

Slideset

CrossBorder Mobility in the Alpine Region

Influence of remote work on cross-border passenger flow

November 28th, 2019

Photo: <https://stressbehandlung.info/weniger-stress-dank-home-office/>

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Introduction

Additional study within the project «Cross Border mobility in the Alpine Region»

Title:

«Influence of remote work on cross-border passenger flow»

Project Duration:

October 2019 - December 2019

Project steps

WP 1

Task 1: Advantages and disadvantages of remote work for employers

Task 2: Impacts of remote work on reduction of commuter flows

WP 2

Task 1: list of obstacles of remote work seen from the employee's perspective

Task 2: measures to overcome obstacles and increase the acceptance of remote work

WP 3

Task 1: synopsis of the labour law regulations restricting telework by cross-border commuters

13.11.2019

M1: Preliminary results as PPT

25.11.2019

M2: Final results as PPT

2.12.2019

M3: First draft of final report

9.12.2019

M4: Final report

The A-S-I approach



AVOID

reduce need for
travelling

telework

coworking
spaces
remote work



SHIFT

modal shift to
non-motorised
transport or
public transport

railway

public
transport

walking

cycling

new mobility



IMPROVE

vehicle + fuel
efficiency,
optimisation and
innovation of
transport
infrastructure



FOCUS OF THE PROJECT



CIPRA
LIVING IN
THE ALPS

Source: adapted from Interreg
Europe (2019)

Different definitions of remote work

FLEXIBLE WORK ARRANGEMENT¹

Work conducted outside of the traditional temporal and/or spatial work day boundary.

TELEWORK / HOME OFFICE¹

Work carried out by means of telecommunication and, in principle, regularly and remotely, which may also be carried out on the premises of the company, in distinction to traditional homework and mobile work.

MOBILE WORK¹

Location-independent working without fixed workplace. Mobile teleworking is particularly suitable for everyone who's work is laptop based.

We understand **remote work** as a flexible working style that allows employees to **work outside** of a traditional company workspace, e.g. working from home or in a Coworking Space.



Overview – remote work in Switzerland (I)



25%

OCCASIONALLY¹

Almost every fourth person does remote work occasionally.



3%

MORE THAN HALF¹

3% of the employees work more than 50% of their working time from home.



13%

REGULARY¹

More than one out of 10 employees regularly work from home.



45%

NOT ABLE²

Almost the half of all employees are not able to work remotely or on a mobile basis.



4x

INCREASE¹

Since 2001 the amount of employees working at least occasionally remotely has increased more than four times.



R²

DEGREE OF EDUCATION¹

The proportion of remote workers correlates very strongly with the educational level of the working population.



50%

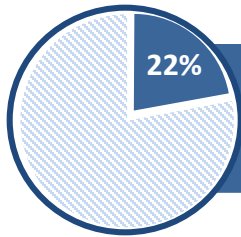
CAPABILITY AND SECTORS³

Up to 50% of employees in Switzerland could make their work more flexible – this applies in particular to the tertiary sector (service). The primary and secondary sectors are less suitable for regular remote work.

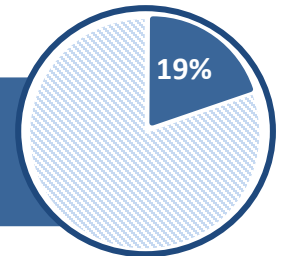
Overview – remote work in Switzerland (II)



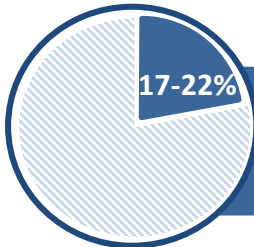
EMPLOYERS



MORE THAN ONE FIFTH OF COMPANIES IN SWITZERLAND OFFER REMOTE WORK



ALMOST EACH FIFTH EMPLOYEE IS USING REMOTE WORK IN COMPANIES OFFERING REMOTE WORK



ABOUT ONE DAY PER WEEK IS WORKED REMOTELY (OF EMPLOYEES WHO WORK REMOTELY)

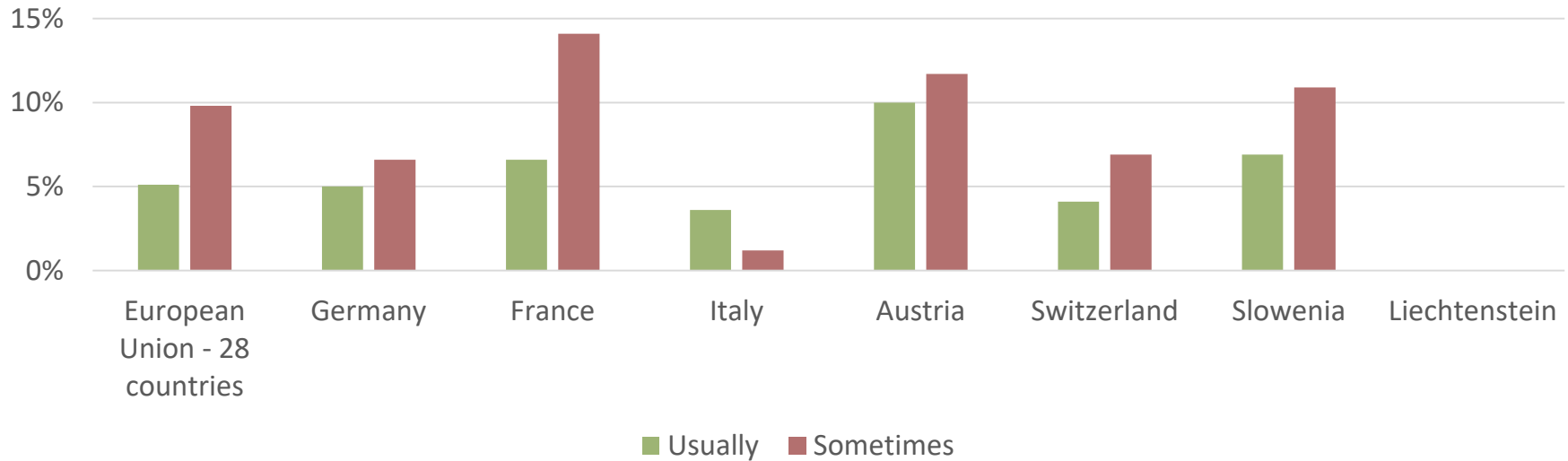
INTERNATIONAL COMPANIES TEND TO PRACTICE REMOTE WORK MORE OFTEN



Overview – remote work in Europe



Employees working from home as percentage of the total work force in 2018 (%)



USUALLY

The percentage of employees aged 15 to 64 in the European Union (EU) who usually work from home accounts for 5% in 2018.

SOMETIMES

The percentage of employed persons aged 15 to 64 in the European Union (EU) who at least sometimes work from home accounts for 10% in 2016.

WP 1: advantages and disadvantages of remote work from employers' perspectives and potential contribution to reducing commuter flows

Remote work from employers' perspectives (I)



EMPLOYERS

Advantages

Disadvantages or potential threats

Increase in recruitment potential due to larger radius incl. rural areas and possibilities for employees with childcare responsibilities



Lack of access to local premises, no possibility to use tools and machinery or to inspect documents



Stronger commitment through consideration of the needs and **increase of mutual trust; thus reduced absenteeism**



Loss of qualitative aspect of the **presence on site**. Compensation through (new) means of communication required



Increase in productivity and motivation (adjustment of working time to own performance curve)



Potential decrease in productivity due to lack of control by superiors. This requires a change in management style (management by objectives)



Greater flexibility (in terms of time and space)



Reorganization of leadership style required (e.g. no spontaneous meetings)



Remote work from employers' perspectives (II)

Advantages

Image enhancement, because the company presents itself as modern and promising



Cost savings, for example due to office space, better utilization of central resources, building maintenance and cleaning costs and energy costs



Increasing mobility of the company because less location-bound office culture facilitates more outside appointments



Personal customer contact abroad without travel expenses or establishment of foreign branch office



Disadvantages or potential threats

External control via telecommunication devices technically possible, thus **danger of surveillance**



Initial costs for the set-up and management of remote work (e.g. Smart-phones, Laptops, Interfaces etc.)



