OUT-OF-OFFICE WORK – TWO CASE STUDIES IN POLAND

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Abstract
The article presents results of an in-depth qualitative case studies on out-of-office work in Poland: remote working in a large bank and an ICT-based mobile work in an electricity company.

The former case relates to the implementation of remote working in a large universal bank that is part of a transnational financial institution in response to the restrictions arising from the COVID-19 pandemic. Previously, the use of remote working among workers not performing ICT based mobile work was very limited and managers were reluctant to allow it on a large scale even for highly skilled employees. The pandemic forced a radical change in the management model, with the eventual introduction of hybrid working (done from home on selected days of the week) in 2022, after recognising its significant benefits. These were felt by both the employed and the employing parties. However, the role of trade unions in implementation of remote work was limited.

In the case of the second company, ICT-based mobile work has been introduced in 2016 and successively developed in the following years, allows electricians servicing power grid in the field to communicate and work fully remotely. In the year of the COVID-19 pandemic outbreak, this model was facilitated and extended to more electricians. Company management reported a significant increase in productivity and control over the electricity network, as well as an improvement in the quality of service provided to end customers (i.e. a reduction in power outages). Electricians highlighted greater flexibility in organising tasks and working hours, resulting in increased job satisfaction. However, the process of implementing mobile working has caused some tensions with management, in addition, some employees have found it difficult to acquire new skills and adapt to new technologies. In parallel to the development of ICT-based mobile working, a self-employment model is being introduced among electricians, which has implications for collective labour relations.

Keywords: covid-19, remote work, ICT-based mobile work, collective bargaining

JEL Classification: J5, M5, 033
1. INTRODUCTION

This article analyses two case studies encompassing organisations that have implemented various forms of out-of-office work in Poland. These are: a private universal bank with foreign capital that has implemented the possibility to work from home during the COVID-19 pandemic and developed it for a significant part of its staff after the pandemic, and an electricity, partially state-owned company that applied ICT-based mobile work model among electricians servicing power grid in the field. The first case is an example of an unintended change forced by the Covid-19 pandemic, while in the second case ICT-based mobile work was a long-term, planned change resulting from the modernisation of the enterprise. The analysis was based on desk research covering mainly publicly available sources of information about companies and on individual in-depth interviews carried out in 2022. In the case of both organisations, they were conducted with representatives of both the employing party and the trade unions present in the company. The discussion of case studies is preceded by a concise analysis of the regulatory framework for remote work, which has undergone far-reaching changes in Poland in recent years, resulting from a sudden increase in performing professional tasks from home as a result of epidemic restrictions.

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2. THE REGULATORY FRAMEWORK

2.1 Remote working in Poland

The regulation of the rules under which remote working is conducted in Poland is largely a consequence of the COVID-19 pandemic. The amendment to the Labour Code, which introduces the concept of remote working into this legislation, came into force in spring 2023 (Journal of Laws 2023 item 240). It is the result of lengthy legislative work undertaken due to the significant increase in the number of working from home caused by the epidemic restrictions introduced in early spring 2020.

Previously, however, there were already regulations allowing people to conduct out-of-office work. Firstly, a relatively comprehensive chapter on teleworking was introduced to the Labour Code as early as in 2007 (Journal of Laws of 2007, No. 181, item 1288). In the spirit of the 2002 European social partners’ framework agreement on telework, it contained detailed provisions regulating the path to the introduction of this form of work for a given employee, the categories of workforce with a preference to telework on the employee’s request, specifying the obligations of both parties (including the health and safety sphere) and protecting against discrimination. The antidiscriminatory means were
provided both for the employees who refused to telework and for those teleworking: the regulations guaranteed the latter equal access to the employer's resources and necessary information in the workplace as well as opportunities for training and promotion.

