



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF COVID-19 IN UKRAINE AND THE EU

**Oleg M. Yaroshenko**

Yaroslav Mudryi National Law University - Ucrânia

**Dmytro I. Sirokha**

Taras Shevchenko National University of Kyiv - Ucrânia

**Larysa Y. Velychko**

V. N. Karazin Kharkiv National University - Ucrânia

**Liubov V. Kotova**

Volodymyr Dahl East Ukrainian University - Ucrânia

**Valentyna V. Sobchenko**

V. N. Karazin Kharkiv National University - Ucrânia

### ABSTRACT

The COVID-19 coronavirus pandemic, which has spread to all countries of the world, has posed new challenges in terms of legal, socio-economic, political, and social development. The pandemic produced a need for a mechanism of legal regulation of a special organization of the remote work, working hours, workplace, working conditions, etc. The study aims to analyze and compare the legal regulation of remote work under the introduction of restrictive measures caused by the spread of COVID-19 in Ukraine and the EU. The leading method was the method of comparative analysis. It helped to compare the specifics of the practice of EU member states in the field of legal regulation of remote work under the above conditions in Ukraine and the EU, identify how these issues are regulated in other EU countries. In Ukraine, it is necessary to improve the rules for regulating the responsibilities of the employer to compensate for the costs of a remote worker, enshrining in law the obligation of the employer to provide the employee with computer equipment, means of communication. The experience of European countries proves it is necessary to implement "right to disconnect" in Ukraine. Information and knowledge gained from the experience of different EU countries can be used as a basis for the adaptation and development of new relevant provisions in Ukraine.

**Keywords:** remote work, telework, home-based work, EU standards, Ukrainian legislation.



# CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

## 1 INTRODUCTION

In January 2020, the World Health Organization announced an outbreak of a new coronavirus disease. Because the disease has a high risk of spreading coronavirus, countries around the world have taken steps to contain the COVID-19 outbreak. The COVID-19 pandemic, which has spread to all countries of the world, has posed new challenges in terms of legal, socio-economic, political and social development. The high rate of spread of the disease, the rapid dynamics of the disease, the unpredictability of variations in the development of infectious diseases for different people necessitated a decision by the World Health Organization to declare a pandemic in March 2020.

As a result, governments have taken a number of operational measures, including closing state borders, restricting freedom of movement, banning mass events, isolating cities, and introducing mandatory quarantines. All this led to massive changes in the way of life and economic activity. That is why employers also faced with a number of issues due to the need to protect staff and protect their health from the coronavirus. The new realities facing humanity in 2020, the rapid spread of the new coronavirus, are urging both employers and employees to seek compromises and adapt to remote working conditions (Rudenko et al, 2020).

As a result of the introduction of the pandemic regime in Ukraine and in the world, an unprecedented situation was created, when the population was forced to resort to flexible forms of work (Gorbacheva et al., 2021). The pandemic and quarantine restrictions have deepened the relevance of flexible forms of employment and the need for people to work remotely. Teleworking practices and policies could play a significant and essential role of any business continuity plan in time of risk that prohibits employees from performing their working tasks at their regular workplace or offices. Hence, telework gives those employees the opportunity to perform their work tasks remotely and keep the organization operational (Abulibdeh, 2020; Yaroshenko et al., 2019).

Therefore, teleworking has ceased to be considered as only one of the options, but has become a necessity in the modern world. Moreover, distance employment began to



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

be viewed not as a temporary option for organizing work, but as a format of permanent employment. Moreover, survey evidence from Eurofound (2020) shows that close to 40% of those working in the EU in April 2020 began to telework fulltime as a result of the pandemic. As a result of restrictive government measures, nearly four out of every ten employees in Europe have switched to telecommuting.

The process of transforming the institution of remote employment during the coronavirus pandemic has become the focus of researches all around the world. On the one hand, the virus gave impetus to a massive transition to a new model of employee-employer interaction (Cohen, 2020), and on the other hand, it exposed a lot of problems inherent in permanent employment without face-to-face contact with the workers (Hodder, 2020). In many countries, national labor laws still do not provide or have not provided till recent time adequate guarantees for workers who switched to remote work (Vartolomei 2020).