Loss of identification with the company



Data protection/data security issues (both internal and statutory)



Remote work from employers' perspectives (III)



EMPLOYERS

Advantages

Generally there are **no specific or intended restrictions** on cross-border remote workers



Disadvantages or potential threats

Danger to the health of the employees due to excessive working hours and/or excessive demands on the employees with the work form



Unclear insurance conditions in the cases of accident and illness



Risk of **less investment in public infrastructure** due to remote work support

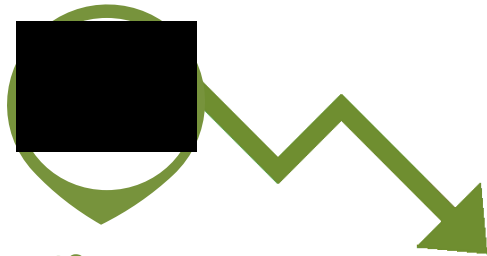


Various restrictions on the labour law and taxation side (intransparency of the status of collective and legal labour regulations or double taxation agreements)*



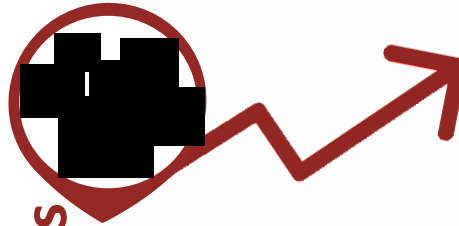
* For more details see WP3

Potential of remote work on reduction of commuter flows



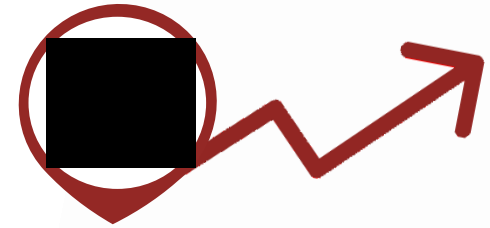
short-term impacts

commuter flows,
thereby energy
savings and
reduction of
environmental
pollution



compensation impacts

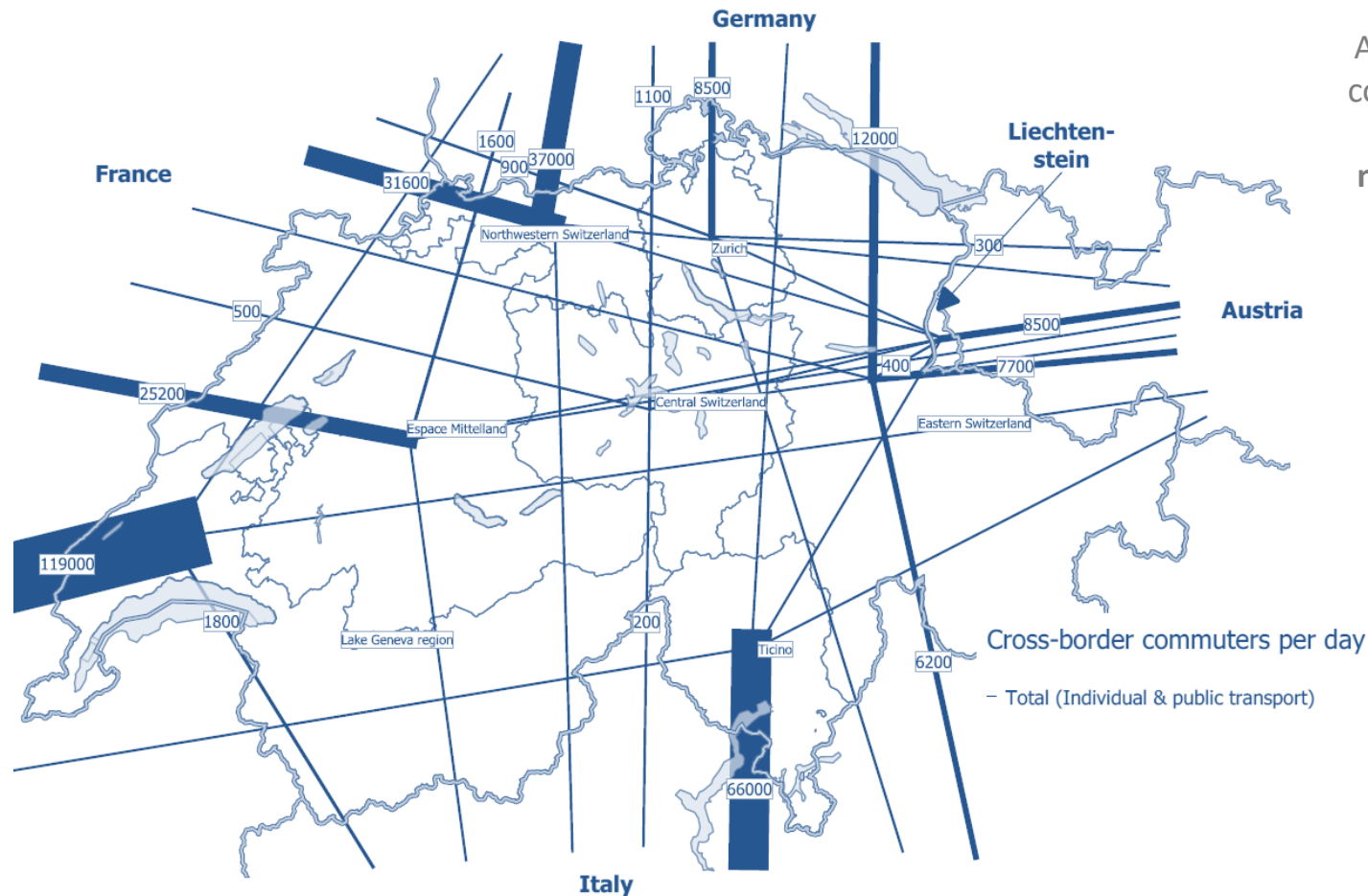
Increase in
individual mobility



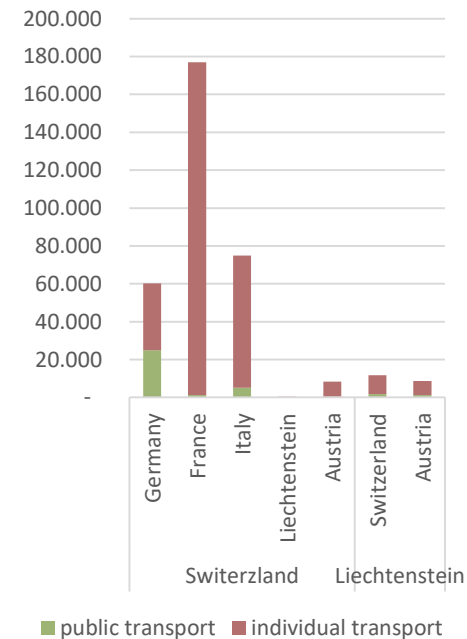
long-term impacts

Enables
distances between
home and work,
employees live
further away from
the workplace,
mobility increases

