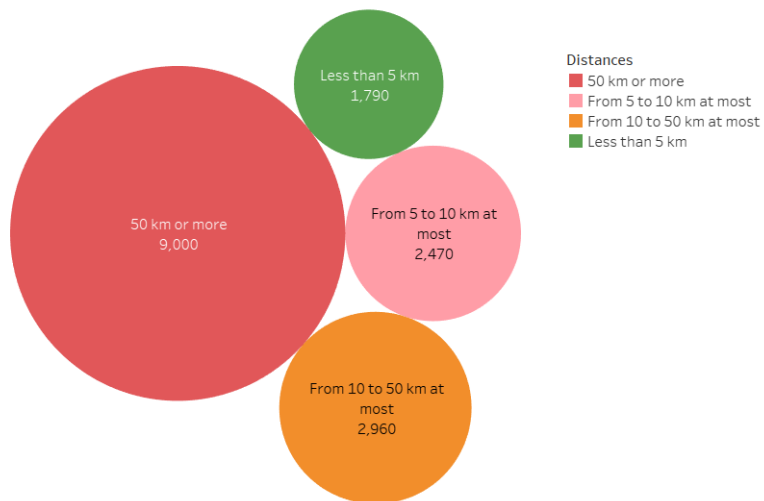


Figure 3: Home-to-Workplace distance as a reason for teleworking

The reason why employees prefer teleworking, is the distance between home and work-place: employees who are farthest away from their place of work are more likely to telework. Here, 1.8% of the global number of employees in France telecommute when they live less than 5 km from their office, compared to 9.0% when this distance exceeds 50 km.

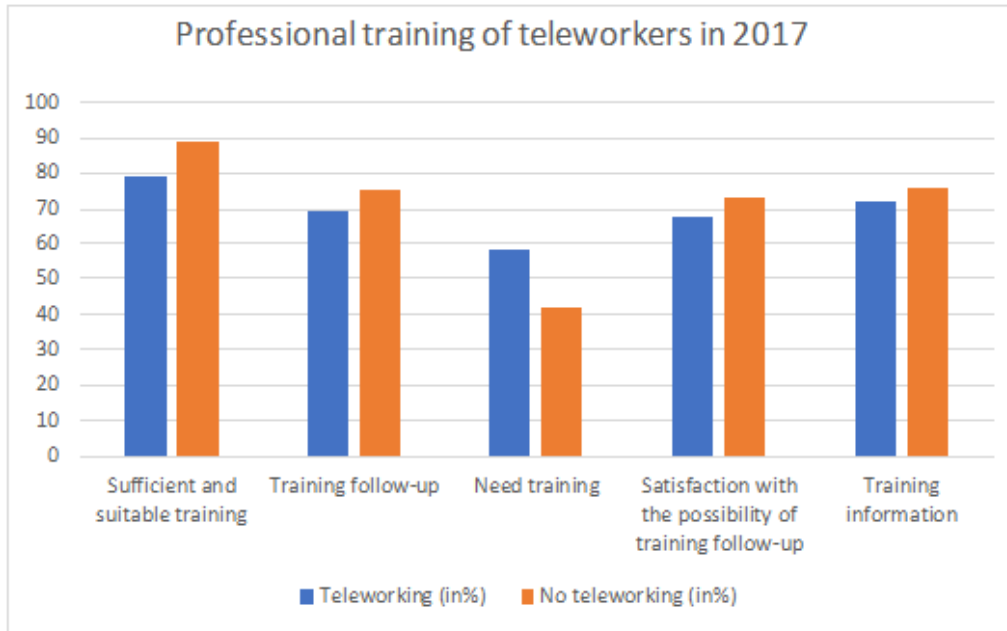


Figure 4: Professional training of teleworkers in 2017

Figure 4 shows that 79% of teleworkers report having adequate and adapted training, compared with 89 percent of 'in-house' employees. We notice that 70% of teleworkers having training follow-up versus 75% of traditional employees.