Some issues of remote work were considered in the works of A. Rudenko, O. Petyak., and N. Khanetska (2020), K. Gorbacheva (Gorbacheva et al., 2021), I. Koterlin and A. Shtykh (2021), T. Kortukova, M. Dei, M. Blahodarnyi, and N. Kaminska (2020), A. Abulibdeh (2020), L. Schur, M. Ameri, and D. Kruse (2020) and other scientists. A. Rudenko, O. Petyak, and N. Khanetska (2020) analyzed the telecommuting in quarantine and self-isolation during the COVID-19 pandemic. K. Gorbacheva, V. Nezhevelo, E. Mishchenko (2021) conducted research on current problems of legal regulation of remote, homework and flexible employment regime in Ukraine. I. Kotherlin and A. Shtykh (2021) studied regulation of non-standard employment in Ukraine due to the effects of pandemic restrictions. A. Abulibdeh (2020) tried to give an answer in his research whether COVID-19 mitigation measures promote telework practices. Special attention in foreign scientific publications is paid to the state of the labor market after the end of the pandemic or the abolition of measures to contain it (Schur et al., 2020).

At the same time, the issue of legal regulation of distance work in the context of the introduction of restrictive measures caused by the spread of COVID-19 in Ukraine and the EU is still relevant and needs a comprehensive study. However, the results presented in



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

the article complete the results obtained in earlier studies. The study aims to analyze and compare the legal regulation of remote work under the introduction of restrictive measures caused by the spread of COVID-19 in Ukraine and the EU.

## 2 MATERIALS AND METHODS

The study of the legal regulation of remote work in the context of the introduction of restrictive measures caused by the spread of COVID-19 in Ukraine and in the EU is based on a systematic approach, which helped to comprehensively investigate the issue. In addition, the study is based on the laws and principles of dialectics, which also contribute to the study of the problems of legal regulation of remote work in the context of COVID-19 in Ukraine and the EU. Thus, the study collected facts, analyzed concepts and made conclusions. In the process of this work, previous research was correlated with new ones.

Methodologically, the article used a discourse-analytical approach to the study of this topic. The authors explore the context found in the documents related to the legal regulation of remote work in the context of restrictive measures caused by the spread of COVID-19 in Ukraine and the EU and thus contribute to understanding the concept of remote work in COVID-19. The leading methods used in the article for the study were a number of general scientific methods, such as the method of system analysis and synthesis, deduction, induction, prediction, abstraction, generalization and analogy, as well as a number of special methods of research and cognition, such as method of comparative analysis, historical-legal, formal-legal and structural-functional methods.

The problem situation was formulated using the method of system analysis; the goals of the research are defined, as well as the criteria for achieving the goals. In addition, the method of system analysis helped to find a solution to the problem. The author's conclusions were made using the method of deduction on the basis of other domestic and foreign studies. The induction method also helped to make assumptions and proposals



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

for the legal regulation of distance work in the context of the introduction of restrictive measures caused by the spread of COVID-19 in Ukraine and the EU. Methods of abstraction and generalization allowed to identify the main aspects that need to be taken into account when implementing international standards for the legal regulation of distance work in the context of the introduction of restrictive measures caused by the spread of COVID-19 in national legislation.

It should be noted that the leading method in this study was the method of comparative analysis. It helped to compare the specifics of the practice of EU member states in the field of legal regulation of remote work in the context of the introduction of restrictive measures caused by the spread of COVID-19, as well as to identify how these issues are regulated in different EU countries. Information and knowledge gained from the experience of different EU countries can be used as a basis for the adaptation and development of new relevant provisions in Ukraine. In turn, the historical-legal method helped to consider the objective process of development of legislation in the field of legal regulation of remote work. With the help of the formal-legal method, the norms of law were logically processed with the use of legal techniques, as well as the interpretation of the norms of law concerning remote work in the conditions of introduction of restrictive measures caused by the spread of COVID-19.