Commuter flows in the alpine region per day



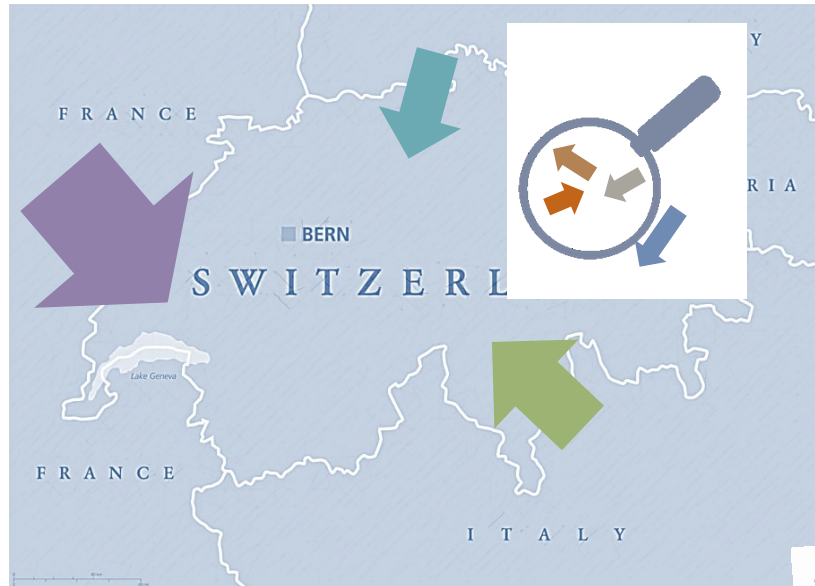
Around 80% of all cross-border commuters are concentrated in
**Lake Geneva region,
northwestern Switzerland and
Ticino**



Own evaluation based on:
BFS - Grenzgängerstatistik (2019)
BFS - A+GQPV (2017)
Liechtenstein in Zahlen (2018)

Decrease in commuter flows per year

If about 1/8 of all current cross-border commuters worked remotely 20 % of their working hours, cross-border commuting could be reduced:



TO SWITZER-
LAND
from
FRANCE

1.3 Mio. car
journeys p.a.
(about 47 Mio.
car km)*

GERMANY
26
jou
(ab
car

from
ITALY
520.000 car
journeys p.a.
(about 19 Mio.
car km)*

RIA
60.000 car
journeys
p.a. (about
2 Mio. Car km)*

STEIN
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TO LIECHTEN-
STEIN

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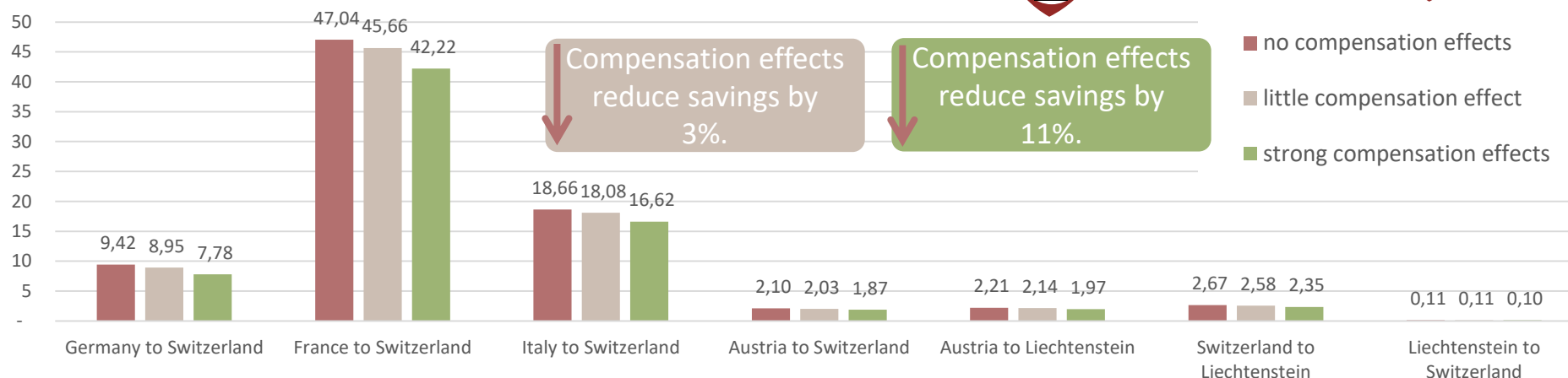
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*Acumptions:

- An average of 1.5 persons per cross-border vehicle (commuting)
- Percentage of persons who regularly work remotely in Switzerland: 13%
- Share of remote work in total working time of persons operating remote work: 20%.
- Working days per year: 212
- Ø commuter distance per way: 36km

Increase of individual mobility and long-term impacts

Savings in passenger kilometres in motorised private transport p.a. (in Mio.)



Long-term effects:

- greater use of remote work and thus relief of roads and public transport
- Preventing additional investment in transport infrastructure
- Compensatory effects: increased mobility in the village (each person makes 3.4 trips per day, which has hardly changed since the 1990s)
- Longer commuting distances in the future due to flexible working hours and concentration of jobs in metropolitan areas

*Assumptions:

- *Little compensation effects:*
Assumption that every second employee travels an additional 4 km per day
- *Strong compensation effects:*
Assumption that every second employee travels an additional 14 km per day
- Percentage of motorised private transport: 70%.

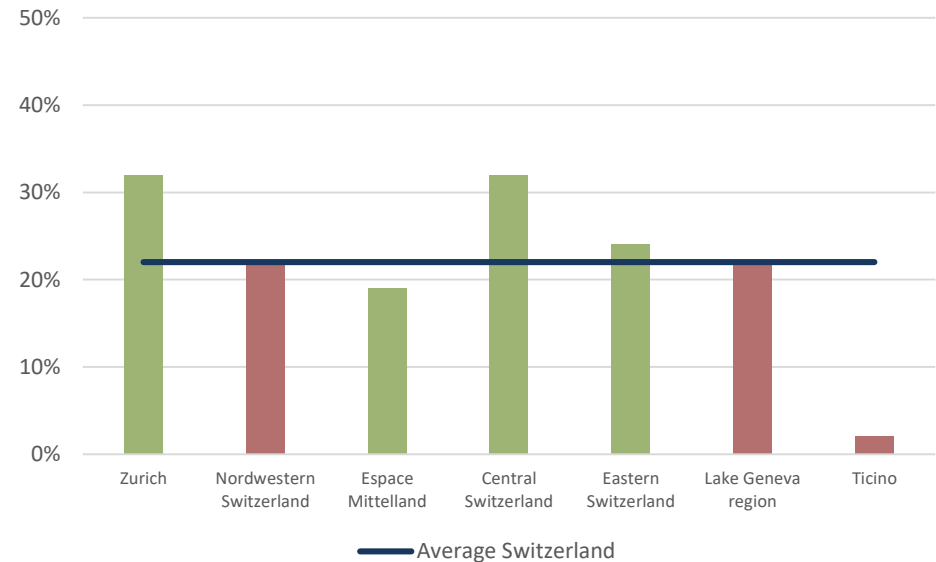
Own evaluation based on:
previous calculations
Bundesamts für Energie (2014)
Bundesamt für Statistik (2017)

Companies offering remote work by region and size



The **border regions** seem to have particularly **few companies** that **offer remote work** (Ticino in particular, where more than 20% of the work force are cross-border commuters)²

Regional distribution of companies offering remote work in Switzerland in 2014 (n=1884)¹



Share of companies offering remote work in Switzerland in 2014 (n=1.895)¹

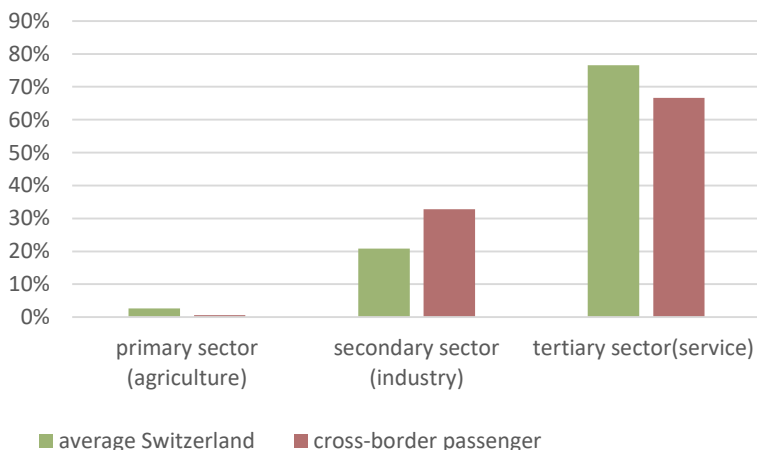


The **bigger a company**, the **higher the willingness to offer remote work**¹



Differences by economic sector

Employees by economic sector in Switzerland in 2019¹



Of all employees in Switzerland, **6 % are cross-border commuters**. Of all employed in the secondary sector, every tenth is a cross-border commuter; in the tertiary sector, every twentieth (5%); in the primary sector, it is 1.5 percent.

