

INFORMATION AND COMMUNICATION TECHNOLOGIES AND THEIR INFLUENCE ON AN EMPLOYEE'S LIFE

ІНФОРМАЦІЙНІ ТА КОМУНІКАЦІЙНІ ТЕХНОЛОГІЇ ТА ЇХ ВПЛИВ НА ЖИТТЯ ПРАЦІВНИКА

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Technology and human resources are the factors which influence the success of an enterprise, its efficiency and effectiveness. Today's technologies hand in hand with a developed communications network enable working almost anywhere. Employers often ignore the end of working hours and try to connect with their employees after working hours either by telephone or email to minimize postponing a solution of work matters. Employers do not realize or do not admit a negative interference with employee's personal life which can in the end impact his/her work performance.

Key words: information technologies, communication technologies, teleworking, overtime, readiness to work.

Технологія та людські ресурси є факторами, які впливають на успіх підприємства, його ефективність. Сьогоднішні технології, пов'язані з розвинутою комунікаційною мережею, дозволяють працювати практично в будь-якому місці. Роботодавці часто ігнорують закінчення робочого часу та намагаються зв'язатися зі своїми працівниками після закінчення робочого дня або по телефону, або по електронній пошті, щоб мінімізувати відкладення рішення робочих питань. Роботодавці не усвідомлюють або не визнають негативного втручання в особисте життя працівника, що може кінець-кінцем впливати на його роботу.

Ключові слова: інформаційні технології, комунікаційні технології, телеробітні роботи, понаднормово, готовність до роботи.

Технологии и человеческие ресурсы – это факторы, которые влияют на успех предприятия, его эффективность. Современные технологии рука об руку с развитой коммуникационной сетью позволяют работать практически в любом месте. Работодатели часто игнорируют конец рабочего дня и пытаются связаться со своими сотрудниками после рабочего дня либо по телефону, либо по электронной почте, чтобы свести к минимуму отсрочку решения вопросов работы. Работодатели не осознают или не допускают негативного вмешательства в личную жизнь сотрудника, что в конечном итоге может повлиять на его работу.

Ключевые слова: информационные технологии, коммуникационные технологии, дистанционная работа, сверхурочные, готовность к работе.

Introduction. Regardless one's profession, it is generally expected nowadays that a person has access to a computer, printer, telephone and especially electronic communication through the internet as well as access to company network (data, information, further resources but also planners, email and the like).

Information and communication technologies are moving the world and their development is continuous. The development of technologies gradually dissolved time and distance boundaries through networks able to transmit information, basic services accompanying utilization of networks such as electronic mail, internet and new opportunities (e.g. distance studies, teleworking). Advancement in modern communication technologies is inevitable and influences on the one hand the personal lives of individuals and their behaviour and on the other hand the way work is performed.

The contribution of information and communication technologies is well visible not only in the field of economy (trade, services) but also in the area of employment, since informatisation of society has brought implementation of newer forms of work – such as teleworking. Even though specifics of telework have been researched for several decades [4], the terminology for working at home and other

similar forms of telework is not unified. To describe different flexible forms of employment, where work is done outside the main workplace, English scientific and popular literature uses expression like teleworking, telecommuting, e-commuting, e-work, flexible working, homeworking, distributed work, remote working, mobile working or virtual workplace [3]. The first two expressions are used most commonly which are often used as synonyms, however the expression telecommuting is more common in the USA than teleworking. Supranational organizations which let their employees work from home during part of their work week, often use the term home office. In Slovakia in legislation as well as publications regarding this theme, the terms home working and teleworking are used.

Since nowadays it is expected regardless of one's profession that an individual has a computer, telephone, and especially access to company network (data, information, email and the like – S.T.) and that he / she has the possibility to communicate electronically through the internet, employers often misuse the possibility of work contact with an employee outside working hours. They often do not accept the set working hours and try to contact their employee via telephone or email in order to solve work matters the earliest possible. Thus employers negatively interfere with employee's personal life which can in the end impact his / her work performance.