### 3 RESULTS

The COVID-19 coronavirus has become a new challenge for the world (Kortukova et al., 2020). One of the many legal uncertainties of the COVID-19 pandemic is the status of remote work (Arnow-Richman, 2020). In such conditions remote work became a key source of economic and organisational resilience in times of crisis (Colbert, 2011). Employee benefits of regular remote work include autonomy and temporal and spatial flexibility in individual work processes (Bernstein, 2014). It led to measures and quarantine throughout Ukraine. The term “quarantine” is defined by Ukrainian legislation as



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

“administrative and health measures used to prevent the spread of a particularly dangerous infectious disease” (Verkhovna Rada of Ukraine, 2000). Based on the definition of quarantine, its introduction is associated with dangerous infectious diseases. Thus, the introduction of quarantine indicates the existence of a threat of mass spread among people of a dangerous infectious disease. Therefore, confirmation by labor protection specialists about the danger of performing a labor function in such cases is not necessary. Cases when such danger does not require additional confirmation are established by the act of the Cabinet of Ministers of Ukraine, which introduces quarantine and other acts adopted for its implementation.

In order to implement the measures provided by law in case of quarantine, employers are obliged to take all possible measures to preserve the health of citizens, non-spread of coronavirus disease and decide on further work and determine the conditions of working relations with employees. Among such measures: providing employees with annual basic and additional leave, other paid leave provided by law; granting unpaid leave at the request of employees; carrying out activities on a part-time basis; temporary introduction of remote or home work; introduction of downtime; continuation of work in the usual mode under the condition of application of means of individual and collective protection. In our article we will analyze the issues of remote work in the period of COVID-19. It should be noted that the issue of teleworking until 2020 in Ukraine did not have a clear legal regulation. Regulators have always questioned the existence of telework, and employers are reluctant to document it, especially given the inability to properly protect their interests. However, the quarantine introduced by the Cabinet of Ministers of Ukraine (2020) on March 12, 2020 forced all employers and employees to look for ways to build labor relations in the new realities, which introduced restrictions on the stay of people in the employer's office.

Therefore, on February 4, 2021, the Verkhovna Rada of Ukraine (2021) adopted the Law “On Amendments to Certain Legislative Acts of Ukraine on Improving the Legal Regulation of Telework, Homework and Work Using Flexible Working Hours”. According to this law, for the period of quarantine or restrictive measures related to the spread of





## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

coronavirus disease (COVID-19), the employer may instruct the employee, including a civil servant, a local government employee, to perform the work specified in the employment contract for a certain period, at home, as well as to provide leave to an employee, including a civil servant, an employee of a local self-government body, with his consent (Verkhovna Rada of Ukraine, 2020).

The law also provides for the distinction between remote work and home work. The legislator clearly formulated the difference between these categories. One of the main fundamental differences between home and remote work is the need to clearly define the territorial location of the employee, indicating the full address where the work is performed (Yaroshenko & Tomashevski, 2021). If the employee changes the place of residence for any reason, where he performs his functional duties, it means in fact, he changes his place of work, the employee is obliged to notify the employer of such a change. Moreover, the employee is obliged to agree with the employer, both the place of work at home and change the actual location for work. In the case of the home-based work, the employer, the owner or his authorized body is obliged to provide the employee with the means of production, materials and tools necessary for the employee to perform home-based work. In addition, the normative document regulates the issues of creating safe working conditions for employees when using both home and remote work. However, a wider range of responsibilities for the employee to ensure and adhere to safety at a specific workplace outside the enterprise, institution, timely training, as well as prevention of threats of various kinds, rests with the employer, owner or his authorized body, if determined it is home-based work.

Remote work is defined in law as a form of work organization in which work is performed by an employee outside the work premises or territory of the owner or his authorized body, in any place of the employee's choice and using information and communication technologies (Yaroshenko et al., 2020). Moreover, the introduction of remote work provides the possibility of combining remote work with work in the workplace at the enterprise. The regulation of such a combination of forms of work is determined by agreement of the parties. In the case of the introduction of remote work, the responsibility



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

for maintaining and ensuring safe working conditions rests with the employee, as the territorial location and performance of the relevant work rests with the employee. One of the priorities of introducing remote work as a form of work organization, when applying flexible working hours, from the employee's point of view is the ability to independently choose the place of work, without notifying the employer of its location, subject to contractual obligations.

