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Stakeholder Interests and Regulations for Working from Home During the Pandemic—A Slightly Jaundiced Review

Lutz Bellmann^{1,2,*}, Ralph Conrads³, Ingo Matuschek⁴¹Institute for Employment Research of the Federal Employment Agency, D-90478 Nuremberg, Germany²Faculty of Economic Science and Management, Nicolaus-Copernicus-University in Toruń, 11, 87-100 Toruń, Poland³Sociology and Labour Market Policy Section, University of Applied Labour Studies of the Federal Employment Agency, D-68163 Campus Mannheim, Germany⁴Sociology and Labour Market Policy Section, University of Applied Labour Studies of the Federal Employment Agency, D-19055 Campus Schwerin, Germany*Correspondence: lutz.bellmann@iab.de (Lutz Bellmann)

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Abstract

Triggered by the COVID-19 pandemic, the prevalence of full or partial working from home (WFH) has increased considerably. Workers benefit from a better work-life balance, less commuting time, and more flexibility, but also experience a deterioration in social relations and higher stress levels. It is therefore recommended that establishment-level agreements be negotiated between works councils and management in order to avoid a weakening of occupational health and safety standards and to ensure compliance with legal requirements or sectoral agreements between the social partners on adequate infrastructure and working time. The aim is to find arrangements primarily at the establishment level to facilitate access to full or partial work from home and to protect workers' health and safety in accordance with legislation, as well as to avoid disadvantages for business. Our paper highlights the role of differences in organisational working culture and the nature of industrial relations. Finally, we discuss the necessity of a Decent Work approach to WFH to enable better implementation of rules compared with the often unregulated concepts of New Work.

Keywords: quantitative and qualitative analysis; working from home; collective agreements; establishment-level agreements; working conditions; COVID-19

JEL: C81, J22, J53, J81

1. Introduction

Despite serious challenges in terms of issues of equity and fairness, work organisation and psychological distress, the COVID-19 pandemic triggered an unprecedented and partly irreversible increase in hybrid and fully remote work. As a first step, this article aims to demonstrate the relevance and recognisability of working from home (WFH) as a phenomenon during the pandemic, based on quantitative and qualitative data. It is expected that this will remain a relevant phenomenon, although to a slightly lesser extent. The second research question pertains to the effects of this phenomenon on stakeholder theory from the perspective of employers or employees. Additionally, it explores existing regulations in international comparison and the reasons why they are deemed necessary at various levels. Regarding relevant terms in this context, such as working from home, telecommuting or mobile work, all these terms usually suggest that an employee is replacing office work with work in another location (Mokhtarian et al, 2005, p. 2) or, usually enacted in types of remote work, in several locations. The term 'working from home' in this context may encompass a wider variety of work arrangements. As hybrid arrangements are more prevalent than full-time WFH and existing

studies use different criteria, we will use the term '*working from home*' as an umbrella term for all manifestations in the following paper. Today, WFH is becoming a global phenomenon. Thus, international comparative research and insights are needed (Aksoy et al, 2022). Comparing the use and legal structure of WFH in other countries can provide valuable guidance for the implementation of policies and legal frameworks (Bonin et al, 2020).

Also, the concepts of New Work and WFH seems to be closely related, but still are different concepts of changing gainful employment. New Work promotes more flexible and collaborative ways of working, but also demands less regulation. It emphasizes the importance of meaningful work and personal development (Bouncken et al, 2022; Bergmann, 1990). Currently, the New Work approach is popular among employers, but it has received criticism, even from Bergmann (2019), the founder of the concept, for its high implementation requirements and strong emphasis on self-responsibility. This can lead to the risk of (self-)exploitation of employees, if only certain elements are addressed, without fundamentally rethinking the concept of work in the establishment (Schermuly, 2021; Bergmann, 2019). In contrast to the New Work approach, which was developed on a theoretical basis and subsequently imple-



mented by companies in practical contexts, the concept of Decent Work represents a more political approach. This holistic approach, as outlined by Ens et al (2018), encompasses the needs of employees to achieve the goals of enterprises in a sustainable and social just manner. Notably, the European Union (EU) administration, among other entities, has referenced this concept as a guiding principle in its policy formulation. This is why we will rather focus on the Decent Work approach to identify needs and areas for action for possible ways forward on the development of a proper WFH. This includes tasks like environmental facilities and technical equipment as well as more psychosocial issues like formal and informal communication, collaboration and collegiality, the risk of isolation in WFH etc. as pointed out in the following empirical insights. Its significance has been highlighted in view of an inadequate implementation of occupational health and safety regulations in the New Work approach. Thus, Decent Work addresses the issue of insufficient and inadequate employment opportunities, as well as poor working conditions for workers, including digital workers (Ens et al, 2018). Promoted by the International Labour Organization (ILO) (1999), Decent Work recognises that work is not only a means of earning a living but also a source of dignity, personal development, and social inclusion. The following findings will contribute to the development of 'decent' policies that can pave the way for better working conditions for those who work from home (Ens et al, 2018).

The paper is structured as follows: the second section analyses the evolution of WFH before, during, and after the COVID-19 pandemic, and its impact on companies, employees, and works councils based on stakeholder theory. Companies, considered as key stakeholders, make decisions regarding WFH policies to balance organisational efficiency with employee well-being and satisfaction. To ensure the overall success and sustainability of this kind of work practices, it is crucial to consider the effects from the perspective of employees. This aligns with stakeholder theory (Freeman, 2023), which emphasizes the importance considering the interests of all stakeholders affect or affected by the achievements and objectives of a company. Therefore, it is necessary to understand the experiences of employees in shaping WFH practices. The third Section compares the regulation of WFH in an international perspective. It presents the different regulations and their actual use, as well as the impact of the regulations, and identifies the needs for further regulatory action. The fourth section discusses the main findings and arguments. References to stakeholder theory and the Decent Work approach are made and explored. The fifth section concludes the contribution with a labour policy-inspired summary of previous findings on the significance of the regulation of WFH and relevant scientific aspects in this regard.

2. Incidence of Working From Home

The global pandemic has led to an increase in the prevalence of WFH. Before the pandemic, WFH was not a common practice. The majority of WFH arrangements were observed in the information technology (IT), consulting and freelance sectors. Despite some challenges, the pandemic led to rapid and widespread adoption of WFH in many sectors, with up to 50% of the workforce in some sectors in advanced economies at the peak of the pandemic (Gathmann et al, 2024; Boockmann et al, 2021). With the significant increase in the number of people doing WFH, there is a growing interest in how to organise this work effectively. It would be beneficial to consider aligning WFH with the Decent Work approach to address good working conditions and just jobs, and also to gain a broad understanding of the processes. This is a challenge in terms of research methodology.