The problem with the aforementioned provisions was that they never began to be applied on a large scale. Teleworkers employed on the basis of the relevant chapter of the Labour Code constituted a narrow margin of employees in Poland – for example, in 2017, there were about 18 thousand teleworkers, against more than 15 million working in the country (Owczarek 2022: 30). The likely reason for this were the extensive and detailed regulations, especially in the sphere of occupational health and safety (ibid). Particularly troublesome was the obligation to determine whether the premises used by the employee provide sufficiently safe conditions, even before the teleworking starts. At the same time, on the basis of general labour law provisions, it was possible to employ workers in the formula of remote work (home office) with the omission of regulations on teleworking, which – in the conditions of the employee labour market – was applied to some extent. Employers, by offering the possibility of (partially) out-of-office work, encouraged or retained the most valuable employees with rare skills in this way. It was therefore a form of non-wage benefit. In 2017, 4.5% of employees usually worked from home, while 9.1% sometimes did (source: Eurostat database, Labour Force Survey).

The outbreak of the pandemic in early 2020 changed this situation significantly. Overnight, a significant proportion of employees in various sectors, insofar as the nature of their tasks allowed, were directed to work from home. The legal basis was introduced by a special temporary law (so called “Anti-COVID Act”) providing measures to limit the spread of the coronavirus (Journal of Laws 2020, item 374). A very laconic provision (only slightly specified in subsequent amendments) introduced the possibility for employers to direct employees to work from home. Any additional regulation, e.g. in the health and safety sphere, was missing – the issue of liability for accidents at work was vague to say the least. As the epidemic restrictions eased, the number of people working from home gradually declined - from an average of 18% in 2020 to just over 12% in 2022 (working from home both usually or sometimes, source: Eurostat, LFS data). However, it is to be expected that a certain group of workers will continue to work away from their employer's premises, and this will be more popular form of performing tasks than before the pandemic. Therefore, the need for legislation to finally sort out the rules for remote workers still existed.

The amendment to the Labour Code, which came into force in spring 2023, unifies the existing body of Polish legislation in the analysed area, introducing a new chapter on remote work in place of the previous one addressing telework. An employer will still be entitled to direct an employee to work remotely in exceptional circumstances, but – in the spirit of the 2007 legislation – this will
also be possible at the employee's request. In order to start working remotely, a declaration by the employee that they have the conditions in their home to ensure that the work can be performed safely will be sufficient. In addition to the existing possibility of reimbursement when using one's own equipment and raw materials, the employee will also be reimbursed for electricity and telecommunications fees. Provisions which, previously applying for telework, obliged the employer to negotiate specific issues related to its use with the company's trade union organisation have been made more specific: a list of issues to be negotiated has now been introduced. In summary, the new provisions on remote work in the Labour Code are even more detailed than the former ones regulating telework, but some important simplifications have been introduced (this concerns, especially, the mentioned statement on meeting H&S conditions by the employee), along with some provisions attractive to employees. This gives reason to anticipate that they will be applied on a wider scale.

2.2 ICT-based mobile work in Poland

There is no specific regulation addressing the ICT-based mobile work in the country. General regulations apply.

3. “POST-COVID” REMOTE REVOLUTION IN A BIG BANK

The first case study analysed the process of implementing remote working in a large universal bank with around 10 thousand employees across Poland. This is a financial institution established back at the turn of 1980s and 1990s, then privatised. In its history, it has undergone quite significant transformations and changed foreign ownership. This has resulted in a fairly significant diversity of staff. Among the employees (their number has been declining quite significantly in recent years as a result of further restructuring measures and mass redundancies), there are people with strongly varying tenure. The effect of these generational differences also results in a different willingness to work remotely. Employees are based in two main segments of the company, dividing into two relatively equal groups: the local branches, serving customers locally, and the head office, based in several large cities, providing services such as e-banking (along with services supporting it, e.g. cyber security) and providing support for the local branches.

