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Jens Thoemmes

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**Negotiating Telework in France: Collective Bargaining Amidst the COVID-19 Pandemic****Prof. Dr. Jens Thoemmes**CNRS, Research Center on Work, Organizations and Policies (CERTOP) Toulouse, France Chair for Work,
Organization and Employment at Taylor's University in Kuala Lumpur, MalaysiaEmail thoemmes@univ-tlse2.fr or jens.thoemmes@taylors.edu.my
Malaysia**ABSTRACT**

This article explores the negotiation of telework practices within French companies, drawing on seven case studies and 60 interviews conducted across various sectors in 2021 during the COVID-19 pandemic. Teleworking has garnered significant support, yet preferences among employees are diverse, leading to an evident shift towards hybrid work models that merge remote and on-site work. This preference indicates a departure from the clear-cut choice between in-person and remote work. Collective bargaining significantly influences the development of telework policies, which remain fluid due to the iterative lockdowns. The temporary nature of these policies results in frequent revisions, causing instability in long-term planning. Each company's strategy is customized, reflecting its unique circumstances, such as previous telework practices, operational constraints, social dynamics, and company size. With the receding pandemic, there's a noticeable trend towards limited telework, reflecting a consensus between management and unions to address remote work challenges. This situation highlights the intricate balance between individual worker preferences, union representation, and management objectives, with all parties engaged in reshaping workplace norms.

KEYWORDS: collective bargaining, telework, COVID-19, company agreement**Introduction**

The massive escalation of telework usage during the pandemic has been one of the most substantial shifts in working conditions within the past few decades. This shift is influencing not just the teleworkers but also those who are not able to telework. It's challenging the traditional forms of work organization, the collective dynamics of the workforce, and the hierarchical relationships between colleagues. The ways in which social and working times are interwoven are being reexamined and transformed. People's personal living spaces are increasingly merging with their work-life; consequently, business premises may need to adapt or downsize if the trend towards teleworking continues. This impact extends beyond just the physical workspaces to affect various other domains such as employment sectors, transportation, social life, educational needs, and digital infrastructure. Teleworking, which should not be conflated with the much older practice of homeworking that predates industrial society, is defined by the relocation of work tasks facilitated by information and communication technologies (Thurman *et al.*, 1990).

The unique characteristics of telework and the intricacies involved in negotiating it extend to the regulation of social times – such as family, schooling, leisure, and more – thus, reaching beyond the traditional contours of professional work and the workplace itself (Tremblay, Chevrier, and Loreto, 2006; Scaillerez and Tremblay, 2016). The multiple spheres of activity are situated in various spaces, each with its distinctive timeframes, rhythms, and duration (Mercure, 1995), which telework tends to unify now rather than separate. This shift does not eliminate the divisions between professional and personal life but rather redefines them in terms of time within the shared space of the home.

The shift to telework raises numerous questions, particularly concerning collective bargaining. Previously, remote

working was not common practice and was often resolved through one-on-one negotiations between an employee and their direct supervisor. However, it is now emerging in France as a crucial subject of company bargaining, a trend that seems to be linked to decentralization tendencies of collective bargaining initiated and promoted on the national level (Tixier, 2007).

The collective bargaining of telework provides a unique lens to view corporate interactions during times of crisis (Béthoux *et al.*, 2015). This paper takes the stance that telework is rooted in social norms and established through social regulations, especially through collective bargaining (Reynaud, 1988). These regulations consist of rules negotiated across multiple levels from the individual to the company to the national stage. Although the spotlight remains on collective bargaining as the primary means of developing these regulations, it's important to acknowledge the significance of other forms of negotiations within companies, at home, or elsewhere when considering the full scope of telework. The framework presented here is based on the premise that institutional and organizational governance is central to moving beyond mere observation to an analysis that can potentially improve the conditions of all workers, whether they are teleworking or not.

Our examination begins with an exploration of French industrial relations and the complexities inherent in defining telework. (1). We then proceed to outline our methodology, detailing the approaches and analytical frameworks employed (2). The analysis begins with the contradictory effects of teleworking on the workforce, where benefits and drawbacks collide. We explore the inherent paradox of telework, a complex interplay of autonomy, control, and the reconfiguration of professional boundaries (3). Then company bargaining is dissected. We unpack the variability of rules and the emergence of minimal teleworking arrangements reflecting on how they are



shaped by negotiations between employers and employees (4). To understand and explain the rationing of teleworking we investigate the main criticisms, such as paradoxical autonomy and psychological well-being, and the role of trade union representatives in channeling these critiques and providing on-site feedback (5).

1. French Industrial Relations and the Problems in Defining Telework

Industrial relations in France are characterized by a complex interplay between entrenched legal frameworks, state intervention, and social dialogue. Central to the system is the Code du Travail, a comprehensive set of labor laws that dictate the parameters within which employment relationships operate. These laws cover an array of topics, including, but not limited to, contract specifications, minimum wage requirements, working hours, and the conditions under which collective bargaining takes place. Sectoral collective agreements hold substantial weight in the French industrial landscape. As per the most recent figures available, a significant majority of the workforce in France falls under the umbrella of branch collective agreements indicating a coverage rate of 98.5% (ILO, 2014). That means that nearly all French employees are subject to collective bargaining in one form or another. Those centralized elements are accompanied by state-driven decentralization of collective bargaining since the 1980s resulting in rising numbers of company agreements (Béthoux and Mias, 2021).