WFH should be measured using qualitative and quantitative research methods to capture both statistical trends, such as productivity and job satisfaction rates, and the deeper personal experiences of workers, such as work-life balance challenges or mental health. Combining these methods provides a comprehensive understanding of how WFH affects different aspects of employment and well-being. However, the challenges posed by the pandemic have made it difficult to conduct quantitative surveys that address the diverse, complex and new research methodological challenges. As a result, qualitative studies became highly relevant during the pandemic. This allowed for monitoring the incidence and impact of the pandemic on the use of WFH, especially during the lockdown period. There were few precedents for such an abrupt and large-scale change in work arrangements, a statement, which is supported by Mierich (2020), Carstensen et al (2022), and Speroni and Taylor (2023). The introduction of WFH, which was born out of necessity during the pandemic and firms keeping hold on WFH since then, has spurred a debate about the extent to which companies are turning away from WFH and what specific form it should take. This differs (like in the pandemic) according to sector and company size as well as to affinity to digital technology; however, there is no recognisable general trend towards turning away from it, especially as younger employees in particular are making this a question of the attractiveness of companies as employers. This opens up a broad field of research for labour research as a whole.

2.1 Development Before, During and After the Pandemic

By offering their employees the option of WFH, companies were able to reduce the number of infections among their employees during the COVID-19 crisis not only at work, but also at commuting and breaks. Moreover, they were able to take care of their children, for example during home schooling. As companies invested in hardware and software and supported their employees with IT systems

and participation in training, it is likely that the incidence of WFH will remain at a high level after the crisis (Alipour et al, 2020; Bellmann et al, 2021; Gathmann et al, 2024). In addition, both employers and employees, as well as their representatives, are negotiating to facilitate cooperation and collaboration of employees in the context of WFH. Challenges include the fair recording of working time, the extension of availability beyond contractually agreed working hours, the assessment and control of performance, employee stress, issues of communication and data protection, or the gap between employee preferences for WFH and employer plans (Li et al, 2023; Ferjan and Bernik, 2022; Donath and Engelmann, 2023; Brown and Tousey, 2023). Therefore, rules are not only needed for the teams to supplement the additional legal and collective bargaining regulations. By applying Freeman's stakeholder theory (2023) through rules, organisations can more effectively navigate complex stakeholder relationships (e.g., between employers and employees) to achieve fair working conditions, accountability and responsibility, long-term success and positive stakeholder outcomes. Furthermore, works councils' co-determination rights are affected by the employer's decision, e.g., on the selection of workers who are allowed to perform (partial) WFH, on their training, on the equipment of their workplaces as well as on the avoidance of negative effects of WFH on mental health caused by a more frequent blurring of work and leisure time.

For Germany, one can speak of a rather catching-up movement compared to other countries: At the beginning of the millennium, WFH was rather weak compared to other European countries (Kleemann, 2005). In 2017, only 5 percent of employees between the ages of 15 and 64 worked from home. Compared to other countries in Western Europe, Germany is thus rather in the lower midfield. It is closely followed by Italy and Spain, followed by Eastern European countries with the exception of Estonia. Frontrunners are the Netherlands (14 percent) and Finland (>13 percent) (Eurostat, 2018).

In their meta-study, Boockmann et al (2021) reveal that in Germany each survey shows an increasing trend in the use of WFH, with large differences between different economic sectors, regions and occupations. Bonin et al (2020, 2021) point to differences by education: in June 2019, the proportion of high school graduates and academics in WFH was 44 percent, while for workers with a secondary school or intermediate school certificate, the proportion was only 23 percent. During the pandemic, the share of WFH with tertiary education increased to 58 percent in March/April 2021, before decreasing by 4 percentage points in July 2021. The share of employees with upper secondary or intermediate education did not change from pre-pandemic levels: There was a slight increase to 25 percent in July/August 2020, followed by a decline to 24 percent in March/April 2021 and a further decrease to 21 percent in July 2021.

Using data from the first wave of the employer survey *Establishments in the COVID-19 Crisis* which was launched by the Institute for Employment Research (Institut für Arbeitsmarkt- und Berufsforschung, IAB), Bellmann et al (2020b) demonstrate that until August 2020, 23 percent of all establishments newly introduced WFH options, and 17 percent extended them. Furthermore, Bellmann et al (2020a) find with data from the same survey that the proportion of employees who had WFH options increased from 27 percent before the crisis to 36 percent during the first lockdown and to 38 percent in mid-October 2020. It can be assumed that WFH in Germany will continue to be prevalent for several years.

For the United States (US), research by the University of California Institute of Transportation Studies synthesises the literature in a review study of nearly 100 research articles on WFH and travel before and during the pandemic (Speroni and Taylor, 2023). WFH in the US grew significantly with the onset of the pandemic and is expected to remain at high levels for an extended period. However, while not everyone has the opportunity to do WFH, those who do are more likely to prefer a *hybrid arrangement*, as shown in the results for Germany before (Speroni and Taylor, 2023, p. 23). Although there is a possibility that the share of WFH will fall from the current stable rate of around 30 percent, there is no evidence that it will return to the pre-pandemic levels of 5–6 percent (Speroni and Taylor, 2023).

Throughout the first year of the pandemic, *cross-country studies* show that a significant proportion of workers in *developed countries* who were able to telecommute chose to do so. According to Dingel and Neiman (2020) and Holgersen et al (2021), about 40 percent of jobs have the potential for WFH. Of the jobs that could be performed in that way, approximately 85 percent were exclusively remote in May 2020, but this proportion decreased to just below 60 percent by December 2020, as reported by Ker et al (2021). There were several factors associated with WFH during the pandemic. Whether employees exclusively worked from home depended largely on the company's closure policy and the frequency of remote work prior to the pandemic. Companies that were able to work remotely and had policies in place to prevent virus transmission had their employees telecommute. It is worth noting that during the first two months of the pandemic, the proportion of work carried out to WFH significantly exceeded the proportion of jobs initially thought to be suitable for that, as sectors without inherent capabilities for WFH, such as public schools, adapted to distance learning out of concern for infection until a better understanding of the virus was gained. The question of who worked in hybrid arrangements or fully from home during the COVID-19 pandemic, both in Germany and in Organisation for Economic Co-operation and Development (OECD) or EU countries, depended largely on workplace policies and further arrangements, with white-collar workers more likely to telecommute than blue-collar

workers (Matson et al, 2021). As before the pandemic, those working from home during the pandemic were generally better off, with those in the top half of incomes more likely to work in hybrid arrangements or from home (Guyot and Sawhill, 2020). Economically disadvantaged workers were less likely to have jobs that could be done from home (Holgersen et al, 2021), and those who reported difficulty managing costs were also less likely to do WFH (Jiao and Azimian, 2021).

