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**The House of Lords COVID-19 Committee Call for Evidence
Living Online: the long-term impact on wellbeing**

Response from the Employment Lawyers Association

11 December 2020

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INTRODUCTION

1. The Employment Lawyers Association (“ELA”) is an unaffiliated and non-political group of specialists in the field of employment law. We are made up of about 6,000 lawyers who practice in the field of employment law. We include those who represent Claimants and Respondents/Defendants in the Courts and Employment Tribunals and who advise both employees and employers. ELA’s role is not to comment on the political merits or otherwise of proposed legislation or calls for evidence. We make observations from a legal standpoint. ELA’s Legislative and Policy Committee is made up of both Barristers and Solicitors who meet regularly for a number of purposes, including to consider and respond to proposed new legislation and regulation or calls for evidence.
2. A Working Party was set up by the Legislative and Policy Committee of ELA to respond to the Call for Evidence. Members of the Working Party are listed at the end of this paper.
3. References in this paper to the views of ELA are intended to be inclusive of the views of the minority as well as the majority of ELA members. Whilst not exhaustive of every possible viewpoint of every ELA member on the matters dealt with in this paper, the members of the Working Party have striven to reflect in a proportionate manner the diverse views of the ELA membership.
4. The Working Party’s comments are directed principally at the questions posed under the heading “Work” as this is our area of expertise. Question numbers are in the order they are set out under the heading “Work” in the Call for Evidence.

EXECUTIVE SUMMARY

5. The significant increase in remote working caused by the COVID-19 pandemic is likely to be maintained in the long-term. This will be a welcome development for many, though not all, and will place a premium on the quality and reliability of the technology required to enable employees to do their jobs. This in turn will also mean changes in the way that employers meet their health and safety at work obligations towards

employees, not just in ensuring the physical aspects of work but particularly in the area of mental health and the importance of maintaining a divide between working and home life.

QUESTION 1:

How will any long-term trend towards increased reliance on digital technology affect job opportunities and working conditions? What sectors are likely to see the biggest changes? What impact might these changes have on job satisfaction?

Our responses to this question are largely based on experiences ELA members have had in advising clients – both employers and employees - on issues arising from remote working generally and in particular during the COVID-19 pandemic as well as on reports and surveys of which we are aware.

Long-term trends

- 1.1 The growth of remote working has increased steadily over recent years, assisted in part at least by the Flexible Working Regulations 2014. We deal with this in more detail in our response to Question 5 but the events since the COVID-19 pandemic lockdown in March 2020 have significantly affected this trend and there are strong indications that this will not be temporary. This longer-term trend brings with it an additional technological dimension for those employers affected by it as they strive to ensure that the workforce remains productive but also engaged and motivated.
- 1.2 Remote working, as has been demonstrated during the pandemic, with increased use of technology – partial or complete - is a practical option for many businesses. That opens up the job market beyond a specific and limited geographical area. Employers are likely to be able to source talent more easily, especially from groups that are underrepresented in their area, or for skills that are less available locally. Greater opportunities may particularly be available for disabled workers.
- 1.3 At present, however, the position for many employees will not yet be clear as employers begin to formulate their longer term strategy for their business generally and remote working and office space particularly. Issues specific to COVID-19 lockdown apart, employees cannot unilaterally decide to work remotely if their role and employment contract requires them to attend a workplace – that may constitute a breach of contract and result in disciplinary action. Similarly, an employer deciding to close a workplace and force all employees to work from home permanently may also be in breach of contract.

- 1.4 Working conditions can be both positively and negatively impacted by remote working. ELA members have had experience of both in the course of advising employers and employees, with some employees thriving with remote working while others experience problems. Those responding positively are often employees who have sufficient physical space to work properly, and a place in their home where they can have a reasonable work environment, including space to have a desk and adequate chair and other equipment, together with minimal interruption and noise. Those employees who have little to no space, noisy home environments and cannot house proper equipment, often find remote work harder. Childcare issues can also have a high adverse impact. It is clear that there are those who positively prefer office-based working, whether because of adverse home conditions or because of the importance to them of the social dimension of the workplace. Training new or less experienced employees poses particular difficulties in the remote workplace. This can result in issues both for mental and physical health, discussed below under Question 5.
- 1.5 Critically, an employer relying heavily on a remote workforce has less oversight and control of working conditions though is not absolved of the responsibility to ensure a safe system of work. Employers will have to develop new ways of monitoring working conditions across the workforce to ensure health and safety risks are adequately managed.
- 1.6 In our view it is clear from the available data (see in particular paragraph 5.2 below) and our members' experiences of advising clients (both employers and employees) that the clearly perceptible longer term shift towards more remote working and the strong bias towards the flexibility offered by hybrid home/office working will place a premium on the effective use of technology. The effect on workers where this is inadequate or breaks down is something which must be also be borne clearly in mind.