Key players in French industrial relations include the government, various employer organizations, and trade unions. Employer associations, with MEDEF being the largest, represent the business perspective. Small and medium-sized enterprises have a voice through CPME. Trade unions, although representing a relatively small portion of the French workforce in terms of membership (10.3% in 2019, DARES 2023)¹, maintain significant influence. In France, five organizations are nationally recognized as ‘representative’ unions (CFDT, CGT, FO, CFE-CGC, and CFTC). Their influence stems from legal frameworks that position unions as crucial actors in negotiation processes and from their ability to organize workers for industrial actions, such as strikes and public protests. This is reflected in their role in 2023 concerning the dispute over the legal retirement age.

The trade union delegate in French companies, who are appointed based on the representative status of their organization, typically advocates for employees during negotiations. Besides this, the Social and Economic Committee (CSE), a representative body for employees like a work council, provides an alternative avenue for reaching agreements. From the management perspective, a representative typically negotiates with a group of union delegates to finalize

agreements. French industrial relations are complex and currently pressured to evolve with economic and social demands, with teleworking being a pertinent example.

Defining telework in this context presents three challenges: the terminology used and its analytical relevance, its legal codification or inclusion in collective bargaining, and its practical application within businesses. These factors sometimes align or conflict in defining telework. The pandemic’s enforced five-day telework contrasts with the pre- or post-pandemic, optional one-day remote work, showcasing the complexity of a universal definition. Telework manifests in various forms, like working from home or in co-working spaces, complicating its characterization. In France, a range of terms (télétravail, travail à distance, distanciel, travail hors des locaux de l’entreprise, travail en ligne) reflect this diversity. Similarly, English terms like telework, remote work, home-office, mobile work, online work, and telecommuting, and their German counterparts, which include legal terms, are used interchangeably in collective bargaining contexts, as shown in recent research findings (Mierich, 2020). While the definition of telework is intricate (Fusulier & Lannoy, 1999; Largier, 2001; Metzger & Cléach, 2004), it is widely agreed upon that telework is work performed remotely, facilitated by communication technologies. Adding to this definition, telework represents a series of rules awaiting clarification (De Terssac, 1992). The increasing integration of information and communication technologies is introducing a novel aspect to traditional regulations premised on an industrial and in-person model (Rey and Sitnikoff, 2006).

In France, telework has been defined by legal structures, with the term ‘télétravail’ becoming the norm due to its codification in law. The 2017 ordinances² significantly reshaped telework legislation, shifting its regulation from being a part of the employment contract to a subject of collective bargaining. However, the establishment of company charters by the employer’s unilateral decision or individual agreements between managers and employees are also viable options. A national interprofessional agreement was reached in November 2020, which was broadened in April 2021, and built upon the 2017 ordinances. This agreement aims to encourage negotiations on telework and its practical application within companies, industries, and professional sectors. It also specifies the criteria for determining teleworkable roles, mutual consent, grounds for employer refusal, compensation for work-related expenses, provision and use of digital tools, and the adjustment period for telework employees. Our study indicates that collective bargaining and a growing number of company agreements are addressing telework arrangements.

Year of signature	2018	2019	2020	2021	2022
Number of agreements	809	1052	1901	3580	2665

Table 1: Number of company agreements entitled ‘telework’, sources: own calculations, Légifrance database³.

¹ [https://dares.travail-emploi.gouv.fr/publication/leger-repli-de-la-syndicalisation-en-france-entre-2013-et-2019#:~:text=En%202019%2C%2010%2C3%20%25,\(%207%2C8%20%25\).](https://dares.travail-emploi.gouv.fr/publication/leger-repli-de-la-syndicalisation-en-france-entre-2013-et-2019#:~:text=En%202019%2C%2010%2C3%20%25,(%207%2C8%20%25).)

² Macron’ ordinances of 22 September 2017 (no. 2017-1387) relating to the predictability and security of the employment relationship (<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000035607388/>)

³ Légifrance is an exhaustive database of collective agreements starting from september 2017. Database accessed on 11/7/2023. Remember that these are agreements with the word “telework” in the title, which excludes other agreements on this theme.



The data reveals a steady increase in telework becoming a prominent focus of collective bargaining, beginning with the Macron ordinances in September 2017. This trend intensified after the peak of the pandemic in 2021 and has continued at a heightened level into 2022. Our case studies offer a qualitative examination of this upward trend in telework's prominence within collective bargaining discussions.

2. Methodology

Our methodological stance suggests that telework is an outcome of social regulations, with collective bargaining being a key process in generating workplace-related rules (Reynaud, 1988). The rules crafted within organizations not only affect work life but also spill over into private life, necessitating new arrangements, especially within family settings. We aim to correlate collective bargaining activities (negotiation) with the practicalities and perceptions of teleworking, taking into account the organizational context, its history, and the career trajectories of employees. This research evaluates the effect of the pandemic on the formulation of teleworking regulations. The restrictions imposed during the lockdowns influenced the

Company	Sector	Size
A	Personal assistance	60
B	Agricultural trade	400
C	Metallurgy	400
D	Local government	400
E	Construction	800
F	Information technology	1700
G	Insurance	4800

Table 2: Profiles of companies participating in the research

3. Teleworking Paradox and the Ambivalence of Individual Preferences

3.1 Contradictory Effects of Teleworking

Research on teleworking before the pandemic indicates varied and contradictory effects. These studies focused on working conditions, as well as the direct and indirect consequences of this arrangement for the worker and their environment (Vayre 2019). They highlight the positive effects of time autonomy and increased productivity, improved concentration, fewer distractions, reduced absenteeism and turnover, shorter commutes, heightened motivation, and decreased stress. However, several detrimental aspects have also been observed: work intensification, psychosocial risks including stress and burnout, musculoskeletal disorders, diminished motivation and company identification, work overload, tensions with colleagues and superiors, career development issues, fragmentation of work groups, and employee isolation. The academic literature presents a nuanced view of the consequences of telework arrangements in terms of the organization of social times. Teleworking is believed to enhance the quality of life, particularly by alleviating stress and fatigue associated with work organization and its coordination with other social times (Tremblay, Chevrier, and Loreto, 2006). Teleworking also appears to help make work

widespread uptake of teleworking, the nature of collective bargaining, and the experiences of employees both during the acute phase of the pandemic and thereafter.