While specifics vary across studies, young to middle-aged workers with higher levels of education were more likely to WFH during the pandemic. Jiao and Azimian (2021) find that married employees, women, those in households with more than two people, and those reporting high anxiety were more likely to WFH or in hybrid arrangements. Barbour et al (2021) identify COVID-19 hybrid workers as likely to have a graduate degree, work in the information technology or administrative support sectors, and/or have a college degree and children at home. On the other hand, the factors associated with not WFH during the pandemic varied widely, including workers who were over 49 years old, did not possess a college degree and had children at home, were low-income, worked in the marketing sector, had a graduate degree and lived in a large city, and/or were male with children at home (Speroni and Taylor, 2023, p. 9). Stakeholder theory can provide a valuable framework for analysing WFH by emphasizing the importance of considering the interests and perspectives of various stakeholders involved. In the context of WFH, stakeholders may include employees, employers, customers, communities, and even society at large (Parmar et al, 2010; Freeman, 2023). It encourages organisations to identify and balance the multiperspectival needs of stakeholders. The theory encourages a focus on employee wellbeing, organisational values and societal impact. It also emphasises compliance, transparent communication and adaptability to ensure continuous improvement in WFH. Overall, stakeholder theory provides a holistic framework for understanding and managing the complexities associated with WFH. Regulations are necessary to apply stakeholder theory to WFH because they ensure a fair and safe working environment. For example, labour laws that regulate working hours help prevent employee burnout by ensuring that remote workers get adequate rest, which is consistent with stakeholder wellbeing. In addition, privacy regulations protect sensitive company and customer information when employees work from home, maintaining stakeholder trust and safeguarding organisational integrity. Works councils, which represent employee interests, play a crucial role in providing insight into the challenges and benefits of WFH as organisations consider the post-pandemic landscape. The original qualitative studies' results contribute to a nuanced understanding of stakeholder perspectives, reinforcing the importance of a comprehensive approach that considers the diverse interests of companies, employees, and works councils in the evol-

ing landscape of WFH. The following passages categorise stakeholders' perspectives based on literature reviews and available empirical data.

2.2 Employers' Perspectives on the Effects of Working From Home

The employers' perspective on the effects of WFH was investigated in the IAB Establishment Panel Survey 2018 (Grunau et al, 2019). Establishments' representatives revealed that they rank highest the employees' flexibility (62 percent), and the compatibility of family and work (55 percent), followed by the availability of employees (47 percent), higher productivity (45 percent), commuting time savings (36 percent), more attractive employers (35 percent) and quiet work (26 percent). The optimization of office use (10 percent) was mentioned less often. Similar reasons in favour of WFH are discussed by Flüter-Hoffmann and Stettes (2022), although they were not able to present additional empirical evidence.

90 percent of the surveyed establishments' representatives argued against the use of WFH, stating that the nature of the task does not permit it. Much less relevant were the opinion that cooperation with colleagues is hampered (22 percent), concerns about the compliance with data protection rules exist (16 percent), management and control are not possible (10 percent), employees are not interested (10 percent) and technical prerequisites are not fulfilled (9 percent). Employers are often hesitant about the advantages of WFH, but contemporary research in international perspective does not support concerns about decreased productivity in the short term, and the tight labour market following the pandemic has given workers more bargaining power to request WFH options (Speroni and Taylor, 2023, p.38). The next logical step would be to consider approaches to humanising working life. For example, by prioritising Decent Work standards in WFH arrangements, such as mental health support, ergonomics and clear communication, employers can reduce burnout, increase retention and build a more engaged and resilient workforce, ultimately leading to better organisational performance and productivity.

A qualitative field study in four sectors conducted by the Hans Böckler Foundation in 2020 and 2021 provides further insights from the perspective of employers (Krause and Matuschek, 2023). All organisations had concluded establishment-level agreements on the WHF, which were adapted during the COVID-19 crisis. The 67 interviews show that older department managers were particularly reluctant to allow employees to work from home Krause and Matuschek (2023). Again, this is related to tasks: the activity itself is not suitable for WFH. In this context, Detje and Sauer (2021, p. 122) refer to the obvious difference in the value of labour: production workers without the option of 'short-time work zero' had to be on site and were—despite health protection—exposed to the risk of infection. This led to the feeling of being "second class employees". How-

ever, the pandemic-related shift to WFH shows that long-established management styles had an obstructive effect: Older managers often feared a loss of control, an increased need for coordination, an erosion of the team structure and a decline in staff productivity (see also [Wirth, 2022](#)), who, in addition to problems of cooperation, also points to management, control problems and disinterest on the part of employees as problem constellations mentioned by managers. In this respect, younger managers seem to be less afraid of a substantial change in working culture, especially as they often prefer such a working model themselves. Among the reasons for this is the desire for a better work-life balance and, in some cases, childcare. In addition, it has already become clear that the opportunities for WFH for younger (and possibly international) senior professionals are a question of the attractiveness of the employer. They are therefore also relevant to companies' recruitment processes at a time when demographic change in the workforce is becoming increasingly apparent ([Krause and Matuschek, 2023](#)).

Especially international companies provided an infrastructure of communication and information technologies that supported a model of WFH. Also, flexible working hours—as a necessary means for international teams—had already been established. Such companies with technology-oriented development paths found it easier than others to quickly switch to WFH during the incipient pandemic ([Breisig et al, 2023](#)). For them, a change to be thought more in quantitative dimensions (such as: Is there a problem with the procurement of necessary equipment), more traditionally positioned companies without a corresponding lead time had to adapt quickly to a qualitative change in the working and company culture ([Carstensen et al, 2022](#)).

Establishment-level agreements usually proved to be a good basis for designing WFH during the pandemic ([Ahlers et al, 2021](#); see also [Wirth, 2022](#)). In particular, if these tend to address basic parameters only, they proved to be compatible with a suddenly changed working day. Where this was not the case or where no corresponding agreement existed, establishment-level management and works councils reacted in a pragmatic manner beyond the usually relatively long procedures of negotiating works agreements (e.g., pilot projects and evaluations). Urged to act quickly by occupational health and safety regulations, management and works councils often acted hand in hand to avert damage to operations and protect employees from the pandemic (in terms of standards of Decent Work). As a rule, the operational equipment was taken along, even if it was a desktop computer—previous equipment of the employees with mobile devices then proved to be a farsightedness and advantage ([Krause and Matuschek, 2023](#)).

In general, the pandemic accelerated the possibilities for WFH and challenged companies to interpret existing establishment agreements in a pandemic-appropriate manner or to comply with the requirement of the Occupational Health and Safety Ordinance to WFH if there were no spe-

cific establishment-level agreements. Establishments with a corresponding regulatory history had to readjust, if necessary, but were able to do so relatively easily against the background of a culture of establishment-level agreements and control it sustainably, including the monitoring. Establishments without such experience, on the other hand, found it more difficult to control WFH consistently from the outset—much was left to the self-organisation of the employees. However, fears of declining productivity of employees have not come true—as a rule, employees have not let up ([Hofmann et al, 2020](#)).

