



Technical note

► **Labour Overview Series
Latin America and the Caribbean 2021**

Challenges and opportunities of teleworking in Latin America and the Caribbean

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Summary

Although teleworking is not a new phenomenon, in the context of the COVID-19 pandemic and associated measures implemented to reduce infections, this work arrangement increased significantly in the region. Teleworking facilitated the continuity of certain economic activities and, with it, of the employment relationship, which was particularly important considering the devastating impact of the crisis on the region's labour markets. The transition from face-to-face work to teleworking, however, was not without challenges for both workers and the enterprises that had to implement it quickly. Not all workers were able to engage in telework. In the exceptional context imposed by the pandemic, formal workers, those who were more highly educated and those who worked in professional, technical and administrative occupations had the greatest possibilities for continuing their work from home. This work arrangement poses challenges that must be addressed to ensure that it makes a positive contribution to the world of work, both for enterprises and workers.

* Sol Catania contributed to processing information for this report. Fabio Bertranou, Humberto Villasmil, Andrés Marinakis, Janine Berg, Marcela Cabezas and Sergei Soares made valuable comments. The section referring to the Caribbean was prepared by Diego Rei, Ariel Pino and Shingo Miyake of the ILO Office for the Caribbean.

Executive Summary

- Working from home is not a new phenomenon. However, with the emergence of the COVID-19 pandemic and the lockdown measures implemented to address the health emergency, this work arrangement increased significantly in Latin America and the Caribbean, as it did in the rest of the world.
- Most activities that began to be carried out at home rely on information and communication technologies (ICTs), which led to a significant increase in teleworking.
- In the countries of the region included in this study, between 20 and 30 per cent of employees who were working did so from home during the lockdown period. In 2019, that figure was less than three per cent.
- An estimated 23 million people teleworked in the region during the second quarter of 2020.
- Thus, remote work facilitated the continuity of certain economic activities and the employment relationship. This was particularly important considering the devastating impact of the crisis on the region's labour markets, which was reflected in significant job losses and reduced working hours.
- Although this phenomenon is not new, several key dimensions differentiate the nature of work from home before and during the lockdown and restricted-mobility measures.
- Before the pandemic, workers combined working from home with working on the employer's premises. During the lockdown, however, it became the exclusive mode of work in many cases. Previously, remote work had usually been a planned, voluntary option for both parties. With the pandemic, however, this work arrangement became one of the few alternatives to continue economic activity and employment in exceptional circumstances.
- While working from home was previously a work arrangement that was expected to contribute to improving the work-life balance, during the health crisis, the difficulties in carrying out work from home increased owing to the closure of schools and care facilities. This particularly affected women, since household responsibilities continue to fall largely on them.
- Not surprisingly, the possibility of working from home depends –among other factors– on the type and nature of the occupation and job duties, as well as on effective access to the technologies necessary to perform work remotely.
- Formal employees, adult employees, more highly educated employees and those employed in professional, technical, managerial and administrative occupations made more intensive use of this work arrangement. Employed persons who were able to continue with their activities from home had higher average earnings prior to the pandemic than other workers.



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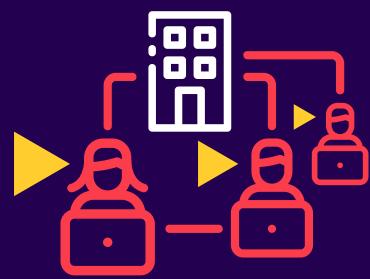
- The opposite trend is observed among informal, own-account and youth workers, and those with less education and lower incomes. This group experienced the most job losses and reduction in hours worked, especially during the first half of 2020.
- In a region characterized by labour structures with low overall use of ICTs and high technology gaps, it was not surprising that the increase in the incidence of working from home and especially telework varied among the different groups of workers.
- This is an "ongoing process" where the incidence and characteristics of this form of work differ not only from those observed prior to the pandemic but will also most likely differ from the post-pandemic scenario.
- The region has reported progress in the regulation of teleworking. However, the unprecedented increase in this type of work revealed multiple challenges that must be addressed to ensure that home-based workers do not lose the rights enjoyed by employees who work on the employer's premises.
- From the perspective of enterprises, teleworking also poses challenges to guaranteeing that operations will continue and that the productivity levels required for their survival will be maintained.
- It is possible to identify good practices that protect the rights, health and well-being of workers, that create an organizational culture that efficiently takes advantage of the possibilities offered by new technologies, and that lead to productivity gains and efficient results according to the enterprise's objectives and possibilities.
- The Resolution concerning a global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient, adopted by the International Labour Conference No. 109 in June 2021, urges, among other initiatives, "to introduce, utilize and adapt teleworking and other new work arrangements so as to retain jobs and expand decent work opportunities through, among other means, regulation, social dialogue, collective bargaining, workplace cooperation and efforts to reduce disparities in digital access, respecting international labour standards and privacy and promoting data protection and work-life balance."



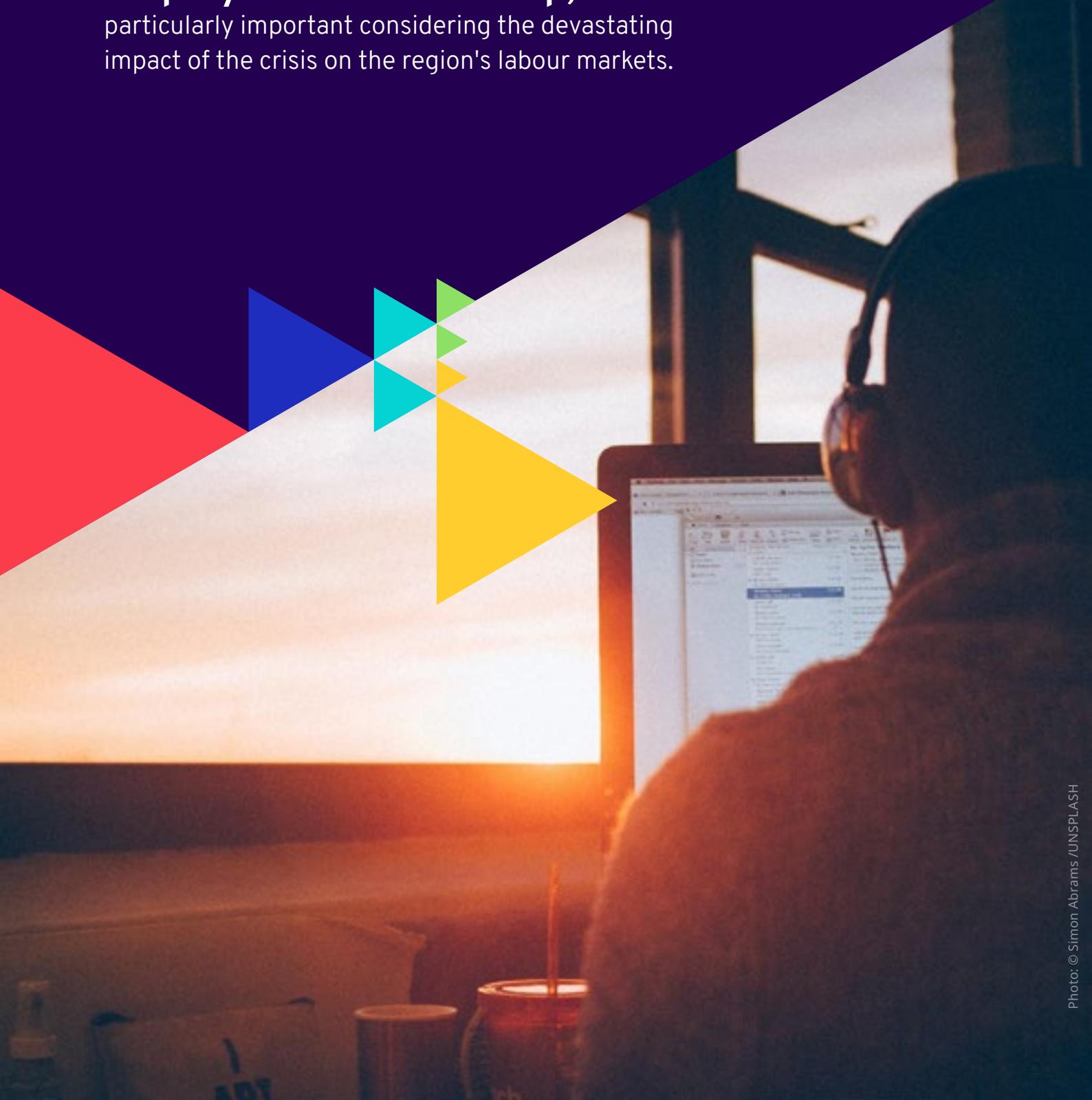
The region has reported progress in the regulation of teleworking. However, the unprecedented increase in this type of work revealed multiple challenges that must be addressed [...].



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Teleworking facilitated the continuity of certain economic activities and, with it, of the employment relationship, which was particularly important considering the devastating impact of the crisis on the region's labour markets.



1. Concepts and definitions of working from home, home-based work and telework

Although no international statistical standards exist for measuring remote work and telework, there is an ILO Technical Note, *COVID-19: Guidance for labour statistics data collection. Defining and measuring remote work, telework, work at home and home-based work* (ILO, 2020a), which establishes guidelines for data producers – and which was published in the context of COVID-19 – on the definition and measurement of remote work, telework, work at home and home-based work.

According to these definitions, to identify **remote work**, it is first necessary to define the **default place of work**. This is a theoretical concept that determines the physical location where the work is expected to take place considering the worker's position, job duties and status in employment.

For example, in the case of a dependent worker, the default place of work will be the employer's premises, facilities or site of the economic unit for which the work is carried out, a client's premises, facilities or site or public spaces. In the case of an independent worker, the default place of work will be the premises or facilities of the worker (including the home), the facilities of a client or a public space. Finally, in the case of a contributing family worker, the default place of work is the premises of the owner-operator of the business.

Second, it is necessary to identify the physical location where the work is carried out. It is the comparison between the physical location and the default place of work that makes it possible to identify remote work. Although there is no international statistical definition to date, remote work is defined as an arrangement where workers do not perform their tasks in the default place of work. In the case of employees, alternative workplaces can be, for example, co-working spaces, cafés or even the worker's own home.

The accurate identification of remote work for independent workers is complex. In many cases, this concept is used exclusively for dependent workers, mainly in cases where the home of non-wage workers can be considered as their default place of work.

From these definitions, another concept arises: **telework**. This work arrangement originates from the combination of two components: first, the work is carried out in a location other than the default place of work and, second, the use of ICTs, such as a computer or a telephone, are required. Defined in this way, telework is therefore a subcategory of remote work.

