

The distant work impact on the quality of working life: law aspects

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Abstract. The COVID-19 pandemic has made a tangible contribution to rethinking approaches to work organization. At the beginning of the pandemic the emergency transition to distant work was associated with a stressful situation. After a year we can talk about a change in attitudes towards this model of work. While some employers say a significant part of the staff is moving to distant work, others are giving it a combination of distant and office work. The aim of the article is to assess the impact of various types of distant work on the working life quality in order to identify legislation defects and find ways to minimize them. The authors draw conclusions about the impact of distant work on such indicators of the quality of working life as: working conditions at the workplace, the level of wages, creation by the employer of conditions for the development of the employee's personality, motivation to work and employee satisfaction with work. It was found that the impact of the distant work on the quality of working life could be both positive and negative; accordingly, there is a need for preventive norms that would be aimed at avoiding the negative beginnings of distant work.

1 Introduction

The development of modern technologies, the improvement of electronic forms of interaction between the employer and the employee have led to the fact that the constant presence of the employee in the office is no longer a necessary condition for his effective work under the control and in the interests of the employer.

According to the Report "Promoting employment and decent work in a changing landscape" of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part B, 2020) there are a lot of benefits of distant work: reduced travel time and expenditures to work; higher labor productivity; great autonomy and flexibility in organizing work; work and life balance. In it one can combine work with raising children, self-development, hobbies, health care, etc. [1].

In Russia, since 2014, a distant worker has the right to rely on rights and guarantees in accordance with labor legislation. This can also be attributed to the benefits of distant work.

The COVID-19 pandemic has made a tangible contribution to rethinking approaches to work organization. Against this background, employers and employees are looking for optimal interaction models. Founder and CEO of Facebook Inc, Mark Zuckerberg, hopes that about half of the staff will not work in the Facebook office in the next 5-10 years, and the house remotely.

In some companies, the future is associated with a hybrid model. It means a combination of distant work

and part-time work in the office. After the pandemic, about a third of Sberbank employees will work in this format [2].

In Russia, distant work for some employees is also planned to be introduced in Home Credit Bank, Credit Bank of Moscow (MKB), The Ural Bank for Reconstruction and Development (UBRD), bank ZENIT, Absolut Bank and Gazprombank. From the second half of 2021, such workers will be about 30%, the press service of Gazprombank said. Home Credit Bank also launched a hybrid format indefinitely. For some categories of employees, a similar schedule was introduced at Rostelecom, Rostec and Russian Post [3]. According to experts from the Plekhanov Russian University of Economics, the savings from the transition to distant work of ten employees of a company that leases standard workplaces in a middle-class office may amount to about two million rubles a year. In parallel, the number of distant vacancies is growing on an ongoing basis. In the fall of 2020, there were 25-30 thousand of them, and in February the number reached 46 thousand [3].

According to HR expert A. Vladimirskaia, distant work has demonstrated social inequality, especially in big cities. Among the main trends, the expert notes the entry into the struggle for "rich" vacancies for residents of the regions. More people will be able to access work that they previously could not have due to their geolocation. Therefore, this will improve the quality of life without leaving a native region. But for a long time to make a career it will be easier for those who work in

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the office, because "the fact of presence is still very important in our work processes" [4].

The emergency transformation to distant work due to the spread of COVID-19 in early 2020 for a significant number of working Russians was associated with the deterioration of labor interactions. This was stated by 37.7% of the respondents who participated in the RANEP survey in the second quarter of 2020 [5]. An analytical review by VCIOM and SGB, in April 2020, indicated a negative (61%) rather than positive (36%) attitude of Russians to distant work [6].

However, after a year has passed, we can say that the attitude of Russians towards distant work is gradually changing. Up to 60% of employees intend to work distant from home in whole or in part after the pandemic. Most of the respondents prefer the mixed model, when two or three days a week can be worked at home, and the rest of the time - in the office. Only 23% of respondents from Russia would like permanently to switch to distant work. These are the data of a global survey conducted by the consulting company BCG and the alliance of recruiting services The Network with the participation of the job search service HeadHunter, among 209 thousand respondents from 190 countries, including 17 thousand from Russia [7]. Thus, all this indicates that distant work is taking root in labor practice.