Whichever path establishments took during the pandemic (also cf. the examples from industry and services in [Detje and Sauer, 2021](#)), it became particularly important for establishments without a long history to find a structure for hybrid work that serves both central workplaces and WFH. This dual perspective is also relevant for establishment or firm level agreements ([Mierich, 2020](#)). In these, not only the conditions of WFH must be regulated, but also for the central workplaces of hybrid workers ([Krause and Matuschek, 2023](#)). The companies develop models that address the relationship between spatial and temporal aspects in very different ways. Maintaining one's own individual workplace in the establishment is not in the interest of the companies, which is why, for example, open-plan offices with shared workplaces have been set up: the individual workplace must then be selected anew upon arrival at the company. Sometimes there are also reservation systems that can be used to book workstations. On the one hand, it emphasizes in a certain way a singularisation in the workforce, but also enables an overlapping of social circles ([Simmel, 1890](#)), which would otherwise be unthinkable. The assignment of localized workplace opportunities to a defined number of employees who (should) work together collegially and thematically, on the other hand, promotes group processes. Which model companies choose depends on the working culture and should be the subject of the establishment-level agreements.

2.3 Employees' Perspectives on the Effect of Working From Home

The arguments provided by the employees are similar to those of the employers. Using the Linked Personnel Panel Survey organized in 2016 and 2017 by the IAB Grunau et al ([2019](#)) show that employees believe that WFH improves their productivity (56 percent), saves commuting time (55 percent), improves the work-life-balance (52 percent) and increases the working time (38 percent). However, they often mention that tasks are not allowing WFH (76 percent), that supervisors prefer presence (66 percent), cooperation is difficult (59 percent), that work and private life is blurred (56 percent), necessary prerequisites are lacking (54 percent) as well as that WFH is not allowed (16 percent). Previous literature pointed out that more autonomy, especially working time flexibility and time sovereignty, as

well as the achievement of work goals could increase job satisfaction and reduce work-related stress. Arnold et al (2015) argue that working outside the contracted working time and if unpaid decreases job satisfaction. Ahlers et al (2021) as well as Baumann and Kohlrausch (2021) point to the stress caused by overtime work and interruptions during leisure. In her qualitative study Mousavi Takieh (2017) emphasises the close correlation between circumstances of the job and work satisfaction: Social factors in WFH such as more time for friends, family or the partner and related persons and more leisure time led to increased job satisfaction. A healthier nutrition and ergonomic equipment in WFH can increase job satisfaction. Increased work performance caused by concentration and the possibility of independent organisation leads to increased job satisfaction. The study also points out the possibility of WFH part-time.

Selected studies from various countries offer additional insights into the impact of teleworking on employees and specific groups. Agache et al (2021) conducted a survey in *Romania*, focusing on changes in work behaviour during the pandemic-induced shift to WFH. The results suggest that the level of social interaction at work has a significant impact on productivity. Additionally, flexibility, understanding from supervisors, and company-provided work computers were found to have a positive influence. A linear regression analysis showed that negative impacts on team communication, personal development, and career opportunities were associated with increased stress levels. The pandemic has had an impact on work-life balance, with mental health, flexibility, and understanding from managers being key factors. Younger age groups have expressed lower satisfaction, possibly due to a greater emphasis on socializing. The study highlights the need for companies to adapt to these changing dynamics, as WFH may represent a lasting shift rather than a temporary phase (Agache et al, 2021).

de Souza Santos et al (2023) also reveals on both positive and negative effects of WFH for *Brasil* software professionals. While it enhances security and technically enabled visibility, fostering a more comfortable work environment, it also poses challenges such as isolation and hiddenness. Despite drawbacks, the benefits of WFH outweigh the negatives, and companies can implement supportive measures to address concerns (de Souza Santos et al, 2023).

These findings warrant further extension and clarification, given the current state of research in other relevant studies (Kyriakidou et al, 2023; de Vaujany et al, 2018). A *Greek survey study* (61 employees who worked during pandemic in flexible or WFH arrangements to varying degrees) extends previously mentioned research by examining the impact of different degrees of flexible work arrangements on perceptions of exclusion and inequality (Kyriakidou et al, 2023, p. 3). It shows that employees who mainly work in a hybrid mode experience lower levels of exclusion and less inequality than those who mainly work from home or mainly in the office. In contrast, employees with

low-quality leader-member exchange (LMX) relationships (Kyriakidou et al, 2023) reported higher levels of perceived ostracism when working extensively from home. In addition, employees who have experienced high levels of servant leadership report lower levels of perceived inequality when working in a hybrid mode than those who work either from the office or from home. Conversely, individuals who have experienced low levels of servant leadership perceive higher levels of inequality when working from the office than any other flexible working arrangement (Kyriakidou et al, 2023, p. 27). In summary, WFH carries risks of exclusion and inequality, and we recognise the need for regulations that hold companies accountable for their WFH practices and ensure compliance with labour laws, tax obligations and other legal requirements. This accountability protects stakeholders (employees, customers etc.) from potential exploitation or legal issues arising from poorly managed WFH arrangements (Parmar et al, 2010; Freeman, 2023). However, hybrid arrangements and good relationships between superiors and employees can significantly minimise these risks, even to levels below the experiences of exclusion and inequality reported by employees who work exclusively in the office. This is also a matter of regulating good management, working processes and working arrangements.

According to a *German* qualitative study by Krause and Matuschek (2023), employees who have been working hybrid for a long time differ in their assessment of WFH from those who could or had to make a corresponding experience only within the pandemic. The former generally opt for WFH in order to achieve certain goals, which also become clear in the surveys: Higher productivity, less distraction, flexible working hours, etc. An improved work-life balance, the takeover of caregiving work or the like is also referred to as reasons for choosing WFH (see also Mousavi Takieh, 2017; Carstensen, 2020). In this regard, Lübcke and Ohlbrecht (2023) refer to experiences with WFH that illustrate a clear gender inequality. From the beginning of the pandemic, employees have training routines, can now assess the WFH model well and have set themselves up – often with their own small office at home. Different results are obtained for those who were suddenly sent off to work from home due to the pandemic. At the beginning, the joy of saved travel time, improved balance through selectable working hours, etc. prevail. However, undesirable consequences are also quickly noticed: communication with colleagues and company committees become more complex (scheduling, behaviour in teams/-zoom meetings, etc.), one felt cut off from developments in the company. The shifted working time (especially off-peak times) according to the care tasks to be performed prove to be a burden, and the equipment of workplace at home left much to be desired as a permanent arrangement (work at the kitchen table, in the basement, etc.). In the cases in which several members of a household practiced WFH, there were also gender-

specific differences, ranging from the equipment (kitchen table vs. office) to the care mainly by women (Carstensen et al, 2022).