Work from home, on the other hand, is carried out totally or partly in the worker's own residence, regardless of the default place of work. Within the definition of work from home, all units that are in the worker's home are included, but premises attached to the residence that are not part of it are excluded, such as shops or workshops that have their own entrance or fields and land for economic exploitation.

Finally, within work from home, the subcategory of **home-based work** includes only those workers who habitually perform their work at home, regardless of whether the home could be considered as the default place of work. In other words, this concept refers to arrangements where the worker's home is the main place of work.

Using these definitions and fundamental concepts as a frame of reference and based on the information from the labour force surveys in the region (Annex 1), this report will refer to "work from home / work



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at home / from their residences" as a broad way of grouping the different concepts and as a preliminary exploration of the effective incidence of these forms of work in the region in the context of the COVID-19 pandemic. Additionally, for the countries with available information, data on teleworking will be presented.

2. Sharp increase in the incidence of work from home and telework in the context of the COVID-19 pandemic¹

Work from home and, in particular, telework, have been work arrangements implemented with greater intensity during the COVID-19 pandemic. This form of work allowed some groups of workers to perform their tasks from home and some enterprises to continue their operations, at least partially.

This is especially relevant considering the devastating impact of the crisis on the region's labour markets, which was manifested in sharp declines in employment and hours worked (ILO, 2021a, 2021b).

Figure 1 illustrates the trend in work from home since 2019 for a group of countries in the region, both for total employed workers and for employees. Only workers who reported having been effectively employed in an activity during the reference period are included here, thus excluding employees who were absent from their jobs.

As the figure shows, **the percentage of employed people working from home has risen sharply** since the outbreak of the pandemic in the region. This trend was even more pronounced among employees.

The incidence of this form of work in 2019 was between five per cent and eight per cent among all workers. Among employees, it was even lower, below three per cent. In fact, prior to the pandemic, independent workers accounted for more than 80 per cent of the total employed who worked from home.

This scenario resembles that observed in other regions of the world. According to the ILO (2021c, 2021d), prior to the pandemic, around eight per cent of the total employed worldwide were home-based workers, of which 80 per cent were own-account workers. Most lived in lower-middle income countries and worked as artisans, industrial homeworkers and others. At the other extreme, in high-income countries, dependent workers in professional, technical and managerial fields accounted for more than half of the group that worked at home in the form of telework.

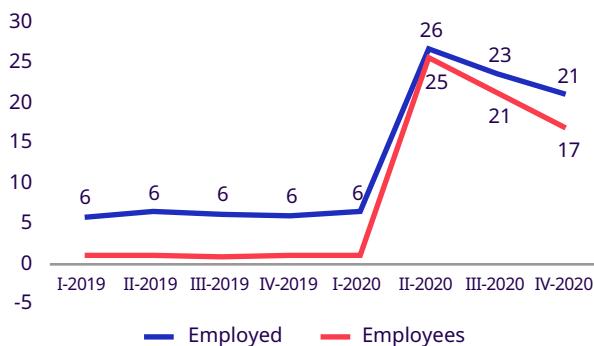
This situation changed radically in the context of the lockdown measures implemented in the world and in the region. For example, in the second / third quarter of 2020 in Argentina, Chile and Costa Rica, approximately 20/25 per cent of employees were working from home. Given that, as mentioned, dependent workers accounted for the largest share of this increase, the incidence gap of this work arrangement with respect to independent workers declined sharply.

In the case of Costa Rica, it is possible to identify both work from home and, specifically, telework (Annex 1). As Figure 1 shows, the two forms have similar trends. Likewise, as expected, teleworking explained the increase in work from home. In fact, during the first half of 2020, the increase in teleworking was, in absolute values, greater than the increase in work from home, indicating that other forms of work from home decreased during that period. In the second quarter of 2020, telework accounted for 74 per cent of the total work from home. Additionally, this type of work is observed almost exclusively among employees. In 2020, dependent workers represented around 95 per cent of total teleworkers in that country.

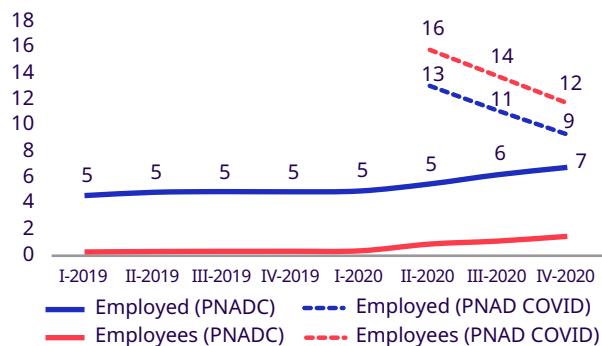
¹ The quantitative information presented in this and the following section originates from labour force surveys in the region. Annex 1 details the different ways of surveying these phenomena in the selected countries.

► Figure 1. Trends in work from home and telework. Selected countries of Latin America, 2019-2021

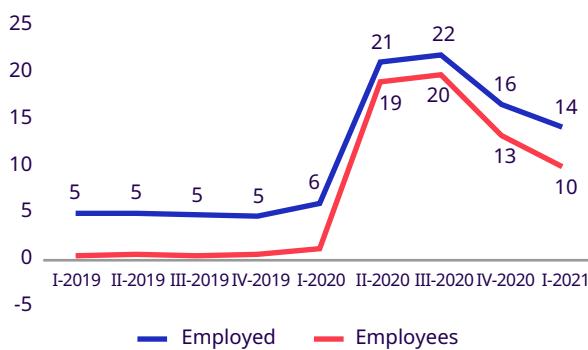
Argentina (Work from home)



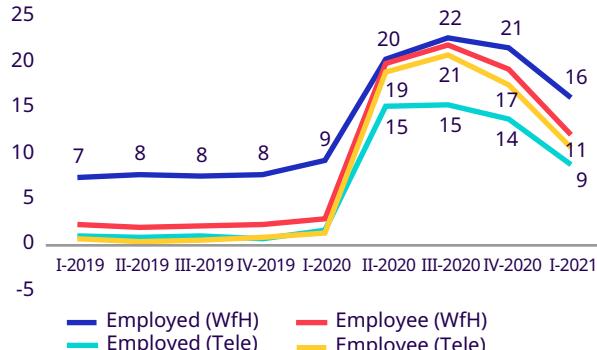
Brazil (Work from home)



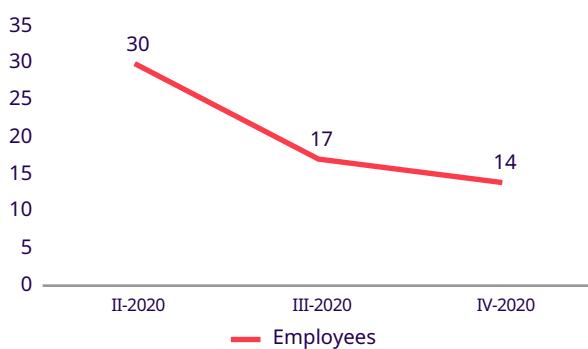
Chile (Work from home)



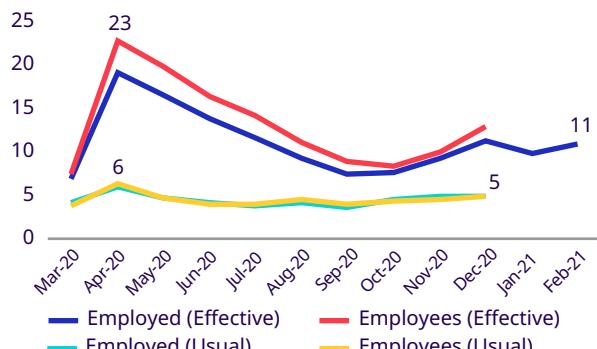
Costa Rica (Work from home and telework)



Peru (Telework)



Uruguay (Telework)



Source: ILO, based on labour force surveys.

As detailed in Annex 1, Brazil has information from the PNAD Continua Survey (PNADC) and the PNAD COVID Survey. The picture that emerges from these two sources with respect to working from home offers a sharp contrast. While the proportion of homeworkers surveyed in the first survey remained relatively constant throughout the year, at around five/seven per cent for all employed persons, the incidence of this phenomenon in the second survey is much higher, at around 13 per cent in the second quarter of 2020, and is even higher, at 16 per cent, among employees. Furthermore, unlike the first source, the PNAD COVID found that the percentage of employees working remotely exceeds that recorded among other workers. The difference between the results is explained by the fact that while

PNAD Continua inquires about the location where tasks are *usually* performed, PNAD COVID asked if the person was (*effectively*) working remotely during the week before the survey.

In Uruguay, the panorama also differs, in this case, in response to the selected question of the Continuous Household Survey (Annex 1). As expected, the proportion of employees who habitually telework remained constant at around four/six per cent. By contrast, workers who teleworked during the week prior to the interview in April 2020 represented about 20 per cent of the total of those who had worked for at least one hour during that week. Among employees, that figure was 23 per cent.

Like in Brazil, in Uruguay the incidence of work from home during 2020 was higher among employees than among own-account workers. The same situation was observed in Costa Rica. This may be associated, especially in these last two cases, with the fact that teleworking is directly addressed rather than other forms of work from home – more common among non-wage workers – that do not involve the use of technology.

In Peru, for its part, the 2020 ENAHO Survey included the measurement of this form of work for dependent workers only (Annex 1). In the second quarter of that year, nearly a third of them were teleworking.

