

WP2 - National report

Smart working, Covid-19 and industrial relations: the regulatory perspective in **Romania**



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1 The adoption of out-of-office work pre Covid-19 in Romania and analysis of the related regulative framework

1.1 Definitions, regulations and related legal issues of out-of-office work in Romania

In Romania remote working was regulated before the Covid 2019 pandemic in the forms of *working from home and teleworking*, but they were not frequently encountered in the practice of labor relations. Considering the content of the applicable rules, general and particular, these recognized forms are different from the work from anywhere.

The Labour Code (Law no 53/2003 republished¹) represents the general framework for the work relationships, including the conditions applicable to the individual work contract. It regulates homeworking and Law no 81/2018 regulates teleworking activity. At the same time, Law no 62/2011 on social dialogue contains a comprehensive regulation on social dialogue, collective negotiations, and collective working contracts). However, it does not regulate teleworking, working from home, or remote working generally.

Chapter IX of the Romanian Labour Code expressly regulates work from home (domicile). According to Article 108 para 1 of the Labour Code, the employees working from home are considered “those who perform their specific duties of the position that they hold, at home”. Unlike the typical employment contract, these employees can establish the work schedule themselves (Article 108 para 2) therefore, there is a high degree of flexibility in organizing the work program by the employee without any constraints on the part of the employer or provided by the legal provisions. The employer enjoys the right to review the activity of the employee working at home in the conditions provided by the individual employment contract (Article 3 para 3).

According to Article 109, concluding an individual work contract at home is necessary and it must comply with the general rules applicable to employment contracts: written form and must contain in addition to general elements provided by the Labour Code, some specific elements: “a) the express indication that the employee works at home; b) the program within which the employer is entitled to control the activity of his employee and the concrete ways in performing the control; c) the obligation of the employer to ensure the transport to and from the employee's home, as the case may be, of the raw materials and materials he uses in the activity, as well as of the finished products he makes.”

Concerning the rights of the employee working at home, the law provides the same treatment as for the typical work contract as stated by Article 110 para 1 (“The employee working at home enjoys all the rights recognized by law and by the collective labour agreements applicable to the employees whose job is at the employer's premises.”) Para 2 of the same article provides that other specific conditions regarding work at home may be established through collective labour agreements and/or

¹ Law no. 53/2003 - The Labour Code was published in the Official Gazette of Romania, Part I, no. 72 of February 5, 2003, and was further amended and supplemented by several laws and Government emergency ordinances. It was republished pursuant to art. V of Law no. 40/2011 for the amendment and completion of Law no. 53/2003 - Labour Code, published in the Official Gazette of Romania, Part I, no. 225 of March 31, 2011, giving the texts a new numbering.

individual employment contracts, in accordance with the legislation in force. Regarding this possibility, no special provisions were identified in collective labor agreements.

The obligation to respect and ensure the confidentiality of information and documents used during working at home (Article 110 para 3).

For the European Union working from home doesn't constitute an element for being regulated, but, during the pandemic time, represented an essential concern considering the extent of this phenomenon, the job insecurity, the risks that could appear if the work health and security measures are not present. At the international level, the International Labour Organisation adopted Convention no. 177/1996 considering the work from home (not ratified by Romania) that establishes, in article no. 1, that work from home means that the employee can work from his/her domicile or in other places than the employer's place.

Law no 81/2018 on the regulation of teleworking activity² contains legal definitions for the terms *telework* and *tele-employee* and details on this type of work and the fields in which this legal regime may be applicable.

Prior to the enactment of this law, the possibility for workers to carry out their activities in another place than the headquarters of the employer or the place organized for this purpose existed under the form of delegation, secondment, or a mobility clause. Thus, the regulation of telework did not pursue this aim but was determined by the evolution of information and communication technologies which changed the specific means of communication between employers and employees³.

According to Article 2 a)

telework represents the form of work organization through which the employee, regularly and voluntarily, fulfills the specific duties of his position, occupation, or trade he holds elsewhere than the workplace organized by the employer, by using information and communication technology;

The person carrying out this activity is called a teleworker (Article 2 b).

In comparison with the working-at-home concept whose features are provided by the Labour Code, this form implies the use of information and communication technology.

The basis for teleworking is the will of the parties expressly provided in the individual work contract in the case of newly hired staff or in an additional act in the case of an existing individual employment contract (Article 3 para 1). The consent of the employee represents the essential element taking into consideration the consequences established in case of refusal of the employee. In this regard, Article 3 para 2 provides that such a refusal *cannot constitute a reason for unilateral modification of the individual employment contract and cannot constitute a reason for its disciplinary sanction*. Therefore, the employer cannot unilaterally impose this type of work activity.

² Published in the Official Gazette no. 296 of 2 April 2018

³ Marius-Cătălin Preduț, *Telemunca. Migrația forței de muncă și munca virtuală*, 2018, <https://www.juridice.ro/587573/telemunca-migratia-fortei-de-munca-si-munca-virtuala.html>

Details regarding the work schedule are provided as well. Hence Article 4 para 1 provides that the employees shall organize the work schedule in agreement with the employer, in accordance with the provisions of the individual employment contract, the internal regulations, and/or the applicable collective labor contract with respect to the general legal rules. The possibility of performing additional work is recognized under the requirements of the written consent of the full-time employee upon the request of the employer (Article 4 para 2). The activity of the employee is subject to verification by the employer mainly by using information and communication technology, under the conditions established by the individual employment contract, the internal regulations, and/or the provisions of the collective labor contract (Article 4 para 3).