Thus, the essence of remote work is in distancing oneself from the office and the team of colleagues, while homework is work within a clearly defined location, for example, at home. I. Kiselev (2005) understood the term "remote work" as a type of work performed in a city far from the central office, which excludes the possibility of communication between the employee and management and employees. Remote work is defined as the use of information and communication technologies such as smartphones, tablets, laptops and desktops to perform work outside the employer's premises (Eurofound & International Labor Organization, 2017). In other words, remote work means work performed using information and communication technologies, separate from the employer.

## 5 DISCUSSION

During the pandemic, all enterprises and organizations, regardless of the scale and scope of activity, faced significant difficulties; the greatest problems were observed in such sectors as air transportation, tourism, hotel and restaurant business, and the service sector. A number of sectors of the economy are faced with a real threat of a sharp decline in income, dismissal of bankruptcy workers. Small and medium-sized enterprises found themselves in a particularly difficult situation, as it became difficult for them to maintain business activity in the current environment. Travel bans, border closures, and quarantine measures have significantly limited the ability of many workers to perform their work duties, which negatively affected their incomes, especially those who are informally employed in temporary jobs.





## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

---

One of the way out in such situation was introduction of remote work and it is legal regulation. It should be noted, that legal regulation of remote work within the European Union is carried out primarily on the basis of the Framework Agreement on Telework (European Trade Union Confederation, 2002), which is of particular importance as it is the first European agreement implemented by the social partners themselves. This framework agreement is a fundamental step in the European social dialogue, as it is the first to be implemented on a voluntary basis in accordance with Article 154 of the Treaty on the Functioning of the EU. The purpose of this framework agreement is, on the one hand, to create common standards for the working conditions of remote workers at European level and, on the other, to harmonize the needs of employers and workers. Thus, remote workers are given the same general protection as employees who perform their work on the company's premises.

According to this document, remote work is understood as one of the forms of organizing and/or performing work using information technology in the context of an employment contract, where work, which can also be performed in the employer's premises, is carried out outside these premises on a regular basis. As a general rule in the European Union, the employer undertakes to provide the remote worker with equipment and compensate for the costs of communication services (Tomashevski & Yaroshenko, 2020). The procedure for ensuring the safety of the employee is regulated in detail. However, it should be noted that the Framework Agreement, which defines the basic approaches to the regulation of remote work, is being supplemented and expanded at the level of member states of EU.

In Germany, a distinction is made between homework, which is regulated by the Home Work Act (Heimarbeitsgesetz) (Bundesministerium der Justiz und für Verbraucherschutz, 1951), remote work, which is regulated by the Job Ordinance (Bundesministerium der Justiz und für Verbraucherschutz, 2004) and so-called "mobile work" (mobilen arbeiten), which is not regulated by law. The Home Work Act in Germany was passed in 1951. It is essentially aimed at regulating the work performed by employees at home. For the first time in German law, the requirements for remote workers' jobs were



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

enshrined in paragraph 7 of Section 2 of the Arbeitsstättenverordnung (Bundesministerium der Justiz und für Verbraucherschutz, 2004), which entered into force in 2004. Usually, according to this decree, the employee's workplace is located exclusively in the employee's private area. Mobile work is understood to mean that an employee performs work while on the move or in an indefinite workplace. This can be, for example, during a flight or trip.

Unlike German law, Swiss law recognizes a special form of employment contract at home (Heimarbeitvertrages). Under a home work contract, the employee undertakes to perform the work assigned to him at home alone or with family members and to receive payment from the employer. The legal regulation of the contract of work at home is enshrined in part five of the Swiss Federal Civil Code of 1911, namely Article 351 (The Federal Assembly of the Swiss Confederation, 1911).

Legal regulation of remote work in France is carried out on the basis of the French Labor Code (French Parliament, 1966), namely Section 4 of Chapter II, Articles L1222-9 - L1222-11. According to Article L1222-9 of the French Labor Code, remote work is any work performed by an employee outside the employer's premises (office) on a voluntary and regular basis using information and communication technologies within the framework of the employment contract or its annex. Remote worker is any employee of the company who performs remote work. The Labor Code defines the responsibilities of the employer for remote workers: 1) the employer bears all costs associated with the performance of remote work, including the cost of equipment, software, correspondence costs (stamps, envelopes, etc.), means of communication and their maintenance; 2) imposes restrictions on the use of equipment or tools or services and penalties for non-compliance with such restrictions on the use of electronic communications; 3) determines the priorities for the application or non-application of remote work, taking into account the qualifications and professional skills of the employee; 4) the employer organizes an annual service, which should include information about the business conditions of the employee and his workload; 5) sets the time (period) during which he can usually contact the employee.