The research was conducted as a collective study over 12 months in 2021–2022, involving a group of ten investigators⁴. We visited seven different companies, chosen for their size, industry, and variable inclination towards teleworking. A total of 60 interviews, each lasting about 90 minutes, were recorded and transcribed. Fifteen interviews focused on negotiators, including management, union representatives, and CSE members, and covered not just the negotiation processes but also the nature of the company's operations, history, and structure. An additional 45 interviews with employees who experienced teleworking provided a diverse perspective across gender, seniority, age, position, and occupation. We assured complete anonymity to both the companies and individuals engaged. For reference purposes, each company is denoted by a letter, and each interviewee is assigned a corresponding number (refer to Table 2 below).

more tolerable (Tremblay, 2001). It can save time, particularly by reducing the duration and cost of commuting. It is argued to facilitate the management of work- family time conflicts (Hill, Ferris, and Martinson, 2003).

However, some authors highlight the risks of temporal conflicts stemming from telework (Standen, Daniels, & Lamond, 1999; Felstead & Jewson, 2000; Taskin & Vendramin, 2004). Working from home may lead to blurred boundaries between work and private life (Tremblay, Chevrier, and Loreto, 2006). Employees might be distracted or interrupted by family members, with women facing a higher risk of such disturbances (Christensen, 1987; Kurkland and Bailey, 1999). The TraCov survey, conducted in the first quarter of 2021 with 17,216 employees, teleworkers or not, indicates that one year after the health crisis began (DARES, 2021), one in ten workers reported a significant decline in working conditions due to increased workloads, insufficient resources, and weakened team dynamics. Among those affected by the crisis, teleworkers are disproportionately represented (41% compared to 30% overall). Another survey (Ugict-CGT, 2021) suggests that a third of participants believe teleworking adversely affects their physical and mental health.

⁴ We would like to thank l'agence régionale pour l'amélioration des condition du travail (ARACT Occitanie) and Timo Giotto for their participation in the fieldwork. The research benefited from funding of the national grant scheme ANR



Teleworking has indeed significantly transformed the landscape of working conditions in France post-pandemic in various ways. Firstly, there has been a quantitative increase in teleworking, now encompassing more employees and businesses. Projections indicate that by 2050, approximately half of all jobs could be performed remotely⁵.

Secondly, there has been a shift in the spatio-temporal framework of work and private life. Employees must adapt to balancing these aspects in a setting physically detached from traditional workplaces, a considerable disruption despite the nature of work tasks remaining largely unchanged.

Thirdly, teleworking has received overwhelming approval from those who have experienced it. In 2012, 96% of teleworkers reported satisfaction (EWORKY, 2012) and recent figures from Ugict CGT in 2021 show that 83% of 15,000 respondents were satisfied, with 98% desiring to continue post-pandemic. In 2022, DARES reported that 80% of employees wish to keep teleworking, though predominantly part-time, as only 14% prefer it full-time (Ugict-CGT, 2021).

Fourthly, despite its popularity, teleworking has faced criticism. In April 2020, an ANACT survey of 4,152 participants revealed that 48% felt less efficient, 50% more tired, and 45% believed they were working harder than usual. Additionally, two-thirds have experienced isolation (Ugict-CGT, 2021).

Despite the high approval rates of teleworking, roughly half of employees express significant critiques. This paradox

calls for a closer examination of collective bargaining and individual teleworking practices during the pandemic. Questions arise on how teleworking, while widely endorsed, can concurrently attract substantial criticism and how this paradox is addressed, be it on an individual or collective basis.

3.2 Employee Support and Ambivalence

When examining the impact of teleworking on working conditions, employee support appears to be strong. In our study, we posed several closed-ended questions to the 60 teleworking interviewees from seven companies. These questions focused on their preferences between face-to-face work and teleworking regarding work quality, fatigue, and other factors. However, not every employee responded to each question. Therefore, we only report the absolute figures, with the total number of respondents varying by question, excluding non-responses and neutral responses.

Among 48 respondents, 43 felt more autonomous while teleworking compared to 5 who felt this way in face-to-face settings; 38 believed they managed their working time better while teleworking versus 10 in on-site work; and 38 reported higher work quality while teleworking against 10 in face-to-face work. Out of 30 respondents who gave an opinion on stress levels, 27 felt less stressed while teleworking, while 3 felt less stressed in face-to-face situations. Furthermore, out of 32 respondents, 30 reported feeling less fatigued when teleworking, in contrast to 2 who felt less fatigued working face-to-face.