Naturally, the general legal framework applicable for the conclusion and modification of the employment contract is set by the Labour Code (Article 5 para 1). Apart from the general clauses of an individual work contract, the teleworking contract should include specific elements such as the express specification that the employee works in telework regime (Article 5 para 2 a); the period and/or the days in which the teleworker carries out his activity at a job organised by the employer (Article 5 para 2 b); the program within which the employer is entitled to verify the activity of the employee and the concrete way of performing the control (Article 5 para 2 d); the manner of keeping track of the working hours provided by the teleworker (Article 5 para 2 e); the responsibilities of the agreed parties according to the place / places of carrying out the telework activity, including the responsibilities in the field of occupational safety and health in accordance (Article 5 para 2 f); the obligation of the employer to ensure the transport to and from the place of carrying out the telework activity of the materials that the teleworker uses in his activity, as the case may be (Article 5 para 2 g); the obligation of the employer to inform the employee regarding the provisions of the legal regulations, of the applicable collective labour agreement and / or the internal regulation, regarding the protection of personal data, as well as the employee's obligation to comply with these provisions (Article 5 para 2 h); the measures taken by the employer so that the teleworker is not isolated from the rest of the employees and which ensures the possibility for him to meet with colleagues regularly (Article 5 para 2 i); the conditions under which the employer bears the expenses related to the telework activity (Article 5 para 2 j).

The rules applicable do not provide any difference between the teleworker and the employees working at the headquarters of the employer concerning the rights recognized (Article 6 para 1). Special obligations for the employer on the safety and health at the working place are also regulated in Article 7: a) to provide the means of information and communication technology and/or secure work equipment necessary for the performance of the work, unless the parties agree otherwise; b) to install, check and maintain the necessary work equipment, unless the parties agree otherwise; c) to ensure conditions for the teleworker to receive sufficient and adequate training in the field of occupational safety and health, in particular in the form of information and working instructions on the use of display screen equipment: on employment, on the introduction of new equipment work, when introducing any new working procedure.

As regards the obligations of the teleworker, Article 8 provides general rules applicable to any work contract (to carry out the activity in accordance with his training and instruction) and some particular obligations generated by the specifics of the employment relationship, such as:

- A. to inform the employer about the work equipment used and the existing conditions and the need to carry out the telework activity and to allow him access, as far as possible, in order to establish and implement the necessary occupational safety and health measures according to the clauses of the individual employment contract, or in order to investigate the events;
- B. not to change the safety and health conditions at work from the places where they carry out the telework activity;
- C. to use only work equipment that does not pose a danger to his safety and health;
- D. to carry out their activity in compliance with the provisions regarding the obligations of the workers, as they are provided in the Law on safety and health at work no. 319/2006, with subsequent amendments, as well as in accordance with the clauses of the individual employment contract;
- E. to observe the specific rules and restrictions established by the employer regarding the internet networks used or regarding the use of the equipment provided;
- F. to respect and ensure the confidentiality of the information and documents used during the telework activity.

After the outbreak of the Covid 19 pandemic, special regulations were adopted in Romania that affected work relationships.

Decree no. 195/2020 on the establishment of a state of emergency in Romania⁴, provided in its Article 33 that central and local public institutions and authorities, autonomous administrative authorities, autonomous utilities, national companies and corporations, and companies in which the state or an administrative-territorial unit is a shareholder private or majority companies, private equity firms introduce, where possible, during the state of emergency, work at home or in telework, by the unilateral act of the employer.

This constitutes an exception to the principle of consensual applicable to the conclusion and modification of the employment contract between the employer and the employee as it implies that the employer has the obligation to introduce work at home or in telework and can do so even by a unilateral act⁵.

*Law no 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic*⁶ contains rules regarding the performance of employment contracts in the form of teleworking or work from home.

According to Article 17

During the state of alert, the employer may order, with the consent of the employee, to carry out the activity in the mode of telework or work at home, to change the place of work or his duties.

⁴ Published in the Official Gazette, Part I no. 212 of March 16, 2020.

⁵ Adrian Tătărușanu, *Munca la domiciliu și telemunca. Unelte pentru salvagardarea contractelor de muncă?*, 2020, <https://www.juridice.ro/679441/munca-la-domiciliu-si-telemunca-unelte-pentru-salvagardarea-contractelor-de-munca.html>

⁶ Published in the Official Gazette no 396 of May 15, 2020

The consent of the employee continues to represent an essential element for the changes in the place of work and/or duties, even in the special context generated by the Covid 19 pandemic.

*The Government Emergency Ordinance no 36/2021 on the use of electronic signatures in the field of labor relations and for the amendment and completion of certain normative acts*⁷ made some changes to the legal framework.

