



TELEWORKING AND ITS IMPACTS ON LABOR RIGHTS: NEW REALITIES AND REGULATIONS.

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SUMMARY

Nowadays, with the enormous development and expansion of information and communication technologies, the possibility of working from anywhere has become a very pleasant and promising reality. Through teleworking, workers have the possibility of performing their duties outside the physical environment of the company and this has significantly transformed the scenario of labor relations, bringing benefits and challenges to employers and employees. Although it has gained strength in recent years, especially during the pandemic, teleworking also raises complex issues regarding labor rights and the regulations necessary to protect both parties. The flexibility that this modality offers requires regulations that protect workers, provide support for physical and mental health and ensure that costs are not excessively transferred to the employee. The creation of new rules, especially on the right to disconnect and responsibility for expenses, is essential to balance the benefits of teleworking with the protection of rights in the new work reality.

Keywords: Telework; Labor Rights; Home-Office; Flexibility; Labor Reform; Remote Work.

1. INTRODUCTION

Teleworking, driven by technological expansion and consolidated with the COVID-19 pandemic, has transformed the way many companies operate and how workers perform their activities. Unlike traditional work, carried out in the company's physical environment, teleworking allows employees to perform their duties in different locations, often at home, using communication and information technologies. This change has brought advantages, such as the flexibility of

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schedules, the elimination of commutes and the possibility of better balancing work and personal life. However, it has also raised a series of challenges for labor law, requiring new regulations to balance this flexibility with the protection of workers' rights.

There are significant impacts resulting from the remote work modality, in which Issues such as the definition of working hours, the right to disconnect and the division of costs to maintain a suitable working environment outside the company stand out. The lack of a physical separation between the workplace and the employee's personal space can lead to an imbalance between professional and personal life, in addition to difficulties in defining the length of the working day. In addition, teleworking requires the employer to guarantee the protection of corporate data and information, bringing to light the need for strict digital security policies. In seeking to adapt to this new reality, employers face the challenge of balancing the flexibility provided by remote work with the need to protect employees, ensuring that the guarantees achieved in the in-person environment are maintained.

The introduction of specific regulations and raising awareness among employers and workers are essential steps to ensure that teleworking occurs in a fair and productive manner, respecting the needs and rights of both parties. It is important to note that these regulations are still recent and, in many aspects, insufficient to cover the particularities of this modality.

In some countries, labor law has already advanced to include specific provisions on teleworking, but in Brazil, despite the changes introduced by the 2017 Labor Reform, there are still significant gaps regarding flexible working hours and remote control, as well as aspects that challenge both employers and employees and that have been widely discussed due to the growth of this modality.

Currently, in order to fulfill certain obligations towards employees, it has become necessary to apply technologies to monitor productivity and meet targets. The implementation of systems based on targets and results, instead of strict time control, has been an alternative to deal with the challenges of remote supervision. This model meets productivity without imposing continuous surveillance, which can help maintain an environment of trust between employees.

employee and employer. This scenario requires the creation of specific rules that not only protect workers in teleworking conditions, but also offer legal certainty to employers. The complexity of this balance makes the issue crucial for the future of labor relations.

Given this new reality, discuss the impacts of teleworking on rights labor law involves understanding the challenges and opportunities that this type of work brings and the importance of regulations that accompany this evolution to ensure a healthy, fair and productive work environment.

2. THEORETICAL FRAMEWORK

Teleworking, or remote work, has become increasingly relevant in recent decades, driven by advances in information and communication technologies. According to the International Labor Organization (ILO), this modality is characterized by carrying out activities in locations far from the office, using technologies that facilitate communication. This definition highlights the essence of teleworking, which allows workers to perform their functions outside the traditional environment, with technological support that promotes collaboration between employers and employees.

The advantages of teleworking are significant for both parties. For the For workers, flexibility in time management makes it possible to reconcile professional activities with personal responsibilities, which can result in an improvement in quality of life and greater job satisfaction. For companies, the benefits include reduced operating costs, such as renting physical space and maintaining the work environment, which can increase organizational efficiency.