In summary, **in the countries of the region considered here, between 20 and 30 per cent of employees who were currently working did so from home during the lockdown period.**

After the maximum values recorded in the second and third quarters of 2020, a decreasing trend is observed, most likely associated with the partial relaxation of lockdown measures and, therefore, with increased possibilities for returning to face-to-face work. However, in late 2020 and early 2021, the percentage of workers and, in particular, employees, working from home continued to be significantly higher than that observed in the months prior to the pandemic in the region. **Preliminary estimates indicate that some 23 million people teleworked in the region during the second quarter of 2020.**



In summary, *in the countries of the region considered here, between 20 and 30 per cent of employees who were currently working did so from home during the lockdown period.*

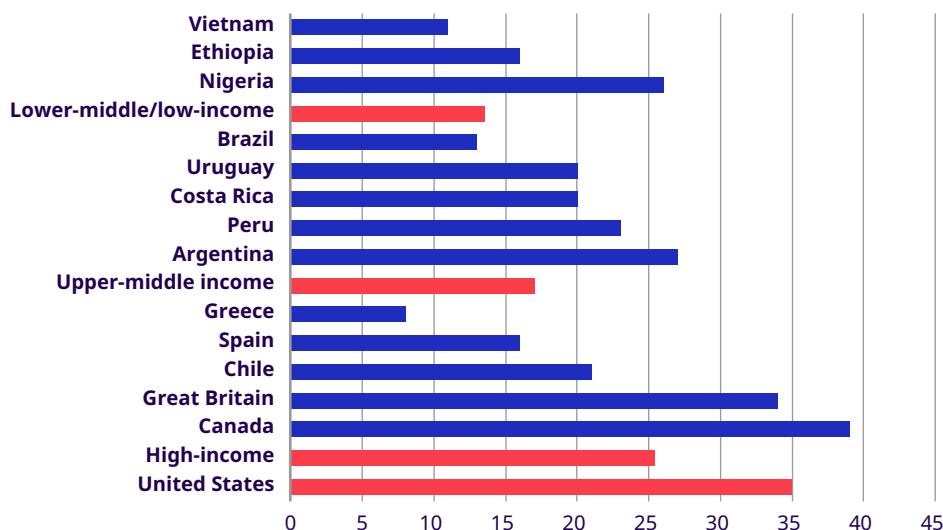
Finally, it is important to measure the incidence of this work arrangement in these countries at crucial moments of the pandemic in relation to other countries around the world. The recent report prepared by the ILO (2021d) From potential to practice: preliminary findings on the numbers of workers working from home during the COVID-19 pandemic, provides a preliminary assessment.

Figure 2 includes data corresponding to the Latin American countries analyzed above, as well as others included in the ILO study. Averages are presented for high-income, upper-middle income and lower-middle / lower-income countries. High-income countries recorded, on average, the highest percentages of work from home during 2020, while the opposite trend occurred in the group of low-middle income and low-income countries. In the United States, a country that was considered separately given that this work arrangement was measured differently from the rest, around 35 per cent of workers worked from home. In other words, at the aggregate level by region, a positive correlation is observed between income level and incidence of work from home.

However, beyond the analysis by regions, this correlation is not always verified at the country level, suggesting the presence of other factors, especially in this exceptional context. On the one hand, it may be influenced by the intensity of the lockdown measures in each country throughout the year; on the other, by the possibilities that workers could continue their activities from home. The latter, in turn, depends on factors such as the economic structure and composition of work, access to broadband internet and possession of a personal computer. Thus, all other characteristics being equal, in those

countries with a high prevalence of knowledge-based, professional and technical services, as well as administrative occupations, workers are more likely to have been able to continue their activities from home. The opposite is true, for example, with workers in the construction, domestic service, tourism, agriculture and manufacturing sectors.

► Figure 2. Incidence of work from home in Latin America and other selected countries, 2020



Source: ILO, based on ILO (2021d).

As the health situation becomes controlled enough to relax measures restricting people's mobility and to move towards greater normality, and more information on this phenomenon becomes available, it will be possible to conduct a more exhaustive analysis of the differences between countries and the explanatory role of different factors in the practice and characteristics of work from home and especially telework.

3. Telework and work from home: a work arrangement that is more prevalent among some workers

Pre-pandemic, work from home was strongly dominated by own-account workers. Much of this group worked from home on a permanent basis. The lockdown measures led to a significant influx of dependent workers in that group, significantly modifying the traditional attributes of this type of work. For this reason, **the following analysis will focus exclusively on employees**.

The possibility of continuing work activities from home during the pandemic was not the same for all dependent workers. As noted in ILO (2021a), some groups were more vulnerable to the consequences of the economic and health crisis than others. Among them, informal workers, women, people with limited education and young people. For this reason, as will be discussed below, employees who continued to work, especially those who did so from home, present characteristics that differentiate them from those who had been working from home prior to the pandemic, and from those who lost their jobs.

3.1. By educational level

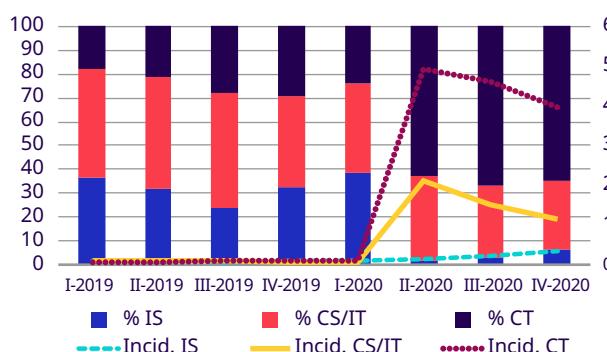
The increase in work from home was mainly observed among the most highly educated workers. In fact, the incidence of this work arrangement among employees who did not complete primary school remained relatively constant, with values below four per cent. The bias towards higher educational levels

is observed even more clearly when telework is specifically studied. **In the second and third quarters of 2020, between 40 and 60 per cent of dependent workers with a university education were working from home (Figure 3).**

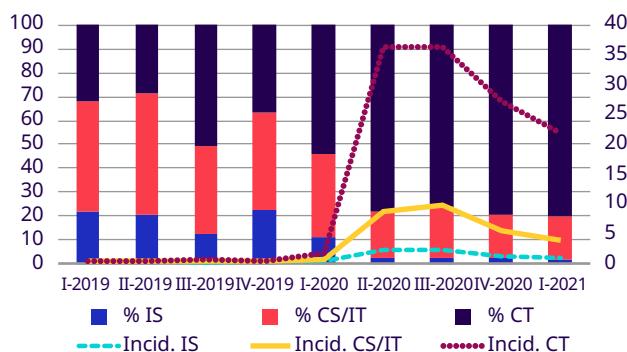
The varying intensity of these flows also significantly modified the composition of work from home by educational level. While in 2019, between 20 and 50 per cent of all employees working from home had low educational levels, this percentage fell to less than 10 per cent, and to even below two per cent in some cases, in 2020. By contrast, employees with a university education accounted for the largest share of workers in this work arrangement during the pandemic.

► **Figure 3.** Proportion of employees who work from home and telework, by educational level.
Selected countries of Latin America, 2019-2021*

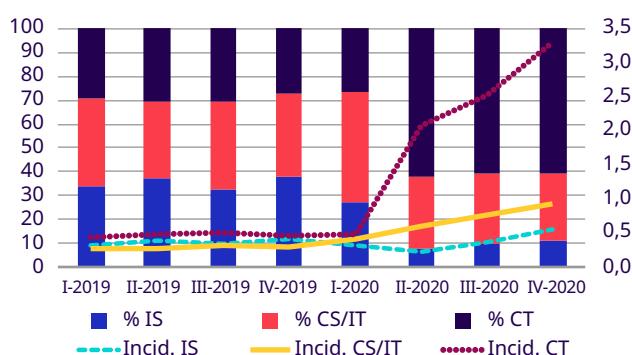
Argentina



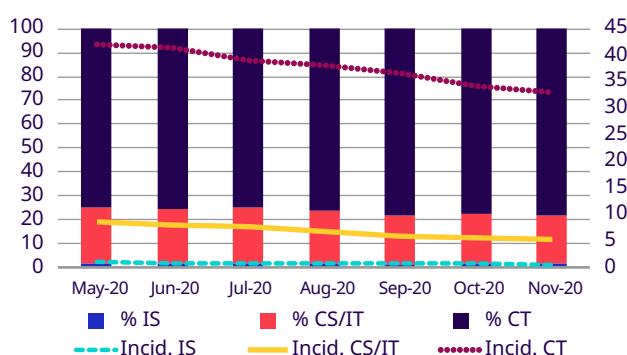
Chile



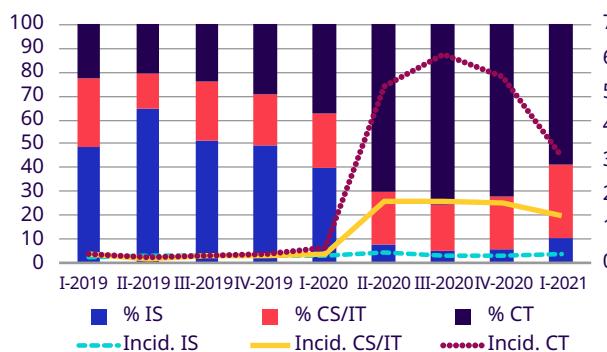
Brazil - PNADC



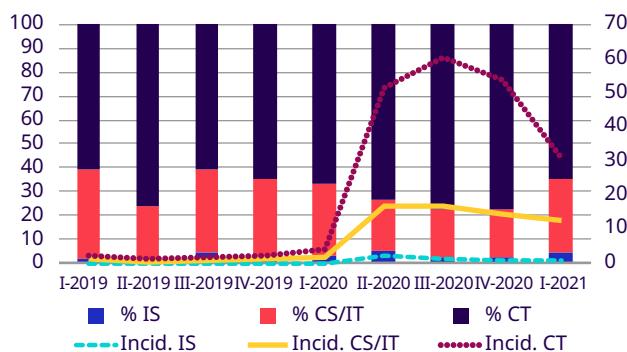
Brazil - PNAD COVID



Costa Rica (Work from home)

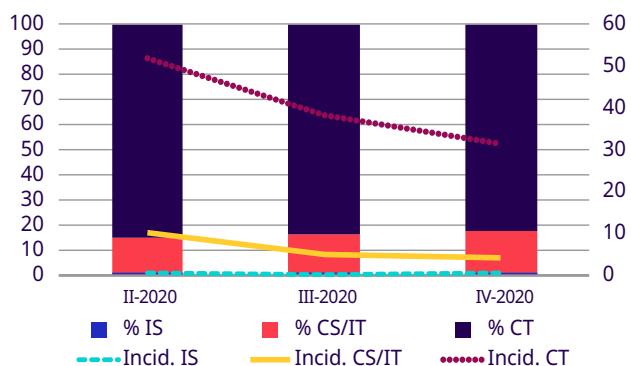


Costa Rica (Telework)



► Continues...

Peru



Source: ILO, based on labour force surveys.

* IS: up to incomplete secondary

* CS / IT: complete secondary / incomplete tertiary

* CT: complete tertiary

This scenario somewhat reflects the greater impact of the crisis, both in terms of job losses and reduced work hours, on employees with less education. The results presented here demonstrate that among this group, the possibilities of continuing to work in their usual places of work or, alternatively, from home, were more limited than for other employees.

Several factors influence this result. On the one hand, the differential impact on sectors of the crisis and lockdown measures affected groups of workers differently, depending on their educational level. On the other, labour informality was more prevalent among less educated workers in a context where informal employment suffered the greatest negative impact of the crisis, especially during the first half of 2020 (ILO, 2021a). Additionally, the potential to continue activities from home was influenced by the tasks performed in each occupation, which also differ according to educational level. Finally, the possibility of working from home was conditional based on internet access and the digital devices needed.