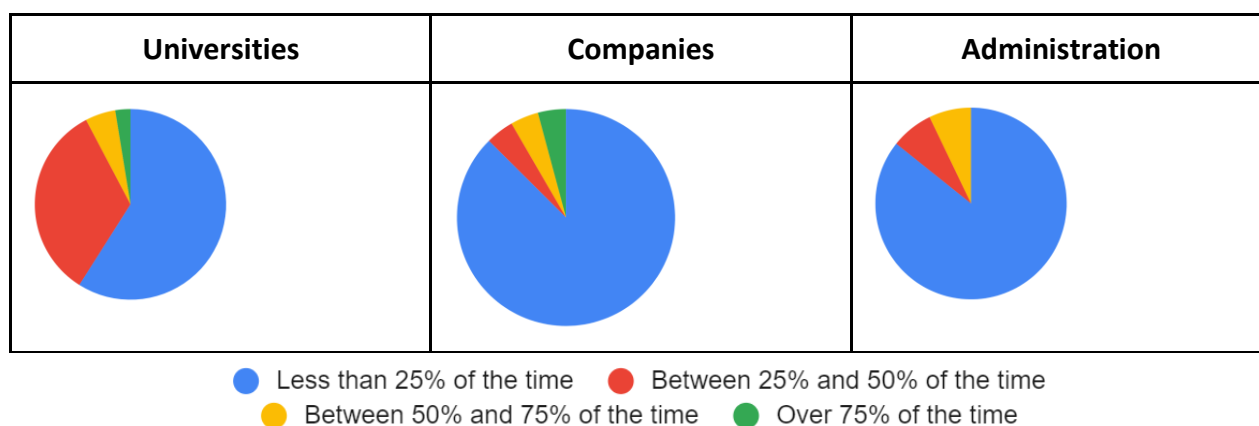
Overall, the Romanian legislation on working at home and teleworking proved to be flexible enough and adequate to respond to the challenges of the Covid 19 pandemic in the labor environment. However, although the legal framework provides important aspects such as the organization of the schedule, safety, and health regulations, there are no express provisions on the right to disconnect or on balance between working hours and private life.

Furthermore, national legislation does not specifically address the issue of respect for personal data (by providing special obligations for the employee) thus, the recommendations of the European Union Agency for Cybersecurity are useful in this regard⁸.

In the EU, teleworking is set up by the Framework Agreement on Telework, an agreement signed in 2002 in Bruxelles by the social partners: The European Trade Union Confederation (ETUC), The Union of Industrial and Employers Confederations of Europe (UNICE), and The European Centre for Public Enterprises (CEEP).

1.2 Pre Covid-19 diffusion of out-of-office work in Romania, related opportunities and threads, and regional differences

Before the pandemic - Percentage of time worked from home



Before the pandemic in universities and in IT companies there were several activities that took place outside the classrooms offices. At the **University**, it was natural for work on projects and weekly homework to be done from home, and their results to be presented at subsequent meetings or even

⁷ Published in the Official Gazette number 474 of May 6, 2021

⁸ ENISA, *Tips for cybersecurity when working from home*, Press Release, Published on March 24, 2020, <https://www.enisa.europa.eu/tips-for-cybersecurity-when-working-from-home>

sent by e-mail. Also, the correction of this weekly homework and the sending of feedback was usually done by e-mail. The lack of specific legislation and regulations at the university level has meant that their number is small and other activities cannot be carried out online. For **IT companies**, although working from home was not natural, it happens that in the case of sick employees or those who had children, they have certain days when they could work from home. Usually, the number of these days increased in proportion to the age of the employees and the number of their children. Also, the companies that have greatly increased the number of employees in a short period of time have introduced in the internal regulations the possibility of working from home. In this way, they did not increase their rent expenses and were able to offer salary bonuses in the case of working from home. From this point of view, there is greater flexibility for those in the private sector, who have exploited the fact that it is possible to work from home, as long as the Internet connection is good and as long as the daily tasks are solved. In the **Administrative** sector, working from home was not a natural thing, as there was no legislation or regulations to allow this. Also, the computer systems could not be accessed from outside the office at work, making it impossible to work from home. The activities carried out at home mentioned by those who answered our questionnaire are related to the deepening of the legislation, the finalization of some reports, and the editing of some word or excel documents.

At the **University** level, before the pandemic, work from home represented an exception and not a rule. According to the survey, 57,1% of respondents worked from home for less than 25% of their working time, 33,3% for 25-50% of working time, for 50-75% of working time just 4,8% of the respondents, and for over 75% of working time, 4,8% from respondents. This can be explained by the scarcity of the provisions considering the work from home and the specific activities (classes face-to-face; should be mentioned that the Romanian Law of Education no. 1/2011 does not permit online activities, the exception being the period of declaring the state of emergency or the state of alert – regulated by the special provisions; participation in different project activities, exams, etc.). After the end of the state of alert, the percentage has changed: 14,3% of respondents want to work from home for more than 75%, 28,6 % for 50-75%, 28,6% for 25-50%, and 28,6% for less than 25%. It could be seen that the perception of the employees about the work from home has changed and they would like to have the possibility to choose if they can work at the employer's place or can be in another place.