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

The Belgian National Collective Bargaining Agreement of 2005 (National Labor Council, 2005) in article 6 provides that an individual agreement concluded prior to the commencement of remote workers must contain the following information in writing: the days when remote work is performed and, if necessary, the number of days and/or hours the employee is present at the enterprise; the periods during which an employee can request technical support; the way in which the employer covers the costs of the equipment; procedure for payment and malfunctions of equipment; the conditions under which the employee can return to work at the employer's premises. It should be noted that the Agreement successfully implements the Framework Agreement on Telework from 2002 and introduces new, improved mechanisms for regulating this atypical form of work organization.

In accordance with Luxembourg law (Union of Luxembourg Enterprises, 2006), in addition to what is stipulated at EU level, an employment contract with a remote worker must have clauses dedicated to: the place from which the remote worker performs work; a description of the tasks to be performed in a way that allows the teleworker to compare himself with peers on the employer's premises; employee classification in the wage scale; the days and hours at which employees have the opportunity to contact the employer; an accurate description of the equipment supplied and installed by the employer; information on insurance of equipment in the event of fire, flood, theft, etc. Remote work in Italy is governed by the Regulations on Teleworking in Public Authorities (Parlamento Italiano, 1998) in accordance with Law No. 191 of 16 June 1998 (Parlamento Italiano, 1998b). The law allows the use of remote work in government agencies. In particular, Article 4 of this Law establishes the norm: "In order to rationalize the organization of work and achieve savings in management through the flexible use of human resources, public authorities may use remote forms of work. To this end, they may install equipment and connect telephone and other data necessary for the employee to perform the work." Employees can be returned to normal work, i.e. the change of remote work to normal work at the request of the employee.



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

---

Thus, the main difficulty in monitoring the extent of remote employment in the global labor market is the lack of uniform international standards for statistical surveillance of this category of workers. The ILO has already recognized this problem and in June 2020 issued a manual on measuring remote employment, which, among other things, eliminated the terminological confusion of types of extracurricular activities (Matli, 2020). First, the categories “remote work”, “telework”, “work at home” and “home-based work” were defined. In the first case, the job functions are performed in whole or in part in a workplace other than the workplace. The second term differs from the first by the mandatory use in the working process the personal electronic devices, such as a computer, tablet or phone. Work tied to the house is considered to be work that is performed in whole or in part at the employee's place of residence, i.e. the house is an actual workplace (for example, farms). Home-based worker are people who normally do their work at home, regardless of whether their own home can be considered the place of work. Thus, homework is a subcategory in the category of work at home.

## 6 CONCLUSION

The article examines the main problematic aspects that arise in the introduction of forms of remote work in Ukraine and the EU, analyzes the main legislative changes to regulate the use of remote work, and so on. It should be noted, that in the period of globalization and the development of information and communication systems, new non-standard forms of employment appear, designed to meet the needs of modern society. One of these new flexible forms of employment is remote work, which has already found legislative support in most countries of the world.

Moreover, in 2020, due to the epidemic and the introduced quarantine restrictions, employers were faced with the need to transfer their staff to the remote work. It should be noted, that today, given the need for distancing caused by the COVID-19 pandemic in the EU Member States and in Ukraine, there is a tendency to expand the regulation of



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

telework. The conducted comparative legal research allows to determine the main directions of improving the legislation regulating distance work and guaranteeing the constitutional right of everyone to freedom of work.

In Ukraine, in particular, it is necessary to improve the rules for regulating the responsibilities of the employer to compensate for the costs of a remote worker, enshrining in law the obligation of the employer to provide the employee with computer equipment, means of communication. If the employee uses his own means of communication, the employer is obliged to reimburse the employee. This rule will avoid the transfer of costs of the employer for the equipment of the workplace to the employee. In addition, the employer's obligation to reimburse the employee for the costs of obtaining an electronic digital signature should be established.