3.2. By occupation

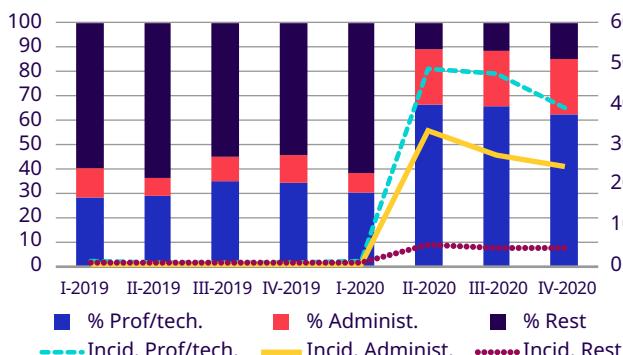
As mentioned, the type of occupation and the tasks carried are also key determinants of the ability to work remotely. As Figure 4 shows, **professional, technical and managerial occupations recorded the sharpest increases in work from home**. To a lesser extent, this increase is observed among administrative occupations. By contrast, other occupations – primary sector, operational, domestic service, construction – did not record changes, with a much lower incidence of this work arrangement among those professions.



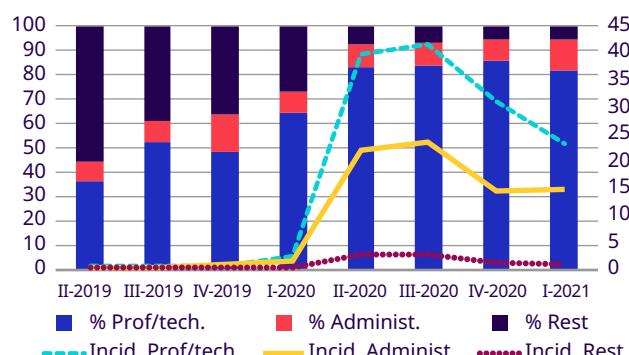
While in 2019, between 20 and 50 per cent of all employees working from home had low educational levels, this percentage fell to less than 10 per cent, and to even below two per cent in some cases, in 2020. By contrast, employees with a university education accounted for the largest share of workers in this work arrangement during the pandemic.

► **Figure 4.** Proportion of employees who work from home and telework, by occupation.
Selected countries of Latin America, 2019-2021

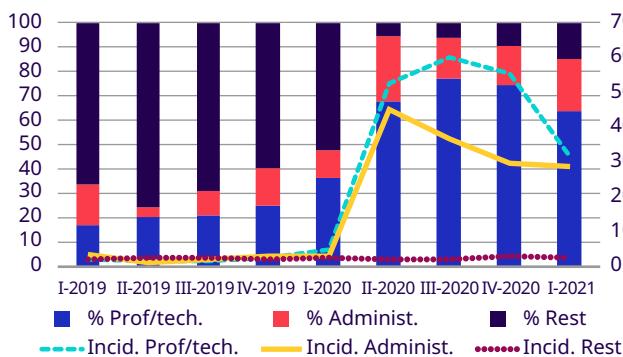
Argentina



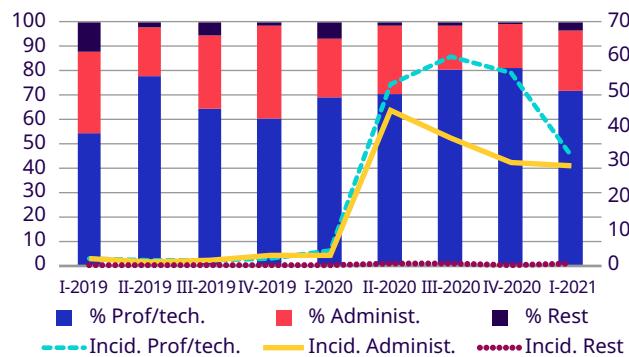
Chile



Costa Rica (Work from home)



Costa Rica (Teletrabajo)



Source: ILO, based on labour force surveys.

As in the other dimensions considered, the changes that occurred during the pandemic strongly impacted the composition of work from home by type of occupation. **While in 2019, up to a third of workers working from home in Argentina and Costa Rica, and half in Chile, worked in managerial, professional or technical occupations, in the second quarter of 2020, they accounted for between 70 and 80 per cent of this type of work.**

As expected, this trend increases among people who telework, as can be seen in the case of Costa Rica. Furthermore, when this dimension is combined with type of activity, workers in financial services, public administration and education, as well as professionals, technicians, managers and administrative personnel in all activities, accounted for almost all telework and about 73 per cent of the total work from home in the second quarter of 2020. This group of workers represented a similar portion of work from home in Argentina (75 per cent) and Chile (78 per cent).

Overall, these results are in line with those recorded worldwide. They confirm that the increase in working from home is mainly explained by occupations whose tasks are ICT-intensive. In occupations such as personal services or that require machinery and / or equipment, this work arrangement is less feasible.

3.3. By level of formality / informality

As the ILO has reported (2021a), informal workers were more vulnerable to the negative impacts of the crisis. In fact, they accounted for more than 60 per cent of the total reduction in employment in the first half of 2020.

Figure 5 illustrates the largely opposite trend in work from home. It shows that **formal workers were more likely to continue their activities from home**, displacing informal employees, who previously

accounted for the largest share of workers who worked from home.

Although in some countries, the incidence of work from home increased among informal employees, beginning in the second quarter of 2020, at least **80 per cent of this type of work was carried out by formal employees**. This trend is even more pronounced among teleworkers.

Different factors explain the work-from-home gap between formal and informal employees. On the one hand, the former group has greater structural job security which, in this unusual context, led to a greater likelihood of continuing to carry out work on the employer's premises or from home. This was reinforced by policies to sustain the formal employment relationship implemented in some countries of the region.²

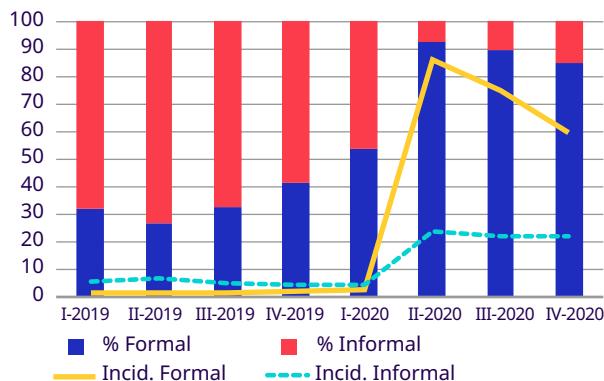
On the other hand, the average educational level among formal workers is higher than among informal workers and, therefore, the tasks performed by the former tend to be more "teleworkable" than those carried out by the latter. As previously mentioned, workers with a university education who perform professional, technical and administrative task are more likely to continue their work from home.



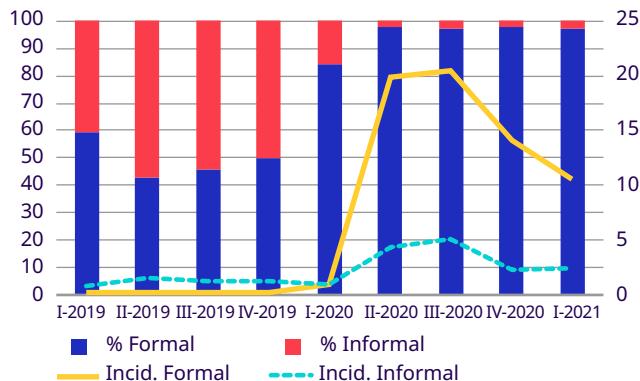
As the ILO has reported (2021a), informal workers were more vulnerable to the negative impacts of the crisis.

► **Figure 5.** Proportion of employees who work from home and telework according to level of formality / informality. Selected countries of Latin America, 2019-2021

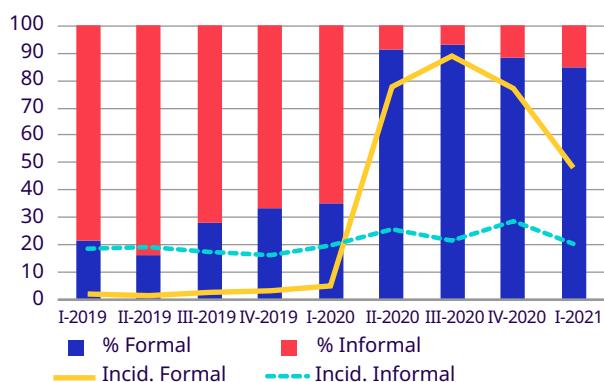
Argentina



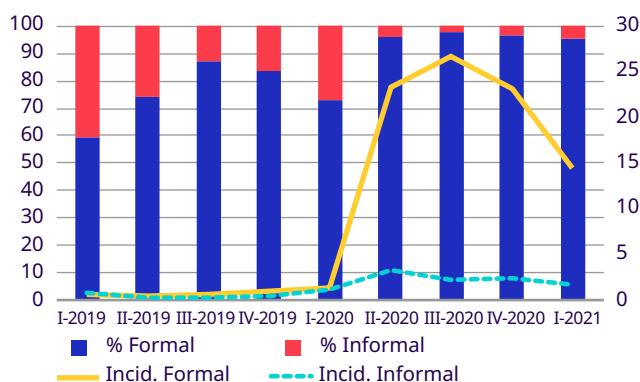
Chile



Costa Rica (Work from home)



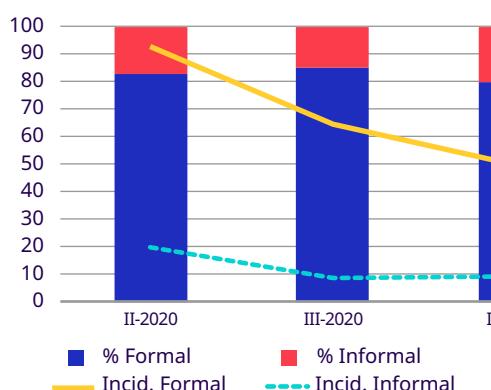
Costa Rica (Telework)



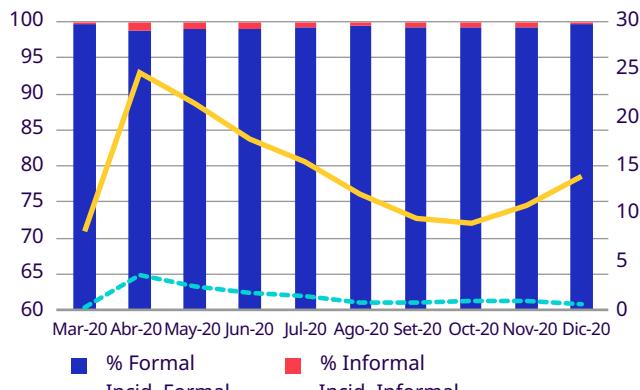
► Continues...