3.1 The process of introducing remote work in the company

Prior to the outbreak of the Covid-19 pandemic, remote working, if one does not count ICT-based mobile work, which, due to the nature of their duties, was performed by specific groups of employees (IT service technicians, premium customer advisors, etc.) was practically not used by the bank. Managers, an important segment of the employment structure, were characterised by a rather far-reaching conservatism with regard to this issue. The opportunity to work from
home was offered as a non-salary benefit to a very narrow extent even to highly qualified employees – we are talking about, for example, one day per month. Admittedly, the introduction of a “flexi-working” policy was considered, but clearly the authorities and management of the institution were not enthusiastic about the idea, and it did not materialise before the beginning of the pandemic. This one, in turn, brought an abrupt change: almost overnight, the vast majority of head office employees were directed to work from home. The situation looked different for staff at local branches, where such a shift was not possible. A sanitary regime was introduced there, and employees particularly at risk from the effects of infection (elderly, with chronic illnesses) were directed to work on remote customer acquisition.

3.2 Impact of implementing remote work on working conditions

The whole change, although abrupt and captive of problems, was eventually, in the opinion of both the employer's representative and one of the representative trade unions existing in the company, a success. Admittedly, the employees initially struggled with a number of inconveniences, which included both problems of a psychosocial nature, resulting from isolation in lockdown conditions, as well as some technical difficulties due to temporary shortages of equipment and – especially – software, and resulting from the need to implement a new working model. The trade unions tried to support the workers during this difficult period, although their actions were mainly interventionist (e.g. a request to complete workplace equipment if the company has overlooked something). The interviews also indicated possible difficulties due to specific housing conditions or the presence of household members (especially during the school closure period, inconveniences were experienced by teleworkers with children). Over time, however, workers largely recognised that working from home had more advantages than disadvantages, such as elimination of commuting which significantly increased the time resources available for household and caring duties or recreation, or having more autonomy in planning their tasks. Employees appreciated the opportunity to work in comfortable, self-arranged conditions in accordance with their preferences at home. They are more rested and their job satisfaction and motivation have increased. According to the internal opinion surveys conducted, in the initial period employees declared a desire to work from home two days a week, while in the later phase they expected only one day of office work or to eliminate it altogether. The most important inconveniences of remote working identified in the interviews include expanding working hours and blurring the boundaries between work and private life. Some employees, forced to perform various domestic activities during work (e.g. related to childcare), feel obliged to compensate for these interruptions by working outside typical hours. In addition, according to the trade union representative, there was a lack of training for employees at the beginning to facilitate the entire transition which worsened
the stress and increased the aforementioned inconveniences resulting from the epidemic situation.

3.3 Managerial perspective and the emergence of a new work model

Training was, however, addressed to managers, who had to learn how to manage their teams remotely and rely more on the control of results rather than the workflow itself. However, it turned out that there was no drop in productivity (in the opinion of managers, it even improved, although benchmarks based on objective indicators were not used) and the change in model allowed the employer to make significant savings in terms of office space rental costs, utilities and media. A noteworthy consequence of the introduction of remote working has been the possibility of employing specialists with rare qualifications who live at a considerable distance from the company's headquarters. This is all the more important as they are located in large cities, which have a difficult labour market from the employer's perspective: there is a small supply of high-level professionals and they have high salary expectations.

The study was conducted in late 2022, before introducing the above-mentioned amendment to the Labour Code. However, it seems that a certain new model of work, very different from what had been the practice of managing workers before the pandemic, was already crystallising. First of all, as a result of the cessation of the pandemic, there was a partial return to work. Tools were prepared to allow managers, together with their teams, to estimate the proportion of days worked in the office and from home so as to carry out tasks as efficiently as possible (usually two or three days of work from home per week were foreseen). Among other things, the team in the course of the workshop created a matrix of tasks, divided into those that require presence in the office, those that can be done from home but with a deterioration in quality, and those that can be done from home just as well and effectively as in the office. A certain informal code of conduct for managers (the so-called “golden rules”) was introduced, which, among other things, introduced the principle of respecting employees' time outside statutory working hours (however, no agreement was signed with the unions to formally establish the right to disconnect; the degree to which the “golden rules” are respected, as assessed by the trade union representative, varies among managers). As a result of the limitation of office space, hot desk solutions are used (along with an application to reserve desks as well as parking spaces). The trade unions tried to negotiate reimbursement of utilities to employees (previously the bank had only provided reimbursement for some equipment costs in December 2020), although this matter was eventually settled in the Labour Code, as mentioned above.