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1. Performing work using state-of-the-art communication technologies.

State-of-the-art communication technologies nowadays enable effective communication and that is why an employer does not have to always strictly require that an employee is present in workplace. It is advisable to use distance form of work (homework, telework), which is a convenient way of harmonizing family and work life. Teleworking develops dynamically and it is considered a modern kind of employment.

The possibility to work at home or telework has its advantages and the said form of employment is effective for both the employee and the employer even though it brings certain difficulties (e.g. being isolated, control of employee). "There are several reasons why employees and employers seek such a form of employment more often:

- *time flexibility*, when employees can much better join their professional and private life; it is of course expected that such employees also respect deadlines set by the employer and specifics of the performed work,

- *saving time*, because they do not have to commute every day, which can sometimes save the employee several hours a day,

- *lower costs for the employee saved on travel*, but also for the employer for office rent and other overheads (e.g. one American software company allegedly saves annually about 277 million dollars because it employs employees for teleworking),

- *satisfaction and greater productivity of employees*, because employees perceive the possibility to work from home as a great advantage and certain benefit from the employer and at the same time it minimizes being bothered by colleagues" [7].

Teleworking is successfully more often used in further professions. Even though more and more companies use teleworking every year, the legislation is quite general and brief. From § 52 of the Law No. 311/2001 Col. Labour Code in later directives follows that the same rules apply to employees working from home as to other employees. As well as "regular" employees also teleworking employees have the right to receive the same wage, board, carrier growth, access to training, holiday, benefits and other. Unlike regular employees, teleworking employees can distribute their working hours differently. Setting the working hours is not arbitrary because such employees still have to meet deadlines. The possibility to distribute working hours in a flexible way eliminates the claims for wage compensation and bonuses for overtime and work during national holidays. It is also claimless to ask for monetary compensation for working at night and more difficult work conditions, if the employee and employer do not reach a different agreement. It is totally eliminated in the Labour Code to offer monetary compensation to a teleworking employee for important personal work hindrances, apart from the death of a family member.

The particularity of teleworking lies in the usage of information technologies. With regard to this the employer is obliged to ensure, install and regularly maintain technical and program amenities of such work form. However, the employee can also use own technical and program amenities while teleworking. Following from the European

Framework Agreement on Teleworking the employer is obliged to secure the protection of data (especially when a software is in question) which the employee uses and while he processes professional data. At the same time the employer is obliged to inform the employee on all limitations of the usage of technical and program amenities (e.g. the internet), as well as sanctions for breaking the restrictions by the employee.

A more specific legal regulation of teleworking could eliminate several problems of its practical application. Such examples include e.g. forms of teleworking (permanent, part-time, mobile, but not occasional), teleworking from abroad, divided teleworking (the place of performance changes), employee control while performing work, security and protection of employee health while working at home. We maintain that these issues require a more elaborate legal regulation. A teleworking employee can perform work tasks in the same quality at home. Personal qualities required for teleworking include independence of the employee in completing tasks, strong self-discipline, self-motivating abilities and responsible attitude to work. "Apart from personal qualities a teleworker must dispose of skills for working with information and communication technologies on an advanced level". [6]

Performing work from home can be beneficial for certain categories of disadvantaged employees. "Telework is a great way to work for mothers on maternity leave or parental leave, who are thus able to adjust care for their child with performing work tasks. It is also suitable for physically challenged, ill or older people with mobility problems". [9]

2. Working above working hours

An employee is bound by the employment contract to perform work in specified working hours. When his working hours end, he can enjoy his leisure time. In real life, however, it often happens that the employer requires that his employee works above regular working hours. That includes working in a place agreed upon in the employment contract as well as also working from e.g. home even though this has not been agreed upon in the employment contract. Nowadays when modern communication technologies are used, besides phone communication, mainly email communication between employee and employer takes place. In connection to this practice a question needs to be raised if such practise is also considered working overtime.