2 For more information on the policies implemented in Latin America and the Caribbean, see ILO (2020b, 2020c).

Peru



Uruguay



Source: ILO, based on labour force surveys.

The downward trend in the global incidence of work from home after the maximum values recorded in the second or third quarter of 2020 is also observed in the case of formal employees. This may reflect the return of these workers to their employers' premises in a context of a relaxing of lockdown measures.

3.4. By gender

Gender is another key dimension in the analysis of the incidence and characteristics of work from home. A potential benefit of this work arrangement, especially for women, is the flexible hours and the possibility of achieving a better work-life balance. However, at the same time, if working hours are not respected, there is a risk of task overload and excessive hours of paid and unpaid work. This situation may have been aggravated by the closure of schools and care facilities when lockdown measures were in effect.

Additionally, remote work may expand the range of employment opportunities and occupations for women, not only because of greater flexibility but also because it allows them to accept jobs that, due to the distance from their homes, would not be possible to do in person. However, isolation, limited interaction with other workers and the potential loss of a sense of belonging to the enterprise could imply setbacks in the advances made in women's increased participation and permanence in the labour market. At the same time, this work arrangement could accentuate discrimination against women and gender labour gaps.

Finally, the greater confinement of women in their homes and the loss of personal contact through face-to-face work could intensify incidents of gender-based violence, especially domestic violence.

As Figure 6 demonstrates, prior to the pandemic, women were more likely than men to work from home. In the context of a pandemic, increases in this work arrangement were observed in both groups. Although rates vary by country, all recorded a **higher incidence of work from home among women, in some cases accounting for a third of women employees.**

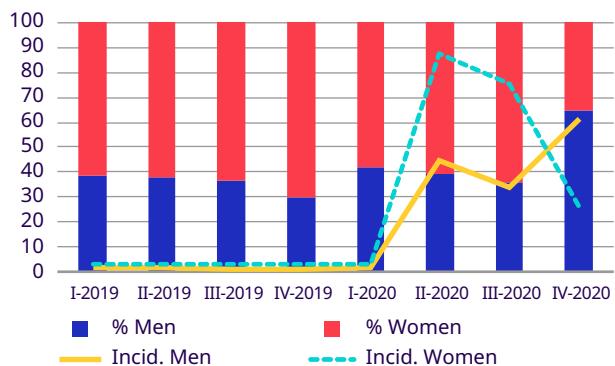
Women represented more than half of employees who worked from home during this period.



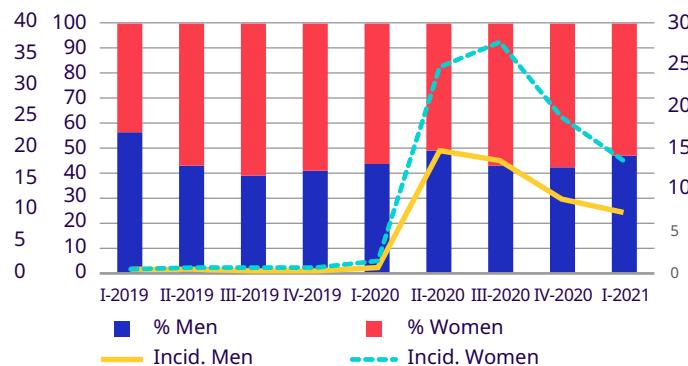
As Figure 6 demonstrates, [...] all recorded a **higher incidence of work from home among women, in some cases accounting for a third of women employees.**

► **Figure 6.** Proportion of employees who work from home and telework, by gender.
Selected countries of Latin America, 2019-2021

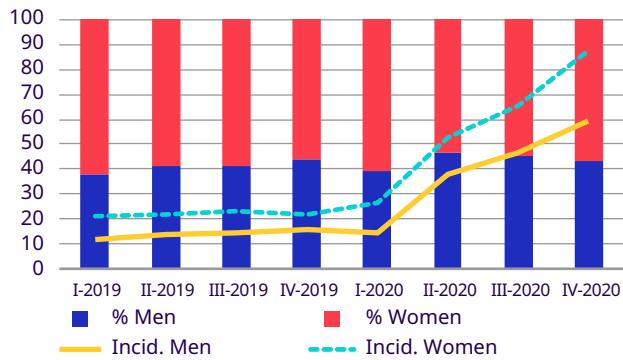
Argentina



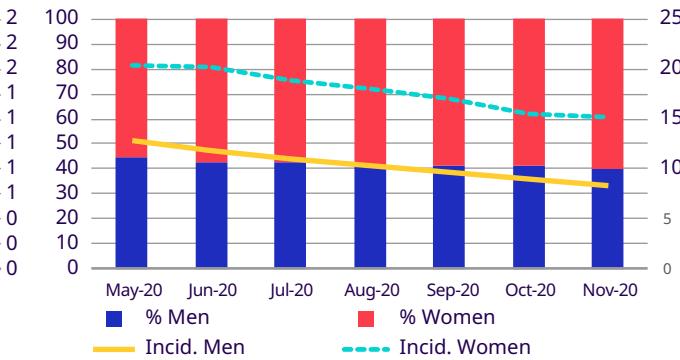
Chile



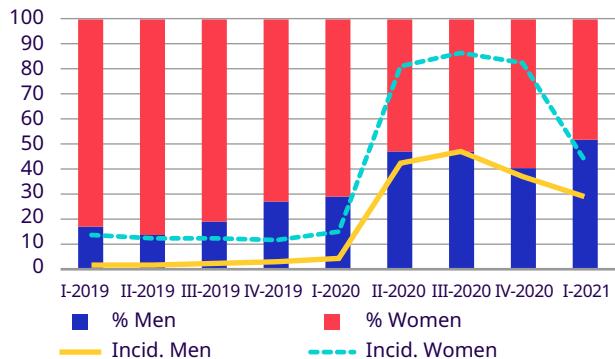
Brazil - PNADC



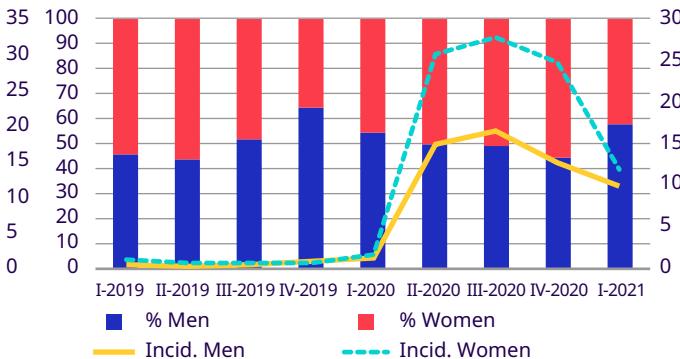
Brazil - PNAD COVID



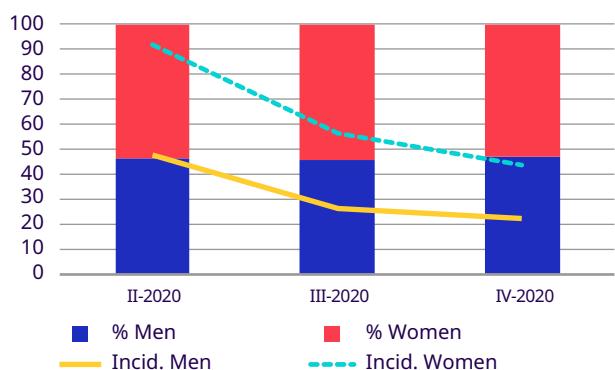
Costa Rica (Work from home)



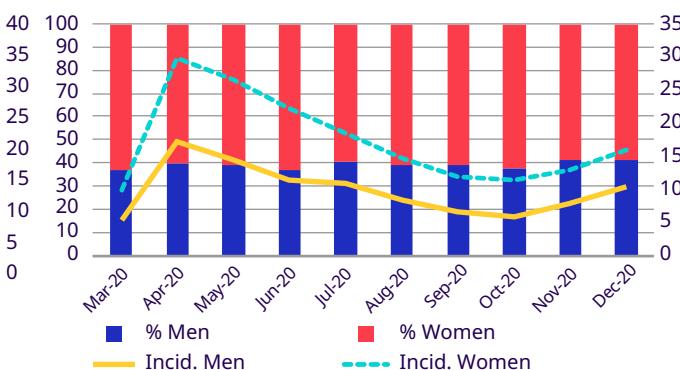
Costa Rica (Telework)



Peru



Uruguay



Source: ILO, based on labour force surveys.

Consequently, the gender perspective is especially relevant in this work arrangement. This implies considering the risks and disadvantages that women may face, not only in the regulations and legislation on working from home, especially teleworking, but also in relation to oversight mechanisms and labour policies to promote good practices and prevent this form of work from becoming a source of gender discrimination.³

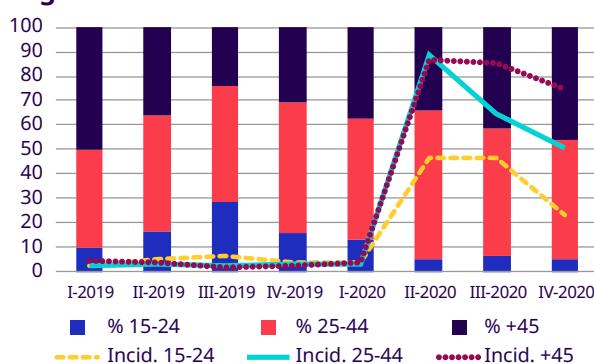
3.5. By age

Age is another attribute associated with different possibilities for continuing to work from home. **Youth have fewer opportunities to work from home than other age groups.**

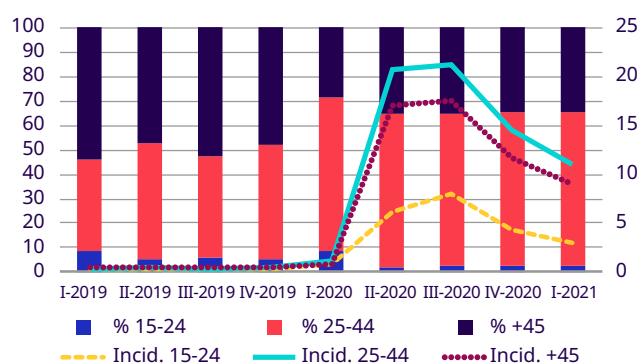
Figure 7 shows that **between 50 and 60 per cent of workers who worked from home during the pandemic were employees aged 25-44 years**. This group is followed by employees aged 45 and over, while youth account for an exceedingly small share of workers who work from home. The limited participation of young people in total work from home is not only associated with their lower participation in total wage employment but also with the lower specific incidence of this work arrangement in this age group.