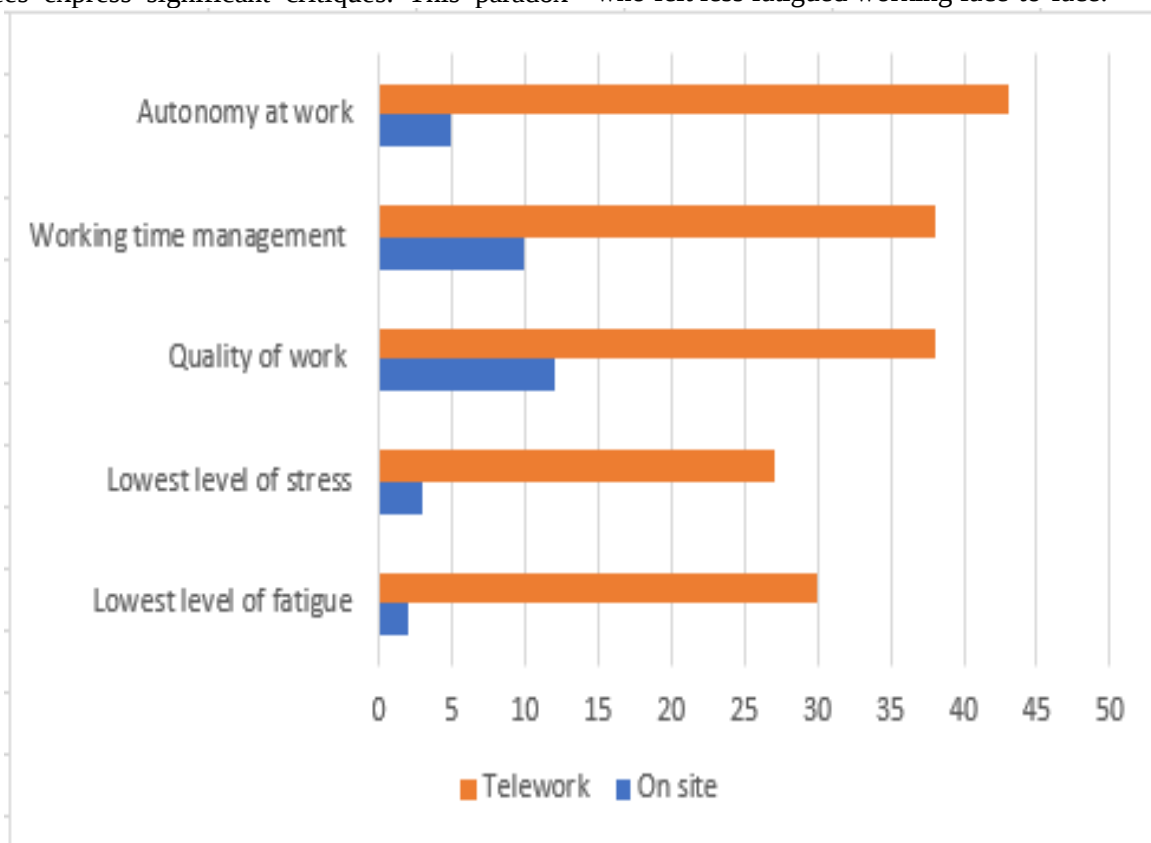


Table 3: Employee preference of the workplace, according to subjects, closed questions (n:60)



The attraction to teleworking is clear, yet the details present a more complex picture. Regarding the choice of teleworking, whether to engage in it or not, considering the employees' preferences is key. Among those preferring teleworking, 48% favor a hybrid model, while 32% would choose to work entirely from home. Although this figure surpasses the 20% who prefer entirely face-to-face work, a mixed approach is the most favored option. This trend aligns with the TraCov survey findings, indicating that with increased telework usage, there's a corresponding wish to continue, albeit with fewer days of teleworking (Erb *et al.*, 2022). For many of our survey participants, the endorsement of teleworking is shown through a preference for a blend of both remote and in-person work environments rather than an absolute choice between the two.

'The majority of people don't want to go back to 100% on-site working, the majority of people don't want to stay in 100% teleworking (...), I'd say the truth lies somewhere in between and that we need to find a hybrid organization that isn't quite defined yet' (F6, female, HR, IT).

Employees who prefer a hybrid model weigh the advantages and drawbacks of both teleworking and on-site working conditions, seeking a balance that maximizes benefits while mitigating limitations.

'I think the combination of the two is great. It saves me the morning traffic jams. Teleworking has its advantages, but it's true that after a while you start to miss out on the social side (E4, female, construction).

'Although I'm an advocate of telework, I'm also an advocate of face-to-face work because even if my activity is entirely telework-based, I still think it's important to keep a foot in the company so that you still have the culture, the chance to meet colleagues, the physical contact' (B10, male, agricultural business).

For most subjects, the hybrid model emerges as the preferred option, especially regarding time management and work autonomy (refer to Table 4). While responses vary depending on the topic, excluding non-respondents, the majority of the 53 employees surveyed favor a hybrid setup for improved time management (28 employees) and enhanced autonomy at work (29 employees).

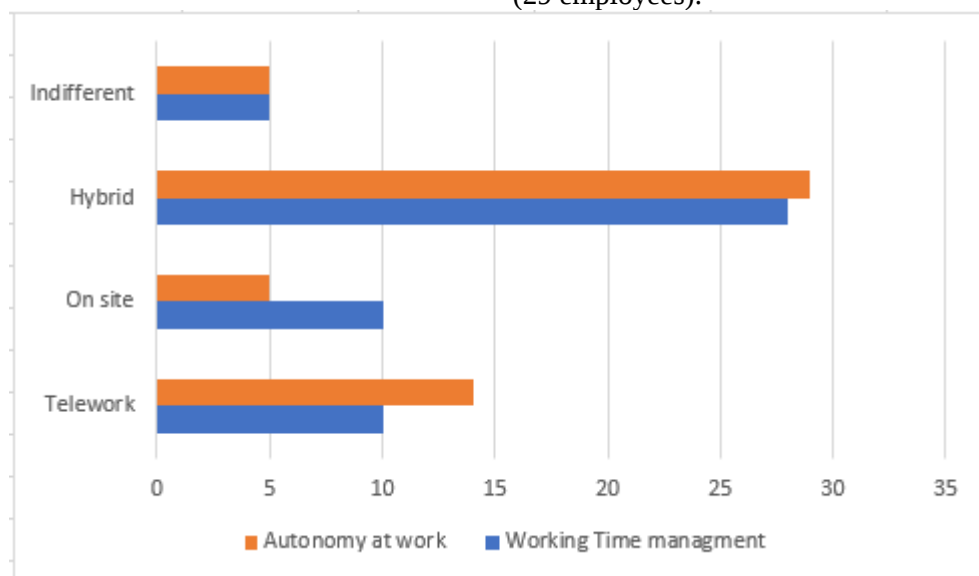


Table 4: Employee preferences on workplace based on time management and autonomy, closed questions (n: 60)