Sectors likely to see biggest change

- 1.7 PwC estimates that sectors which will see the largest net increase in jobs in the long run include health (+22%), professional, scientific and technical services (+16%) and education (+6%). The sectors estimated to see the largest net long-term decrease in jobs include manufacturing (-25%), transport and storage (-22%) and public administration (-18%)¹.
- 1.8 Remote working and the associated increased emphasis on the use of technology is not the only issue. PwC estimate that automation could displace almost 40% of existing

¹ <https://www.pwc.co.uk/economic-services/ukeo/ukeo-july18-net-impact-ai-uk-jobs.pdf>

jobs in the travel and transport sector by 2037 as driverless vehicles roll out across the economy and warehouses become increasingly automated, although it is estimated that in terms of additional jobs created, the net result may be 20% fewer jobs.²

- 1.9 The pandemic has already seen a huge increase in online retail, with numerous high street retail giants suffering (Debenhams, Arcadia) and accelerating a pre-existing trend. The finance sector has also seen increased demand for contactless payment options, which has accelerated the adoption of these digital solutions.
- 1.10 Cyber security and surveillance technology is a growing area, resulting from higher internet usage and more remote working. Employers are naturally concerned to ensure the security of their data is not imperiled by remote working and increasingly, in our experience, are exploring employee surveillance options.³ Whilst the UK's data privacy and employment laws limit what employers can do in this regard, with appropriate policies and data security in place a significant degree of employee surveillance and monitoring may be permissible. This presents particular issues in the context of remote working and a worker's right to respect for private and family life. We would suggest consideration be given to the preparation of guidance either under the telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 or by a revision of the Employment Practices Code published by the Information Commissioner's Office.
- 1.11 Food services have seen an increase in the use of technology with the use of app and internet-based take-outs and deliveries increasing markedly during the pandemic. Food delivery service Deliveroo has more than doubled its riders in 2020 to more than 50,000. Similar growth has occurred in the logistics sector. Increases of this nature will inevitably see an increase in the more unstable, gig economy workforce where the bulk of the recommendations of Matthew Taylor's Good Work Report have yet to be implemented. Worker status, in particular has been the subject of extensive litigation over the last few years, much of it arising from the gig economy. The more this sector develops the greater the need for further clarity in the applicable law.
- 1.12 The healthcare sector has reacted to the pandemic by increased use of virtual medical appointments via video or telephone which would otherwise have been in person. As with remote working, it must be likely that this will continue as a means of delivering significant amounts of primary care and also perhaps some secondary care. This could open up opportunities in this sector for both technology providers, which would in turn create more jobs, and also healthcare workers, who perhaps were limited in their work options due to the rigidity of hospitals and GP surgery locations and hours.

² <https://www.pwc.co.uk/economic-services/ukey/ukey-july18-net-impact-ai-uk-jobs.pdf>

³ <https://www.theguardian.com/world/2020/sep/27/shirking-from-home-staff-feel-the-heat-as-bosses-ramp-up-remote-surveillance>

Impact of changes on job satisfaction

1.13 A survey by the charity Working Families⁴ relating to lockdown in the UK in Spring 2020 found that:

1.13.1 25 out of the 26 employers surveyed felt that productivity had been the same or better than usual during lockdown. Employers attributed employees' ability to maintain or even improve productivity to a number of factors, including trust and outputs rather than presenteeism, existing familiarity with remote and agile working, reduced commute times, working hours that suited employees, and efficient technology.

1.13.2 Changes in working patterns and location: during COVID-19, 85% of respondents reported at least half of their staff had flexed their hours, and 84% said at least half of their staff had worked exclusively remotely during lockdown. Looking forward, two thirds of employers surveyed plan to continue allowing the majority of staff to continue flexing their hours.