"Legal regulation of overtime belongs among such institutes that are to secure higher flexibility for the employer when arranging the working hours of an employee. On the other hand, overtime often incidentally and on the employer's command and sometimes with enforced agreement of an employee interferes with the time set aside for recuperation and rest of an employee. It is advisable to seek optimal balance between these interests with the aim to keep the flexibility on the one hand and protection on the other". [11]

If we follow from § 97 of Labour Code, overtime is such work which is performed by an employee "on order of the employer or with his consent above the set weekly working hours given by the specified allocation of working hours in advance and work performed by the employee outside the framework of given work shifts". The employer can command or agree with the employee upon overtime

only in cases of temporary and urgent necessity of work or if public interest is in question, namely even for the time of rest between two shifts or national holidays on conditions set by § 94 article 2 to 4 of Labour Code.

An employee receives a financial compensation for working overtime. According to § 121 of Labour Code an employee working overtime deserves a wage or a financial compensation of at least 25% of his average wage. As an alternative for working overtime the employer can mutually agree with the employee upon lieu days. The wording of the Labour Code suggests that the employer cannot one-sidedly set the lieu days and on the other hand they cannot be one-sidedly demanded by the employee. The employee can be fully compensated for working overtime by time off in the same length of time as his work overtime in the time mutually agreed upon with his employer. If the employer and employee do not agree upon time off in lieu for overtime, the employer is obliged to offer the employee time off in lieu within four months following after the month when working overtime took place. “The sanction for not keeping the set deadline for offering time off in lieu is the recurring right of the employee to be paid for overtime”. [11] It can be drawn from the above that working overtime is financially compensated, however if lieu time is offered for working overtime, in such case the employee does not deserve a monetary compensation for overtime.

Since email communication with the employer takes place outside working hours and it means working extra time, it can be considered as overtime. However, in reality such a situation often leads to unpaid overtime and the employer does not offer time off in lieu.

The employer has other legal possibilities for the event of the necessity to have employee at disposal for work above regular working hours. When the employer needs his employee for dealing with work issues after working hours, he can command or agree with him upon on-call duty. An employee on stand-by duty outside regular workplace is financially reimbursed according to § 96 section 5 of Labour Code, according to which for each hour of inactive on-call duty outside workplace the employee receives a compensation of 20% of minimum wage in Euro for an hour (minimum wage per hour in 2017 equals to 2.50 euro – S.T.). The volume of on-call duty per week is set by the law up to eight hours a week and a maximum of 100 hours per a calendar year if commanded by the employer. It is only possible to agree with the employee upon the stated volume of on-call duty. If the employee will be required to actively work during on-call duty, this is considered working above regular working hours according to § 97 and 121 of Labour Code.

Reality shows that neither command nor agreement upon stand-by duty is used by employers even though the employee is ready to be at disposal for the employer. In certain cases the on-call duty of an employee is 24/7, which does not even comply with valid legislation.

3. Work and its interference into employee's family life

Nowadays lifestyle is changing. The modern internet era is changing the lives of individuals in a positive as well as negative way. There is a growing number of people working above their working hours because they answer work emails even during their personal leisure time. Reply-

ing to work emails during evening hours or during the weekend means blurred boundaries of employee's working and leisure time.

Recently the market research company The Radicati Group has researched how many business emails a person will send and receive per one day. According to the report on email statistics, the average worker sent and received 123 emails a day in 2016 (90 emails were received, 33 emails were sent. That number is expected to grow to 126 by the year 2020 – S.T.). [2]

Employees physically leave their office but they do not leave work. Specialists draw our attention to this situation more and more because this way employees are jeopardised by stress, depression, insomnia, exhaustion or even burnout. Even more importantly, the quality of family life is being lowered, problems between partners appear. An employee working in his leisure time, checking work emails outside working hours may not realize it but he continually deals with work matters, is loaded with work and is under pressure.