Remote work is most often offered by companies in the service sector and, above all, offered by larger companies. cross-border passengers predominantly work in the secondary sector.

remote work offer by economic sector and company size in Switzerland in 2014 (n=1895)²



WP 2: advantages and disadvantages of remote work from employees' perspectives and measures to overcome obstacles



Remote work (*) from employees' perspectives (I)

Advantages

Higher work performances due to greater commitment to the organization, more concentration and long working hours



Better balance of professional, family and social life by reducing commuting time, adapting working hours to personal needs, and having autonomy to determine pace of work. **This is especially valued by female employees.**



Higher job satisfaction due to better work-life balance



Disadvantages or potential threats

Social and professional isolation due to lack of access to informal information sharing at offices and of emotional supports from colleagues



Longer and more intensive working time, partly due to carrying out small domestic errands between work activities and because of pressure to justify work activity



Difficult to separate work and personal life; “work-home interference” or “home-work interference”

















(*) without coworking spaces / differences between sectors unexplored

Remote work (*) from employees' perspectives (II)



EMPLOYEES

Advantages	Disadvantages or potential threats
<p>Diminishing levels of stress thanks to reduced commuting</p>  	<p>Makes team work more difficult</p>  
<p>Work opportunities for people with physical disabilities (applicable only for home office)</p>  	<p>Ergonomics not guaranteed</p>  
<p>Opportunities for women with babies to stay in labour market</p>  	<p>Additional expenses for home office equipment</p>  
	 

(*) without coworking spaces / differences between sectors unexplored

Measures to overcome obstacles

Measure 1:

Provide employees with opportunities to work at
coworking spaces

- Small and medium-sized companies can sign a B2B contract with a coworking space for employees
- Big companies can create own coworking spaces

Coworking spaces (I)

World > Europe > Switzerland > Winterthur > WORKERIA
12166 > 3431 > 124 > 3 > 1



Coworking space is:

(Source: Spinuzzi, 2012)

- A shared workspace 'on demand'
- Inclusive
- A "Third place" - neither the home or the workplace

Coworking spaces (II)

<https://www.coworker.com>

<https://www.coworking.ch>

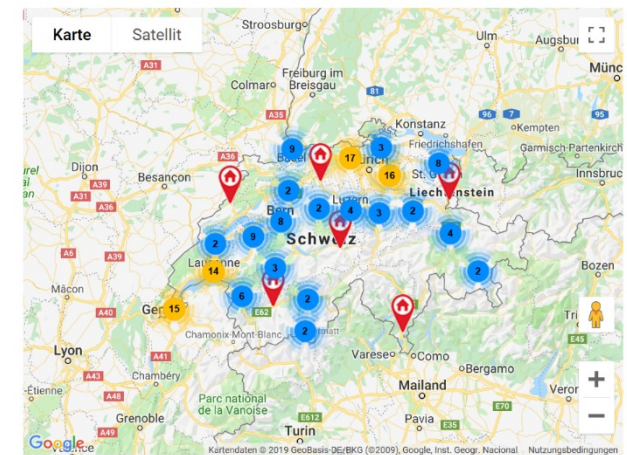
World 12154 > Europe 3426 > Switzerland 124 > Visp 1 > Buro Visp 1

Coworking Map: Spaces Around The World



MANIFESTO
MAP
NEWS
COWORKING ANYWHERE
EVENTS
SWISS COWORKING FORUM
FAQ
JOIN
ABOUT

Coworking Switzerland Map



Coworking spaces from employees' perspectives (I)



EMPLOYEES

Advantages	Disadvantages or potential threats
Opportunities for networking and knowledge exchange with like-minded people	May involve unwanted socialization
Higher productivity due to working in an inspiring environment (nice design spaces and a creative community)	Lack of privacy
Increases in income thanks to higher productivity and bigger professional network	Noise
Support work-life balance	
Reduce social isolation by developing a sense of belonging to a coworking space community	

Coworking spaces from employees' perspectives (II)



EMPLOYEES

Advantages

Disadvantages or potential threats

Buffering social and psychological needs of digital workers and of working from home

Low cost (for self-employed, entrepreneurs, freelancers)

Easily accessible because of good location, flexible working hours and flexible renting contract

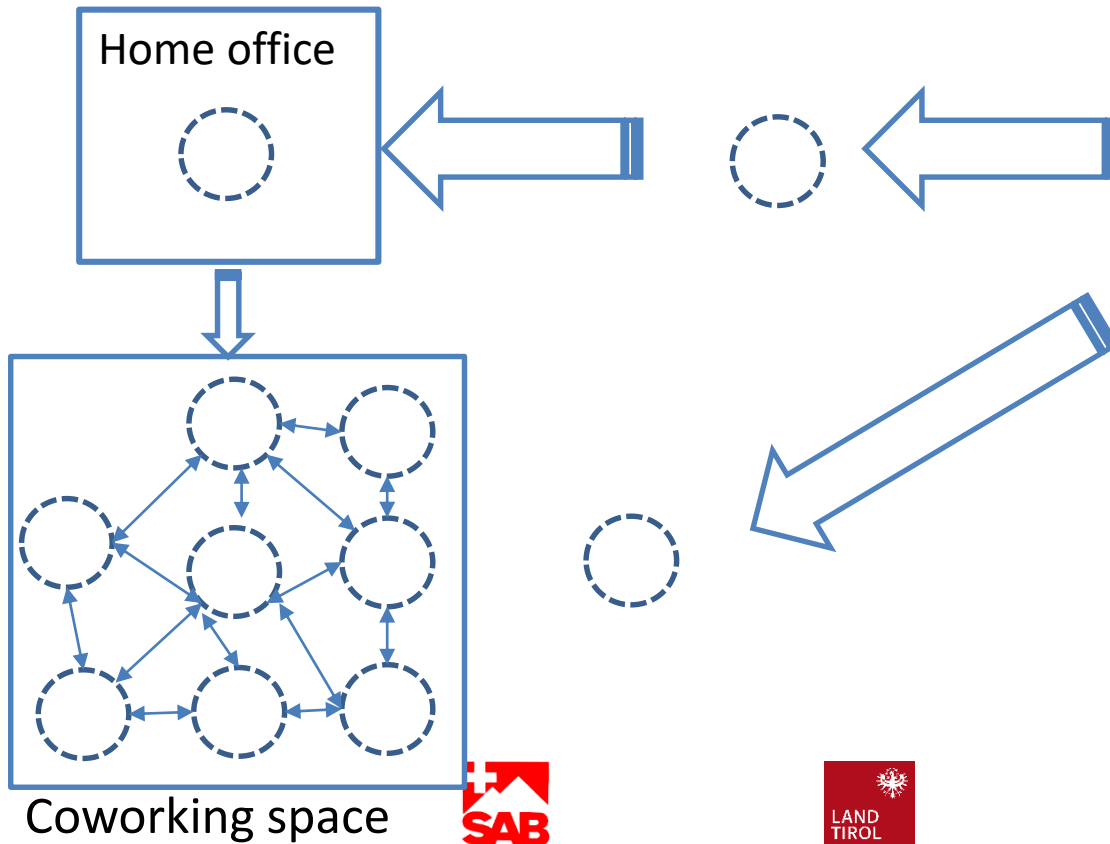
Flexible working hours

Push and pull factors

Factors pulling
employees into
alternative
workplace

Remote work

Office & colleagues



Factors pushing
employees out of
office

Source: adapted from Bailey & Kurland (2002)