Certain themes see a relative majority of employees preferring a completely on-site model, notably for aspects like the quality of interaction with colleagues or training opportunities. Conversely, a fully remote model is favored by a relative majority for reducing fatigue. These diverse preferences, which vary according to specific criteria, indicate that workplace choices are contingent on the context and goals of each individual. They highlight the range of personal stances and the balance each employee seeks between remote and on-site work.

4. Collective Bargaining

4.1 Variability of Rules

Understanding individual perspectives is crucial, but it's even more critical to comprehend the collective practices and dynamics that shape them. Our study across seven case studies reveals that the rules surrounding teleworking are notably fluid,

influenced by the iterative lockdowns or the learning curve associated with adopting this new mode of work. Initially, negotiations struggled to keep pace with the rapid changes enforced by the pandemic. The abrupt transition to telework during the March 2020 lockdown occurred outside the realm of collective bargaining, with half of the working population in France suddenly shifting to telework (DARES, 2020). Conversely, companies that had proactively engaged with teleworking before the pandemic found themselves better equipped to handle the shift. This learning effect' for both employees and companies is now recognized in the literature. Studies from France and elsewhere have documented that prior familiarity with telework among employees facilitated the transition to remote working during the pandemic (Boockmann *et al.*, 2021).



The companies in our research highlight the unique nature of each case, influenced by factors such as pre-pandemic telework experience, activity constraints, social dynamics, and company size. For instance, the IT company (table 1, D) established a telework quota of up to 100% and five days a week through union negotiations. In contrast, the personal services company (A) aimed for two telework days a week but failed to formalize this due to management's refusal, who instead suggested a charter.

The first insight from our analysis is the temporal aspect of the negotiation process. The journey that companies have embarked upon is more telling than the agreements themselves. Particularly in sectors unaccustomed to telework, like agriculture, personal assistance, construction, and metallurgy, the increase in the number of stakeholders involved in negotiations, extending beyond the traditional workplace, is noteworthy. The negotiation process yields fluctuating rules that alternatively expand or restrict access to telework, concurrently defining the community that the rules encompass. The concept of negotiation phases is multi-faceted and can relate to varying elements, such as the definition of negotiation problems, the stakes involved, and the bargaining process (Reynaud, 2003), or it can chart the evolution of rules by organizational work through phases of experimentation, generalization, and differentiation (De Terssac and Lalande, 2002). For our discussion, we will concentrate on how the rules chronologically adapt to the affected populations and the evolving pandemic circumstances. Depending on the lockdown measures, the implementation of telework becomes a form of negotiated public action (Groux, 2001).

The following case study illustrates the evolving nature of telework policy arbitration within a large French insurance company (H) over six years, with a particular focus on the 12 months of our survey. The company, with its 250 branches and 4,800 employees, has navigated through various phases of telework implementation.

Phase 1 began in 2015, incorporating telework as part of a restructuring plan. Here, 150 employees were given the option to work remotely three days a week to mitigate job insecurity due to geographical mobility. This initial agreement was signed by the CFDT and sparked discussions on the then-sensitive topic of telework.

In Phase 2 (2017), the company expanded the program temporarily, formalizing the practices of certain managers and introducing telework on an experimental basis for 'autonomous' employees whose jobs were suitable for remote work. This phase also prioritized employees with disabilities for telework opportunities, although criticism arose over the limited telework days available.

Phase 3 (2019) sought to generalize telework to all managers and consider its applicability to remote relations jobs.

By Phase 4 (from March 15, 2020), the onset of the COVID-19 pandemic prompted the establishment of joint 'Covid Crisis' meetings between management and unions to

collaboratively address emerging issues. This period was marked by frequent negotiations, yielding 12 amendments that dealt with various aspects of the balance between on-site and remote work, including the number of telework days and arrangements for returning to on-site work.

The pandemic phase underscores a continuous adaptation of the rules, showing that the company, despite its history with collective bargaining, must still navigate the tension between traditional work arrangements and the imperatives of public health crises.

4.2 Minimal Teleworking

Moreover, collective bargaining has in most of our cases, with the weakening of the pandemic, restricted teleworking to a maximum of one day per week, despite employees expressing a preference for 2 or 3 days. This restriction was observed in the agricultural trading company within the metallurgy sector, as well as in local civil services and the insurance industry.

'With the employee representatives, during the negotiations, we came back to something with one day a week, where we were obliged to come back. And now we're on a system where we have 2 days and 3 days. So are we obliged to respect that? Yes, that's what it (the agreement) says' (G11, female, insurance).

While telework seems to be an irreversible trend and has become part of company culture (Cianferoni, 2021), a deeper look into the negotiation processes urges caution, as illustrated by the following three company cases.

Let's consider the case of the agricultural trade company (B). An agreement was signed with CSE representatives in October 2020, stipulating that teleworking could only be requested on an 'ad-hoc basis per day or ½ day', except in 'specific and temporary situations' such as pregnancy, disability, or the threat of an epidemic. This agreement, drafted internally without the active involvement of employee representatives, who did not respond to the HR department's 'registered letter' and simply signed the agreement, was met with substantial disappointment by employees. According to the interviews, the agreement was perceived as being constructed to 'put the brakes on and not to encourage openness'. It is characterized as 'distorting the very meaning of the term telework', described as 'minimalist', 'timid', 'theoretical', and lacking 'flexibility', essentially, a telework agreement to be in the office.