► **Figure 7. Proportion of employees who work from home and telework, by age.**
Selected countries of Latin America, 2019-2021

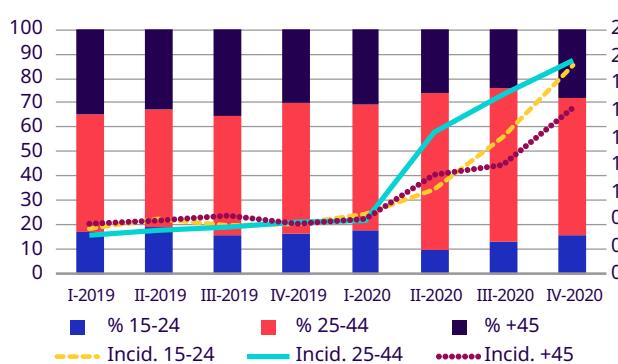
Argentina



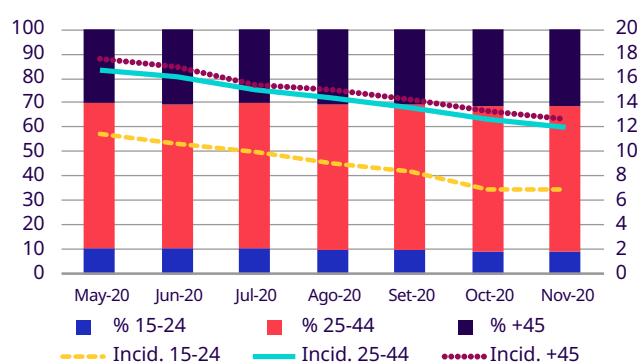
Chile



Brazil - PNADC



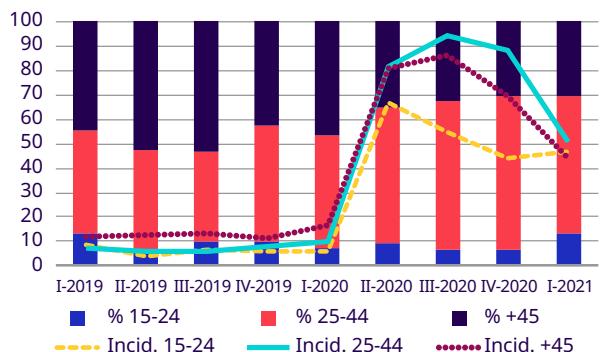
Brazil - PNAD COVID



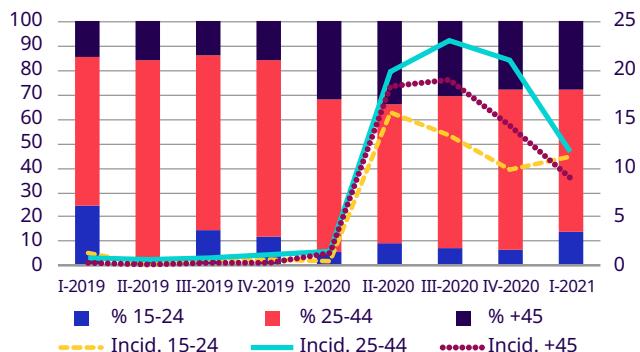
► Continues...

3 Progress has been made in the region in identifying good practices and guidelines on teleworking through guides and manuals that emerge from social dialogue. Some examples where the ILO has participated include: *Teleworking manual: legal framework and good practices* (Fundación ChileMujeres, ILO, Human Rights Subsecretariat, 2021) and *Manual of good practices in teleworking* (ILO, Ministry of Labour, Employment and Social Security, Unión Industrial Argentina, 2011).

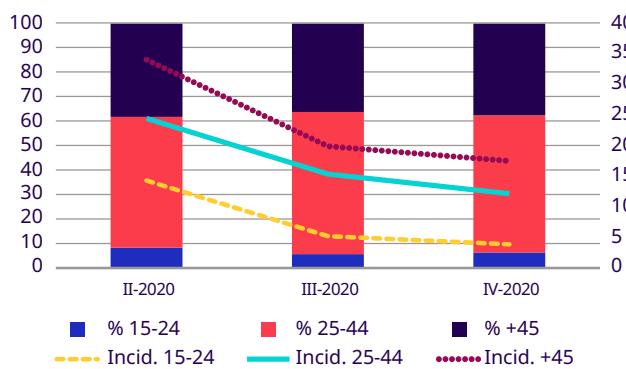
Costa Rica (Work from home)



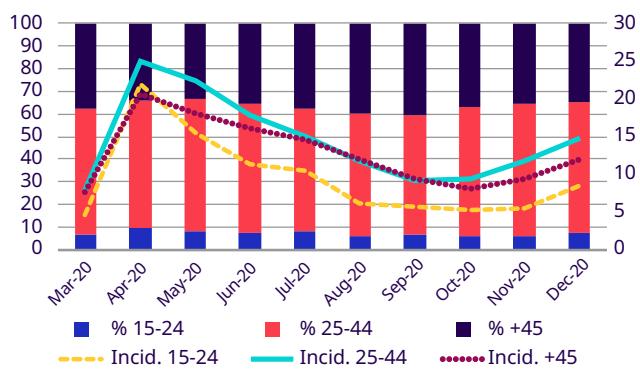
Costa Rica (Telework)



Peru



Uruguay



Source: ILO, based on labour force surveys.

Again, these findings are relatively consistent with the fact that youth experienced the greatest loss of employment and hours worked because of the COVID-19 crisis. The high incidence of informality and the limited engagement in tasks that are more likely to be carried out from home in this age group may help explain these results.

In the future, teleworking may create significant challenges for workers in certain age groups who are not familiar with the use of new technologies. This highlights the importance of vocational training that provides workers with the digital skills that jobs demand.

3.6. By labour income

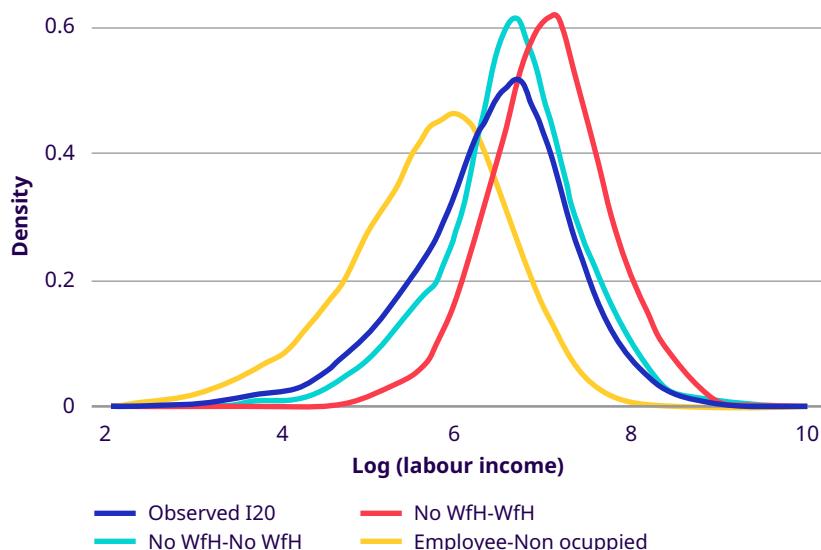
Finally, labour income distribution is a way to illustrate the unequal possibilities employed persons with different attributes have for continuing to work.

By way of example, Figure 8 presents the labour income distribution of dependent workers in Argentina and Costa Rica in the first quarter of 2020 (Observed I20), for the subset of these workers who continued to work for the same enterprise during the second quarter (NoWfH-No WfH), for those who began working from home (NoWfH-WfH), and for those who lost their jobs (Employee-non occupied.) during the first two quarters of that year.

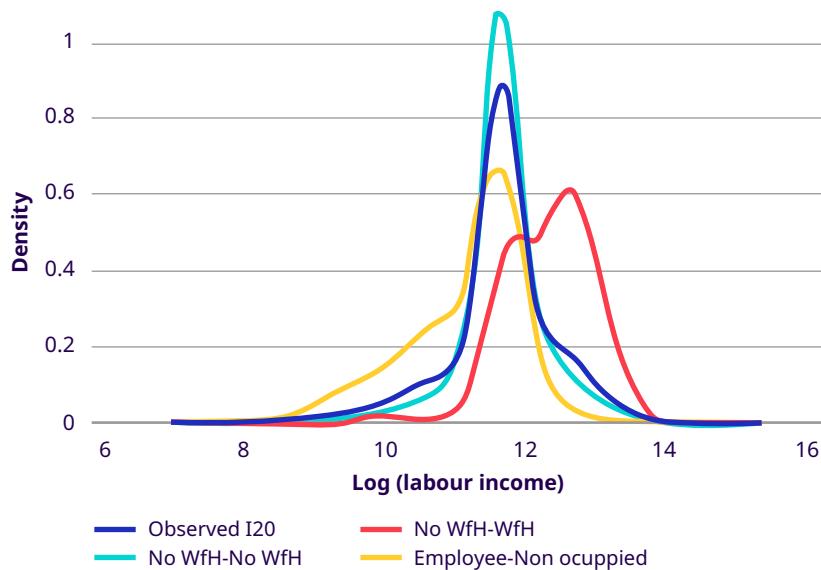
In both countries, **employed persons who were able to continue with their activities from their homes earned higher average labour income prior to the pandemic (first quarter of 2020) than the other two groups.** This is consistent with the results previously analyzed in relation to the higher incidence of this work arrangement among formal employees and those with higher educational levels. The opposite is observed among employees who lost their jobs. These workers were –on average– nearer to the bottom of the wage distribution.

► **Figure 8.** Labour income density function corresponding to the first quarter of 2020.
Argentina and Costa Rica

Argentina



Costa Rica



Source: ILO, based on labour force surveys.

Note: The horizontal axis corresponds to labour income (logarithmic scale) and the vertical axis to worker density, which represents the number of workers for each income level.

This information is relevant considering the results observed in other countries around the world prior to the pandemic, which differ from those shown here during the pandemic. As the ILO reported (2021c), in some countries, such as Mexico or India, workers who carried out their activities permanently from their homes were mostly at the bottom of the income distribution. Additionally, prior to the pandemic, a wage penalty for working from home was observed in several countries. In other words, these workers received a significantly lower hourly wage than those with the same observable characteristics such as age, education, sex and type of occupation, but who worked outside their homes.

To the extent that control of the health situation makes it possible to move towards a more normal situation in the region, it will be possible to analyze the composition and characteristics of work from home and telework, and their correlation to income during the post-pandemic period.