1.13.3 The main challenges cited by employers during lockdown, relating to the workforce were employee morale, engagement, communication, avoiding burnout, and mental wellbeing.

1.13.4 Support for parents and carers: all respondents had offered employees with children the opportunity to work from home and flex their hours. Many employers had also offered wellbeing support, paid leave, acceptance of children appearing on video calls, and changed deadlines and objectives to reflect caring responsibilities.

1.14 Over 70 per cent of respondents in a Deloitte study reported that they are more or just as efficient when working from home.⁵ This survey also found, however, that almost half of all respondents see a lack of personal interactions with colleagues and clients as one of their biggest challenges and around 20% worry about their mental well-being, often feeling isolated when working from home⁶. Distractions from children and family was cited by around one in three as one of the biggest challenges. Approximately 16% do

⁴ <https://workingfamilies.org.uk/news/best-practice-employers-saw-increased-productivity-during-lockdown/>

⁵ <https://www2.deloitte.com/ch/en/pages/human-capital/articles/how-covid-19-contributes-to-a-long-term-boost-in-remote-working.html>

⁶ <https://www2.deloitte.com/ch/en/pages/human-capital/articles/how-covid-19-contributes-to-a-long-term-boost-in-remote-working.html>

not have a designated workspace at home, which exacerbates the disturbance and distraction from their family members⁷.

- 1.15 The impact of increased remote working on job satisfaction is likely to vary hugely based on job role, employer and personal circumstances. Even for employees with adequate resources such as space in the home and an environment free from distractions, some may find home working satisfying while others will find it challenging. If employers are implementing wider and more long-term home working, they should also consider implementing a consistent way of monitoring the satisfaction, productivity, progression and wellbeing of employees and, for some employees, it may be appropriate to allow attendance at the workplace, particularly if that is required as a reasonable adjustment to assist an employee with a disability, including a mental health condition.

QUESTION 2

Will different parts of the UK be affected differently? Does an increased reliance on digital technology offer opportunities to improve economic wellbeing in different parts of the UK?

- 2.1 Almost a quarter of all office space in England and Wales is in Central London. Deloitte's recent London Crane Survey⁸ which monitors office developments, however, expects very little new construction to start over the next six to nine months.
- 2.2 ELA members report employers actively considering reducing or relocating their office location as part of a longer term strategy towards a pre-dominance of remote working. If trends continue cities are likely to become less congested, falling commercial rents may encourage innovation and new housing opportunities and wealth and human capital could spread further afield. This could bring huge potential for rural areas which offer a different lifestyle but, presently, more limited employment opportunities. By contrast the economic infrastructure of cities is likely to suffer as the number of workers located there reduces.
- 2.3 Before the pandemic, remote working was often an employment benefit reserved for better paid roles and industries. To a degree, this has continued during the pandemic with some lower paid jobs unable to be performed remotely. Increased remote working in those well paid roles and sectors, whilst leaving lower paid roles without that flexibility, could affect the amount of wealth concentrated in urban centres.

⁷ <https://www2.deloitte.com/ch/en/pages/human-capital/articles/how-covid-19-contributes-to-a-long-term-boost-in-remote-working.html>

⁸ <https://www2.deloitte.com/uk/en/pages/real-estate/articles/london-crane-survey-2020.html#/central-london>

- 2.4 Equally, an increased ability to work from home could lead to new opportunities for growth. Workers with more disposable income living outside urban areas, could result in their income being increasingly spent outside urban areas (at home or in a local co-working space), and this may create additional jobs in those areas, reducing the concentration of work available in cities, and distributing it more evenly throughout the country.

QUESTION 3

Do workers have the digital skills that will be needed as jobs change? What additional training is required to ensure that the workforce is equipped with digital skills?