For the **IT sector**, before the pandemic, 86,4 % of the respondents worked from home for less than 25% of their working time, and 4,5% for percentages of 25 – 50%, 50-75%, and over 75%. After the end of the state of alert, 4,5% of respondents would like to work from home for less than 25% of their working time, and an equal percentage, 31,8% of respondents, would like to work from home for more than 25% of the working time. Given the specificity of the activities performed, the work from home could be a tool for motivating people and for organizing the work according to the rule of law and internal provisions. Having flexible schedules, the employees' can start and end their day as they choose, if their work is complete and leads to the results that the organization set up. Also, in terms of life-work balance can be invaluable and can constitute a very important motivational factor to increase job performance at the individual and organizational levels.

The **Public Administration** sector was the challenging one in terms of working from home, due to the scarcity of provisions and rules concerning this type of work. Being one of the sectors directly involved in managing the activities for preventing and implementing the measures for facing the COVID-19

issues, the necessity to work closer to the citizens is becoming a must. In this regard, implementing the e-government measures and trying to respond to the necessities, the public administration faces new challenges in adopting the internal rules for working from home, having access to the platforms used in the institution, and having the possibility for co-working (emails, internet access, online platforms). Considering the decision-making process, fast development for providing solutions for the problems raised by the pandemic. Remote working tools were implemented at the authorities' levels for having a voice for the citizens, but also, for having the possibility to interact faster in coordinating the activities.

Before the pandemic, 85,7% of the respondents said that they work less than 25% from home and 7,1% for more than 25% of their working time. After the end of the state of alert, 53,3% of the respondents affirm that they want to work from home for less than 25% of working time, 20% for 25-50% of working time, 20% for 50-75% of working time and 6,7% for over 75% of the working time. The perceptions of the public servants considering the work from home have changed due to the changes made for having the possibilities to accomplish the tasks from home as it can be done at the workplace.

For the post-pandemic times, the types of work in the public administration will involve an integration of the digital tools with the traditional ones but will define also new ways of working such as training (face to face and online), creative collaboration, multidisciplinary teams, and team-building using the on-line platforms.

Elements defining the landscape of the IT industry in the metropolitan area of Iasi

The basic economic indicators describing the evolution of the economic sectors, in the Iasi Metropolitan Area, between 2019 and 2020, point out the relatively severe effects of the pandemic diffusion of the COVID-19 virus. At least 3% of the metropolitan gross turnover will be lost in 2020, and the total stock of employees will be reduced by 4%. The table depicts these effects on the most important NACE sectors with more than 50 economic actors (firms) locally registered. These sectors concentrate about 68 % of the number of firms active in the Iasi Metropolitan Area. The values for the turnover indicators (2020 and 2019) are expressed in 1000 Euro and the ratio between the two years (2020 by 2019) is transformed in % reported to 100 as a reference value for 2019. Placed in the second position, after the construction sector (NACE 4690), in terms of employees mobilized in 2020, computer programming activities are the most dynamic economic sector of the local economy. It employs 26% more, compared to 2019, and it grows by 22% in one pandemic year, if one will take into account the gross turnover of this branch. In absolute value (gross turnover in 2020), it is ranked in the third position – almost 244 million Euro, after construction and freight road transportation. In the local hierarchy of the metropolitan area of Iasi, computer programming activities are not the only growing economic activities, during the first year of the pandemic diffusion of COVID-19. However, this sector is particularly interesting for two reasons. The first one is related to economic performance. The turnover dynamic is independent of the reduction of the number of employees, while other branches need to operate adjustments for this indicator. The second reason is provided by the local context of the implantation of the IT industry in Iasi. Fueled by a large number of graduated students in IT and connected activities (the main pipeline for the sector) and taking profit from a fair stock of class A and class B offices, the computer-related activities present a polycentric pattern of location in the Iasi Metropolitan Area, with a preference for the core city center and the proximity of the

Technical University of Iasi. The secondary areas of concentration for IT are mostly the output of urban regeneration projects, transforming brownfields or unfitted urban industrial landscapes in offices and co-working spaces. This density of jobs and employees in the branch was partially speculated by the real estate projects, giving birth to a sophisticated local network of urban land transactions, and fueling the construction sector with an indirect impact. Once the pandemic period started, this chain of economic interactions was forced to readjust to new coordinates. For example, the IT sector adapted quickly to the new challenges of working from home, and the construction sector kept implementing the ongoing projects, but other related activities declined or readjusted (the real estate agencies lost employed personnel, but managed to have limited growth of the gross turnover, for example).

Table 1 – The hierarchy of the economic performance of the NACE sectors in Iasi Metropolitan Area (2019-2020)

NACE sector	Nb. of firms	Turnover * (2020)	Turnover (2019)	Empl. ** (2020)	Empl. (2019)	Ratio (trnv.)	Ratio (empl.)
Other human health activities	96	15110	9372	388	406	161.22	95.57
Manufacture of medical and dental instruments and supplies	55	7816	5877	321	330	133.00	97.27
Veterinary activities	87	11982	9291	238	205	128.96	116.10
Electrical installation	122	32103	25437	792	877	126.21	90.31
Activities of insurance agents and brokers	72	2371	1899	97	85	124.88	114.12
Computer programming activities	348	244445	199474	6607	5236	122.55	126.18
Manufacture of other furniture	52	10371	9009	324	344	115.12	94.19
Wholesale of wood, construction materials and sanitary equipment	121	79153	70095	584	560	112.92	104.29
Plumbing, heat and air-conditioning installation	175	81287	72097	1204	1106	112.75	108.86
Non-specialised wholesale trade	114	64724	58101	456	472	111.40	96.61
Engineering activities and related technical consultancy	410	71057	64126	1839	1834	110.81	100.27
Accounting, bookkeeping and auditing activities tax consultancy	228	9394	8538	473	476	110.03	99.37