However, adopting teleworking also brings challenges. The physical separation between employee and employer can make performance monitoring and supervision difficult, in addition to impacting interpersonal relationships and teamwork, which are fundamental to organizational dynamics. Therefore, it is essential that companies implement effective strategies to manage remote teams, ensuring continuous communication and promoting employee engagement.

The regulation of teleworking is a crucial issue because, despite the benefits, it is vital that labor rights are protected to prevent abuses.

Legislation should address aspects such as working hours, health and safety in the remote environment and the right to disconnect, allowing workers to establish clear boundaries between their professional and personal activities. In short, teleworking represents a significant transformation in labor relations and requires ongoing debate to ensure a balance between flexibility and protection of labor rights.

The evolution of teleworking reflects social, technological and economic transformations over the last few decades. Emerging in the 1970s with Jack Nilles, the concept aimed to reduce urban traffic and increase efficiency in companies, but its application was restricted to some sectors, especially the technology sector, due to the rudimentary use of computers and the resistance of employers to accepting work outside the office.

With the popularization of the Internet in the 1990s, teleworking expanded into areas such as marketing and consulting, although it was still viewed with skepticism. The turn of the millennium brought new communication tools that facilitated collaboration between dispersed teams, recognizing teleworking as a viable strategy to increase productivity and improve quality of life, despite cultural and regulatory barriers.

The 2008 economic crisis led companies to reassess their costs, making teleworking an attractive solution to reduce expenses. The COVID-19 pandemic in 2020 accelerated this transformation, forcing millions to quickly adapt to remote work, demonstrating its viability and the benefits of reducing operational costs and recruiting talent globally.

However, the rapid adoption of teleworking has brought challenges, such as the lack of face-to-face interaction, emotional distress and the urgent need for regulation to protect workers' rights. Issues around mental health, ergonomics and the right to disconnect have become central, signaling that the future of teleworking must ensure a healthy and balanced work environment, protecting workers' rights while promoting a work-life balance.

It is concluded that the evolution of teleworking reflects a dynamic process, driven by technological and social changes over the past few decades. From a marginal alternative to a widely accepted practice, teleworking has established itself as a fundamental work modality in contemporary society. As we move towards a future where remote work may become the norm, it is imperative

that employers and policymakers work together to ensure that this transformation is accompanied by appropriate regulations that protect workers' rights and promote a healthy work-life balance.

2.1-REGULATION OF TELEWORKING IN LABOR LAW

Based on an analysis of current legislation, the CLT, through the 2017 labor reform, formalized telework, defining it as work performed predominantly outside the employer's premises, using information and communication technologies that do not constitute external work. Article 75-B of the CLT establishes:

that the modality must be specified in the employment contract, including the activities carried out and any need to return to in-person work, which must be agreed at least fifteen days in advance.

Additionally, article 75-C of the CLT determines:

that expenses for equipment and infrastructure must be previously established, avoiding unforeseen costs for both parties.

Despite the regulation, questions remain about the application of the legislation in areas such as workday control. The legislation exempts teleworkers from workday control, but situations of overload or excessive digital connection can imply risks to mental and physical health, bringing to the fore discussions about the right to disconnect and health protection.

However, the rules and regulations of Telework in Brazilian Labor Law are of utmost importance, since in addition to the CLT, some complementary rules, such as Ordinance No. 373/2011 of the Ministry of Labor, allow the use of alternative mechanisms for controlling working hours in telework, and Ordinance No. 1,510/2009 provides for the electronic time control system, which can be adapted to telework. In 2020, in response to the pandemic, Provisional Measure No. 927 also brought temporary provisions on telework, allowing the adoption of this modality in a more simplified manner.

These regulations represent a step forward in the development of good practices, but there is a need for specific legislation adapted to the current context, capable of covering topics such as safety and ergonomics of remote work, responsibility for equipment costs, data protection, and inspection and security mechanisms.