The **aim** of this study is to assess the impact of various types of distant work on the quality of working life in order to identify defects in legislation and find ways to minimize them.

2 Materials and Methods

The research methodology in the legal aspect is based on the Concept of the quality of working life, which prioritizes a person as an independent creative person who can optimally realize his creative abilities when creating favorable conditions [8].

The theoretical basis of the Concept was formed by the theory of human capital, humanization of labor, enrichment of labor, industrial democracy, theory of motivation, etc. [9].

The legal aspects of the quality of working life are analyzed in the context of the implementation of the Decent Work Agenda (International Labor Organization, ILO, 1999). The four pillars of this Program are taken as a basis - job creation, social protection, labor rights and the promotion of social dialogue. They were developed in the Sustainable Development Goals (SDG) set out in the resolution of the UN General Assembly of September 25, 2015 No. A / RES / 70/1 "Transforming our world: the 2030 Agenda for Sustainable Development of the year". This study focuses on SDG 8: promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all [10].

"Decent work" in the context of the SDGs is understood as an opportunity for everyone to find productive work that brings sufficient income, which ensures safety in the workplace and guarantees social

protection of families, but also better prospects for personal development and social inclusion.

In this study, the assessment is based on the researches of S. Golovina, Yu. Kuchina, A. Serova [11-13], where, in relation to Russian realities, the legal aspects of the quality of working life are measured by indicators of the quality of working life: working conditions at the workplace, wage level, creation by the employer of conditions for the development of the employee's personality, motivation to work and employee satisfaction with work.

The fundamental difference between the Concept of the quality of working life and the Decent Work Agenda is that quality of working life indicators include also a subjective assessment of the employee himself. The idea is to create such employment conditions for a person that would allow not only to fully maintain their economic well-being, but also to realize spiritual needs, be able to pay sufficient attention to the family, raise children, maintain their personal growth, and carry out professional development and building a career [14].

3 Results and discussion

As a result of the study, four key indicators of the quality of working life were considered for assessing distant work.

The Russian labor legislation in this area has undergone significant changes since 2021. An important innovation was the differentiation of distant work into three types. Distant work, temporary distant work is for a period not exceeding 6 months. Periodic distant work involves the alternation of periods of performance by an employee of a labor function distant and periods of performance of a labor function at a stationary workplace (part 2 of article 312.1 of the Labor Code of the Russian Federation).

3.1. Working conditions and workplace

An indicator of the quality of working conditions in a workplace can be safety, as well as the level of physical and psychological comfort of an employee.

The labor protection institute is responsible for safety and physical comfort in labor legislation, which ensures healthy and safe working conditions.

3.1.1. Safety and labor protection of distant workers

According to A20 of the ILO Recommendation of June 20, 1996 No. 184 on home work, which also applies to distant workers, the employer's duties in the field of labor protection should include:

a) informing distant workers about all the dangers associated with their work, which are known or must be known to the employer and of the precautions to be taken and training them appropriately, if necessary;

b) ensuring that machines, tools or other equipment provided to workers are adequately protected and reasonable measures are taken to ensure that they are properly maintained;

(c) providing distant workers free of charge with all necessary personal protective equipment.

The employer's obligations in the field of labor protection of distant workers have been truncated and reduced to the following:

1) to investigate and record industrial accidents and occupational diseases;

2) to comply with the orders of officials of the Federal Labor Inspectorate and its territorial bodies;

3) to provide compulsory social insurance of distant workers against industrial accidents and occupational diseases (Article 312.7 of the Labor Code of the Russian Federation).

Other obligations of the employer to ensure safe working conditions and labor protection in relation to distant workers during the period of their labor function do not apply remotely, unless otherwise provided by a collective agreement, a local normative act adopted taking into account the opinion of the elected body of the primary trade union organization, an employment contract, additional agreement to the employment contract.