Retail sale via mail order houses or via internet	174	22318	20411	305	303	109.35	100.66
Freight transport by road	430	252084	231728	2833	2960	108.78	95.71
Other retail sale of new goods in specialized stores	99	21205	19904	317	321	106.54	98.75
Retail sale in non-specialized stores with food, beverages or tobacco predominating	815	170547	160872	3011	3095	106.01	97.29
Agents involved in the sale of a variety of goods	152	32160	30558	453	497	105.24	91.15
Other education n.e.c.	92	3490	3317	204	200	105.20	102.00
Wholesale trade of motor vehicle parts and accessories	57	101669	96884	791	844	104.94	93.72
Data processing, hosting and related activities	90	9567	9144	322	329	104.62	97.87
Dispensing chemist in specialised stores	115	81747	78153	918	945	104.60	97.14
Specialist medical practice activities	265	36291	34837	1192	1197	104.17	99.58
Dental practice activities	161	13809	13299	432	442	103.84	97.74
Manufacture of metal structures and parts of structures	63	22788	21988	401	370	103.64	108.38
Other printing	57	20751	20072	443	470	103.38	94.26
Real estate agencies	133	6886	6667	268	275	103.28	97.45
Retail trade of motor vehicle parts and accessories	76	15498	15322	200	215	101.15	93.02
Construction of residential and non-residential buildings	582	371702	373444	6696	5960	99.53	112.35
Computer consultancy activities	95	30256	30781	700	754	98.29	92.84
Advertising agencies	154	22104	22548	303	327	98.03	92.66
Other credit granting	52	4588	4718	146	152	97.24	96.05
Specialized design activities	66	5636	5834	172	166	96.61	103.61

General cleaning of buildings	57	8522	9013	478	560	94.55	85.36
Hairdressing and other beauty treatment	217	6384	6929	785	847	92.14	92.68
Architectural activities	128	11728	12756	317	284	91.95	111.62
Other professional, scientific and technical activities n.e.c.	89	6203	6794	173	185	91.29	93.51
Other retail sale in non-specialized stores	189	52033	57478	665	697	90.53	95.41
Business and other management consultancy activities	302	69782	77197	1346	1467	90.39	91.75
Manufacture of other outerwear	83	46498	52615	2140	2254	88.37	94.94
Maintenance and repair of motor vehicles	221	40351	45779	1016	1211	88.14	83.90
Manufacture of bread manufacture of fresh pastry goods and cakes	82	28995	32916	1291	1421	88.09	90.85
Other amusement and recreation activities	90	3412	4055	171	178	84.15	96.07
Growing of cereals (except rice), leguminous crops and oil seeds	130	76027	92704	1032	1085	82.01	95.12
Renting and operating of own or leased real estate	303	71596	87407	831	867	81.91	95.85
Retail sale of clothing in specialized stores	150	15926	19447	590	597	81.89	98.83
Beverage serving activities	158	11125	14216	494	557	78.25	88.69
Taxi operation	413	8443	11168	789	1148	75.60	68.73
Restaurants and mobile food service activities	207	67989	97347	2777	3565	69.84	77.90
Other passenger land transport n.e.c.	52	9035	13662	435	487	66.13	89.32
Other business support service activities n.e.c.	71	6711	10488	455	631	63.99	72.11