Teleworkers more often express a need for further training than traditional employees. It is particularly amplified when teleworkers are faced with a change in the techniques used to work or in the event of restructuring or relocation. Moreover, they are as well informed and satisfied with the training opportunities and that they do indeed access training as well as other managers. Teleworkers therefore do not appear to have particular difficulties in accessing training (72% of teleworkers versus 75% of 'in-house' employees) .

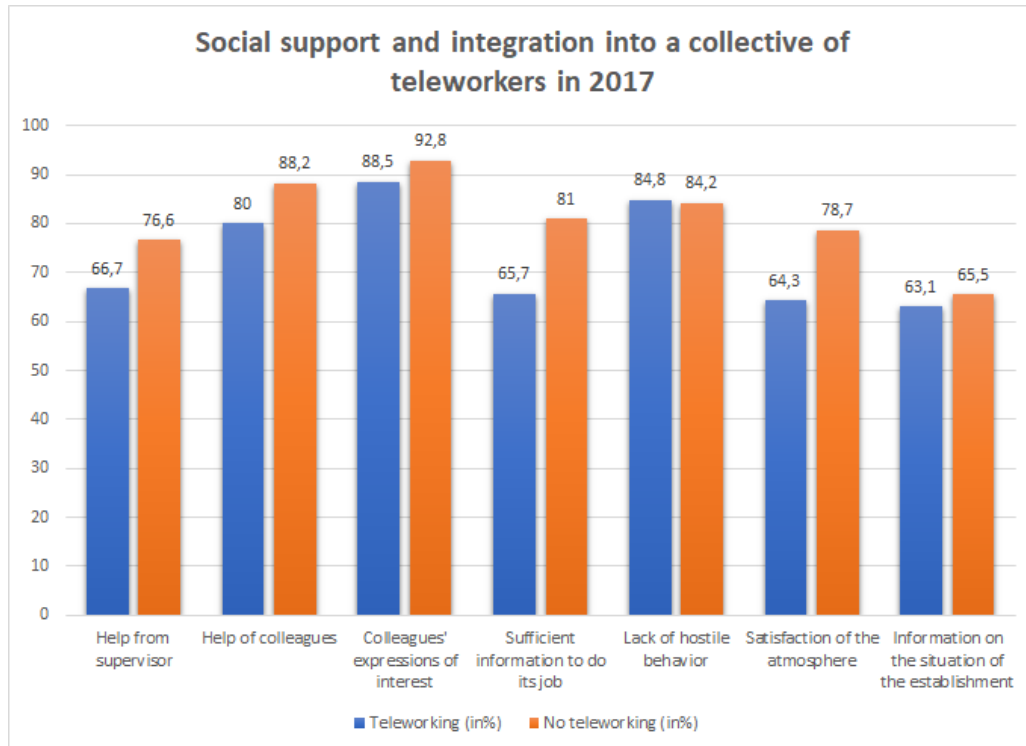


Figure 5: Social support and integration into a collective of teleworkers in 2017

The extent to which workers provide social support to each other in the workplace can have a significant impact upon people's experience of work. Thus, social support within the workplace may influence the psychological strain and well-being levels of an individual.

Because of physical remoteness, telework involves a risk of employee isolation. Managers in telework express a sense of distance not only to their hierarchy but also to their colleagues or collaborators. With particular socio-economic characteristics, high-intensity teleworkers are less likely to be supported by their hierarchy and colleagues to achieve their tasks. (*Figure 5*).

Figure 5 shows that supervisors and colleagues help more 'in-house' employees than telecommuters. Indeed, we note that there is no disparity between the percentage of lack of hostile behavior on telecommuters and traditional employees (84,2 percent versus 84,8 percent). which means that managers engaged in telework are not more likely to have experienced hostile behavior. Moreover, this situation of isolation has no influence on the knowledge of the general situation of the establishment: telecommuters seem to be well informed of wage policy, the organization of work or the intention to hire or terminate their establishment. In addition to dissemination through digital tools, telecommuters also keep up-to-date with the life of the enterprise by their employee representatives.