Measures to overcome obstacles (I)

Measure 2:

Promote firm's culture of trust, low hierarchy governance and indirect controls

- Align firm strategies with HRM strategy and practices as well as organizational performance
- Adopt more indirect task control mechanisms to manage employees' behaviour and commitment

Measures to overcome obstacles (II)

Measure 3:

Clear regulation/schemes on remote work and code of conduct for all employees

- Working time issues: clarification on minimum attendance times, availability times, breaks and rest periods, work at night or on weekends
- Communication and information exchange channels
- Costs of remote work: who pays for what?
- Data protection and security
- Health protection

Measures to overcome obstacles (III)

Measure 4:

Provide education and training for employees on

- Organizational values that guide employees' behaviour
- Self-discipline skills
- Digital competences

WP 3: restrictions on the labour law side with regard to remote work

Overview law regulations

International private law setting rules amongst EUSALP Members concerning recourse to courts and labour law applicable:

CH: Art. 18 -20 Lugano-Convention, Art. 121 IPRG (CH)

PL: § 53 Jurisdiktionsgesetz, Art. 48 IPRG (PL)

EU: Art. 21 Brussel Ia-Regulation, Art. 8 Rome I-Regulation

Labour law:

individual national labour law regulations of the EUSALP member states

Freizügigkeitsrichtlinie

Freizügigkeitsabkommen EU – CH

European social partners Framework Agreement on Telework

Private international law regulations (I)

Swiss Confederation – Jurisdiction and law applicable

- Cross-border remote workers within the scope of the Lugano convention (all EUSALP members exc. Lie) are entitled to sue their employers at the court of their regular working place or at the court of the seat of their employers, Art. 19 Lugano Convention.
- Art. 121 IPRG (CH) says, that the law of the state is applicable, where the regular working place is situated but is also open to a choice of law unless mandatory protective law is not violated.
 - BUT: in a controversial decision the Federal Court (BGE 139 III 411 ff) ruled the „Arbeitsgesetz“ not to be applicable “abroad” (here AFG) and denied a claim for overtime pay. BUT: this should not affect cbw in EUSALP-region, because of their applicable equivalent EU/national protective laws

Private international law regulations (II)

Principality of Liechtenstein – jurisdiction and law applicable

- Liechtenstein has not ratified the Lugano Convention. Cross-border remote workers therefore need a written agreement conferring jurisdiction in order to sue their employers at the court of their working place outside Liechtenstein, § 53 Jurisdiktionsnorm. Otherwise, they have to sue at the court in Vaduz.
- Art. 48 IPRG (PL) says, that the law of the state is applicable, where the regular working place is situated, but is also open to a choice of law unless mandatory protective law is not violated. This regulation is similar to the equivalent Swiss regulation.

Private international law regulations (III)

EU Member States – jurisdiction and law applicable

- Cross-border remote workers within the scope of EU regulation 1215/2012 (Brussels Ia) are entitled to sue their employers at the court of their working place or at the court of the seat of their employers, Art. 21.
- Art. 8 EU regulation 593/2008 (Rome I) constitutes, that the law of the state is applicable, where the regular working place is situated but is also open to a choice of law unless mandatory protective law is not violated.
Furthermore: a better law approach is constituted concerning protective laws in favor of the worker regardless which law was chosen or not between the parties.

Legal situation with regard to labour law (I)

No specific regulation for remote work

In general EUSALP Member States labour contract regulations do not contain specific regulation of remote work or telework, like Germany, France, Switzerland and others. It was and is widely accepted that teleworkers are covered by the general protective mechanisms of labour law, but in some cases like e.g. in Slovenia it seemed to be necessary to state explicitly, that telework is carried out on premises of the workers' choice.

Legal situation with regard to labour law (II)

EU-Institutional Framework Agreement

- In the EU Member States by the implementation of the European social partners Framework Agreement on Telework, it was considered to be a matter of collective and company agreements of the social partners to implement principles to address specific needs of teleworkers that would need to cover: the voluntary nature of telework and the right to return; a guarantee of maintenance of employee status; guarantees of equal treatment; information to be provided to the teleworker; coverage of costs by the employer; a guarantee of specific training; protection in the field of health and safety; working time; protection of privacy and protection of personal data; keeping in contact with the firm; collective rights of teleworkers; access to telework.

Legal situation with regard to labour law (III)



Conclusions

- Generally there are no specific or intended restrictions on cross-border remote workers
- EUSALP Member states are aware of the potential of remote work and intend a legislative equal treatment in the fields of international private law and labour law
- Nevertheless there are frictions as mentioned above concerning the jurisdiction in PL and application of protective laws and
- Intransparency of the status of collective and legal labour regulations following the process of the European social Partners

Legal situation with regard to labour law (IV)



Recommendations to contracting partners:

- Both partners should analyse and compare the individual and collective labour law situation on each side of the border
- Contracting partners should then deliberate about the necessity of an agreement on choice of jurisdiction and law
- They should counsel about contractual regulations on the remote work situation e.g. right to return; a guarantee of maintenance of employee status; guarantees of equal treatment; information to be provided to the teleworker; coverage of costs by the employer; a guarantee of specific training; protection in the field of health and safety; working time; protection of privacy and protection of personal data; keeping in contact with the firm; collective rights of teleworkers; access to telework.

Legal situation with regard to labour law (V)



Recommendations to the legislative, administrative bodies of EUSALP Members concerning :

- EUSALP Members: Create a transparency register concerning the existing different collective and legal labour regulations across the EUSALP Member states in order to inform employers and employees
- CH: Amend international private law (Art. 121 IPRG) in the direction of a better law approach (Günstigkeitsprinzip) and expand application of the protective Arbeitsgesetz in favour of cross border workers
- PL: Ratify the Lugano convention

Taxation and cross border workers (I)

- Taxation regulated in bilateral double taxation agreements (DTA) between EUSALP member states with respect to taxes on income
- DTAs distribute taxation rights among countries and shall prevent double taxation in the state of residence and the state of employment
- EU: No special community regulations exist on taxation of cross border workers, no rules guaranteeing cross border workers the right to the most favourable of the tax regimes of the member states involved

https://ec.europa.eu/taxation_customs/individuals/personal-taxation/crossborder-workers_en

Taxation and cross border workers (II)

- CH: 6 DTAs, 1 per EUSALP member state.
- Example DTA CH-D, Art. 15:

*Income of a cross border worker living in Germany
working for a company seated in CH would be under
German taxation if the worker does not stay in CH more
than 183 days*

Summary

Summary of the potential of remote work to reduce cross-border passenger flows (I)

- In general, there is a **potential** for remote work in all **EUSALP countries**.
- **Across borders**, the **potential** for **remote work** is **probably smaller**, as employees with fixed attendance times predominate there. On average, **Cross-border work** is **less common in economic sectors** that are **suitable for remote work**
- Remote work can **relieve the major traffic axes or shift peak traffic times to secondary traffic times**. Studies estimate the relief potential at peak times at 10 to 25 percent. The evaluations within this study have shown that **large effects can also be achieved by individual remote work days** for cross-border commuters
- **Traffic-reducing** effects **depend on various factors** such as region-specific framework conditions, attractiveness of public transport, available parking space, settlement structures, price of mobility, length of commuting routes, traffic situation and social factors

Summary of the potential of remote work to reduce cross-border passenger flows (II)

- **Environmental protection** (reduction of shuttle traffic) is so far **not an important driving force** for the introduction of **more flexible forms** of work
- Generally there are **no specific or intended restrictions** for cross-border remote workers. But there is some **intransparency** of the status of **collective and legal labour regulations** or **double taxation agreement** between EUSALP states
- Coworking spaces, a culture of trust, clear regulation/schemes and code of conduct for all employees or the provision of education and training **are measures to overcome obstacles** of remote work

Further information

KCW

froelicher@kcw-online.de

Swiss Center for Mountain Regions SAB

peter.niederer@sab.ch

CIPRA International

jakob.dietachmair@cipra.org

Office of the Tyrolean Government, Department of Transport Planning

patrick.skonieczki@tirol.gv.at

Back-up Slides

- Extra slides having diagrams and/or pictures that might be relevant or have been used in presentations.