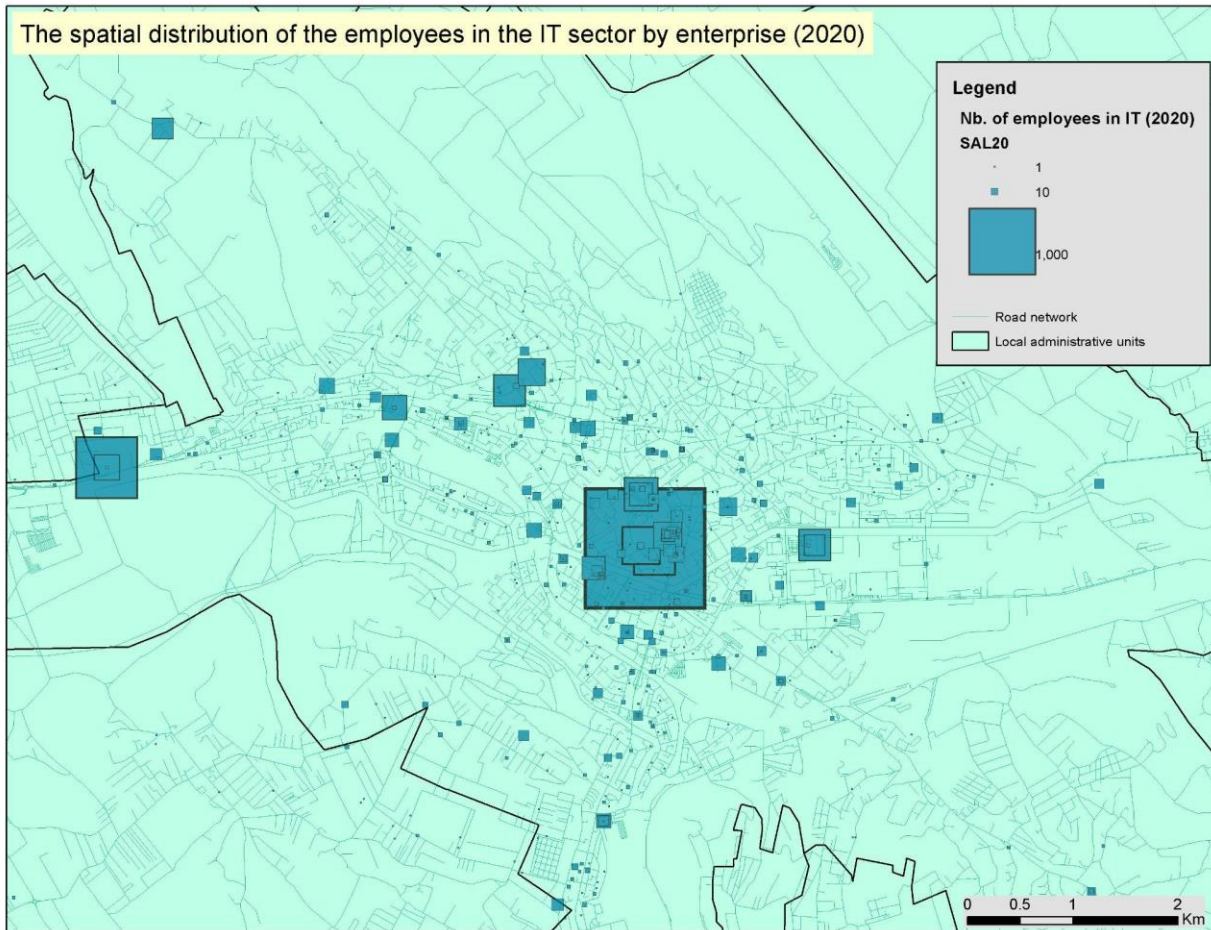
* Turnover expressed in 1000 Euro

** Employees in 2020 and 2019. Not all economic actors provide clear data regarding this indicator. Consequently, the ratios and the hierarchies are approximations based on large samples of data.

Data source: <https://doingbusiness.ro/companies>

The map indicates the patterns of location for the IT industry areas of concentration in Iasi. The larger proportional symbol is attached to the Amazon implantation, with 3209 employees in 2020. As the sector is very dynamic, with multiple spin-offs and a constant exchange of workforce, the analysis enterprise by enterprise will not bring added value to the study. From a geographic perspective, the sector concentrates 25% of the employees at a distance less than 800 m from the city center and 75 % of the employees at less than 3 km from the urban center, despite its polycentric deployment in multiple clusters.

Map 1 – Location of enterprises active in the IT industry in Iasi (Romania)



This centrality and the direct, indirect, and catalytic effects of this branch were tested in their capacity to overcome crises and contingencies in 2020. The major companies protected their activity by promoting work from home, a trend that was also followed by the smaller actors in the sector. Even now, two years after the pandemic, a large amount of the available jobs in the local IT sector involve remote working for the new employees. During the two years of the pandemic period (2020-2021), a new stock of offices was almost finalized, strengthening, even more, the trends of spatial concentration in the city center. The fate of these buildings is unknown if the trend of remote working becomes new coordination of the activities in the IT sector.

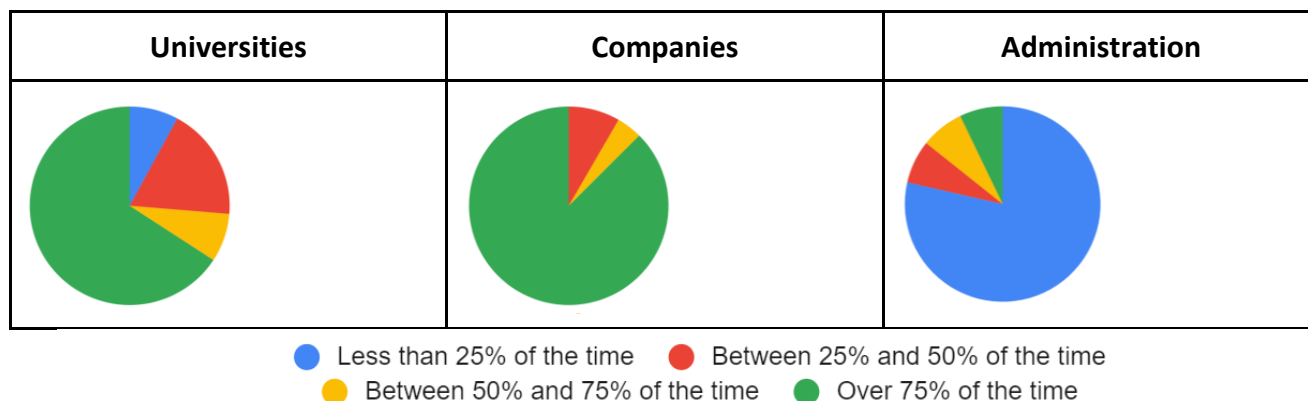
In contrast to the IT industry case study, in Iasi, some economic branches linked to the high frequency of users (demand) were severely hit by the closure in early 2020. Basically, these are the branches