4. Advances and challenges in the regulation of telework in the region⁴

Some countries in the region already had legislation on teleworking prior to the COVID-19 pandemic. For example, in 2008, Colombia established trade union and social security guarantees for workers in this work arrangement. Peru enacted legislation on this issue in 2013. In 2017, Brazil modified the Consolidation of Labour Legislation (CLT), incorporating a chapter on telework. Costa Rica regulated telework in 2019. In 2020, other countries made progress in this regard: Mexico, Panama, El Salvador, Chile and Argentina. In Uruguay, a teleworking bill was submitted to the Senate in April 2020, which received preliminary approval in October of that year. In May 2021, Colombia passed the Work at Home Law. Finally, Paraguay passed the telework law in June 2021.

Additionally, in some cases where telework regulations existed prior to the pandemic, modifications were made to address the specific circumstances under which this work arrangement was implemented, or special provisions were established. Examples of this are Honduras, Bolivia and Ecuador, where teleworking was permitted in the public sector and, except for Ecuador, in the private sector.

Table 1 lists aspects and contents of these laws in the region. In all cases, the legislation provides a legal definition of teleworking / teleworker. In nearly all of them, certain conditions of this work arrangement are established, such as the duration of telework and return to the workplace. The costs assumed by the parties are detailed and an explicit reference is included on the voluntary nature of telework. Occupational

safety and health regulations are included in many of these laws. Finally, in several of these countries, regulations on work organization are incorporated. Among the dimensions considered are the definition of regular and overtime hours, teleworking frequency, workload, performance metrics, and monitoring and evaluation.

Other aspects of telework, however, are less frequently addressed in these laws. For example, the conditions in relation to privacy and data protection are only detailed in the laws of a few countries. Even less frequent is the regulation of the right to disconnect or the effective implementation of teleworking and enforcement procedures.



Some countries in the region already had legislation on teleworking prior to the COVID-19 pandemic. [...]

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⁴ This section benefited from the valuable collaboration of ILO International Labour Standards and Labour Law Specialist Humberto Villasmil. It is also largely based on the analysis presented in the 2020 *Labour Overview: Findings from Eurofound-ILO (2019)* and *Messenger (2019)* studies are also included.

► Table 1. Content of telework legislation in selected Latin American countries

Key regulatory parameters / Countries	Peru	Brazil	Costa Rica	Panama	Ecuador	El Salvador	Chile	Argentina	Mexico	Paraguay (2021)	Colombia (2021)
Provides a legal definition (telework, teleworker)	X	X	X	X	X	X	X	X	X	X	X
Makes reference to employment rules and conditions (rights, applicability, duration or maximum period, termination, access to place of work, refusal, etc.).	X		X	X	X	X	X	X	X	X	X
Establishes the conditions for data protection and privacy concerns.			X	X				X	X	X	
Makes reference to occupational safety and health (equipment, screens, stress, mental health, etc.)		X	X	X			X	X	X	X	X
Includes specific provisions on costs assumed by the parties, such as transport of equipment to the worker's home or equipment maintenance.	X	X	X	X	X	X	X	X	X	X	X
Includes information on equipment and compensation for costs when workers need to use their own equipment (tools, computer, etc.).	X	X					X	X			
Requires a written agreement between the supervisor and the worker, or a reference to an applicable collective bargaining agreement as a condition for teleworking.		X	X	X		X	X	X	X	X	
Requires both supervisors and workers to receive telework training.											

► Continues...

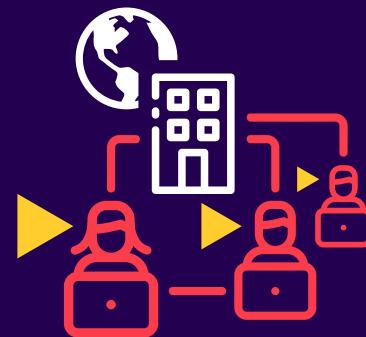
Key regulatory parameters / Countries	Peru	Brazil	Costa Rica	Panama	Ecuador	El Salvador	Chile	Argentina	Mexico	Paraguay (2021)	Colombia (2021)
Provides information on the organization of work (regular workday, overtime, frequency of telework, workload, place of work, performance evaluation and measurement, reports, monitoring, etc.).			X	X		X	X	X	X	X	X
Requires some form of consultation with social partners for the implementation of telework, including a specific reference to the collective representation of teleworkers.							X	X	X		
Requires organizations to designate an individual specifically assigned to telework (telework supervisor).											
Includes a reference to flexibility or the right to disconnect.				X			X	X	X	X	X
Includes a reference to the voluntary nature of telework.	X	X	X	X		X	X	X	X	X	
Provides information on how telework should be implemented (implementation procedures), including formalities such as notification of accidents or insurance-related issues.				X							
Includes references to the role of inspection (labour inspectors or workers' representatives) in the teleworker's place of work.							X	X	X		

Source: 2020 Labour Overview and updates based on telework laws in Latin America.

It seems reasonable to expect that

telework

will become increasingly feasible and prevalent in the world and in the region



RELEVANT ASPECTS

- Principle of voluntariness and agreement between the parties
- Organization and working time
- Occupational safety and health
- Equipment and work materials
- Protection of the right to privacy of workers
- Gender dimension and telework
- Role of social partners
- Employment relationship and compliance with legislation

All these dimensions become more relevant considering that, together with the acceleration of digitization processes and the use of information technologies, it seems reasonable to expect that telework will become increasingly feasible and prevalent in the world and in the region. Some of these aspects are detailed below.

Principle of voluntariness and agreement between the parties. Before the pandemic, the implementation of teleworking required an expression of interest on the part of the worker and the agreement of the employer. In some cases, a trial period was stipulated, with the possibility of returning to face-to-face work. The need to quickly implement this work arrangement in response to lockdown measures made it mandatory. It was understood, however, that such an arrangement was the result of an exceptional situation. Once the health situation is under control and lockdown measures are relaxed, there will likely be a progressive return to face-to-face work. However, telework will probably be more common than previously observed. That is why in the transition towards a post-pandemic “new normal,” the principle of voluntariness between the parties is of particular importance. Telework legislation regulates this issue. By way of example, Law 25755 of Argentina (Art. 7) establishes that *“The transition of those who work in a face-to-face position to teleworking, except in cases of duly accredited force majeure, must be voluntary and documented in writing.”*

Organization and working time. The discussion concerning working-time autonomy is not new. The report of the Global Commission on the Future of Work (2019) convened by the ILO already raised the need to seek agreements between the parties to encourage arrangements that allow workers to decide on working hours while meeting enterprise needs. According to the report, *"Information and communication technologies that allow work to take place anywhere, at any time, blur the line between working time and private time and can contribute to an extension of working hours. In a digital age, governments and employers' and workers' organizations will need to find new ways to effectively apply nationally defined maximum limits on hours of work, for example by establishing a right to digitally disconnect."* With respect to the latter, by way of example, Law 21220 of Chile (Art. 152 quater J.) establishes that *"In the case of remote workers who freely distribute their hours or teleworkers excluded from the limitation of working hours, the employer must respect their right to disconnect, guaranteeing the time during which they will not be obliged to respond to communications, orders or other requirements. The disconnection time must be at least 12 consecutive hours in a 24-hour period. Likewise, in no case may the employer establish communications or formulate orders or other requirements on workers' days of rest, leave or annual holidays."*

Occupational safety and health. Although teleworking and, more generally, working from home, can prevent or reduce the risks of accidents that can occur on the way to and from the workplace, this work arrangement may present new occupational risks, both physical and mental. Among the factors that can negatively affect the mental health of workers are long working hours, the need or perception of being always available and heavy workloads. Additionally, problems may arise from musculoskeletal disorders from inappropriate work postures or visual disorders associated with long hours in front of a computer screen or other digital device. Moreover, the exceptional context of the pandemic, where teleworking has been accompanied by a sedentary lifestyle, isolation and greater caregiving demands given school closures, has led to or intensified psychosocial risk factors. That is why it is necessary to incorporate health and safety content into telework regulatory frameworks. This implies both recognizing the occupational cause affecting workers' health and establishing safety measures. Finally, labour inspection mechanisms must be developed for this type of work to ensure that workers can work from home in an effective, efficient and healthy way. Inadequate attention to the inherent aspects of health and safety when working from home may have negative impacts on both workers and enterprises through increased absenteeism and lower productivity (Bueno, 2020).⁵

Equipment and work materials. As mentioned, the legislation on teleworking in the region includes specific provisions on the costs associated with equipment and work materials in this type of employment. By way of example, Law 21220 of Chile (Art. 152 quater L.) stipulates that *"The equipment, tools and materials for remote work or telework, including personal protection items, must be provided by the employer to the worker, and the latter may not be forced to use items belonging to the worker. Likewise, the costs of operation, maintenance and repair of equipment shall always be borne by the employer."* Law 6738 of Paraguay (Art. 14) establishes that *"The obligations of the employer for the purposes of this law, without affecting those established in other provisions in force: (...) c) Provide and guarantee the maintenance of equipment, programmes, which may be varied in those cases in which the employee, voluntarily requests the possibility of teleworking with his/her personal equipment and the employer accepts, which must be made clear in the contract or addendum and exempts the responsibility of the employer regarding the use of the equipment owned by the teleworker."* Law 27555 of Argentina (Art. 9) stipulates that *"The employer must provide the equipment -hardware and software-, the work tools and the necessary support for the performance of tasks, and assume the costs of installation, maintenance and repair of same, or compensation for the use of tools belonging to the worker. Compensation will be in accordance with the guidelines established in collective bargaining."* Law 2088 of 2021 of Colombia (Art. 8) states that *"For the development of work at home and the fulfillment of functions, the public servant or the private sector worker may have their own equipment and other*

5 For a detailed analysis on health and safety in telework, see Bueno (2020, 2021).

tools, provided that there is an agreement with the respective employer and / or public entity. If the aforementioned agreement is not reached, the employer shall supply the equipment, information systems, software or materials necessary for the development of the tasks or work contracted, in accordance with the resources available for this purpose. The employer shall define the criteria and responsibilities regarding access and maintenance of the equipment, as well as regarding the custody and reservation of the information in accordance with current regulations on the matter. In all cases, the employer is responsible for supplying the necessary equipment for the development of activities, fulfillment of functions and provision of the service under the work from home arrangement."