The transition to hybrid working also presents some challenges. The employer representative mentioned an unexpected drop in employee productivity on office days. This is due to “catching up” with colleagues and meeting up with
them which is an important part of the organisational culture, not just down to exchanging gossip, but also valuable business information and experiences. Remote working also requires specific employee skills: it is not only about digital skills, but also the ability to organise one's own work and self-discipline. Communication via email or chat is also a challenge: it is less direct, sometimes requiring waiting for a reply, and depersonalised. Initially, there were cases of misunderstandings among the employees when someone misinterpreted a message received, attributing to the sender the intention to urge or offend the addressee. In the opinion of the employer's representative, online video meetings were organised too often – in many cases, current issues could be resolved during a quick exchange of emails.

3.4 The role of social dialogue in the transition to hybrid work

The role of the trade union side in the introduction of remote and then hybrid working has been limited, mainly boiling down, as already mentioned, to interventions in individual cases and efforts to increase the scope of reimbursement for employees. The trade unions in the company are recognised, but do not have a very strong position. A company collective agreement has never been concluded. The unions have focused in recent years, with variable success, on negotiating the terms of collective redundancies – the issue of remote working, although important in their opinion, has not been at the top of their list of priorities.

4. ICT-BASED MOBILE WORK IN AN ELECTRICITY COMPANY

The subject of the study is the work model and practices of electricians servicing the power grid using ICT for remote communication and mobile work in the field.

Digital solutions that allow electricians to communicate remotely and work in the field without having to return to the company base were introduced as a pilot in 2016 and have been developing in the following years. In the year of the COVID-19 pandemic outbreak, this model has been facilitated and extended to a larger number of electricians. Currently - in 2023 - a more advanced system has been introduced to combine information provided remotely by electricians with an electronic customer service system. This shows that the system is still evolving and has not yet reached its final form.

The working model is that each electrician is equipped with a special tablet connected to the Internet with applications installed to monitor and report on all activities at work. The electricians receive information about orders in electronic form involving the rectification of faults or other activity involving the servicing of the electricity network. This notification provides basic information about the type of fault, its location and other key messages. Electricians can take the announced orders or not, arrange them throughout the day thus organising their working time and the number of orders each day. They can also report on the
situation on site, the repairs carried out and communicate with the central office if necessary. Thanks to this solution, electricians do not have to visit the company's headquarters or report on the activities carried out using paper documentation. The vast majority of electricians are self-employed and bill the distribution company on a business to business basis.

4.1 Management perspective and organisation of ICT-based mobile work

The introduction of ICT technology into the work of electricians was an initiative of the company's management as a response to recent modernisation processes in the electricity sector in Poland and in Europe. The main motivations behind this initiative on the company's side were the need to move to fully digital network monitoring and servicing, as well as to facilitate the management of electricians' work. The idea was to standardise and to structure the management of the power grid. An important aspect of this process was to reduce time taken to repair faults through the flexible arrangement of servicing by electricians during the day, as well as billing electricians for their work.