Beyond such developments, which often gave rise to the desire to return to the company after only a few months, during the pandemic fears quickly arose that the companies could favour WFH as a permanent solution. This emerged from the corresponding procedure of a few companies in Germany, which were transferred to their own operations. Two years later, it turns out that this seems to be a trend, especially since space costs are the second largest cost factor for companies after wages. The fears of that time are therefore not without foundation, even if the companies examined by Krause and Matuschek (2023) do point to tendencies of a massive disappearance of operational jobs in company sites. Protagonists like Hewlett Packard, on the other hand, seem to follow the path of shifting work to WFH or mobile work strengthened. However, Vogl and Carstensen (2021) identify a shift in mobile working towards WFH—at most, managers are still travelling. This is intended to minimise the risk of infection. In this respect, it appears that changes in working structures are on the horizon, which may also have an impact on WFH.

All in all, after initial euphoria, in which the situation was seen as a welcome change despite pandemic conditions, a clearly noticeable disillusionment quickly becomes apparent; in particular, those who did not freely choose WFH wanted to return to the company office as soon as possible. Some companies set up shifted working hours accordingly in order to allow partial presence. This should minimise the risk of infection and at the same time meet the need for exchange and face-to-face meetings.

This section provided a summary of a number of research studies from different countries on the impact of WFH on different groups of employees. Overall, employees tend to believe that WFH improves productivity, work-life balance and saves commuting time, but often report difficulties in collaboration and blurring of work and personal life. The studies suggest that WFH can have a positive impact but can lead to feelings of isolation and visibility for some (Hall et al, 2024). Companies should develop and implement policies on recruitment, induction, democratic work structures, diversity culture and channels to support different employer groups to address the benefits and limitations of WFH. Finally, the studies argue that WFH arrangements that balance in-office and WFH may be more effective than either exclusively WFH or in-office work.

2.4 Work Councils' Perspectives on the Effect of Working From Home

During the pandemic, works councils were faced with a number of problems related to the absence from the workplace, which was also enforced for them: For the operation of works councils, especially for elections and votes, there were only specifications for the presence mode, but not for

works council members in the WFH mode. Thus, the activities of works councils were severely impaired (Behrens and Brehmer, 2022). Relatively quickly, they resorted to passing resolutions of the committee provisionally online via video chat, etc. and to confirm them in attendance at a later date. In this way, the ability of works councils to work could be secured. Nevertheless, the changeover to mediated meetings or digital consultation with staff members was a particular challenge for the representatives—the communication situations changed and had to be practiced first (Krause and Matuschek, 2023). Wirth (2022) points out that regarding virtual conferences of works councils, not only a corresponding legal framework (rules of procedure) is required, but also the influence on the intensity of relations between works council members and between works councils and employees must be considered.

The basic goal of works councils during the pandemic was to make WFH possible both in terms of infrastructure and ergonomics—employees should not endanger their ability to work and their health through inadequate working conditions. At the beginning, more detailed monitoring was waived, in particular to avoid the risk of COVID-19. As WFH continued, however, the quality of the workplaces received increased attention again. Insofar as establishment regulations existed in this regard, compliance with them was insisted upon—sometimes there were checks by visiting the involuntary teleworkers (Krause and Matuschek, 2023). If there were no corresponding establishment-level agreements, minimum standards were demanded, which were derived from the general debates on health-promoting working conditions. In addition to ergonomics, these included in particular topics such as lighting conditions, air supply at the workplace or noise/quiet disturbance, with which concentrated work is less possible.

In order to ensure health, the issue of working hours and the recording of working hours played and still plays a major role (Mousavi Takieh, 2017). Especially extreme off-peak hours or continuous work on weekends threatened to undermine working time regulations. Employees often associated this with individual flexibility, while works councils diagnosed permanent stress in individual cases. They therefore often pressed for health hazards to be identified as early as possible—from their perspective, the systematic recording of working conditions and the instrument of mental risk assessment are particularly suitable for this purpose. Excessive demands caused by work tasks or by a failure to ensure a balance between work and leisure time or the demands of the sphere of life, such as childcare or caring for the elderly, are thus quickly brought into focus, if appropriate surveys are conducted regularly and at relatively high frequency, for example annually (Carstensen et al, 2022; Krause and Matuschek, 2023).

In addition to these issues of occupational health and safety, the connection of employees to the establishment is an important aspect. Previously a rather isolated phe-

nomenon or relevant only for certain tasks and work areas, it became clear very quickly with the measures to contain the pandemic risks via WFH that not only the communication channels had changed dramatically. From co-presence in day-to-day operations, it very suddenly changed to WFH mode. Mainly in IT-savvy companies, it was relatively easy to make greater use of media-related communication channels that had already been in use; others initially had a need to learn about new software, etc. Works councils, however, became concerned at a relatively early stage that not all employees seemed to be equally accessible. Some did not respond to attempts at contact; they slowly disappeared from the establishment's context unnoticed. For works councils, this was associated with concern for the individuals, but also with the fear that their own base in the establishment would erode.

Out of this mixed situation, debates arose about how WFH could function after the restrictions of the pandemic. Permanent absence should be avoided and periods of presence in the establishment should be obligatory. Not least against the backdrop of fears about a reduction in office costs strategically targeted by companies, the requirement of unilateral voluntariness as a protective measure was against job relocations: Thus employees decide whether WFH is an option for them or not. Companies must grant WFH if there are no operational reasons against the employees' demands. This is intended to prevent employees from being deprived of their presence in the establishment without their will. Attendance times, on the other hand, are conceivable in different modes and require organisation with or without a maintained individual workplace in the company. In view of the argument of reducing office space costs, works councils are generally prepared to adopt flexible models that vary in scope.

With regard to establishment-level agreements, it must be balanced that, in addition to an understanding of the architecture of WFH, an adequate establishment work culture must be established (see also [Breisig, 2020](#)). This should not be oriented solely to output and to occupational health and safety (e.g., specific working time regulations), but also address the social character of work. WFH requires both established technical communication channels and the opportunity for communication in presence. Works councils therefore reject concepts of permanent WFH, thus countering undesirable isolation and increased transaction costs of coordination in working groups. Also, the representation of interests can be better ensured if works council members can establish regular personal contact with employees in mutual presence ([Krause and Matuschek, 2023](#)).

