

Regulating for Globalization

Trade, Labor and EU Law Perspectives

An unprecedented social solidarity stress test

David Mangan (Maynooth University (Ireland)), Elena Gramano (Bocconi University, Italy), and Miriam Kullmann (Radboud University (The Netherlands)) · Tuesday, July 14th, 2020



Covid-19: Long-term vs short-term

Assessing the effect of the coronavirus pandemic of 2020 on work and employment will be a long-term endeavour. While much of the emphasis has been on when and how economies may safely reopen, we draw attention to the undervalued workplace considerations therein.

We have produced an early assessment of measures taken regarding Covid-19 and Work. Our aim has been to further discussions on the pandemic and work as an item of great importance to everyone.

Assessing the situation

On 11 March 2020, World Health Organization (WHO) Director-General Dr. Tedros Adhanom Ghebreyesus declared Covid-19 had reached the level of a pandemic. The announcement date marks a convenient point for canvassing and then analysing governments' actions regarding employment. Since that time, there has been a preoccupation with discussions surrounding recession, depression, and other downward economic measurements. Given the amount of money that has been spent in order to maintain a sizeable number of workers while businesses have largely been temporarily closed due to the pandemic, the possibility of austerity measures or tax increases within Member States looms. The International Labour Organization (ILO) estimated around 18 March 2020 that 25 million jobs would be lost due to Covid-19. The International Monetary Fund (IMF) predicted, in April 2020, the global economy would contract by about 3%, with the growth figure amongst advanced economies (such as France, Germany, Italy, the UK and the US) being about -6.1%. In May 2020, the European Commission estimated a contraction of about 8% in EU GDP, with a 'rebound' of 6% in 2021. It also forecast the euro area rate of unemployment as approximately 9.5%.

A missing step

Without getting ahead of the immediate health crisis of Covid-19, this pandemic challenges the status quo regarding employment and the economy in the coming years. Still, the longer-term effects of the pandemic of 2020 lie further ahead than the more immediate planning for a return to work; which is a fluid situation until (if) a vaccine is found and widely available. To further illustrate the point, consider the IMF statement in April 2020 as an orthodox response to the pandemic: 'This crisis will need to be dealt with in two phases: a phase of containment and stabilization followed by the recovery phase.'

A step is missing. The preoccupation with thinking about a time when Covid-19 has passed has meant that we are in danger of overlooking matters of more immediate urgency. We suggest a focus on more immediate planning for a return to work where many uncertainties remain and plans will need to be modified. An important bridge between containment and recovery is currently underdeveloped. It centres on how countries deal with the work(place) implications. Whether it is the ill-advised grand re-opening or a staggered effort to gradually restart workplaces, dealing with the virus at the workplace level must be one essential pillar in any overarching response. It may additionally prompt a reconsideration of the organisation of the workplace and its regulation at the national and European levels.

The workplace requires health and safety considerations which are inextricably linked to the economy. If insufficient steps are taken to limit the virus' spread as individuals return to their workplaces, businesses may again be profoundly impacted and the economic implications extended; with even more far-reaching consequences than anticipated in relation to the lockdown initiated in and around March 2020. Equally essential, the role of work in the economy and the purpose of work when the very health of the population is at stake might need to be reconsidered or at least made an object for further reflection.

Assessing what has been done

Our study offers an overview of measures taken regarding businesses and their workers; calling upon the select country reports from our colleagues. Those pieces summarise the initiatives of

Belgium, France, Germany, Ireland, Italy, Luxembourg, Spain, The Netherlands and additionally the United Kingdom. These contributions also offer brief analyses regarding support programs. Drawing from those submissions, country examples are contrasted and a critical overview of these efforts is offered. The ensuing sections aim to highlight some points for further attention related to what is viewed as a gradual or staggered return to work, as compared to the circumstances faced prior to the pandemic. A concerted effort has been made to factor into the discussion the legitimate concerns of both employees and employers.

Covid-19 and the workplace: a work-in-progress

We have canvassed the initial responses of Member States to the pandemic for the purpose of setting out similarities and distinctions, but also and mostly to foreground an analysis of problems related to work. Important points for continued monitoring are also identified and an overview of some of the employment law considerations in re-opening workplaces are critically assessed. In the light of that, teleworking garners particular attention due to its prominent role during the lockdown and its possible growing place in labour law in the near future.

The final goal of this assessment is to demonstrate that the crisis opened up some regulatory vacuums with reference to teleworking; while making it essential for many workers without clear (normative) frameworks of at least some basic rights, such as: the right to disconnect, an adaptation of the working time directive, the right of employers to give directions and instructions which may have shifted where teleworking has been introduced. In sum, working from home carries its own challenges for employment protections.

To make sure you do not miss out on regular updates from the Kluwer Regulating for Globalization Blog, please subscribe [here](#).

This entry was posted on Tuesday, July 14th, 2020 at 8:00 am and is filed under [Covid-19](#), [EU](#), [Labor Law](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.