This approach is justified by the fact that the distant workplace is located outside the employer's location and beyond the control of the employer. As a rule, it is equipped at the employee's home or in other private locations, access to which is protected by the constitutional right to inviolability of the home. There are options for performing a work function outside the home, for example, in coworking centers equipped with high-speed Internet, where a distant worker can rent a workplace, as well as office equipment (printer, scanner, copier, fax etc.), and in general in any public place where there is an opportunity use the Internet, and public communication networks. Special assessment of distant workplaces is not carried out. Therefore, the employee must take care of his own safety on his own.

Perhaps at this stage, for distant office-workers who are not associated with high-risk facilities, the employer's limited responsibilities in the field of labor protection seem logical. However, in the future, when operators of drones, unmanned vehicles, and other sources of increased danger switch to distant work, the employer's control over the distant workplace and the state of the operator will be objectively necessary.

The forced transition to distant work, especially in a pandemic, highlighted the problems associated with organizing a workplace for an employee. These include the lack of isolated space, violation of privacy, insufficient Internet speed to complete work tasks. Such factors as one computer per family, in which children have switched to distance learning, and adults need to work from home, the lack of other necessary office equipment or a low-power computer, interruptions in electricity or Internet connection, make it difficult to effectively complete the tasks of the employer.

In this context, F. Lord draws attention to the fact that the move to remote work can therefore be conceptualized as a reallocation of the cost of workspace from employers to employees. This reallocation will likely contribute to the increasing precarity of work, through a reduction in the net income of employees [15].

One of the legal ways to solve this problem is to establish in Art. 312.6 of the Labor Code of the Russian Federation, the employer's obligation to provide the distant worker with the equipment, software and hardware, information security and other devices and means necessary for the effective job function.

However, the problem of the lack or absence of the necessary conditions for organizing the working place of a distant worker in the Russian legislation has not yet been solved in any way. A way out of the situation can be the use of coworking spaces by employers - special centers where an employee can come to perform his job function. A corresponding condition on the provision of a workplace in a coworking space (or compensation for renting a workplace) can be included in an employment contract with an employee or a collective agreement.

3.1.2. Psychological comfort of distant workers

Psychological comfort in a broad sense is associated with the realization of the right to privacy in the workplace, the components of which are recognized in the literature. They are including:

- inviolability of the employee's personal communication means, if information of a private nature comes to the office address,
- inviolability of the employee's private records,
- inviolability of the employee's appearance,
- non-use of devices of audiovisual control over employee behavior in the workplace,
- the physical integrity of the employee (searches, examinations, etc.),
- non-use of devices of special control over the reliability of information provided by an employee (for example, a polygraph) [16].

The use of a personal computer, mobile phone, other devices and means of communication in the process of work raises the problem of the inviolability of information and documents of a private nature.

On the one hand, using the devices of audiovisual control over the employee's behavior in the workplace, the employer invades the employee's personal space. This is especially important since distant work in Russia is most often done from home. When exercising control over the activities of a distant worker, there are great risks of falling into the field of view of the employer of the private life of the employee and his family members.

On the other hand, ILO experts note that technological tools and digital surveillance systems are actively used to manage the workforce in modern workplaces. For example, GPS is the system tracks the location and speed of drivers of both trucks and cars (for example, taxi drivers working for digital platforms). Special programs take screenshots of computer screens, analyze keyboard activity in order to monitor distant workers, resulting in the accumulation of "big data" on the basis of which employers make management decisions. These methods are aimed at increasing labor productivity, the level of safety, preventing accidents, illegal behavior, and monitoring the health status of the employee. And this is their positive impact on the quality of working life.

The use of video surveillance and other technical means could provide another useful effect. One of the indicators of the high quality of working life, as already noted, is a favorable psychological environment in the team, which presupposes the possibility of high-quality professional communication, the absence of discrimination, mental violence and harassment.

The ILO Convention No. 190 on the Elimination of Violence and Harassment in the World of Work, adopted on June 10, 2019 (not ratified by the Russian Federation) and Recommendation No. 206 defines two terms:

- “violence and harassment” in the world of work, which refers to a range of unacceptable or threatened behaviors and practices, whether isolated or repeated, with a purpose, result or potential consequence of causing physical, psychological, sexual or economic harm, including gender violence and harassment;

- “gender-based violence and harassment”, which refers to violence and harassment directed at individuals because of their sex or gender, or that disproportionately affects individuals of a particular sex or gender and includes sexual harassment [17].