Overall, it is of utmost importance to understand that there are also regulations. There are different legal terms in the telework and home office modalities, which although commonly treated as synonyms, both have legal distinctions. Telework is characterized as a form of remote work where the employee performs his/her activities continuously and linked to technological tools, while home office refers to a more occasional modality and not necessarily regulated by the CLT. In home office, the company does not need to specify the modality in the contract, unlike telework, in which formalization is necessary.

2.2-RIGHTS AND DUTIES OF THE EMPLOYER AND EMPLOYEE IN TELEWORKING

Teleworking requires a new interpretation of rights and duties for both for both employers and employees. The separation between the personal environment and the work environment becomes more subtle, leading to challenges regarding workday control, monitoring, expenses and mental health. The employer's role is fundamental in organizing and ensuring a work environment that, despite being remote, is safe, productive and respects the rights of employees.

And when it comes to employer rights in teleworking, it is guaranteed to The employer has the right to monitor the work performed, ensuring productivity and completion of tasks. However, this monitoring must respect legal limits, especially in relation to the employee's privacy. In teleworking, tools, applications and work platforms must be used in an ethical and non-invasive manner, balancing the productivity and dignity of the employee. Even through remote work, the employer maintains the right to set goals and deadlines, as in face-to-face work. Clearly defining expectations helps the employee understand their responsibilities, facilitating performance evaluation. Finally, the employer has the right to

freedom to choose the communication, supervision and productivity tools that you consider most appropriate to maintain the operation. However, any technology used must comply with digital security and privacy standards.

In this context, we emphasize that there are also duties that must be fulfilled by the employer in relation to teleworking, for example, the employer is responsible for providing or paying for the necessary equipment and resources, such as a computer, internet and furniture, if this is agreed in the contract. They must also guide the employee on ergonomic and well-being practices, ensuring a safe remote environment, in addition to offering technical and psychological support, when necessary. Another point of great relevance is respecting the employee's working hours, avoiding contact outside of working hours, except in emergency or previously agreed situations, and finally, providing training for the use of digital tools and guidance to the employee on security and data protection policies.

Therefore, with the employee working remotely, there are also rights and duties. specific measures that aim to ensure safety, productivity and a balance between professional and personal life, even when working remotely. They must be well defined, as they contribute to ensuring that remote work is carried out efficiently and fairly for both parties. Initially, when it comes to the rights of employees in teleworking, for example, there is the right to adequate privacy, with limits on the monitoring of activities. Although the employer can monitor performance, this monitoring must be done in a respectful manner, without invasive practices and always in accordance with privacy rules. This employer also has the right to reimbursement of expenses generated by teleworking, with additional energy and internet costs. In addition, they have the right to disconnect from activities at the end of the workday, avoiding overload and ensuring rest.

In addition to these rights, there are also specific duties necessary for the employee to maintain a productive and responsible working relationship, such as the duty to follow the deadlines established by the employer, responsibility with equipment, ensuring the integrity of assets, and the duty to adopt safety practices, protecting company data, creating an organized and safe work environment, respecting ergonomic practices to avoid health problems and improve productivity and, finally, complying with company policies.

This set of rights and duties aims to guarantee a productive, respectful and legally safe teleworking practice, benefiting both parties.

2.3-TELEWORKING AND EQUAL OPPORTUNITIES

In the current scenario, teleworking allows professional activities to be carried out outside the physical environment of the company, thus bringing with it the promise of democratizing access to the job market and promoting greater equality of opportunities. The possibility of working remotely reduces the need for commuting, minimizes transportation and food costs, and makes working hours more flexible, which can benefit groups that face barriers in accessing work, such as people with disabilities, parents of young children, residents of areas far from large urban centers, and even older professionals or those with physical limitations.

By eliminating the requirement for physical presence, teleworking can facilitate the hiring of people with disabilities who face difficulties in moving around or adapting to the physical environment of the company, bringing equal opportunities and inclusion. In addition, mothers and fathers who need to balance professional responsibilities with childcare can benefit from the flexibility provided by remote work, allowing greater presence in family life without compromising their careers.