The metalworking company (C) halted production for two weeks during the initial lockdown, hastily shifting eligible employees to telework. The company swiftly adapted, downsizing operations, implementing short-time work, encouraging leave, and enforcing a full work-from-home model. After conducting an anonymous survey among teleworkers, a consensus was reached in June 2020 between management and unions. The company preserved specific times for collective presence to enable interaction and meetings across departments. The ensuing agreement set a cap on teleworking at one day per week, subject to departmental needs and not including Wednesdays and Fridays. In subsequent lockdowns, a 50-50



telework and on-site rotation were established, with alternating shifts on Wednesday mornings. Management felt compelled to accept this hastily crafted agreement due to the urgency of the health crisis and lamented the lack of a preliminary trial phase. Conversely, the unions regarded this development as a step forward for a company unaccustomed to teleworking practices.

The local civil service (F) entered into an experimental agreement with trade unions in November 2019, suggesting one day of teleworking per week. Despite no alterations to the agreement during the study, its implementation saw considerable changes. In the first lockdown, employees worked from home five days a week. Starting in May 2020, a phased re-entry to the office began. After the second lockdown, this phase continued, allowing up to three days of telework per week. This was later reduced to two days a week by early summer 2021. Eventually, from September 2021, the policy regressed to its original state, permitting a maximum of one day of teleworking per week.

In conclusion, the negotiation process across different companies has evolved in response to the three lockdowns, resulting in various agreements or unwritten practices. The encompassing process can be ideally identified through three phases: experimentation, generalizations, differentiation/limitations. These rules specify the eligible groups for telework, those who are excluded, and the telework quotas. While teleworking is widely endorsed, negotiated rules often lean towards a return to on-site work for the latter period. National statistics from 2021 support this observation. As of 31 October 2021, 42% of employees were in positions where telework was not an option. Moreover, full-time telework has become less common: by the end of October, only 8% of employees were with companies permitting telework throughout the week, a drop from 13% at the end of August 2021. Half of the employees, or 51%, belonged to companies that offered teleworking for a limited number of days per week (DARES, 2021). A commonality among most of our case studies is the restriction of telework to a maximum of one day a week. This raises questions about the factors contributing to the limitation of telework through negotiation.

5. Teleworking: Rationing by Forceful Critique

We have shown that teleworking, lauded for its benefits yet also subject to criticism, can be understood through the fluctuating and ambivalent stances of individuals who are navigating the balance between in-person and remote work. Collective bargaining reflects the evolving rules that reshape the telework definition, which has recently tilted towards favoring a return to on-site work. Employer reluctance often plays a significant role, as the 'face-to-face culture' is still predominant. Nevertheless, we propose an additional viewpoint. We suggest that a rule through collective bargaining, encompassing agreements, and their execution, aims to resolve the telework paradox. In effect, critiques of telework have curbed its widespread adoption. These critiques, echoed by employee representatives, have led to negotiated concessions resulting in a scaled-back use of telework.

5.1 Main Criticisms: Paradoxical Autonomy and Psychological Well-being

Critics from the pandemic era have identified detrimental alterations in living conditions due to teleworking, including the reorganization of living spaces, social timing, and the stability of social relationships both within and outside of work. We have categorized these criticisms into two clusters.

Firstly, teleworking is seen as an element that blurs the lines between personal and professional life, impeding collective expression, group productivity, creativity, camaraderie, information exchange, and the transfer of skills. It creates a 'paradoxical autonomy' (Mazmanian, Orlikowski, and Yates, 2013) that, while enhancing individual freedom, hinders detachment from work and constrains collective independence.

Let's consider the agricultural trade as a case in point. Employees have highlighted the challenge of preserving quality connections, mentioning that distance 'complicates human relations'. It tends to undermine 'informal' relationships, like those formed around the 'coffee machine' and during 'corridor discussions'. This sense of distancing was particularly pronounced as lockdowns ended team-building activities, such as go-karting, Christmas dinners, festive trees, Easter chocolates, and tombola events. 'Face-to-face' interactions or simply having meals 'all together' ceased, notes a young intern, who laments the isolation brought by remote work. For those newly recruited, it is reportedly tough to 'gauge' the quality of their work due to a lack of 'benchmarks' and 'perspective', leading to dissatisfaction irrespective of the actual work quality. The historically anti-telework corporate culture in agriculture seems to have impacted these individuals, who felt less productive. A notable challenge with shared or non-teleworking spaces is the need for daily rearrangement. Interviewed employees view this as an intrusion, or even an encroachment, by the company into the home space. A 'space for children's homework' or for 'artistic activities' often gets repurposed into an office area: 'I'm not going to tinker with boards in the kitchen,' an employee explains, emphasizing the need for a dedicated work area.

'A dining room table divided in two, each with their computer, chair, keyboard, mouse, and that's it and it's mainly from a sound point of view that it's complicated, I think, because we're both on the phone a lot, doing a lot of conferencing'. (B6, male, agricultural business)

Furthermore, sharing living spaces can lead to issues of confidentiality and even personal privacy. Utilizing a camera during video conferences exposes the interiors of employees' homes to colleagues and superiors, significantly reducing household privacy. The encroachment of work into personal life is problematic (Tremblay, Chevrier, and Loreto, 2006), but so is the intrusion of personal life into the work sphere.