- 3.1 Many workers have had to upskill during the pandemic in relation to the use of digital technology in their work. This varies from those who have had to use collaboration tools like video conferencing and instant messaging, to sector and company specific tools required for some specialised jobs.
- 3.2 As employers adopt additional technology, more training is likely to be required. PwC⁹ has found that employees are willing to spend up to two days a month on training to upgrade their digital skills. The training required is likely to be technology specific but employers will have to bear in mind that different employees are likely to require different levels of training. Employers must ensure that they do not neglect protected groups within their workforce, for example, employees with a disability, who could need additional or different training. There is a risk that if certain groups with protected characteristics, be they disability or age, need different training, and that is not provided, any adverse consequences suffered by those groups as a result, could constitute unlawful indirect discrimination. Although this type of discrimination can be objectively justified in certain circumstances, a simple failure to offer additional technology training required to enable that person to do their job, would fall short of that standard.
- 3.3 Employers will also need to ensure that they have up to date policies in place relating to the use of technology, including in the case of any technology in respect of which they are monitoring the use.

QUESTION 4

In order to maximise the opportunities offered by an increasing reliance on digital technology, is there a case for greater investment and faster roll-out of broadband?

⁹ <https://www.pwc.com/us/en/services/consulting/library/consumer-intelligence-series/tech-at-work.html>

- 4.1 The stress imposed on remote working employees is likely to be significant if they experience difficulties in connecting with their employer's IT system and so perform their jobs. A key part of that is the connectivity available in their locality which is something that neither they nor their employer is likely to be able to affect to any great degree. With the possibility of a large percentage of the working population working remotely becoming a long-term trend, people may look to purchase property further away from major cities, perhaps to more rural areas. This will require reliable and faster broadband across the UK, and not just concentrated in particular areas. It is estimated that an additional 270,000 workers could work where they choose as a result of full fibre broadband, including working in rural communities.¹⁰ That may enable either people to work for large businesses without having to attend a traditional office, or open up opportunities for new businesses to be established in rural areas, servicing a wider global community.

QUESTION 5:

How will any long-term increase in working from home affect both social and economic wellbeing? How will it affect individuals and how will it affect communities and wider society? What do we know about how working from home can affect our physical and mental health, and what do employers and Government need to do to protect workers?

- 5.1 We are aware of a number of surveys and reports arising out of the recent increase in remote working caused by the COVID-19 pandemic.
- 5.2 It is reported that, globally, the number of jobs that offer remote work have increased four-fold since March 2020. That trend is also reflected in jobseekers on LinkedIn with the volume of job searches using the "Remote" filter on LinkedIn increasing by around 60% since the beginning of March, and the share of Remote Job Applications increasing nearly 2.5 times globally from March.¹¹ A survey conducted by technology provider, Slack¹² in October 2020 found that 72% of those surveyed would prefer a mix of office and home work rather than exclusively working at one location. Research from Garner¹³ found that by 2030, the demand for remote work will increase by 30% due to Generation Z fully entering the workforce. 64% of today's professionals say they could work anywhere and remote work policies are increasingly common (in place at 71% of organisations).

¹⁰ <https://www.openreach.com/full-fibre-impact>

¹¹ <https://www.bbc.com/worklife/article/20201023-coronavirus-how-will-the-pandemic-change-the-way-we-work>

¹² <https://slack.com/intl/en-gb/blog/collaboration/workplace-transformation-in-the-wake-of-covid-19>

¹³ <https://www.gartner.com/smarterwithgartner/with-coronavirus-in-mind-are-you-ready-for-remote-work/>

- 5.3 A YouGov survey in September 2020 reported that, before the COVID-19 pandemic, 68% of British employees had never worked from home. However, 57% of those who were in employment before the outbreak and who intend to retain their employment position after the pandemic's effects subside, have stated they want to continue to work from home¹⁴.
- 5.4 A recent report, published in August 2020, conducted by academics at Cardiff and Southampton Universities¹⁵ indicates that the majority of people who work from home are as productive, if not more, as those who work in an office-based environment. According to a report in the Economist, across the globe on average, employees have been working half an hour longer whilst working home during lockdowns, with more of the work done in the evenings. Only in two of the 65 countries analysed - Brazil and China - employees worked shorter hours¹⁶. In the UK, this equates to employees working 28 hours more a month, equivalent to four working days, whilst working from home.
- 5.5 Notwithstanding the clear preferences emerging for remote working, a survey conducted by the Institute for Employment Studies¹⁷ ("IES") has concluded that the increase in working from home has resulted in significant behavioural changes, with 48 per cent of respondents stating that they are working irregular and long working days, 20 per cent stating that their alcohol consumption has increased, 33 per cent stating that they are eating less healthily, 60 per cent stating that they are doing less exercise and 64 per cent noting that they are experiencing anxiety-related sleeping problems. Such notable behavioural changes and their impact on employee well-being and their physical and mental health will need to be addressed by both employees themselves and their employers.
- 5.6 Remote work, by its nature, relies heavily on technology including video conferencing facilities, good IT and telecoms, broadband connectivity and many sector specific technology resources and IT software and hardware. A survey of 7,000 employees across 15 countries conducted by HPE Aruba¹⁸, revealed that 93% said their workplace would be improved through greater use of technology, while 64% said that their company would fall behind in competition if new technology was not implemented. The study also found that the same portion, 64%, believed that the traditional office will become obsolete due to advances in technology.