...serving the everyday routines of leisure or transportation for the population of the metropolitan area of Iasi – taxi operations, bars, restaurants, or some retail activities. As the universities closed for normal teaching and switched to online courses, the renting and leasing of apartments by the students declined suddenly. This is reflected in the activities of the real estate agencies specialized in this market segment – a loss of almost 18% of the gross turnover and a moderate reduction of the employees' stock by 4%. The decline was expected for the economic sectors that are not switchable for online activity; however, some of the losing branches can transform their workflow on the Internet. It is the case for the NACE sector of business and other management consultancy activities, a sector that lost almost 10 % of its employees and turnover.

2. Diffusion of out-of-office work during Covid-19 in Romania and analysis of the industrial relations practices to regulate it

The preamble of the Government Emergency Ordinance no 36/2021 refers to the general evolution of teleworking during the pandemic according to the data provided by the Labour Inspectorate: in March 2020, a number of 50,577 individual employment contracts with a teleworking clause were registered in the general register of employees; in December of the same year a number of 383,300 were registered, and in March 2021 there were 394,415 such employment contracts registered.

During the pandemic - Percentage of time worked from home



At Universities and IT Companies: Before the pandemic, only in the case of exceptions it was possible to work from home at the case of companies, and in the case of Universities, during the pandemic, it was upside down. Only the exceptions could work from the office, entering administrative activities, or in cases when the Internet connection at home was insufficient. Also, because the children learned from home, the parents often rotated so that one of them could reach the office and focus better on the tasks he/she had. In addition to the platforms used in pre-pandemic universities and companies, online dating platforms with more participants (Zoom, Webex, Chime, Microsoft Teams, Google Meets, etc.) have begun to be used more often. In order to benefit from all the facilities of these platforms, licenses were purchased that would allow events with hundreds of participants over long periods of time.

In the case of those in the **Administration**, even if the percentages related to working from home have increased compared to before the pandemic, they still remained small. The reasons are primarily due to the lack of adequate infrastructure and the lack of activities that could be done from home. Among the activities done at home, there are telephone conversations with various partners or with citizens who needed help or clarification in case of specific problems. Usually, older people have difficulty adapting to the use of online tools and have often asked for help.

2.1 Out-of-the-office work diffusion during the pandemic in Romania: sectoral, regional differences and characteristics of the workers involved

At the **University** level, during the pandemic, work from home represented a rule. According to the survey, 7,9% of respondents worked from home for less than 25% of their working time, 18,4% for 25-50% of working time, for 50-75% of working time just 7,9% of the respondents, and for over 75% of working time, 65,8% from respondents. This is explained by the context of the rules in Romania, which entered the red scenario and allowed only the exceptions to leave the house. Activities with a large number of participants were banned, including the activities of schools and universities.

For the **IT sector**, during the pandemic, 0 % of the respondents worked from home for less than 25% of their working time, 7,7% for percentages of 25 – 50%, 3,8% for 50-75%, and 88,5% for over 75%. The fact that all the activities he carried out could be done from home, made the transition from physical work to online work a natural one. This includes code writing and testing activities, as well as specific activities such as meetings (which took place before the pandemic on specific platforms with clients or colleagues from overseas offices), training and development sessions, etc.

The **Public Administration** sector faces problems in adopting the internal rules for working from home because they have problems accessing platforms used in the institution from home and because in order to do the daily activities they have to have access to documents and papers whose content exists only in physical format and does not exist in electronic form. During the pandemic, 78,6 % of the respondents worked from home for less than 25% of their working time, 7,1% for percentages of 25 – 50%, 7,1% for 50-75%, and 7,1% for over 75%. Among the activities carried out from home during this period are the realization of accounting situations, telephone or email relations for certain problems, or for relations with clients. To ensure social distance they worked in shifts (some in the morning, some in the afternoon) or in rotation (some on certain days and others on other days).

In conclusion, solutions have been found more easily in the private sector and decisions have been made more quickly to allow work from home compared to the public sector, which has neither the infrastructure nor the quick decision-making methods. Also, the fields with many of the activities carried out on the computer with the help of the Internet, have adapted more easily to the work at home.

In terms of age, the sectors with younger people, accustomed to working with computers and the Internet, have adapted faster and easier compared to the sectors where there are more elderly people who do not have these skills. Also, from the point of view of studies, people with more advanced studies, with knowledge of English, have adapted more easily to the use of online platforms, which often did not have versions of the Romanian language.