With traditional 'breaks' like commuting time gone, employees in the agricultural trade report difficulty demarcating the beginning and end of the workday, often resulting in extended work hours. The absence of colleagues for casual



coffee, lunch breaks, or to signify the end of the workday is felt deeply. Some employees forget to take breaks during the day, shorten meal times, or eat 'on the go' in front of their computers. Commutes previously served to leave 'home at home' or to 'clear one's head, avoiding bringing the day's frustrations home', as one agricultural trade employee put it. A significant issue during the first lockdown was childcare; beyond feeling short on time, affected employees particularly struggled with being relegated to the role of a parent, isolated from other social connections while still expected to work.

The second category of criticism concerns the potential risks telework poses to mental and physical well-being. However, it is not conclusively established in the literature and scientific reviews that telework inherently endangers health (Frodermann *et al.*, 2021; Lunde *et al.*, 2022).

Occurrences of back and joint issues have been noted intermittently. Yet, for some employees, the negative impact of teleworking on psychological well-being was immediate and substantial. A decline in working conditions has led to a loss of contact, reduced interaction, depression, and a sense of isolation. Loneliness has emerged as a signifier of the detrimental evolution of teleworking conditions. Numerous accounts attest to this reality.

'Normally, in the evening, we go out to eat with friends or something like that, but nothing is going on here. So the only time I see people is during the day (B3, female, agricultural business).

'Being on your own for a week, especially for people who don't necessarily have a family or partner, can quickly become lonely and you can quickly put a lot of pressure on yourself' (E7, male HR, construction).

Trade unions are well aware of the problem. The challenge lies in identifying which individuals are feeling isolated and then finding ways to manage the situation from a distance.

'There's no denying that, overall, people are pretty happy with teleworking. But there are also downsides to teleworking. There's the social link, the lack of, yes indeed, people who are a bit more fragile, they're at home on their own, people who are a bit more shy, they don't dare call. I can't, even if it's my role, I can't call everyone and say, 'Are you all right? There are 600 of us (E2, male, union delegate, construction).

For certain employees, addressing this issue of isolation might necessitate a return to the company premises.

'So when they did open up the site a little, it was when people who were isolated asked to come back' (F4, male, computing).

'I might be more inclined to work remotely if there were people at home, but there ... the fact that I'm alone, I prefer to come to the office to see the workers and talk to them' (A5, female, HR, home help).

Isolation may not always be immediately recognized by individuals; its adverse effects can develop subtly over time or become apparent only after an extended period.

'There are also employees who are socially isolated and who don't necessarily realize it. They don't necessarily want to come back on-site. And they may well be at home, but I'd say indirectly they don't realise the state they may be in. We can see that' (G4, male, union representative, insurance).

Isolation and the resulting lack of exchange underscore the significant role that work plays in fostering social contacts, encounters, and exchanges (Allen, Golden, and Shockley, 2015). Concurrently, they highlight the social essence of family ties. This relationship is complex: on one side, individuals may experience isolation due to being single, childless, or having few friends, thus lacking frequent social interactions; on the other side, one may feel isolated due to the pressures of family life and the absence of workplace interactions.

5.2 Trade Union Representatives as Relays for Criticism and On-site Feedback

Both forms of criticism paradoxical autonomy and the impact on psychological well-being are reflected in the sentiments of HR managers and staff representatives. The risk of isolation from teleworking persists, despite employees being on-site for several days a week. Regular interactions like lunch breaks, corridor meetups, and coffee chats are vital for communication and information exchange among colleagues. These interactions, as per union representatives, tend to diminish during teleworking periods, with notable consequences.

'It's the risk of isolation, even if we're on-site two or three days a week, four days a week, well we'll still see each other less in any case, we'll see each other less frequently (...) What also feeds me daily is running into colleagues, that's all, in the workplace, at lunchtime, in the corridors, on coffee breaks or whatever, etc. That's how I get information. Some colleagues say to me, "Here, I've got a question to ask you" ... or "Do you know about this or that? It's not as spontaneous, it's a different framework, it's the same thing between employees too' (G5, male, union delegate, insurance).

'I'll tell you what, I'm thinking of leaving, doing some training, and giving up my mandates. And I think I'll get there in one way or another, but I think that all this distancing has given me food for thought. There's indeed a lack of motivation and I feel less and less in my place' (G3, female, union delegate, insurance).

There seems to be a "face-to-face bias" among shop stewards, which is both a cultural and political stance, regardless of their stance on teleworking. Accustomed to direct interactions within the company, many union representatives believe in the benefits of immediate contact with employees, without relying on digital means. Even though they might support conducting CSE meetings or general assemblies in a hybrid or completely



digital format, they find remotely gauging employees' work conditions more challenging. Union representatives consider safeguarding private life and home from work overreach crucial, yet they acknowledge that telework makes work less observable and hence harder to evaluate from afar. While defending the right to telework and aiming to broaden its availability, the difficulties tied to remote work prompt them to recommend a return to the workplace for the employees and the organization's welfare.

'(In) a company where there are varied jobs, it can be a problem not to be present on site... Already administrative people who can claim (for telework), I think that for them in the long term, it can pose a problem to no longer participate in the life of the company or social life' (C9, female, union delegate, metallurgy).

'We are returning to face-to-face working. We've been doing it little by little (...). To become a company again, at least to get back to a bit of normal life' (F1, male, union delegate, local civil service).

It can be concluded that the shift back to company agreements that limit telework to a maximum of one day per week and the adoption of more restrictive practices represents efforts to navigate the paradox of telework. However, this practice carries inherent political risks for union delegates.