Remote communication between an employee and an employer can help reduce the risk of mental and physical violence against an employee, including violence and harassment in the workplace.

The use of e-mail, electronic document management, instant messengers, video conferencing systems and other programs with the ability to record all types of communication makes it easier to prove the fact of violence or harassment. This can become a deterrent for an aggressor who fears prosecution and damage to his reputation.

Unfortunately, there is another side to distant work in light of the problem of violence. As practice has shown, the transition to a distance format, which implies isolation and a significant increase in the amount of time spent at home, has an extremely negative impact on the relationships of some people living together: closed home spaces have become a toxic environment for conflicts, which has led to an increase in violence in families. According to the Ombudsman for Human Rights in the Russian Federation, during the pandemic, the number of complaints about domestic violence increased 2.5 times [18]. And this problem must also be taken into account when transferring workers to distant work, especially if such a transfer in accordance with Art. 312.9 of the Labor Code of the Russian Federation is carried out in exceptional cases without the consent of employees.

3.2 Wage level

When determining the level of wages that will improve the quality of life, it is proposed to focus on the expanded reproduction of the labor force, which makes it possible to eat well and diversify, prevent diseases, improve housing conditions, and develop culturally (museums, theaters, travel, etc.) [14].

Modern digital technologies make it possible to earn income not only at the primary work location, but also at

their part-time work on Internet platforms. Distant work contributes to the employment of persons with disabilities, persons with family obligations, the elderly, etc. Digital technologies could also increase the well-being of other low-income categories of citizens, for example, students who earn extra money during their part-time work.

Distant work could not be a reason for reducing employee’s wages (Article 312.5 of the Labor Code of the Russian Federation). However, this guarantee is valid when the employee retains the amount of work. If part of the work cannot be done remotely, it is possible to reduce wages.

If a distant worker uses the equipment belonging to the employee or rented by him, software and hardware, information security and other devices to perform his work function, he must receive compensation from the employer for the use of the equipment owned or rented by him; software and hardware, information security and other means, as well as reimbursement of costs associated with their use. The procedure, timing of payment of compensation, as well as its amount are determined by a collective agreement, a local normative act adopted taking into account the opinion of the elected body of the primary trade union organization, an employment contract, an additional agreement to the employment contract (Article 312.6 of the Labor Code of the Russian Federation).

According to the legal position of the Ministry of Finance of Russia, the amounts of compensation for these expenses of distant workers are not subject to personal income tax.

Despite the guarantees for distant workers established by the Labor Code of the Russian Federation, the results of a survey among 1,546 employees and managers of small and medium-sized businesses, in general, show a decrease in wages after switching to distant work (27.9% of employees). 15% of respondents state that their salary has increased, and more than half of the respondents (57.1%) report that distant work has not affected their remuneration. 43% of employees of small and medium-sized enterprises do not know about the amendments to the Labor Code of the Russian Federation. According to them the employer in some cases is obliged to provide distant workers with the necessary equipment and compensate their costs [19].

3.3 Conditions for the development of the employee's personality

The development of professional qualities of an employee is associated with lifelong learning. The knowledge gained at the university is not enough for successful work.

Training involves not only getting new information, but also developing the necessary skills. The number of simple jobs (for example, the work a salesman) is decreasing. More and more jobs are emerging where work is organized as a set of diverse projects.

Therefore, in order to increase competitiveness in the labor market, it is already important for an employee to

have special skills, for example systems thinking, the ability to work with teams, groups and individuals; working under conditions of uncertainty and others.

The system of training and additional professional education of employees should become more flexible, take into account different formats of obtaining knowledge, short courses, trainings. There are some cases where large employers such as Russian Railways, Sberbank, PJSC Uralkali organize corporate universities to train their employees, including promising professions.

Modern technological advances (artificial intelligence, automation and robotics) on the one hand lead to the reduction, and on the other - to the creation of new jobs, but new high-tech jobs will require the released workers to rapidly change their professional skills.

It is necessary to increase investments in the development of human abilities, the realization of the right to lifelong learning. Labor legislation should contribute to this idea.