A study dealing with the influence of checking work emails in leisure time has been conducted in the USA and its results will be presented at the 77th annual meeting of Management Academy August 4–8 2017 in Atlanta. The authors of the study called “Exhausted but Unable to Disconnect” are Liuba Belkin from Lehigh University, William Becker from Virginia Tech and Samantha A. Conroy from Colorado State University. The study suggests that when checking business emails during leisure time such a level of stress arises which is comparable to stress which arises e.g. during a conflict in workplace or when a person is under high workload or under time pressure. According to the study, the problem does not lie in working above working hours but in being alert and fully concentrated on work activities. The results of the study provide insights into what managers can do to mitigate employee chronic stress and emotional exhaustion caused by organizational expectations related to email. The authors call on managers “to enforce organizational practices that will help to mitigate these negative effects and protect their employees in the long run. For instance, if completely banning email after-hours is not an option <...> they may want to establish formal policies and rules on availability for after-work hours, such as weekly “email-free days” or specific rotating schedules that will allow employees to manage their work and family time more efficiently. <...> Such policies may not only reduce employee pressure to reply to emails after hours and relieve the exhaustion from stress but will also serve as a signal of organizational caring and support.” [1]

Becker, associate professor of Management at the Pamplin College of Business at Virginia Tech, points out that some companies appear to have already figured this out. He credits Boston Consulting Group for guaranteeing one email-free evening a week, and cites Northeast Topping, a small health-care consulting firm in Philadelphia, for prohibiting correspondence after 10 p.m. and on weekends; Huffington Post has a similar policy.

Conroy reinforces that not only can organizations help improve employee well-being, but individual managers can make a difference too. “Organizations and even individual managers can have some influence on how exhausted their

employees are by something as small as communicating the expectations of answering emails and shifting the way after-hours work is handled," she said.

Some companies care about the division of work and leisure time on their own initiative. For example the German automobile company Volkswagen does not send work emails between 6 pm and 7 am the following day since 2011. In September 2016 the mobile operator Orange accepted an internal commitment that their employees will not be sent work e-mails in impertinent times. [10]

The French Republic as the first one reacted to the problematics of answering work emails in employee's leisure time in a more radical way – by legal regulation. A law was passed which amends the French Labour Code with the Article L2242-8. According to the new regulation it is required that companies with more than 50 employees assign off-line hours starting January 2017, when employees do not have to react to work emails after their hours. This rule aims at promoting conversation in workplace and agreement towards a more sustainable e-mail policy. The government wanted to prevent the burnout syndrome this way based on the fact that 12% of all workforce in the country is directly jeopardized by the burnout syndrome from overwork. The new regulation is to solve such situations which often used to lead to unpaid overtime.

The concrete hours during which employees do not have to be online are specified by a special document "code of ethical handling with employees". During these hours employees will not have to send or reply to work emails. Such a document has to be prepared by each company in France employing fifty and more people. [8]

The impact of implementing the off-line hours is the fact that employers will not have the right to penalize employees who will refuse to react to work emails above the working hours.

Conclusion. Some companies react to the problem of the mental burden of employees connected to dealing with work issues in leisure time by implementing internal rules since they realize the threat of health problems for employees. It is questionable if a system solution like offline hours is sufficient or if the solution comes with a legal regulation. Assumingly it is necessary to perceive the French legislation positively because it aims at protection of employees and prevention of the burnout syndrome. A legal regulation is important for the delimitation of the relationship of employees to work after hours, as well as the relationship of the employer and employee to the issues of accountability arising from (un)solved work emails. One of the positive impacts of the law is promoting communication among people working together about what their expectations are.

In connection to allocating the off-line hours we can only assume what the reality will be. A company will set strict requirements for employees in their leisure time, or will set the offline hours but in case such a rule is broken there is no sanction for the company. At the same time we are concerned that an employer will look differently at such employees who will not use their right compared to those who will prefer using their leisure time to deal with work emails. We assume that in spite of the legal regulation the current state will not be eliminated because employees are often assessed based on their commitment to their companies and their availability.

In conclusion it can be stated that employees appreciate flexibility at work. Some employees prefer to be available to the employer by email or telephone as the cost for being able to leave work earlier. In our electronic world employees can sparingly say in many posts: "I am finished today". Many employees voluntarily or less voluntarily deal with work issues after their working hours.

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