The interviewee, representing the company, listed a number of benefits of introducing ICT tools that enable electricians to work fully remotely in the field. At the forefront of these benefits is a long-term reduction in both power grid monitoring and maintenance costs, as well as labour costs. In the latter case, savings are achieved by electricians being able to carry out more repairs during the day. Prior to the introduction of the digital system, around 100,000 cards per year were used, so the benefit is a reduction in the use of natural resources. Another benefit of introducing this digital solution is increased productivity, reducing repair times. In effect, customers also experience the benefit of increased service quality resulting from a clear reduction in the length of power outages. In terms of managing a team of electricians, the company representative also highlighted the benefit of providing constant contact with workers via an app on a tablet. This makes the resolution of potential problems and also the coordination of tasks much smoother than before the introduction of the IT system. Employer expressed very high level of satisfaction from introducing IC based mobile work – even exceeding original expectations.

It is noteworthy that in the initial phase of running the mobile work, one manager pushed for a high pace of implementation, which was met with a lot of dissatisfaction from a large part of the electricians. Pushing for change led to mental exhaustion and a feeling of being unneeded by some workers. Informed of the workers’ dissatisfaction, the trade unions reported the matter to the company's management, who decided to remove the manager from her position and introduce a more realist pace of change adapted to the workers’ adaptability.
4.2 Impact of ICT-based mobile work on working conditions

Both workers and company representatives observe the positive impact of the digitalisation of the power grid and the introduction of mobile work on working conditions in general.

Among the biggest benefits for workers are the increased flexibility of working hours and the arrangement of tasks during the day. These elements contribute to greater worker autonomy. Electricians can accept a repair call in the area to which they are assigned and then schedule it in such a way that they can be reached successively, economising the route and travel costs. Depending on their needs, the number of assignments per day can vary, allowing electricians to shorten or extend their working day according to their preferences. In between assignments, workers can take a break to carry out their personal duties if they plan their assignments accordingly. An important benefit for workers is also the replacement of paper documentation with electronic reporting that takes place in real time. As a result, workers do not have to return to the company's base every day, hand over documentation and account for them. In addition, electricians declare their framework working hours, outside of which orders are not sent to them (the prototype of the right to disconnect). However, if a situation arises where there are more orders compared to the electricians' availability, orders outside the designated framework working hours are placed. Such excess orders are priced higher. In practice, however, this situation rarely occurs. In an interview, the employee representative felt that this flexible arrangement improves the balance between life and work.

Due to the increased flexibility in working time arrangements and time savings, the union representative estimates that the intensity of work as well as stress has decreased. At the same time, employee productivity has increased. On the other hand, the routine nature of work and its systematisation has increased, which is due to the need to adapt to the standards of procedures that are defined by the digital system.

The vast majority of electricians are self-employed, with only a small proportion working under an employment contract. In this way, the working time regulations under the Labour Code do not apply and management of working time remains fully with the self-employed. In practice, out of a group of 800 electricians, there are people with different preferences in this respect. The vast majority work full-time, but there is also a proportion of electricians, e.g. retired, who only incidentally or to a small extent take on assignments to supplement their income while retirement. There are usually slightly more electricians assigned to an area than the demand for servicing the power grid would suggest. In this way, the company copes with the problem of refusals when distributing orders. The risk of this solution is that, at a critical moment, the self-employed may collectively refuse to carry out any orders, which could lead to power cuts.
Despite the huge scale of the use of self-employment and the risks to workers and the company that it entails, both workers and employer representatives said that job stability and job security were high. The introduction of digital systems has not changed this situation. Similarly - digitalisation and the introduction of ICT managed mobile working has not affected wages according to the union and company representative.

Still, not all electricians have agreed to mobile working using ICT tools and are functioning in paper mode. These are individuals who have had difficulty learning how to use a tablet and digital applications. However, this is a small group of workers.

4.3 Impact of COVID-19 on organising work and working conditions

The impact of the COVID-19 pandemic was a shock to the energy sector as well, with companies and workers having to adjust to the sanitation regime and new work organisation from day to day. The introduction of a mobile working system using ICT tools even before the COVID-19 pandemic ensured that the work of electricians was not overly burdened. Had this not happened, it would have been a major challenge to maintain the sanitation regime during paper reporting, which would have required electricians to be present at the company's base every day. According to a company representative, the introduction of mobile working and remote reporting saved the company from grid servicing bottlenecks and the threat to critical infrastructure. The introduction of ICT solutions played a key role in this process. According to the company's representative, the 'stress test' resulting from the COVID-19 pandemic verified positively the digitalisation of power grid monitoring and mobile electricians introduced.