Protection of the right to privacy of workers. It is uncommon for teleworking laws in the region to consider the regulation of workers' right to intimacy and privacy. Consequently, existing and future legislation should include the necessary measures to guarantee the protection of data used by workers in this work arrangement. Its consideration and regulation are essential since remote work oversight usually requires technological tools that can end up invading workers' private spaces. In this regard, for example, Law 27555 of Argentina (Art. 15) establishes that "*The control systems intended to protect the assets and information owned by the employer must have trade union participation to safeguard the privacy of the individual who teleworks and the privacy of his or her home.*"

Gender dimension and telework. The gender dimension is especially relevant in this work arrangement. While teleworking can give women greater opportunities for labour market participation, it can also exacerbate the tension between time devoted to these activities and that devoted to household and caregiving responsibilities. In the context of a health emergency, this situation has been even more critical given the closure of schools and care facilities. In the post-pandemic period, a comprehensive, coordinated set of measures is required to promote the inclusion and permanence of women in the labour market, taking into account work from home. These measures should include policies that favour the equitable distribution of household tasks; job promotion policies in enterprises that include teleworkers; high coverage of public caregiving services; and gender mainstreaming in public and enterprise training programmes for digital technologies.

Role of social partners. Along with the advances in telework regulations, some more specific aspects, depending on the type of activity and other characteristics of the position, should be part of the collective bargaining between workers and employers. To this end, it is important to prevent the increased isolation of workers from weakening trade union representation and, with it, compliance with individual and collective rights. In this regard, Law 21220 of Chile (Art. 152 quater N.) states that "*The employer must also inform the worker in writing of the existence or non-existence of trade unions legally constituted in the enterprise upon hiring. In the event that a union is formed after workers are hired, the employer must inform the workers subject to this contract of this fact within 10 days of receiving the notification established in Article 225.*"

Employment relationship and compliance with legislation. ILO Convention No. 177 (1996) establishes equal treatment between permanent home-based workers and other employees in relation to: (a) the homeworkers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations; (b) protection against discrimination in employment and occupation; (c) protection in the field of occupational safety and health; (d) remuneration; (e) statutory social security protection; (f) access to training; (g) minimum age for admission to employment or work; and (h) maternity protection. Without adequate controls, working from home could lead to employment relationships that do not recognize dependency, and consequently to increases in own-account employment or disguised employment relationships. Likewise, the increased complexity of labour inspection in locations outside the employer's premises may raise the risk of the informalization of dependent workers.⁶ As mentioned, diverse mechanisms should be established and strengthened to ensure that these work arrangements do not contribute to making this employment precarious.

6 For more detail on the challenges of labour inspection in teleworking, see Bueno (2020).

Recommendation No. 198 concerning the employment relationship (2006) establishes that "... national policy should at least include measures to: (...) b) combat disguised employment relationships in the context of, for example, other relationships that may include the use of other forms of contractual agreements that hide the true legal status, noting that a disguised employment relationship occurs when the employer treats an individual as other than an employee in a manner that hides his or her true legal status, and that situations can arise where contractual agreements have the effect of depriving workers of the protection they are due."

5. Final comments

The lockdown measures implemented in response to the COVID-19 pandemic created the need to quickly adapt the organization of the production and work process, which led to significant increases in work performed from home. Undoubtedly, teleworking allowed a group of enterprises to continue with their operations and certain workers to maintain their employment relationship. This, in turn, prevented an even greater impact of the crisis on labour indicators in the region. The transition from face-to-face work to remote work, however, was not without challenges for enterprises and workers, who had to quickly implement this work arrangement.

In the countries included in this report, the percentage of employees engaged in remote work rose from less than three per cent in 2019 to 25/30 per cent in the second quarter of 2020. After these maximum values were reached in mid-2020, the incidence of this work arrangement began to decline. Nevertheless, telework will likely become increasingly relevant, especially given the digital transition and to the extent that the region makes important advances in access to new technologies. **It is still too early to predict the scope of teleworking, but undoubtedly, the world of work will shift towards hybrid forms that combine work on the employer's premises with work from home.** Surveys carried out with workers and employers worldwide show the willingness, at least on the part of some of them, to move forward on this path (Eurofound, 2020; European Parliament, 2021).

That is why it is essential to consider the lessons learned during the pandemic, as well as the potential benefits and risks of this work arrangement, which were observed in the world prior to the pandemic. Drawing on dialogue among governments, employers and workers, it is possible to identify good practices that protect the rights, health and well-being of workers, while generating an organizational culture that allows enterprises to efficiently take advantage of the possibilities offered by the new technologies and that lead to productivity gains.

Finally, official statistics that provide adequate, comparable and updated information are needed to evaluate the incidence and characteristics of this phenomenon and the effective compliance with labour regulations.



It is still too early to predict the scope of teleworking, but undoubtedly, the world of work will shift towards hybrid forms that combine work on the employer's premises with work from home.

► **Box 1.** Working from home in the Caribbean⁷

Some Caribbean countries have labour force surveys that address the issue of working from home. Grenada, for example, introduced a module related to COVID-19 beginning in the second quarter of 2020. This module includes special questions about the default and current place of work. Questions include "Which of the following best describes the usual place of work of your job or main business?" and "During the reference week, in which of these places did you work the most hours?" The home is one of the alternatives in both cases. In 2021, the Belize survey added the question "Which of the following best describes the current place of work in your main job?" and "Are you working from home due to COVID-19 or is this your usual place of work?

Like in Latin American countries, the regulation of telework in the Caribbean has become an increasingly relevant issue. During the pandemic, several countries encouraged the use of this work arrangement while advancing its regulation. For example, in Barbados and Saint Vincent and the Grenadines, governments allowed teleworking in the public sector, which was subsequently replicated in the private sector. In the Bahamas, Grenada, Saint Kitts and Nevis, enterprises are encouraged and, in some cases, required to continue to operate with employees who work from home. Public service employees were also ordered to work from home unless designated as essential workers.

In Curaçao, Jamaica, Montserrat, Sint Maarten, Turks and Caicos Islands, workers and employers were encouraged to make use of flexible work arrangements. Additionally, in some Caribbean countries, the issue of remote work and telework has been addressed through guidelines related to occupational safety and health rather than through specific legislation or regulation. This is the case, for example, of Trinidad and Tobago, where a guide was published on how to work from home while maintaining healthy and safe conditions. In other countries, protocols or guidelines have been developed to establish basic criteria and requirements to ensure a productive, safe organization of work from home. An example of this is the public sector in Jamaica.

Despite advances in telework regulations, challenges remain. In tripartite consultations during the past year and a half, constituents most often mentioned the challenges of dealing with working hours, overtime pay, reimbursement of expenses, provision of equipment, health and safety requirements, as well as data protection and security.

Finally, several Caribbean countries established special arrangements to encourage foreign workers to settle in their countries to telework. While the practice has had varying degrees of success depending on the country, it may raise legal issues in terms of worker protection and legislative jurisdiction.

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⁷ Diego Rei, Ariel Pino and Shingo Miyake of the ILO Office for the Caribbean prepared this box.

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ANNEX 1. Measurement of work from home, home-based work and telework in Latin America

The labour force surveys in the region can be used to identify some of the phenomena previously described. Some of these surveys ask about the main location where workers perform their tasks while others ask more generally about the physical location of the workplace (without identifying whether it is the main place). In both alternatives, the home appears as a possible answer. In general, questions directly related to the frequency with which the worker performs tasks from home are not included, thus making it difficult to differentiate between work from home and home-based work. Surveys of a few countries directly inquire about telework.

Specifically, Argentina (Permanent Household Survey), Brazil (Continuous PNAD), Chile (National Employment Survey), Colombia (Large Integrated Household Survey) and Costa Rica (Continuous Employment Survey) collect information on the place where the worker mainly, effectively or usually performs his or her tasks, and includes options that include the dwelling or home. In turn, within this group there are three alternatives. Questions include "*Where do you mainly perform your tasks?*" (Argentina, Colombia and Costa Rica); "*Where do you normally carry out your tasks?*" (Brazil); and "*In the week ending last Sunday, where did you mainly perform your work?*" (Chile). In the last case, the reference period is made explicit.

In Bolivia (Household Survey and Continuous Employment Survey), Ecuador (National Survey of Employment, Unemployment and Underemployment) and Panama (Labour Market Survey), questions are more general and do not inquire about whether the identified place of work is the main / default one. In these countries, questions include "*Where do you work / carry out your work / activities of this business?*" (Bolivia, Mexico, Panama), and "*In which of the following places or locations do you work?*" (Ecuador).

In all these countries, this dimension is studied for the total number of employed, both dependent and independent. In the case of Mexico (National Employment Survey / Telephone Employment Survey), only workers whose business / activity does not have a premises, office or facilities respond to this question. In Peru (National Household Survey / ENAHO), this dimension is explored for employees. This question was incorporated owing to the pandemic, for which reason Peru has only had information since 2020.

As mentioned, some countries in the region also have information on teleworking. In Brazil, in addition to the quarterly survey of the Continuous PNAD, another survey known as PNAD COVID was carried out. The latter was implemented between May and November 2020 and contains information, among other issues, on how workers adapted their work schedules to the pandemic, including teleworking (*Last week, were you working remotely (home office or telework?)*). In other words, the question refers, on the one hand, directly to what actually occurred during the previous week and, on the other, to remote work and / or telework.

In Uruguay, the Continuous Household Survey (ECH) was modified to identify these dimensions with greater precision. In 2020, two specific questions on teleworking were incorporated: "*Do you usually telework at your job?*" and "... *did you telework last week?*"

Finally, in Costa Rica and Peru, response options explore whether the work within the home is specifically telework.

Although these surveys can provide an overview of the incidence of these phenomena in the region, more information is needed to accurately identify and characterize each work arrangement. It is not always possible to clearly differentiate work from home from home-based work, to identify in which situations they correspond to remote work and in which they do not, nor whether they refer exclusively to telework or other forms of work from home.

In the context of the pandemic, however, it is possible to assume that the observed increase in work from home corresponds largely to home-based teleworking. In fact, several countries use it as a proxy indicator for teleworking.

In some cases where, according to the questionnaire, the default place of work should be surveyed, the increase in the work arrangement is probably reflecting that the place where the work was actually carried out was in fact captured. Although prior to the pandemic, the differentiation between default and effective place of work was less important, in the context of the lockdown, this became a crucial aspect in the measurement of these phenomena. The Uruguayan case is interesting since the inclusion of both questions – default place and effective place – in the same survey provides valuable information regarding the different strategies of inquiry and capture of this work arrangement.

Considering that remote work and telework will undoubtedly become increasingly prevalent forms of work, it is necessary to advance in developing conceptual definitions based on consensus and in including more questions in labour force surveys to adequately measure and characterize these phenomena. The experience gained in this exceptional context – where statistical offices around the world had to rapidly adapt their schemes and ways of working – makes it possible to identify good practices and pending statistical challenges on increasingly relevant issues.

Having more accurate statistics on this phenomenon, in turn, will not only improve the description and characterization of labour markets in the region; it will also contribute to promoting regulatory changes that protect the rights of workers who work from home.

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