Overall (see Table 1), the increased introduction of different models of WFH in the onset of the pandemic reveals a defensive character of the reorganization of workplaces, which was borne jointly by all participants in the course of an emergency regime enforced by the legislature. In the face of the pandemic, everyone pulled to-

gether, even if their intentions differed, but in some cases they also intertwined. In this way, the individual health of the workforce members simultaneously secured the ability of the establishment to run operations. Works councils and management had insight into the necessity and were able to reach short-term agreements on the implementation of crisis response measures. A history of works agreements and co-determination culture with positive connotations in this regard generally facilitated this. Employees, in turn, appreciated the opportunity to reduce their presence at work and thus minimize the risk of contagion (which occasionally caused envy among those who were indispensable, such as production workers). At the same time, this was initially a welcome change that benefited the work-life balance; only later was the situation experienced as isolation, among other things (*ibid*). Therefore, the key general conditions for the success of WFH are technical equipment, clear and transparent regulation of work processes, including communication, and a culture of trust and team culture in the establishment ([Kaczynska and Kümmerling, 2021](#)).

The operating agreements, which were initially suspended, provided a binding framework whose validity was again more strongly controlled as WFH practice continued. This was aimed at aspects of health and occupational safety, but also concerned appropriate equipment and adequate furnishing of the home workplace compared to the establishment standard. Regarding the new normality of the WFH, there are different ideas that can be characterized as partial de-commissioning and a precision-oriented operating culture with temporary exceptions. The differences, which tend to be gradual in practice, may have far-reaching consequences for the culture of co-determination and the work of works councils. In addition to the ambivalent consequences of WFH for the individuals, this is the relevance of the decision in favour of a specific model. Hybrid concepts predominate, which prescribe a certain ratio on a weekly/monthly basis. While employers emphasize the rationalization benefits of hybrid arrangements of WFH, and employees often focus on the life-stage-specific fit, works councils are oriented toward a moderately flexible model that does not undermine Decent Work standards (e.g., occupational safety and health). Having discussed the perspectives of employers, employees and works councils, the question arises how these different interests can be reconciled, how agreements are concluded, and regulations implemented ([Krause and Matuschek, 2023](#)).

3. Regulation of Different Arrangements of Working From Home

3.1 German Regulations in the International Context

The following sections provide a concise overview of WFH regulations in selected industrialised countries in order to discuss the *German* experience and study results from an international perspective.

Table 1. Stakeholders' perspectives on WFH regulation modes, own table based on Krause and Matuschek (2023).

Mode of WFH regulation	Stakeholders' perspective		
	Employer	Employee	Works council
Protection mode	Due to federal regulation, departmental response to ensure work and production capability; IT-savvy companies at an advantage	Crisis response protects only selected employees—risk burden on employees' production; WFH: partial experience of isolation; work coping, work-life-balance/care-work	Co-management: focus on employee health; ensure operational capability; address negative developments including 'new' works council work
Establishment-level agreement	Partial/temporary suspension of establishment-level agreements through emergency regime (company-specific) culture of co-determination conducive	Through WFH as pandemic flight secondary importance of job quality provisions and concessions to them; perspective on individual advantages and disadvantages	Emergency regime initially supported, partial suspension of participation processes; later demand for job quality assurance WFH
Reorganisation	Pandemic opportunity to enter cost reduction offices; mostly (different) hybrid solutions; basis: collective agreements and requirements work tasks as nexus	Initially perspective on advantages, with persistence of WFH perspective on disadvantages; hybrid model as wishful thinking of individual law based on establishment-level agreement with WLB as nexus	Problematisation of reduction of office costs as fading out of social costs of WFH; defence of full-time WFH with preference for (different) hybrid models in establishment-level agreements; core: trade union concept of 'good work'
General mode	Partial de-commissioning of suitable workplaces as rationalisation of office costs; the aim is to liquefy working time and place	Hybrid models: opportunity for increased individual flexibility while maintaining the social character of gainful employment; relevance depending on life phase	Flexicurity Working time &, preservation of presence times as a counter-model to the rationalisation option; securing a culture of co-determination in companies

WFH, working from home; IT, information technology; WLB, work-life-balance.

The available information suggests that there are significant disparities in the adoption of WFH among countries (Aksoy et al., 2022). Additionally, there are various levels and types of legal regulations in place, ranging from no specific rules to primarily collective or establishment-level agreements, and even countries with (additional) statutory regulations and conditional legal rights. These patterns appear to align with the different national traditions of industrial relations.

Regarding *EU member states*, since 2002 the European social partners concluded a framework agreement on telework with the aim of promoting this new form of work organization in a way that allows for flexibility and security while not lowering the overall level of protection for employees. The content of the framework agreement refers to the equal treatment and non-discrimination of teleworkers. Therefore, existing legislation and collective agreements equally apply to teleworkers or for workers WFH in different arrangements, ensuring that they are guaranteed the same employment conditions as employees who work only in the company's premises (Bonin et al., 2020).

With the rise of WFH, however, the EU framework agreement and a variety of informal agreements at establishment level, such as a team charter, were no longer sufficient, so that larger organisations in *Germany* began to conclude agreements at establishment level as well as agreements at individual sites (Mierich, 2020; Krause and Matuschek, 2023). The aim was to establish regulations that make it easy for employees to use WFH and to find a practical solution, so that high demands on the organisation of WFH could be avoided. During the pandemic, WFH became a "lifeline" for business continuity in many companies. However, it is important to note that neglecting general health and safety regulations is not acceptable. Instead, the SARS-CoV-2 Occupational Safety Regulation developed by the social partners, created a comprehensive standard across all economic sectors.

International comparison shows that different countries follow very different regulatory approaches regarding WFH. Such arrangements in *Germany* are regulated by collective and establishment-level agreements. The Workplace Ordinance (Arbeitsstättenverordnung) provides specific regulations for arrangements falling under the category of WFH. These agreements are more specific than the European framework agreement and go beyond its provisions. *Germany* has adopted a highly decentralised approach, with establishment-level agreements primarily regulating these forms of work (Bonin et al., 2020). Several companies and organizations have confidently introduced or renewed works agreements on WFH in the last two decades (e.g., BMW's Works Agreement on Mobile Work in 2014, Bosch's Works Agreement on Mobile Work in 2014, SAP's Works Agreement on Mobile Work in 2018, and Federal Employment Agency's (Bundesagentur für Arbeit) Works Agreement on Mobile Work in 2022). In *Germany*, employees have the principle right to request flexible

work arrangements, including WFH. However, the period and frequency of WFH are agreed upon by executives and employees and the decision to allow WFH is at the discretion of the employer.