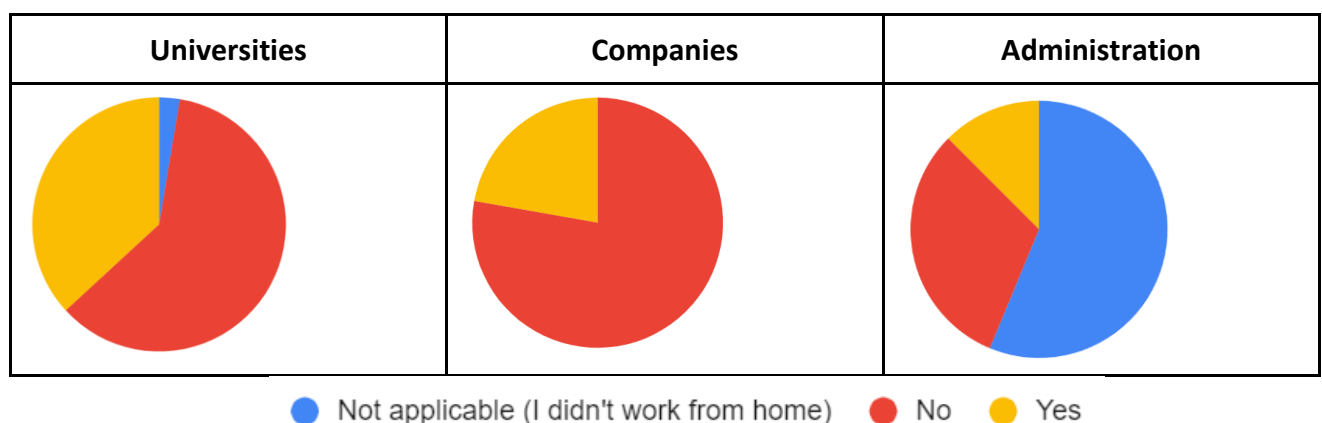
2.2 Key issues and problems in out-of-office work arose during the pandemic

The problems during the pandemic for those who worked from home were of several types.

1. *Internet connection problems*: First of all, internet connections using streaming platforms like Zoom, Webex, Google Meet, and Microsoft Teams, need a lot of bandwidth when more family members are working from home. This became insufficient. There were also cases of students, pupils, and teachers who lived in areas without good Internet and mobile phone coverage and who were unable to attend classes at school or college.
2. *Lack of hardware resources*: when several family members needed to connect at the same time to daily activities, computers, microphones, speakers, and video cameras in the house became insufficient. There were many cases of families with many children, who could not ensure for this reason the participation of all family members in school activities.
3. *Lack of space*: It was also very difficult to find an area for each member of the family, so they could participate in activities without interfering with others. Kitchens, bathrooms, and attics were used, and there were still situations.
4. *Cybersickness*: Due to the drastic change in the way work was done and the need to stay at the computer for many hours, health problems began to appear. These include back, neck, and eye pain, dizziness, fatigue, etc.

In our questionnaires applied to those in the local administration, those in IT companies, and those in universities, we wanted to see if they were emotionally affected during the pandemic. For the following question, the answers are below.

Were you emotionally affected during the pandemic when you worked from home?



As we can see in each of the targeted sectors there were people emotionally affected by the pandemic. The most affected sector was the University sector, where the lack of interaction affected teachers and students quite a lot. Those in the local administration were least affected, and even though they often worked physically in the office, they were affected by the pandemic's worries. The reasons were related to the lack of interaction with colleagues, overwork, panic related to the pandemic, and mixing of work tasks with family. Usually, companies have chosen to work from home employees with many children (to help them connect to daily activities), those with health problems, those who had family members with health problems, those who could not go to work safely, etc.

2.3 From the problem to the solution: industrial relation practices to address the key organizational issues arising in the out-of-office work during the pandemic

The solutions found by employers to cover the shortcomings and problems during the pandemic were of several types:

- 1) *Creating the legal framework to allow online activities.* Local authorities and employers, trade unions, and employees discussed and found ways to carry out online activities.
- 2) *Acquisition of software to enable online activities.* If IT companies already used licensed software for online streaming (such as Microsoft Teams, Google Meet, Zoom, etc.), the pre-university and university environment allocated the necessary funds to purchase teacher licenses.
- 3) *Providing hardware resources* to those who needed them: companies offered employees the opportunity to take a while the company's resources (computers, printers, routers, microphones, speakers, etc.) and use them from home. Processes for the acquisition of new hardware resources, as well as higher-speed Internet subscriptions to be offered to employees, have also started. In the case of schools and faculties, computers, tablets, and laptops were purchased and made available to pupils and students.
- 4) *Provision of spaces:* laboratory and classroom rooms were offered to teachers and students who needed them. Ensuring social distance and the sanitation of the available spaces, the possibility was offered to those without access to the Internet or to the hardware resources necessary to participate in the daily activities.




3. Conclusions and general remarks

In Romania, before the pandemic, there was legislation that allowed working from home, but this possibility was not used by employers and employees. During the pandemic, we had to adapt in order to be able to work from home in safe and optimal conditions.

All the actors involved (local authorities, company management, employees, and trade union groups) collaborated in order to find optimal solutions that would allow the continuation of activities during the pandemic.

After the end of the pandemic, everyone has the problem of carrying out activities at home to a greater or lesser extent. In the table below we can see the answers of those who participated in our questionnaires about what they want in the future related to working from home. As we can see, those from IT companies want to work from home the most, and at least those from the local administration and from the university environment.

After the pandemic - The percentage of time they want to work from home

Universities	Companies	Administration
		

● Less than 25% of the time
 ● Between 25% and 50% of the time
● Between 50% and 75% of the time
 ● Over 75% of the time



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