'There were several reactions, there were those who couldn't wait to be face-to-face and there were those who didn't want to come back. Because it was, how can I put it, they felt so much autonomy, I'll say, in the comfort of being at home, that afterward there were different reactions, there were people who didn't want to come back. (...) I think it's important to explain the whys and wherefores. I think we've missed the boat a bit here. We're holding a bit of a grudge' (F2, female, union delegate, local civil service).

The negotiated regulations aim to sustain a regular but significantly reduced telework schedule compared to what was experienced during the pandemic. This tentative solution to the telework paradox is further complicated by the precarious position of union representatives. They are tasked with advocating for the employees' to telework, yet, in light of the issues and critiques that have arisen, they also perceive the necessity for a return to in-person work, aligning them with management's perspective. For some unionists, in-person engagement is seen as key to fostering collective action (Ugict-CGT, 2021)⁶. Additionally, there's the matter of fairness for those employees who are ineligible for telework, which also influences the stance towards minimal telework. Consequently, there's a risk that the majority of teleworkers may find the limited provision of telework whether as a rare occurrence (in agriculture) or just one day per week (in insurance, metallurgy, local civil service) to be inadequate.

6. Conclusions and Outlook

French industrial relations are defined by a strict legal code and wide-reaching collective agreements, encompassing virtually all workers. Key figures in this system include the state, employers' organizations, and influential trade unions, which have significant bargaining power despite low membership rates. The role of trade union delegates is central to negotiating worker rights, while other bodies like the Social and Economic Committee (CSE) also advocate for employees. The evolving landscape requires flexibility, particularly in adapting to modern practices like telework, which challenges traditional definitions and regulations. Although telework is varied in form and terminology, it is broadly understood as remote work facilitated by technology, presenting new regulatory frontiers against the backdrop of the established face-to-face work model.

The paradox of teleworking has already been announced by the last thirty years of literature, which highlights its contradictory effects on employees' lives. With the pandemic it became acute. Despite substantial and widespread criticism from employees, recent studies show that at least 80% of individuals wish to continue teleworking. This paradox presents a challenge: finding an appropriate balance since the precise amount of teleworking desired varies from individual to individual. The paradox of telework is addressed both on an individual and a collective level.

On a personal level, employees showed a marked preference for telework over conventional office-based roles due to perceived improvements in autonomy, time management, work quality, stress, and fatigue mitigation. Despite these preferences, there was a discernible trend towards a hybrid model that merges the flexibility of telework with the community and structure of office environments. The balance sought acknowledges the benefits of both scenarios, with a hybrid approach preferred for optimizing time and autonomy, yet face-to-face interactions remain essential for maintaining relationships and professional growth. The research suggests that while telework is preferred for its advantages, the elements of in-person work are indispensable for a comprehensive work experience. This individual ambivalence towards various facets of work life represents an initial step in resolving the telework paradox.

The second method of addressing the telework paradox is through company bargaining, which is crucial as it provides a mandatory framework that constrains individual preferences and choices. This has a more significant impact on actual telework practices than a personal agency. Each company, via its negotiations, develops a local rule (Reynaud, 1988) to navigate the paradox of telework an area the interprofessional agreement has not been adequately regulated due to its broad nature. These rules are intended to reconcile employees' wishes to blend on-site and remote work while considering their sometimes-conflicting views on work quality, associated stress, and the freedom to manage their time.

⁶ For others, distance learning has increased responsiveness, frequency and attendance at meetings and assemblies. See the research currently being carried out by H. Bergeron, S. Louey and J. Pélisse on this subject.
<https://ijbassnet.com/>



Even after the intensive teleworking period mandated by lockdowns, these negotiated rules do not establish a definitive 'right' to telework. Eligibility is often based on the perceived adaptability of the role for remote work or the employee's capacity for 'autonomous' work. Therefore, the practices set through negotiation may diverge from individual preferences. Furthermore, these rules, and even the definition of telework itself, are in flux, which complicates employees' ability to plan and structure their working time.

As the pandemic threat recedes, teleworking practices are likely to align with agreements that minimize its application. Transitioning from full-time telework to just one day a week marks a considerable shift in living conditions. This significant alteration arises from the practical application of rules, not always due to a change in the written agreements. Merely reverting to pre-pandemic or early-pandemic negotiated rules may suffice to curtail teleworking, underscoring the importance of social regulation (de Terssac, 2012).

Interestingly, both company management and union representatives concur that teleworking should be significantly curtailed post-pandemic. Two principal arguments justify this pivot back to on-site work. First, paradoxical autonomy suggests that, notwithstanding the gained autonomy, employees miss the social interactions that are inherent to the workplace – a gap particularly felt by new hires who struggle to evaluate their work

without physical benchmarks. Teleworking has also intruded upon private life, impacting collective efficacy. Second, social isolation has precipitated desocialisation and mental health challenges, which each company must address.

Union delegates have been pivotal in fostering a critical view of telework, and these critiques are often spotlighted by shop stewards advocating for a return to a pre-pandemic 'normal'. However, the pandemic has established a new 'normal' for telework, leading to discontent among employees with the shift to minimal telework. Some stewards are thus keen to restart negotiations to expand telework beyond the current eligibility and one-day-a-week limit, responding to employee sentiments that telework has been excessively rationed. Yet, such an expansion is unlikely to resolve the disparity among those excluded from, resistant to, or supportive of telework. Further investigation is necessary to discern the lines dividing individual preferences from collective telework regulations within companies. Additionally, how to compensate workers who cannot telework remains an unresolved issue. One emergent topic, partly as a result of these telework dynamics, is the consideration of a four-day workweek, which is garnering renewed attention in Europe. The pursuit of these trials underscores the imperative to bolster collective dynamics that were disrupted by telework throughout the pandemic.

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