In *France* and the *United Kingdom* exist legal regulations in terms of flexible working arrangements for the private sector (Bonin et al., 2020). In *France*, telework (télétravail) was regulated by law before the pandemic, but mobile work was not. In the private sector, telework arrangements must be included in collective agreements or in an employer-developed charter (Bonin et al., 2020). The COVID-19 pandemic forced many employees to WFH in the Spring of 2020, which led to collective bargaining in companies (Giotto and Thoemmes, 2022). Their results show that the implementation of WFH varies widely, with many companies resisting it because of corporate culture. In the *United Kingdom*, there has been the possibility to request flexible work, including WFH, since 30 June 2014, under the Children and Families Act 2014, Part 9 (Heilmann et al., 2021). Such a request must be processed within three months and can only be rejected if there are legitimate business reasons specified in the law (Bonin et al., 2020, p. 58).

Other countries like *Sweden* or the *United States* are characterized by a high proportion of informal and individual agreements between employees and employers regarding working from home and mobile work. In *Sweden*, collective agreements supplement certain sectors (Bonin et al., 2020; European Commission, 2008). Moreover, research seems to provide evidence that the Nordic welfare states had good legal protection well before the pandemic, requiring only minor adjustments during the pandemic. WFH policies in the *United States* differ depending on the state, economic sector, and company. While there are no federal laws that directly regulate WFH in the private sector, some states require employers to provide reasonable accommodations for employees who request appropriate work arrangements due to disability or other circumstances. On the other hand, the public sector of the *United States* has established rules for expanding WFH. Since December 2010, the Telework Enhancement Act (Public Law 111-292) has legally regulated telework for federal employees and parts of the public sector with utmost confidence. Thus, in the *United States*, access to WFH seems to be highly unequal, so flexible working is a privilege for high-performing employees.

In conclusion, while many countries have introduced regulations to govern the use of WFH, there are still risks associated with these arrangements (Aksoy et al., 2022). These risks include feelings of isolation and disconnection from colleagues, increased workload, and blurring of the boundaries between work and personal life (see section 1). Finally, there is a risk that employers may use WFH formats as an excuse to reduce costs by reducing office space or cutting back on employee benefits. Employers and employees must work together to ensure that the benefits of flexible

working are maximized, while minimizing the risks. This may involve setting clear Decent Work policies on WFH arrangements, providing support for employees who (partially) work from home, and ensuring that employees have a good work-life balance (see Discussion and Conclusion).

3.2 Relevance of Regulation

Until the decade before the pandemic, however, WFH was not an important issue in German companies. Although there have been various companies that have concluded agreements on the use of mobile phones or the occasional use of WFH, the establishment of such constellations was a rather marginal phenomenon, ranked lower than other issues. Some companies, on the other hand, can look back on a longer history of such forms of work, in the course of which topic-specific agreements were concluded, which were based on each other and expanded in each case. This comprises topics such as working time regulations, use of private infrastructure and technology including compensation, data protection and much more. Rules protect sensitive (stakeholder) data in the WFH arrangement, managing the risk of breaches and unauthorised access while maintaining standards. Such agreements were usually a good basis for rapid implementation at the beginning of the pandemic—more or less an integrative concept of ruling WFH (Krause and Matuschek, 2023; Carstensen et al, 2022).

The need for regulation regularly arises from practical problems of everyday working life. Executives and works councils can react to this in two ways: either they agree on more global regulations on the process of dealing with emerging issues or they try to capture almost every relevant aspect in advance. In fact, depending on the historically developed culture of co-determination and operational and organizational framework conditions, there are different levels of regulation. Process orientation in the form of framework agreements usually proves to be a flexible instrument that makes it easier for establishment-level agreements on other topics (Mierich, 2020; Krause and Matuschek, 2023). This opens the possibility of being able to react quickly to changes without rituals of the negotiation agenda—a valuable asset in the pandemic fast crisis response, which was based on trust and meeting at eye level.

As a rule, establishment-level and service agreements specify regulations that have already been agreed in previous negotiations: For example, there may be deviations from the statutory working time framework, which may also be relevant for WFH. In addition, however, there is a need for further regulation. In addition to questions of infrastructure (e.g., setup, maintenance, insurance cover in the event of damages) and data protection such as data security, there are often ergonomic aspects that need to be regulated: Does the home workplace comply with occupational health and safety regulations (light, air, temperature, posture, etc.), and how can a sustainable facility be

ensured? What is the situation with regard to continuing vocational training in the mode of WFH—online training courses do the same as On-site trainings? Is regular operational monitoring by the Human Resources department and/or works councils appropriate or do they rely on the notification of undesirable developments by the employees? Reference has already been made to the duplication of jobs—as a result, two regulatory issues are always relevant when it comes to regulations on WFH. Defining evaluation of experience in establishment agreements is just as important as the precise definition of the employees for whom WFH is an option. The amount of time at WFH must also be determined—an order of magnitude of a maximum of two to three days at home seems to be the preference of equally many employees and companies. It is also very important to define the procedures: In individual cases, a (committee-supported) principle of direct negotiation of the possibility and conditions for the WFH usually applies. This sometimes requires the individual employees to demand this offensively and that works councils only intervene if there is resistance on the part of the (direct) superior despite a justified request. As a rule, however, the obstacles are rather low, especially with already existing experiences with WFH (Krause and Matuschek, 2023). Establishment agreements on WFH are always extensive and prerequisite. They are linked to other regulatory areas, but also produce their own aspects on which agreements must be reached. Ultimately, they frame nothing less than a cultural change in the establishment and must therefore, for reasons of equity, account for employees who are less interested in WFH or who are unable to do so due to their work tasks. Thus, concrete works agreements also address those who are not directly affected or benefit from the agreement—the embedding of concrete establishment-level agreements in the broader operational context must therefore always be considered.

3.3 Effects of Regulations

At the heart of works and service agreements is the relationship between securing stable operational processes and employment, including a predictable workload, as well as flexibility in operational and individual interests. This addresses the management of upcoming work processes as well as a balanced relationship between professional and private duties or needs such as care and care tasks or physical and psychological reproduction to maintain or restore the commodity of individual labour.

Establishment-level agreements define—as a gap filler due to missing or non-applicable legal provisions (e.g., workplace ordinance)—the individual right to enable WFH. This has to be evaluated on a task-related basis. It is controversial whether the principle of unilateral voluntariness or that of mutually voluntary nature should apply: does the employee alone decide whether he wants WFH under the given conditions of the work activity or can the estab-

lishment prohibit or order him to do so? Trade unions and works councils prefer the first solution, companies usually the second (Krause and Matuschek, 2023).

Depending on how strictly a works agreement formulates specifications (and establishes a corresponding control, e.g., of a technical nature) WFH is either set tight limits (in particular working hours and attendance regulations) or a flexible space of opportunity is created that employees fill on their own responsibility. Blurring can hardly be avoided: The shift of work performance to off-peak times in the evening and morning, when care-work requires it, can quickly lead to overload. Under certain circumstances, this violates working time laws that have been enacted to protect employees (e.g., 11-hour rest period). In this respect, demanding a duty of care vis-à-vis employers will hardly be sufficient to minimise grievances. A resilient agreement for employees that is also appropriate to the establishment must be practiced, which can register excessive demands and can then fall back on appropriate ways of addressing.