4.4 Role of social partners in implementing ICT-based mobile work

The initiative to introduce mobile work supported by ICT tools was taken and implemented by the employer in the most common top-down model in Poland. The digitalisation plans were not consulted with trade unions, other forms of employee representation present in the company, or directly with workers. Digitalisation issues are not subject to collective agreements or collective bargaining. Trade unions take on a reactive role in such a model, which is expressed in communicating to the employer the voices of discontent related to various elements or stages of the implementation of mobile working. The demands for improvement in this area, however, were cosmetic changes and did not concern the very idea of the system, workers participation was reduced to a minimum.

According to the trade unions, the introduction of mobile work using ICT tools has not affected in any way the access to trade unions and collective bargaining, as well as on the access to information, consultation and participation rights.
5. **CONCLUSIONS**

In the case of the bank, the truly revolutionary nature of the changes forced by the Covid-19 pandemic is noteworthy. In a very short time, the workforce management model has completely changed. Managers who were previously reluctant to introduce remote work quickly appreciated the benefits it can bring to the company and found out that performing it did not result in a decline in employee productivity.

The process of implementing the change was not free from difficulties and stress experienced by employees (which was further aggravated by the epidemic situation and lockdown), which is not surprising due to its highly rapid nature. However, both employees and managers managed to adapt to the new reality, although the role of social dialogue in this process was relatively small. The general weakness of trade unions in Poland (which is manifested, among other things, by the low level of unionisation of Polish employees, low coverage by collective agreements and the lack of agreements concluded at the sectoral level – cf. ETUI), despite the fact that in the analysed company they cover a relatively large number of employees, is also demonstrated in this case. It is the employer who initiates change, and unions play a reactive role. Their interests are limited to the most basic issues in the area of working conditions (in this case this includes also company restructuring activities and the resulting collective layoff programmes), while new phenomena, such as the introduction of remote work, go beyond the sphere of priorities. However, it should be noted that the unions supported employees during the transition period and tried to include the issue of compensating the costs of remote work for employees on the agenda of dialogue within the company.

The introduction of mobile work using ICT tools by the electricity company in a top-down model is viewed positively by both the company itself and trade union representatives. The multiple benefits include both the management of electricians' work and the improvement of working conditions. On the management side, these include financial savings, increased labour productivity and smoother work organisation, increased information on the state of the power grid, including failures, which is available in real time, and reduced power outages. Electricians, on the other hand, appreciate the flexible working time arrangement schemes and the reduced work intensity, the greater transparency of wage settlements, more information about tasks, as well as greater safety at their workplace.

Among the main challenges was the problem of equipping all electricians with the digital competences necessary to work in a digitised environment. Concerns were raised about the threat of excessive control of electricians, including their geo-location and personal data, which arose especially during the first period of implementation of ICT solutions. The challenge now is to fully adapt the way electricians work to the procedural standards defined by the new
system. The form of employment of electricians - self-employment - exacerbates the fragmentation of work, but according to the trade unions this does not affect job stability and job security.

The introduction of mobile work has allowed the COVID-19 pandemic, which, by its very nature, allows people to work at a social distance, to pass smoothly. Apart from the introduction of general sanitary regime rules, other changes in the organisation of mobile work were not needed. On the contrary, the pandemic period only accelerated the development of the mobile work model.

Trade unions were not consulted on the introduction of mobile work, but only made some postulates during the implementation phase. The level of worker participation in this process was low. The unions have played an important role in adapting the pace of ongoing digitalisation to the adaptability of electricians.

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References