¹⁴<https://yougov.co.uk/topics/economy/articles-reports/2020/09/22/most-workers-want-work-home-after-covid-1>

¹⁵ https://wiserd.ac.uk/sites/default/files/documents/Homeworking%20in%20the%20UK_Report_Final_3.pdf

¹⁶ <https://www.economist.com/graphic-detail/2020/11/24/people-are-working-longer-hours-during-the-pandemic>

¹⁷ <https://www.employment-studies.co.uk/sites/default/files/resources/summarypdfs/IES%20Homeworker%20Wellbeing%20Survey%20Headlines%20-%20Interim%20Findings.pdf>

¹⁸ https://www.arubanetworks.com/assets/eo/Aruba_DigitalWorkplace_Report.pdf

Differences in impact

- 5.7 The widespread increase in working from home as a result of the pandemic appears also to have had different effects on workers, depending on the particular stage of their careers.
- 5.8 For some younger workers, the shift to home working has affected a more traditional career paradigm of moving to big cities, commuting to work and perhaps living in shared accommodation with friends or housemates, as opposed to staying at home with their parents. The shift to remote working has also changed their traditional method of learning whilst “on the job” - younger workers have had to find new methods of ensuring they are able to learn from colleagues and managers in the absence of face-to-face contact whilst their employers have also had to find innovative ways to foster their development without the convenience of in-person interaction.
- 5.9 For some senior workers, however, the shift to home working has been welcomed for removing long commutes. For working parents, remote working appears to have improved some aspects of daily life by, for example, providing flexibility in the working day to drop off and collect their children from school. Working parents have also had to adjust their working days to fit work around childcare obligations (which are more limited as a result of Government restrictions) and are more likely to work early in the morning, and at night. During the initial lockdown in March 2020 for example, working parents provided most of the childcare in the afternoon between 3pm - 6pm according to a report prepared by the Office for National Statistics¹⁹.
- 5.10 Different groups of employees will therefore require different considerations from employers relative to their respective needs and preferences, and we expect employers will seek to strike a balance between addressing these different needs across their workforces.
- 5.11 More widely, for economic hubs such as London, the long-term increase in working from home may have notable economic impacts on businesses. As noted above, both workers and employers are rethinking the need to pay high property and living costs when individuals are more able and willing to work from home. So, whilst there is some concern that large city centres and economic hubs may greatly suffer from patterns of long-term remote working, conversely, local neighbourhoods and independent businesses may receive a much needed boost. The shift in working patterns may also require changes to the use of town centres and high streets to accommodate the increase of remote workers in local areas by creating shared working spaces. Any

¹⁹<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/articles/parentinginlockdowncoronavirusandtheeffectsonworklifebalance/2020-07-22>

increase in use of such shared-working spaces may address some of the physical and mental effects of long-term remote working.