Today the Russian employer determines the need for training employees (Article 196 of the Labor Code of the Russian Federation). The employer is obliged to provide these employees with conditions for combining work with education, as well as guarantees in accordance with the Labor Code of the Russian Federation. The employee, however, has the right to training only under the conditions stipulated by the contract. It seems relevant not only a contractual, but also a legislative way of establishing guarantees for employees who show their own initiative to develop their professional competence.

As a minimum, it can be set in Art. 128 of the Labor Code of the Russian Federation the right to unpaid leave for training if the employee has exhausted the possibility of using paid educational leave.

3.4 Motivation to work and employee satisfaction with work

Motivation to work and satisfaction of employees with work implies the possibility of self-realization, and the disclosure of the employee's creative potential. The absence of these components in work leads to "professional burnout" and, as a result, to retirement from the profession. An increased workload, which causes chronic fatigue and stress, is considered one of the main causes of burnout. The World Health Organization, concerned with the mental health of workers, cites continuous high workload as one of the health risks associated with work [20].

An equally important component of work motivation and job satisfaction is work-life balance. The intensity and speed of modern life makes it possible to talk about the relevance of achieving such a balance, if not for all, then for the majority of workers.

"Sandwich generation" workers, engaged in raising children (grandchildren) and at the same time taking care of elderly parents, are in a vulnerable position.

The Russian "sandwich generation" mainly consists of women aged 45–65 years. Russian sociologist E.

Zdravomyslova state, that "in our society, the "sandwich generation" syndrome turns out to be extremely tough, because we have little institutional support to balance the roles and obligations that society places before a person, and the person himself - for himself" ... becomes a private matter of the family [21].

Experts from the Eurofond and the International Labor Organization (ILO) note, that working hours are a key factor in determining the balance of work and personal life. However, the organization of working hours (regularity and predictability, work at night and on weekends) is also of great importance.

High-intensity work and associated stress can negatively affect family life [22]. Moreover, according to estimates by the World Health Organization and the ILO, long hours of work, more than 55 hours per week, are common and increase the risk of death from stroke and heart attack [23].

In the conditions of distant work, new reasons for the intensity of work appear. The main ones include:

- work process monitoring (the use of technology to monitor work processes – which aims to avoid idle times in the production process – can result in an increased workload that needs to be addressed by greater work intensity or longer working hours) [24];
- permanent connectivity (this can cause workers to believe that they must always be available for their job and able to respond to requests at short notice, resulting in greater work pressure) [24];
- interruptions (constant interruption, caused by permanent connectivity or unfavourable workplaces, eats into time and can put pressure on a person to work harder to make up for lost time or inefficiency) [24];
- 'social exchange' between employers and employees (workers who are granted a flexible working arrangement may respond by putting in more effort ('reciprocity') to prove that it has not affected their work ethic or commitment) [24];
- corporate or managerial culture, personal ethics or ambition (these aspects may drive an employee to put in effort above and beyond that needed to perform the job well) [24].

One of the solutions to the problem was the appearance in the legislation of some countries of the employee's right to disconnect.

France became a pioneer in this area. Back in 2013, a national cross-industry agreement on quality of life at work encouraged businesses to avoid any interference with employee privacy by specifying when devices should be turned off. Subsequently, this right was enshrined in the law on August 8, 2016.

According to article L.2242-17 of the French Labor Code, employers are obliged to conduct annual collective bargaining on equality between men and women and the quality of life at work, including right to disconnect and the establishment of mechanisms to regulate the use of digital tools in order to respect time of rest, personal and family life. Article L 2242-8 of the French Labor Code provides for liability for companies with 50 or more employees for failure to agree on the results of these negotiations [25].

However, earlier, large corporations (Orange, Natixis, Société Générale, Volkswagen, Daimler) made similar efforts.

For example, German automotive corporation Daimler has added a Weekend Mail option to its corporate email system. At this time, all incoming messages are automatically deleted from the mailbox. The answering machine offers alternative contacts or asks to forward the message again the moment the employee returns to work. This opportunity is available for 100 thousand employees of the company in Germany [26]. Earlier, the Volkswagen automotive company has already decided to turn off the work email of employees after hours [27].