Remote work is gaining relevance. The COVID-19 pandemic played an important role in this. But scientists warn, that it can negatively affect health. That is why further research is needed on employee health and the impact of modern computer technology. The experience of European countries shows that the employer must be responsible for the health of remote workers. Violation of the regime of work and rest has a negative impact on the health of remote workers. The current legislation of Ukraine treats this issue unnecessarily liberally, while the legislation of some countries already enshrines the “right to disconnect” - the possibility of a remote worker not to respond to e-mails, letters during non-working hours. Thus, in the context of an exacerbation of the pandemic, there are still many issues in the field of legal regulation of remote work. The prospect of further research in this direction is to address issues of control over the performance of remote work.

## REFERENCES

Abulibdeh, A. (2020). Can COVID-19 mitigation measures promote telework practices? *Journal of Labor and Society*, 4, 551-576.



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

Arnow-Richman, R. (2020). Is there an individual right to remote work? A private law analysis. *ABA Journal of Labor & Employment Law*, 1, 1-6.

Bernstein, S.D. (2014). *Why work sucks and how to fix it*. New York: Career Planning and Adult Development Network.

Bundesministerium der Justiz und für Verbraucherschutz. (1951). Heimarbeitsgesetz. Retrieved from <https://www.gesetze-im-internet.de/hag/BJNR001910951.html>.

Bundesministerium der Justiz und für Verbraucherschutz. (2004). Verordnung über Arbeitsstätten. Retrieved from [https://www.gesetze-im-internet.de/arbst\\_ttv\\_2004/BJNR217910004.html](https://www.gesetze-im-internet.de/arbst_ttv_2004/BJNR217910004.html)

Cabinet of Ministers of Ukraine. (2020). Resolution No. 211 “On prevention of the spread of acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2 in Ukraine”. Retrieved from <https://zakon.rada.gov.ua/laws/show/211-2020-%D0%BF#Text>

Cohen, G.D. (2020). Measuring employment during COVID-19: Challenges and opportunities. *Business Economics*, 4, 229-239.

Colbert, C.J. (2011). *Telework as part of a business continuity strategy: A path toward organizational resilience*. College Park: University of Maryland University College.

Eurofound & International Labor Organization. (2017). *Working anytime, anywhere: The effects on the world of work*. Luxembourg, Geneva: Publications Office of the European Union and the International Labour Office.

Eurofound. (2020). *Living, working and COVID-19: First findings – April 2020*. Luxembourg: Publications Office of the European Union.

European Trade Union Confederation. (2002). Framework Agreement on Telework. Retrieved from [https://resourcecentre.etuc.org/sites/default/files/2020-09/Telework%202002\\_Framework%20Agreement%20-%20EN.pdf](https://resourcecentre.etuc.org/sites/default/files/2020-09/Telework%202002_Framework%20Agreement%20-%20EN.pdf)

French Parliament. (1966). French Labor Code. Retrieved from <https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006072050/>

Gorbacheva, K., Nezhevelo, V., & Mishchenko, E. (2021) Current problems of legal regulation of remote, homework and flexible employment in employment. *Legal Scientific Electronic Journal*, 3, 160-163.

Hodder, A. (2020). New technology, work and employment in the era of COVID–19: Reflecting on legacies of research. *New Technology, Work and Employment*, 3, 262-275. <https://doi.org/10.1111/ntwe.12173>.

Kiselev, I. (2005). *Comparative labor law: A textbook for universities*. Moscow: Prospect.





## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

Kortukova, T., Dei, M., Blahodarnyi, M., & Kaminska, N. (2020). COVID-19: Regulation of migration processes in the European legal area. *Cuestiones Políticas*, 38(66), 321-332.

Koterlin, I.B, & Shtykh, A.T. (2021). Regulatory regulation of non-standard employment in Ukraine due to the effects of pandemic restrictions. *Actual Problems of Domestic Jurisprudence*, 1, 69-72.

Matli, W. (2020). The changing work landscape as a result of the COVID-19 pandemic: Insights from remote workers' life situations in South Africa. *International Journal of Sociology and Social Policy*, 40(9-10), 1237-1256.