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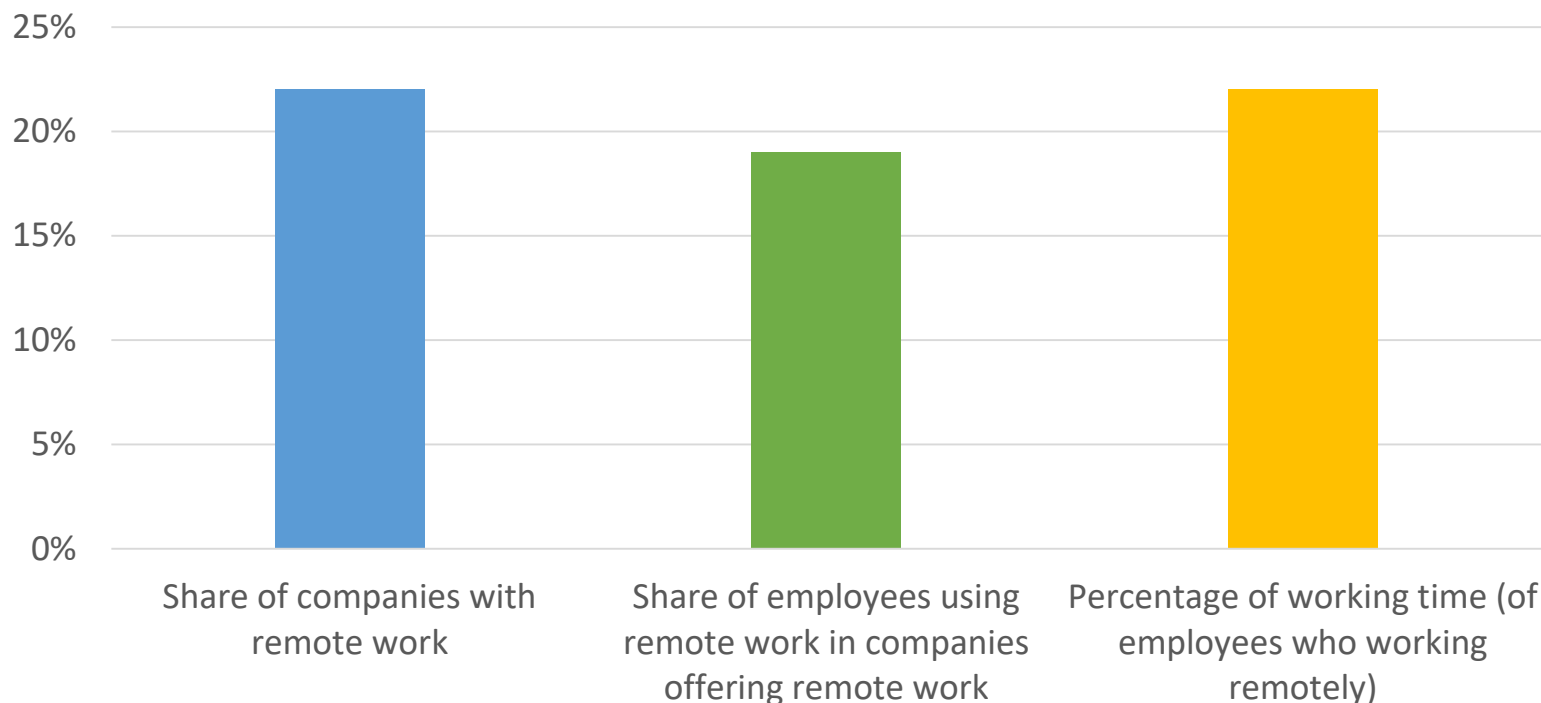
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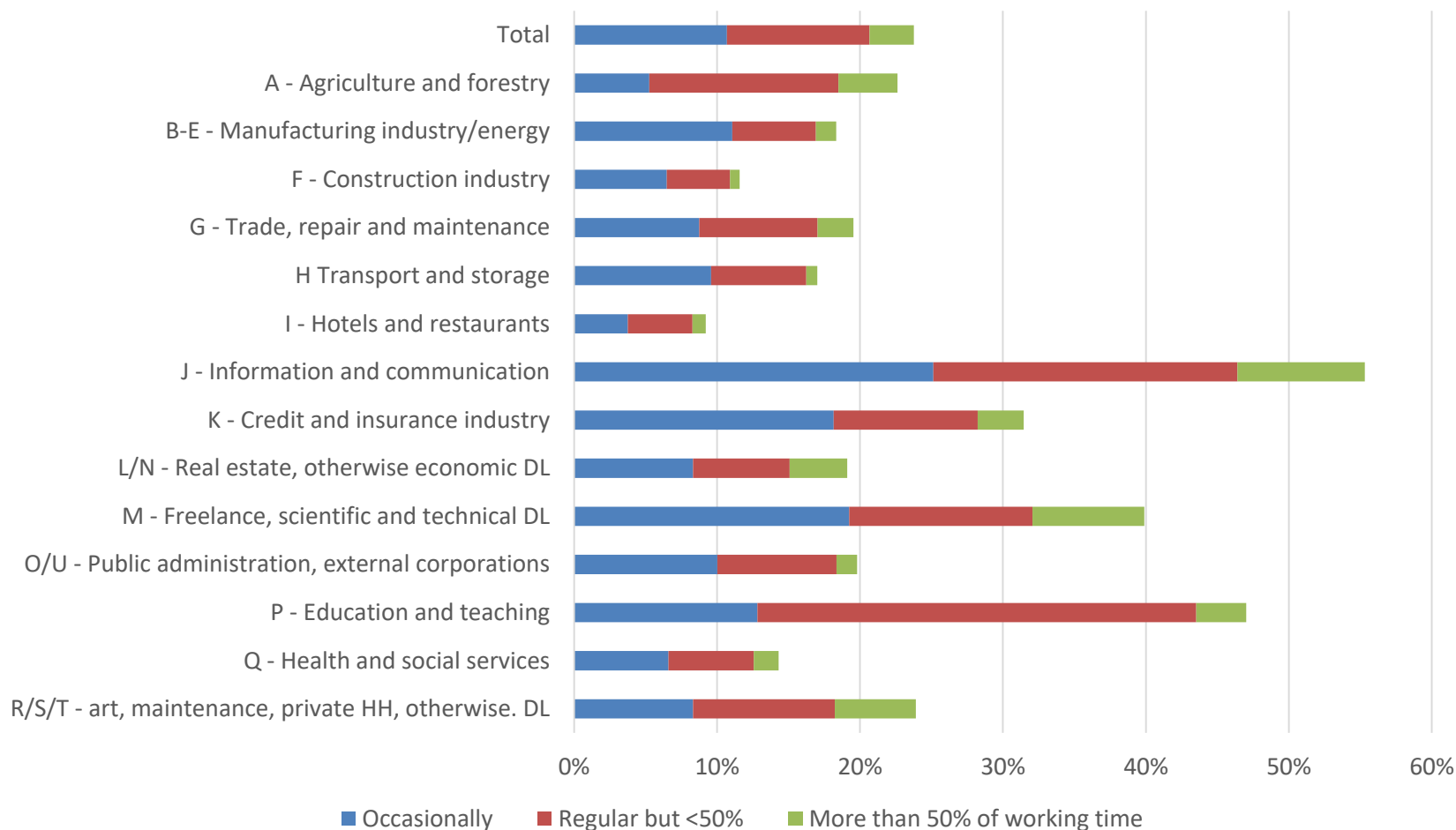
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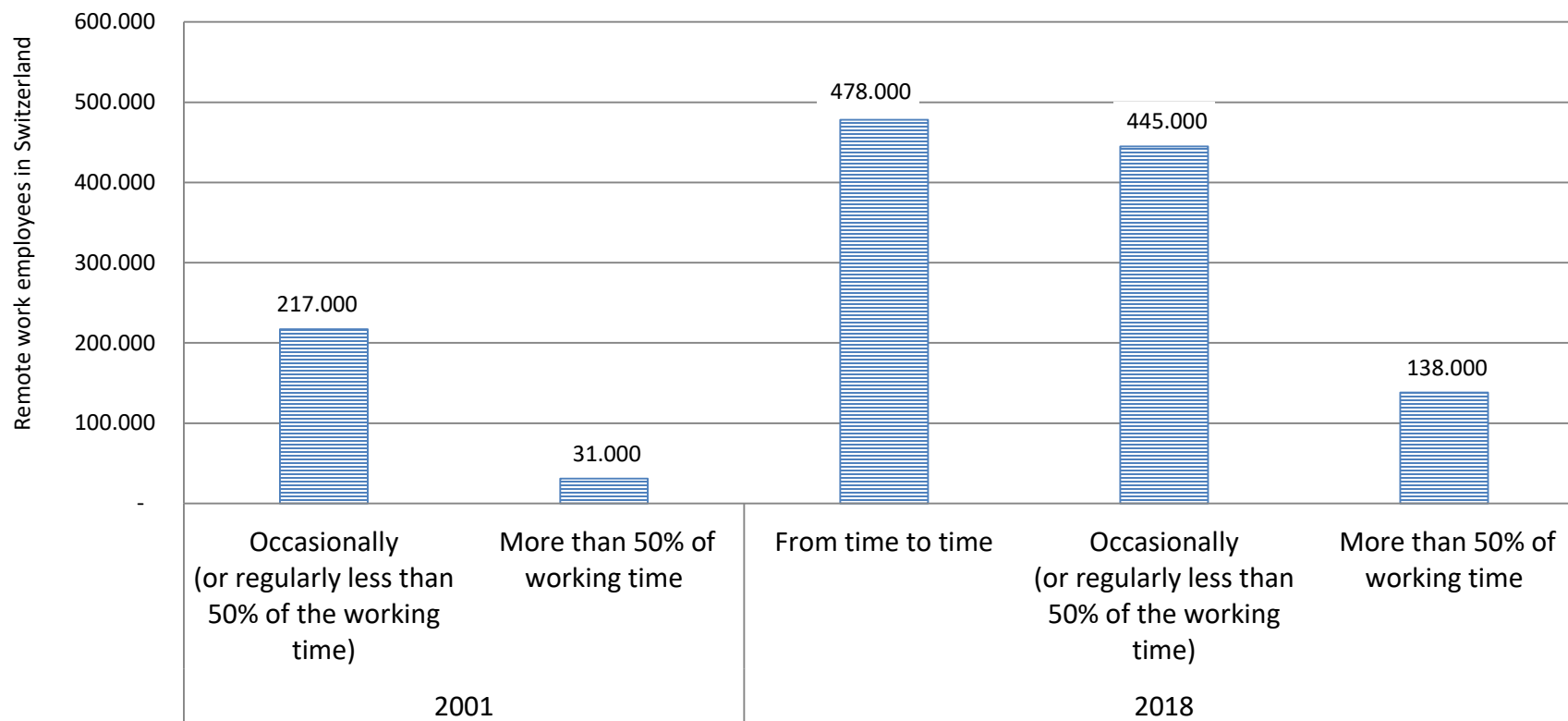
Distribution of remote work in Switzerland in 2014 (n=1.895)