The proposal to introduce the right of remote workers to disconnect into the Labor Code of the Russian Federation was not implemented.

In particular, according to the initial version of the bill [28] the employee and the employer establish a procedure for interaction, including time for performing worker's duties, the obligation of a distant worker to respond to calls, emails and inquiries of the employer in another form, the period when the employee is obliged to respond to such inquiries. The employee is not obliged to respond to the employer's inquiries made in any form outside the time established by the interaction procedure. The bill established a strict guarantee: "The employee has the right to the inviolability of the rest time. The time of interaction between the employee and the employer during the employee's rest period is included in the working time".

However, the bill also indicated that the employees, in the case of production necessity, with their consent, could still be involved in work outside the time for interaction with payment for overtime work. Further, exceptions were indicated when the interaction between the employee and the employer during the period of rest was still allowed without the consent of the employee: to prevent a catastrophe, accidents, to perform work caused by the introduction of a state of emergency or martial law, other extraordinary situations, as well as in case of production necessity.

Thus, the desire to limit the interaction between distant worker and the employer during non-working hours collides with the employer's "production necessity". This concept had appeared in Soviet labor law since the 1930s until 2006 for the employees transfer to another job without their consent.

"Production necessity" has been excluded from the Labor Code of the Russian Federation since 2006 because of its inconsistency with international standards on the prohibition of forced labor. The authors consider its revival impractical.

In the final version of the bill, the right to disconnect is not directly enshrined, only the norm remains, giving rise to its different interpretation. "The time of interaction between distant worker and employer is included in working hours". Therefore, the problem of protecting a distant worker's time of rest remains urgent. This indicates the importance of studying the right to disconnect. O. Chesalina raises the question of whether the right to disconnect is an integral part of the right to

fair working conditions or is a way to protect labor rights [30].

4 Conclusion

As a conclusion, we would like to note that the distant work has both positive and negative effects on the quality of working life. This is partly a subjective parameter that depends on the level of the employee's well-being, family status, and even the nature of the employee.

Employees who have the opportunity to organize a home office positively assess the opportunity to work from home constantly or several times a week. At the same time, distant work is counterproductive for those who live in cramped conditions and are forced to share a workplace and computer with other family members. In extreme cases, distant work can even create conditions for violence against people living in disadvantaged families.

Specialists who perform their work autonomously and do not need constant communication with colleagues or clients can highly appreciate the quiet work at their own pace, the opportunity to work at a convenient time for themselves, incl. evening and night.

We believe that distant forms of interaction make communications more "transparent"; therefore, it will be easier to fix facts of harassment and / or violence at work.

However, working in the office the employee still has more chances to build a successful career.

According to Russian labor legislation, the distant workplace is not subject to special assessment to determine its safety because of its location outside the employer's premises. Security at a remote workplace is fully entrusted to the employee. Now such regulation is seen as optimal. However, with the expansion of the capabilities of distant control of high-risk facilities, the workplace and condition of the distant worker managing such facilities will require more thorough legal regulation and control.

Despite the fact that the remote performance of an employee's duties cannot be a valid reason for reducing his salary, practice shows the opposite. It is necessary to inform employees about their rights. And these payments should be automatic.

Distance learning technologies expand access to various educational platforms and programs. For employers, this is an opportunity to organize training for a larger number of employees practically on the job.

One of the most negative aspects of the impact of teleworking on the quality of working life can be called the intensification of labor, which can occur directly or indirectly at the initiative of the employer. In the first case, we are talking about reducing the time for performing certain operations and increasing the volume of work, the requirement to always be in touch and respond to requests in the shortest possible time, the constant distraction of the employee for new assignments, etc. In the second case, it may be an

unspoken corporate culture which encourages additional employee's efforts.

In any case, the intensification of labor leads to stress and "emotional burnout" of the employee. Therefore, the "right to disconnect" are widely discussed. At the same time, some States have already enshrined this right in national legislation. In the initial draft of the law, providing for changes in the Labor Code of the Russian Federation in terms of distant work, the right to disconnect was proposed, but it was not legally formalized.

Research on the right to disconnect, as well as the impact of distant work on the quality of working life is of great importance for the "brave new world" of work.

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