National Labor Council. (2005). Collective Bargaining Agreement No. 85 of 9 November 2005. Retrieved from <https://www.eesc.europa.eu/ceslink/en/documents/collective-agreement-no-85-bis-modifying-collective-agreement-no-85-of-9-november-2005-on-telework>

Parlamento Italiano. (1998a). Regolamento recante disciplina del telelavoro nelle pubbliche amministrazioni, a norma dell'articolo 4, comma 3, delle legge 16 giugno 1998, No. 191. Retrieved from <http://www.interlex.it/testi/dpr9970.htm>

Parlamento Italiano. (1998b). Legge No. 191. "Modifiche ed integrazioni alle leggi 15 marzo 1997, n. 59, e 15 maggio 1997, n. 127, nonche' norme in materia di formazione del personale dipendente e di lavoro a distanza nelle pubbliche amministrazioni. Disposizioni in materia di edilizia scolastica". Retrieved from <http://www.parlamento.it/parlam/leggi/981911.htm>

Rudenko, A., Petyak, O., & Khanetska, N. (2020) Telecommuting in quarantine and self-isolation during the COVID-19 pandemic. *Habitus*, 16, 204-208.

Schur, L.A., Ameri, M., & Kruse, D. (2020). Telework after COVID: A "silver lining" for workers with disabilities? *Journal of Occupational Rehabilitation*, 4, 521-536.

The Federal Assembly of the Swiss Confederation. (1911). Federal Act on the Amendment of the Swiss Civil Code. Part Five: The Code of Obligations. retrieved from [https://www.fedlex.admin.ch/eli/cc/27/317\\_321\\_377/en](https://www.fedlex.admin.ch/eli/cc/27/317_321_377/en)

Tomashevski, K., & Yaroshenko, O. (2020). Problems of labour legislation codification in Belarus and Ukraine: History, current situation and prospects. *Transition Studies Review*, 27(2), 41-50. doi:10.14665/1614-4007-27-2-004

Union of Luxembourg Enterprises. (2006). Collective agreement on the legal framework for telework. Retrieved from <https://www.eurofound.europa.eu/publications/article/2008/telework-in-luxembourg>.



## CURRENT PROBLEMS OF LEGAL REGULATION OF REMOTE WORK IN THE CONTEXT OF THE INTRODUCTION OF RESTRICTIVE MEASURES CAUSED BY THE SPREAD OF

Vartolomei, B. (2020). Considerations regarding work from home and telework. *Proceedings of the International Conference on Business Excellence*, 14(1), 1217-1221.

Verkhovna Rada of Ukraine. (2000). Law of Ukraine No. 29 “On protection of the population from infectious diseases”. Retrieved from <https://zakon.rada.gov.ua/laws/show/1645-14#Text>

Verkhovna Rada of Ukraine. (2020). Law of Ukraine No. 530-IX “On Amendments to Certain Legislative Acts of Ukraine Aimed at Preventing the Occurrence and Spread of Coronavirus Disease (COVID-19)”. Retrieved from <https://zakon.rada.gov.ua/laws/show/530-20#Text>

Verkhovna Rada of Ukraine. (2021). Law of Ukraine No. 20 “On amendments to certain legislative acts of ukraine concerning improvement of legal regulation of telework, homework and work with the use of flexible working hours”. Retrieved from <https://zakon.rada.gov.ua/laws/show/1213-20#Text>

Yaroshenko, O. M., & Tomashevski, K. L. (2021). The impact of COVID-19 on labour and social security relations: Rule-making experience of belarus and ukraine. *Journal of the National Academy of Legal Sciences of Ukraine*, 28(2), 211-221. doi:10.37635/jnalsu.28(2).2021.211-221

Yaroshenko, O.M., Moskalenko, O.V., Velychko, L.Y., & Kovrygin, V.S. (2019). Property civil law liability and material liability of employees for damage caused to an employer: On the basis of civil law of Ukraine. *Asia Life Sciences*, 21(2), 735-748.

Yaroshenko, O.M., Vapnyarchuk, N.M., Burnyagina, Y.M., Kozachok-Trush, N.V., & Mohilevskiy, L.V. (2020). Professional development of employees as the way to innovative country integration. *Journal of Advanced Research in Law and Economics*, 11(2), 683-695. doi:10.14505/jarle.v11.2(48).39