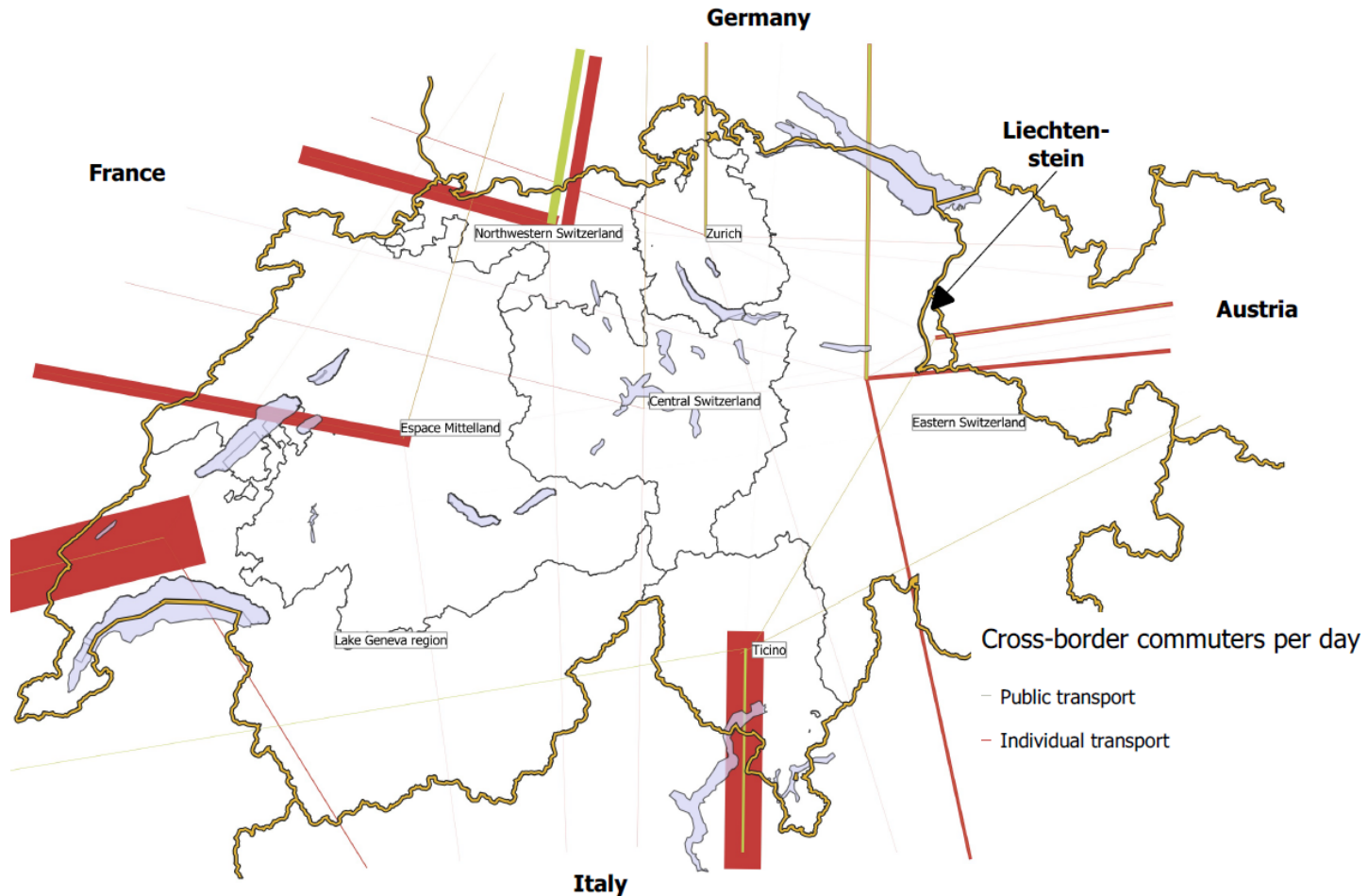
Remote work in % of employees in the economic section in Switzerland in 2019