Effects on physical health

- 5.12 For many employers and employees, the COVID-19 pandemic required an overnight shift to remote working. For some workers, this has resulted in the use of varying make-shift workstations from dining room tables and kitchen worktops to coffee tables. Without access to an adequate workspace, the potential for negative effects on workers' physical health has increased.
- 5.13 The IES study referred to above conducted within the first two weeks of the initial lockdown in March 2020 and published on 7 April 2020 determined that, even within this brief initial time frame of remote-working, homeworkers experienced and complained of a rise in musculoskeletal issues, including new aches and pains in the neck (58%), back (55%), wrist (47%) and shoulder (56%) in comparison to their normal physical condition. Such physical health problems are likely to increase as part of any longer-term effects of remote working.
- 5.14 Employers' health and safety duties extend to employees working from home. Employers will therefore have to develop and implement procedures (to the extent that they have not already done so) that will ensure their workforce is working safely and in a way that will not negatively impact their physical health. This should include conducting home working risk assessments regularly to ensure that workers have the adequate set-up to be able to work effectively and safely. Such appropriate set-up should include an assessment of the desk, chair and workstation.
- 5.15 The increase in remote working has opened and extended opportunities for many disabled workers and has, in some ways, levelled the field by making work more accessible. For some disabled workers, it has made work easier by removing the necessity to commute, to use public transport or to adapt physically to the workplace. For example, many disabled workers, who in the past may have had to rely on carers to assist with taking them to locations for events, are also now able to participate more widely and more often using videoconferencing. Employers duties towards disabled people do not end there - reasonable adjustments to their working arrangements may include ensuring video conferencing technologies are accessible, ensuring that PowerPoint decks used support British Sign Language, providing captions for those with hearing loss, amongst others.

Effects on mental health

- 5.16 Nuffield Health, the UK's largest healthcare charity, conducted a survey in June 2020²⁰ ("Nuffield Survey"), and reported that 80% of those surveyed determined that working from home has had a negative impact on their mental health. Exemplifying this trend, Bupa, the private healthcare provider, has reported that its workplace wellbeing advice line has experienced a 300 per cent increase in calls since the start of the COVID-19 pandemic and that its workplace psychologists are fully booked for virtual consultation sessions.
- 5.17 In particular, those working from home expressed concerns that fewer breaks and the absence of socialising were compounded by feeling that they had to stay at their computer to respond to messages quickly, thereby contributing to higher levels of anxiety and stress. Whilst many recognised the benefits of working from home including saving time and money by not commuting and being able to spend more time with family, this prolonged period of remote working has also exacerbated loneliness and isolation for some workers, especially those who live on their own.
- 5.18 An employer's general health and safety duty is, therefore, likely to change in nature as remote working becomes more prevalent and increased emphasis is likely to be placed on mental health. Employee isolation is a factor that will need to be considered and virtual work/social events such as online happy hours, quizzes, cooking classes, yoga sessions are ways in which the issue can be addressed but more widely employers will need to be more alert and educated on mental health issues. The increased use, for example of services such as the Bupa workplace wellbeing advice line suggests that this is a feature all employers will need to consider introducing where remote working is the norm.
- 5.19 Video calls have been welcomed as an essential tool in maintaining the connection between colleagues, clients, family and friends alike. They are also essential in building connections and strengthening networks where face-to-face interactions are not possible. However, there are also inadvertent stresses associated with them, ranging from bad internet connection to concerns over personal appearance or home environment. Employees also risk feeling drained and burned out in the face of extensive video conferencing. This is attributed in a Harvard Business Review report to being required to focus more intently on conversations in order to absorb information and demonstrate active participation. In fact, the need to consistently look at the camera to demonstrate participation is attributed to increased feelings of discomfort and exhaustion which may lead to video-conferencing fatigue ('Zoom fatigue'), an increasingly apparent phenomenon²¹. There may also be notable discrepancies in the ease with which some groups of employees may be able to use

²⁰ <https://www.nuffieldhealth.com/article/working-from-home-taking-its-toll-on-the-mental-health-relationships-of-the-nation>

²¹ <https://hbr.org/2020/04/how-to-combat-zoom-fatigue>

video conferencing technology. For instance, employees who are less comfortable with technology may find its increasing and varied use more challenging.

