

# Labour market trends and teleworking: the role of social partners in Germany

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## In Germany, *teleworking* doesn't mean teleworking.

- **Teleworking**

- The employer sets up the workplace at the employee's premises

- **Mobile working**

- Work from everywhere, either at home, at the employer's premises or anywhere else (café, train, etc.)



- **“Home office”**

- Work from home under contractually fixed conditions

**The teleworking model is rarely used in Germany.**

## The social partners have driven the adaptation process regarding mobile work...



The legal framework for mobile work is long outdated:

- Flexible working time arrangements increase

 **Clash with legal provisions on working time**

- Stronger determination of working time and organisation by employees

 **Clash with legal recording obligations for employers**

**Adequate provisions to regulate mobile work have been agreed upon in a number of collective agreements on sectoral and company level.**

...and reacted quickly to Covid-19 developments.



The (need of) rapid increase of mobile working arrangements led to provisional adaptations of collective agreements and legal provisions.

- Joint appeal of **social partners** together with **Federal President of the Federal Republic of Germany** to make use of “**home office**” as far as feasible
- **Temporary “right to home office”**: Covid-19 Occupational Health and Safety Ordinance obligated employers to offer home office to employees wherever possible – **expired July 2021**
- Provisions for **facilitating mobile work** in **several company agreements**

**However: No adaptations were made with regard to the working time legal framework.**

## Social partners need up-to-date framework conditions to enable mobile work.



Social partners on sectoral and company level can determine best how mobile work arrangements should be designed. They need:

- **A modern legal framework**
  - E. g. focus on *weekly* working time
  
- **Fair and balanced regulation**
  - Choice of workplace is the employer’s prerogative – **no “right to home office”**
  - **More freedom for employees** must also mean a higher degree of **shared responsibilities**
  
- **Room for flexibility**
  - Mobile work is diverse and changes rapidly – **no “one size fits all”**

**Modern work often *is* mobile work. The regulatory framework must take account of that.**



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