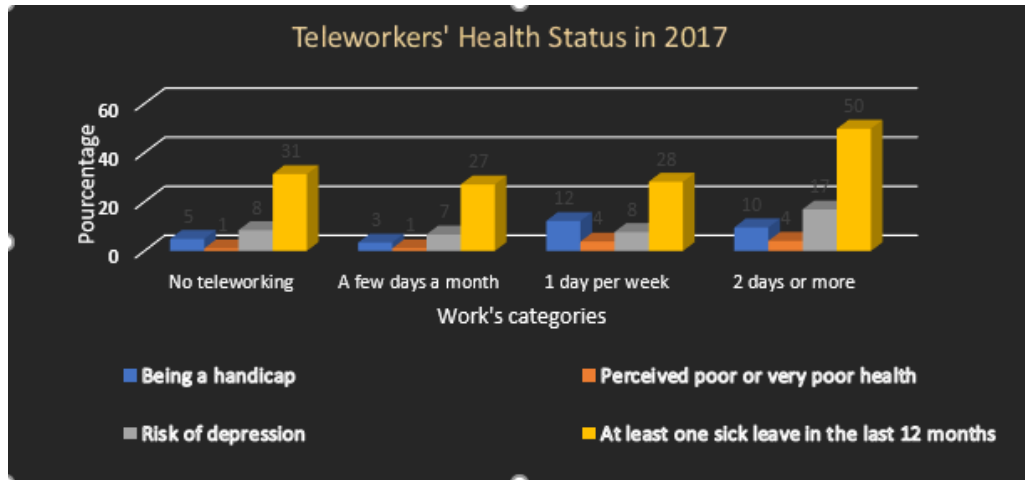


Figure 6: Teleworkers' Health Status in 2017

The chart illustrates information about Teleworkers' Health Status in 2017 in France, units are measured in percentages.

Overall, it's clear that the group of teleworkers that used to take at least one sick leave in the last 12 months represents the proportion highly presented in each category of work/teleworking, this group represents around 50% of the employees who used to do teleworking about 2 day or more per week.

The employees who are in risk of depression reach over 10% in all the work's categories, then we find in the third class, the handicap employees that use teleworking 1 day per week and 2 days per week represents about 12% and 10% respectively.

The group of employees with very poor health tends to do 1 or 2 days per week or more of teleworking (about 4% in each category).