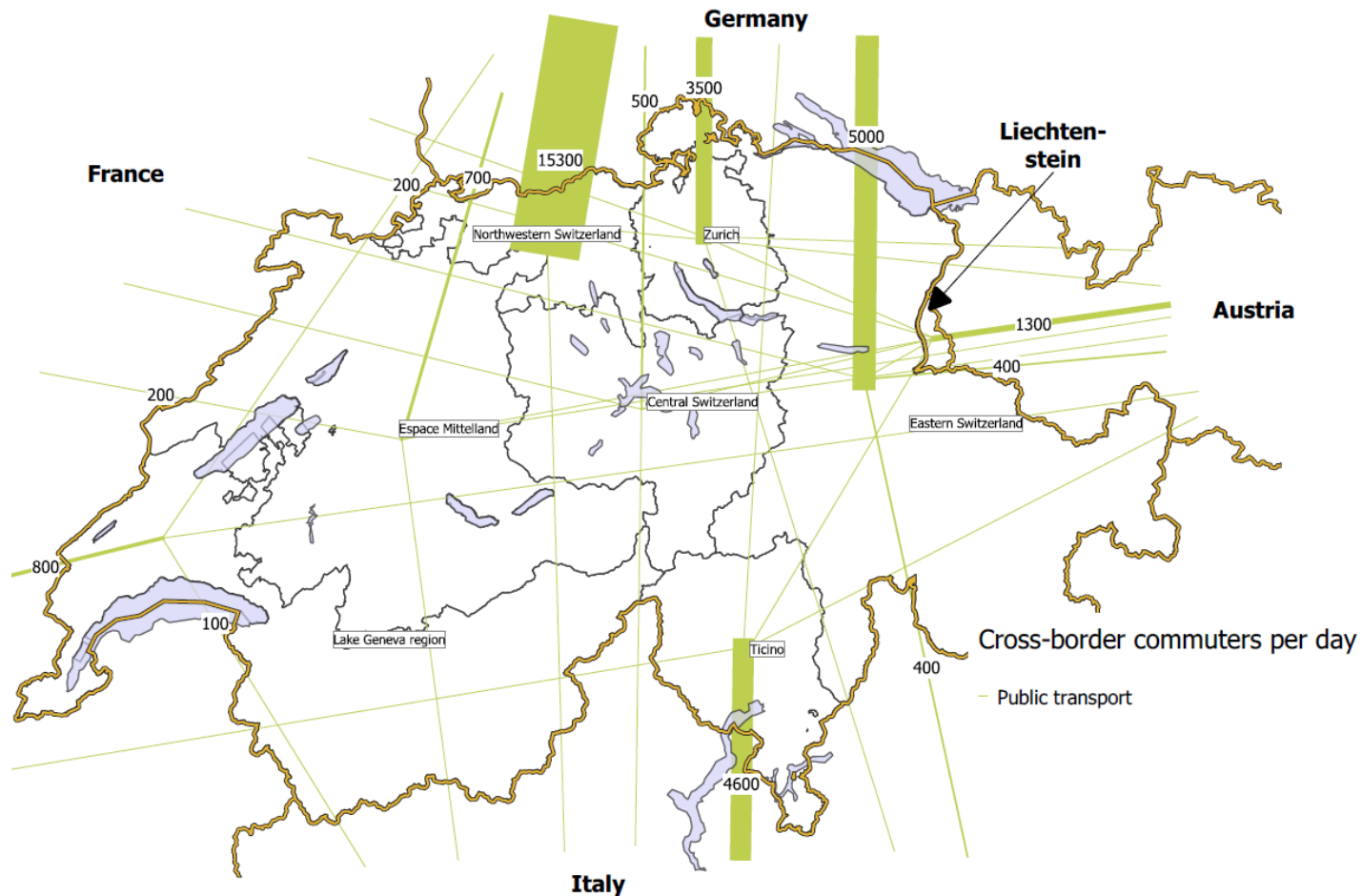
remote work employees (without apprentices)



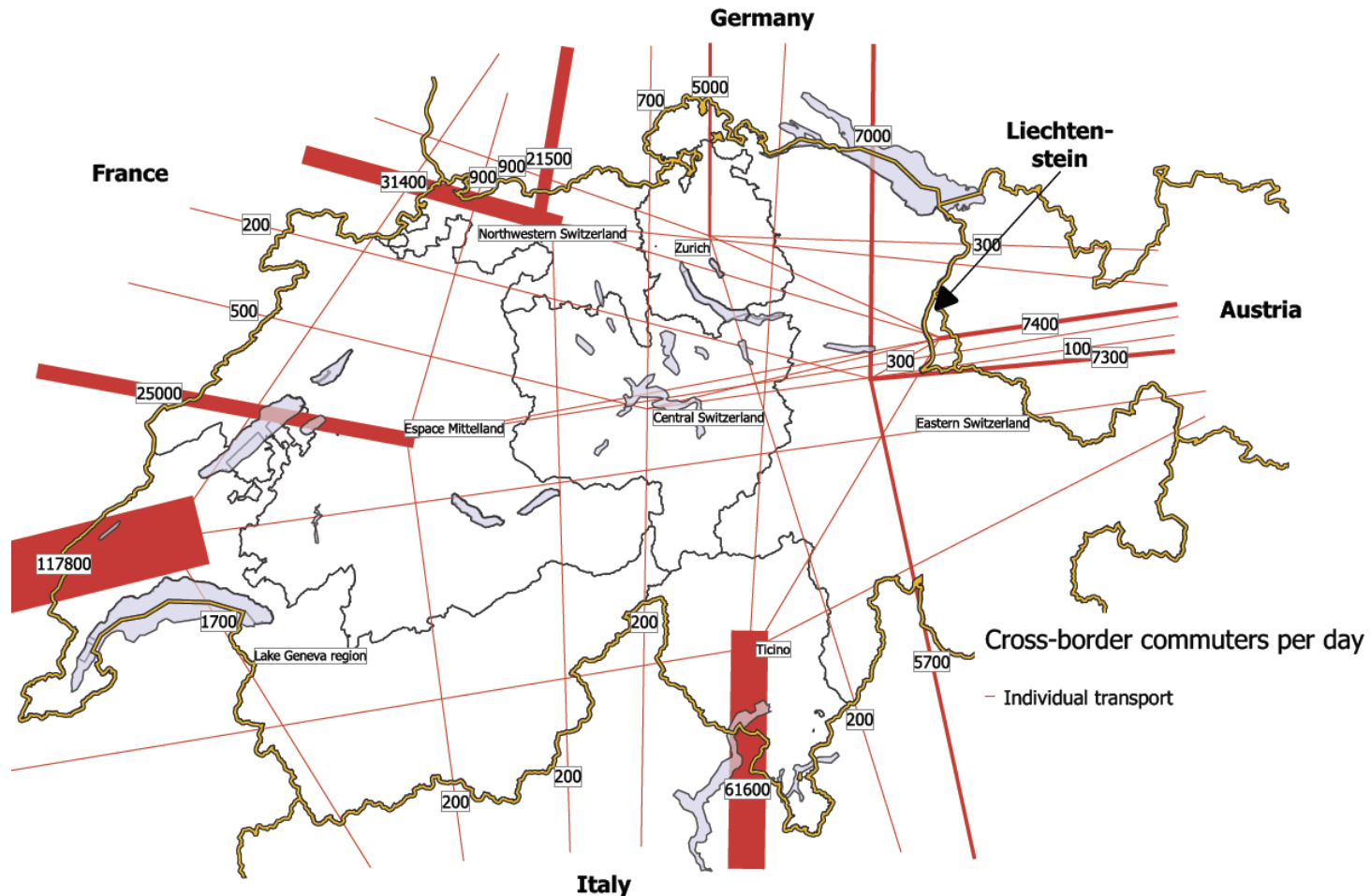
Commuter flows in the Alpine Region



Commuter flows in the Alpine Region (only public transport)



Commuter flows in the Alpine Region (only individual transport)



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