- 5.20 For a remote worker, if the technology available is not adequate to enable the job to be performed this will inevitably produce an increase in work-related stress, regardless of how understanding an employer may be. An inability through a failure of technology, for example, to deliver services to clients, to deliver an internal report or to participate in an important online meeting is likely to cause frustration, anxiety and, if the problems are regular, more serious mental health issues.
- 5.21 The Nuffield Health Survey also found that almost a third of those who took part found it difficult to separate their work and home lives, with many also reporting the added strains that such an imbalance brought to their family lives. Some younger workers who live in shared accommodation may also have to work from their bedroom, further exacerbating the inability to separate work from home.
- 5.22 A further possible feature of remote working is the “always on” culture increasing the already blurred line between ‘work’ and ‘home’. Recent news reports have noted the increased prevalence of employers monitoring employees whilst working from home, using software to (for example) take screenshots at regular intervals, or to monitor keystrokes.²² Research carried out by the Chartered Institute of Personnel and Development (CIPD) found that 73% of employees felt that introducing workplace monitoring would damage trust in the employer and employee relationship.²³ As a result, we consider there may be a link between monitoring and wellbeing, with wellbeing of employees decreasing if they feel that they are always being watched or assessed, in a more direct way than if they were in the office or are expected always to be available outside the hours that they would normally be contracted to work..
- 5.23 The difficulty in separating work from home life is also a notable contributing factor to employee burnout. A survey commissioned by The Office Group, a private company offering flexible workspaces in the UK and Germany, has found that 34 per cent of respondents struggled to separate their work and home life and almost a third stated that lockdown had brought them closer to burnout²⁴. In May 2019, the World Health Organization officially recognised burnout as an occupation phenomenon and recognised that the symptoms included reduced professional efficacy, feelings of energy exhaustion and depletion and increased mental distance from one’s job²⁵. The shift to remote working is likely to continue such difficulties for employees to separate their work and home life. While employees themselves can take measures to prevent

²² <https://www.bbc.co.uk/news/business-54289152>

²³ <https://www.cipd.co.uk/knowledge/work/technology/workplace-technology-employee>

²⁴ <https://www.theofficegroup.com/stories/future-of-work/battling-burnout>

²⁵ <https://www.who.int/news/item/28-05-2019-burn-out-an-occupational-phenomenon-international-classification-of-diseases>

the negative effects of an increased merging of their working and home lives, employers are under a clear obligation to address employee burnout by encouraging a healthy work-life balance, respecting employee time boundaries and encouraging its employees to establish a clear routine and delineate a clear workspace.

QUESTION 6:

Will a reliance on digital interactions and home-working impact on informal interactions and exchanges of information and, in turn, impact on innovation and creativity?

6.1 One of the biggest challenges for companies has been to ensure that employee productivity is maintained whilst they work from home. As noted above at paragraph 5.4, there are positive reports on increased productivity from remote working and some of the biggest tech companies have endorsed working from home, including Facebook and Google who have both extended working from home for their employees until mid-2021. Twitter has announced that its employees can continue to work remotely indefinitely. However, for other companies, including Netflix, working from home has not been embraced with the same enthusiasm. The company's co-CEO indicated in September 2020 that working from home for the company has negatively impacted the effectiveness of its staff's teamwork²⁶. Similarly, Apple's CEO, Tim Cook, noted that working from home contributes to a loss of creativity²⁷.

Impact on innovation and creativity

6.2 Whilst working from home may contribute to higher productivity levels for some employees, the absence of a physical workspace and the lack of informal interactions between colleagues, two elements which have been viewed as essential in spreading new ideas, have, as Apple's CEO notes above, led to concerns of the loss of creativity and innovation. The benefits of face-to-face working also include the creation of social ties and the informal exchange of ideas, both of which are also viewed as critical components of innovation.

Minimising loss of innovation

6.3 Technology such as an increased use of video-conferencing platforms amongst workers may be able to minimise the loss of innovation to some extent. A report

²⁶ <https://www.wsj.com/articles/netflixs-reed-hastings-deems-remote-work-a-pure-negative-11599487219>

²⁷ <https://www.forbes.com/sites/jackkelly/2020/09/22/apple-ceo-tim-cook-exemplifies-the-current-trend-of-cautiously-balancing-working-remotely-versus-returning-to-the-office/?sh=34b405664901>

conducted by the University of Cologne and Leibniz University Hannover in May 2020 on “Innovation and Communication Media in Virtual teams”²⁸ concluded that video conference communication is not inferior to face-to-face communication and that virtual teams are not necessarily susceptible to low creativity provided the appropriate communication media is used. The report also determined that real-time video conferencing tools can in fact be used to mitigate barriers to creativity in virtual teams.

QUESTION 7:

Who will be disadvantaged by any long-term trend towards home working? How will it affect people without adequate broadband or people who lack an appropriate workspace at home?