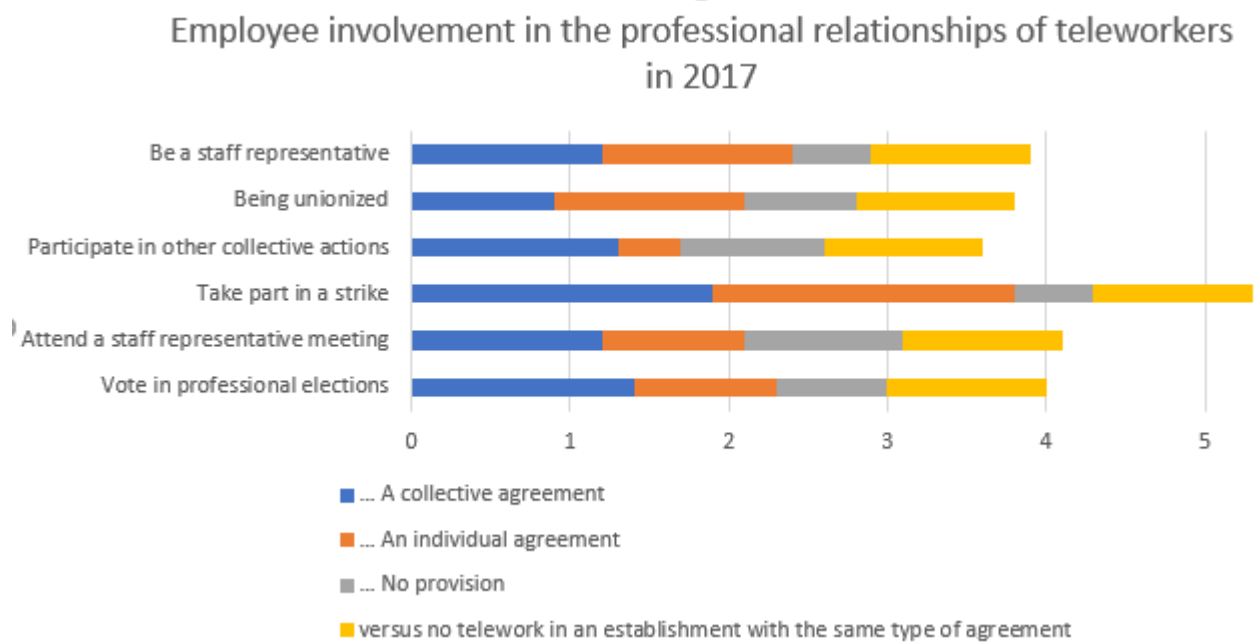


Figure 7: Involvement of employees in work-related matters

This horizontal chart is a representation of data collected from a survey conducted by DARES (Direction de l'Animation, de la Recherche, des Études et des Statistiques) in 2017 and it represents the relative degree of involvement of teleworkers under collective agreement (blue), those under individual agreement (orange), those who are not disposed for teleworking (gray) and those who, for the same type of agreement, report teleworking (yellow).

For example, teleworkers under collective agreement and those under individual agreement, are two times more likely to go on a strike compared to the ones who delay their a same eventual agreement for teleworking and three times more likely than those who are indisposed for teleworking to do so. In general teleworkers are (much) more involved in taking action for when it comes to their work, in comparison with the others.

5 Conclusion and recommendations

The recent teleworking trend that started in the mid 60's, has been steadily rising since then and took a decently large part in the global labour market in general, and the french one in particular. As of today, more than 30% of the employees in France telecommute at least 1 day a week, which means that officially 30% of the french workforce constituents are considered as teleworkers, and therefore, are subject to the legislation created for such status. The laws of teleworking are within the French Labour Code, and have been constantly updated in order to make the teleworkers' working conditions viable and mutually agreed upon, from the employee's perspective as well as from the employer's. The only issue with these laws is that they are not detailed enough to make the teleworking framework less blurry for all those involved, and thus, it has been criticized several times throughout the last decade which gave birth to reforms on the related laws, the last of which in the last quarter of 2018.

In this report, we saw that teleworking can be a situational as well as a regular state of employment, and that nearly half of the teleworkers' in France are teleworking only 1 day per week. The most common reason for choosing to work outside of the working place (i.e.: be a teleworker) is the long home-to-workplace distance. In fact, 54% choose teleworking for that reason, and 36% make that choice because of the flexibility of working hours allowed by teleworking (Source: same IFOP study conducted for Malakoff Médéric Humanis (11)).

As a first recommendation, teleworking can be a very interesting alternative for all the employees that can benefit from it, whether they be interns, apprentices, or regular members of a company's staff, since it is, until now, felt to be more productive than being "trapped" inside a cubicle by 90% of the teleworkers ((11)), which shows that such trend is, after all, not based on laziness grounds. Reasons such as a better work-personal life balance, better health and well-being and fewer rates of absenteeism (49% of the managers assert that fact (11)) are to be taken into consideration by those who vehemently view teleworking as a negatively unorthodox way of doing a job or refuse to telework. The reduced Carbon emission related to the drop in the number of those who use carbon-emitting means of transport in order to go to work is also a positive point in the favor of teleworking. For such reasons we recommend those who are able to telework to do so, unless they are anxious or frightened to suffer from the possible isolation, and sedentary lifestyle such working regime might give birth to.

The fact that only a little space within the French Labour Code, is allowed to regulate teleworking is a problem that needs to be addressed. The lack of precision and not tackling the different possible misfortunes that a teleworker (and his employer) can be confronted to in the teleworking framework are highly criticized by all those to whom this topic matters and affects the most.

Finally, we advise all the teleworkers, and citizens in general, to abide to the rules of conducts published by the government regarding the actions to do (or not to do) in order to limit the propagation of the Co-Vid19 pandemic.

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