This modality also benefits workers from peripheral regions or small towns, where employment opportunities are limited. With teleworking, these professionals can access vacancies in companies located in large urban centers without having to relocate, which not only reduces regional inequality but also enriches teams with diverse perspectives.

However, there are still challenges to ensuring this equality of opportunity, as despite the progress, not all workers have access to a home environment suitable for remote work, and many lack quality equipment or a stable internet connection, which can create a barrier for professionals with lower purchasing power. Companies committed to equality have sought to provide equipment and infrastructure to minimize these inequalities, but this is still a limited practice.

Another challenge is visibility and professional development in a remote environment. Research indicates that home office workers, especially those from minority groups, may feel less seen and valued, which can impact their chances of promotion. Therefore, teleworking requires companies to adopt policies that ensure visibility and professional development for all employees, creating inclusive environments and equal opportunities for growth.

However, with teleworking, companies can hire talent from any world, which makes it possible to form diverse and multicultural teams. This diversity of profiles and experiences enriches organizations and promotes innovation, benefiting both companies and employees. Therefore, companies are required to prepare themselves to manage geographically dispersed teams and adopt a culture of inclusion that respects regional and cultural differences.

2.4-FUTURE PERSPECTIVES AND POSSIBLE LABOR REFORMS RELATED TO TELEWORKING

The expansion of teleworking in Brazil has brought unique challenges to Labor Law, which needs to adapt to a reality in which physical presence in the workplace is becoming increasingly less common. With remote work, specific demands arise, such as the need to regulate remote monitoring practices, privacy protection, and the right to disconnect, which seeks to guarantee workers moments of effective rest and freedom to disconnect outside of working hours. The application of digital tools to measure productivity and maintain employee engagement, although practical, requires legal balance to avoid invasion of privacy and emotional exhaustion of workers. This highlights the importance of developing standards that ensure a flexible work model, without disregarding the protection of labor rights, mental health, and quality of life of those involved.

It is of great importance to resolve the advantages and challenges regarding the control of working hours in the teleworking modality, since, on the one hand, the model allows workers to have greater autonomy to manage their time and activities, which can improve productivity and the balance between personal and professional life. On the other hand, many employers still prefer rigid control systems, which can make it difficult to adapt to the new context and generate tensions regarding rights such as the right to disconnect and

rest. Thus, some proposals suggest that future reforms should bring specific rules on the length of the workday and remote control of activities, based on goals and results, without compromising flexibility.

Teleworking also provides a series of social and environmental benefits, especially by reducing traffic flow and pollutant emissions, since the commute between home and work is minimized. In addition, home office can promote economic decentralization by allowing companies to hire workers from different regions, which facilitates inclusion in the job market for those who live in areas far from urban centers.

3. CONCLUSION

In light of the findings presented in this article, we conclude that telework has emerged as a transformative force in labor relations, bringing with it both opportunities and significant challenges for labor rights. As more workers adopt this modality, it is crucial that regulations adapt to reflect the new realities of the world of work. The impacts of telework go beyond simply making working hours more flexible; they involve complex issues such as clearly defining rights, protecting workers' mental and physical health, information security, and managing operational costs.

However, for teleworking to become a beneficial practice, it is essential that employers and legislators work together to create a fair and balanced work environment. This involves not only protecting existing rights, but also including new guidelines that address the specificities of remote work. Establishing standards that guarantee disconnection, adaptable work environments and data security is essential to safeguarding worker well-being.

In short, adapting labor law to the realities of teleworking is an ongoing and necessary process. With a proactive and collaborative approach, it is possible to build a teleworking model that respects and expands workers' rights, promoting a more inclusive, healthy and productive future of work. The success of this model will depend on the ability of everyone involved to embrace the changes and

ensure that teleworking is an opportunity that benefits both workers and companies.

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