- 7.1 The long-term trend towards working from home appears to be inevitable, as does the diversity of experiences by those who do so.
- 7.2 More senior employees are likely to be able to readily adapt to agile and remote working arrangements on a longer term basis as they are more likely to have access to good Wi-Fi, laptops/remote working apps and adequate workstations. In contrast, however, younger and generally lower paid workers do not necessarily have the same opportunities due to the potential lack of suitable homeworking conditions (for example, as discussed above, younger workers who live in house share accommodation and lack an adequate, separate workspace). Additional difficulties may be caused to workers who have childcare obligations and those with disabilities for whom reliance on working solely through a computer terminal causes difficulties. We have commented above at paragraph 4.1 on the problems that poor connectivity can bring for remote workers.
- 7.3 According to the ONS survey “Families in the Labour Market”²⁹, in the UK in 2020, women still have the primary childcare responsibilities. As a result, they are likely to be particularly disadvantaged by any long-term trends towards working from home. A report in The Lancet “The Indirect Impact of COVID-19 on Women”³⁰, indicates that the pandemic has affected women more than men and that this has been primarily due to the effect of women attending to their role as the primary carer of children whilst also working from home. This may arguably prevent women who have such responsibilities from progressing to more senior positions and doing so more quickly.

²⁸ <http://ftp.iza.org/dp13218.pdf>
²⁹

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/articles/familiesandthelabourmarketengland/2019>

³⁰ [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30568-5/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30568-5/fulltext)

QUESTION 8

To what extent could home-working enable access to job opportunities for people currently excluded from the workplace (or from certain jobs)?

Geographic location:

- 8.1 One reason people could be excluded from certain jobs and sectors is due to geographic location. This would be the case if there are certain areas of the country which become 'hubs' for particular sectors or industries.
- 8.2 One example of this is the City of London for financial services and another is Cambridge, which has been dubbed 'Silicon Fen', akin to the USA's Silicon Valley. It was recently reported in the local media that over half of Cambridge's population work in the technology sector.
- 8.3 We consider that increased remote working would be likely to provide increased access to these sectors for employees who are based too far away from Cambridge to commute on a regular basis, but who have the requisite skills to work in and contribute towards the UK's leading technology hub.

Disability:

- 8.4 Another reason people could be excluded from certain job opportunities is due to a disability. UNISON, the UK's largest employee union, published results of their survey of over 4,000 of disabled workers across the UK in August 2020. The participants stated that over 50% of them worked from home during the COVID-19 pandemic, up from around 5% who usually worked from home. The results indicated that 73% of disabled employees felt they were either more productive or as productive working from home compared to their pre-lockdown place of work.³¹
- 8.5 We consider that many employers may have been reluctant to allow large-scale working from home prior to the COVID-19 pandemic for fear of impact on productivity. UNISON's findings provide some data to indicate that, for disabled workers, in the majority of cases, productivity is not impacted. It must be likely therefore that an employer's current duty to make reasonable adjustments for disabled workers will in future include an obligation to consider whether a reasonable adjustment for a disabled worker may be to allow homeworking. This could impact on recruitment as the current duty in the Equality Act 2010 extends to disabled job applicants.

³¹ <https://www.unison.org.uk/news/press-release/2020/08/give-disabled-people-right-work-home-covid-19-says-unison/>

- 8.6 The Equality and Human Rights Commission gives some examples of reasonable adjustments in practice, one of which is assigning the employee to a different place of work or training. The example given is relocating a newly disabled worker, who now requires a wheelchair, to the accessible ground floor of the office, from the inaccessible ground floor. We consider that the guidance could be extended to include working from home as a reasonable adjustment. If this were to happen, we believe this has the potential to have a significant positive impact on access to job opportunities for those who, even with the current reasonable adjustments, are excluded or feel excluded from the traditional workplace.

QUESTION 9

If more people continue to work from home in the long-term, what will the impact of reduced commuter numbers be on the environment and on the provision of public transport? How would businesses based in town and city centres be affected? And what consequential impacts might this have on our wellbeing?

- 9.1 ELA does not consider it within its area of expertise to comment on the technicalities of the environmental impact as a result of reduced commuter numbers. We have, however, considered statistics released by the Department of Transport in relation to use of transport modes since 1 March 2020. For example, the statistics show National Rail usage as low as 4% compared to the equivalent week in 2019. Whilst an in-depth analysis of the statistics is not within our remit, we do consider that the logical impact of reduced demand for public transport is reduced supply which could impact adversely on those who are not able to work remotely and whose work does require them to attend their workplace.

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