4. Discussion

Overall, the breakthrough of WFH during the pandemic will underline the relevance of a media-related and organisational solution to a global zoonotic problem which effects the society and economy as well as every single individual, partly continuously in order. The quantitative and qualitative findings presented above show that the crisis response to the pandemic was not only very similar, despite the different legal situations in the respective countries and the different forms of establishment-level agreements in individual companies, but that the upcoming discussion about WFH tended to establish hybrid models rather than pure ones. What was initially intended to be temporary in order to contain the risk of infection, usually turned into a fundamental debate everywhere. The discussion was about whether WFH is suitable for saving considerable office costs, which from a business point of view can be affirmed—as well as the reference to an increased time flexibility potential both on the part of the establishment and for the individuals. However, it was quickly criticised that this was associated with a spatial relocation of jobs and that, in addition, social costs could arise in coping with the work tasks: Experiences of isolation like those at the beginning of the pandemic were just as undesirable as the problematic tendency to strain the advantageous blending of work and life spheres by taking care of children or those in need of care in the household. The extension of working hours to extreme off-peak times of the day presented itself as a psychological burden. The quantitative data reflect the ambivalence of the reorganisation of work promoted by the pandemic development: Positive and negative aspects are mentioned equally, and occasionally in the same breath; in particular, excesses and overloads become visible. Against the background of the increasing tendency in many countries towards WFH, it thus seems clear that these forms of

work need to be discussed from the point of view of their regulation, so as not to fall behind the health and safety standards of (industrial) service work in offices. What appears to be (more or less well) regulated in many countries with regard to the quality of work, including the equipment of workplaces and working time regulations, is often a largely unoccupied field with regard to. This also applies to the academic perspective, which treats the regulation of the so-called New Work models rather stepmotherly. In relation to the stakeholder theory, our second field of interest in this paper, this points to upcoming disputes about the scope, design and, in general, the containment of the risks of WFH without neglecting the opportunities. It is in the nature of the economic system that all stakeholders have different perspectives. However, the empirical evidence suggests that from a theoretical point of view, historically evolved paths of company interest regulation should be assumed, which have revealed themselves to be either an advantage or a disadvantage with the onset of the pandemic, depending on their quality. Such conditions obviously frame the implementation of diverging interests in concrete company labour policy. Flexible regulations appear to be more suitable than narrowly defined directives; however, they also pose a challenge for management and individual responsibility. The dynamics of the pandemic can be seen as an external impulse, which, with the politically enforced lockdowns of broad areas of society, had a quality that demanded the immediate dominance of social stakeholders in a way that only a few stakeholders are able to do at this speed. This demonstrates, among other things, the importance of (legislative resp. executive) positions of power and points to inequalities between stakeholders, which often was theoretical faded out (Jensen, 2002). These also exist in relation to the company social partners but are regulated by corresponding frameworks such as the Works Constitution Act, collective agreements or company agreements framing and confine shareholder interests (Phillips et al, 2005). This creates a relatively reliable arena for responding to external irritations in terms of common goals despite fundamentally different interests.

4.1 Regulatory Options and Need for Regulation

Work is a social matter in which social relationships are cultivated (Kock and Kutzner, 2018)—but above all, a process-oriented collegiality is practised, which is oriented towards the work task to be mastered together. WFH does not rule this out, especially if there are attendance regulations. However, the need for communication with colleagues is framed by the corresponding technologies, partially with effects on communication behaviour. Conversations must be arranged, in a group conversation there is no way to take someone aside or to communicate with parts of the colleagues by gestures and facial expressions. Procedural collegiality (*prozessbezogene Kollegialität*; Krause and Matuschek, 2023; Carstensen et al, 2022) aims, on the

one hand, at the collectively managed work processes as the functional core of gainful employment; on the other hand, the communal sense of work as a social dimension of production and service work is based on the division of labour. WFH does not change this in principle but shifts the possibilities for implementation and therefore requires appropriate support.

During the pandemic, the periods of relative isolation made workers more aware of the risk of (partially) losing this collective framework. Works councils recognised that this was a gradual process. They responded it with appropriate communication strategies in order to reach out to employees who had become “invisible”, so to speak, beyond purely task-related conversations. This can be regarded as an exemplary way for the organisation of location- and time-flexible work in general. However, good regulations of hybrid arrangements and good quality of leader-employee relations can significantly minimise risks of isolation, exclusion or inequality of employees WFH.

This also applies to work performance itself: there is no direct comparison when work is carried out individually. Appropriate monitoring of work performance and corresponding feedback are therefore necessary rules that should be anchored in establishment-level agreements. Isolation or even partial co-presence of employees in the establishment carries an increased psychological risk potential, at least for individuals, so that the regular use of a psychological risk analysis seems to be indicated (Krause and Matuschek, 2023).

4.2 Need for Regulation on WFH

The aspects and arguments brought together in this article show that WFH is not a self-perpetuating ‘new normal’ with high quality of work, but like all gainful employment requires regulation that protects the interests of the actors involved as well as the actors themselves. Spatial relocation can increase the risk that employees lose the benchmark of good work performance, which is, as it were, permanently visible when working in presence. The general increase in the incidence of WFH since the pandemic is still considerable, even in view of a relative decline; it is still mainly the more highly qualified who use WFH. However, to conclude that its regulation is less important seems to be a premature assessment. Stressful aspects of WFH are also reported by this group of workers, so that it must be assumed that the form of work itself is manifestly problematic. With the understandable argument of reducing office costs, the thrust of entrepreneurial calculations is obviously increasingly directed towards simple savings; in Germany, the term “home office”, “remote work” or “New Work” also points to an escape from regulations such as the Workplace Ordinance, which sets guidelines for WFH. It seems questionable whether individual workers will be able to enforce a healthy workplace, limited working hours or questions of

infrastructure against the employer. Even if the changing labour market may promise more concessions in the future, the way of binding establishment-level agreements, which has been practised by many European companies, seems to be the more promising way for both sides, as it significantly minimises the transaction costs of purely individual decisions.

A wide range of evidence suggests that digital transformation of work life will not only bring progress and simplification, but also burdens, dangers and risks that may need to be addressed. The interrelationships concerning WFH and effects for employees identified in the extensive study material need to be considered and should be reflected in appropriate rules and standards at different levels (Donath and Engelmann, 2023). Approaches like New Work (Bergmann, 1990), which gained attention for employers due to the strong link to the anthropological belief of inherent desire to work, or especially the ILO-Concept of Decent Work both need to provide responses and mechanisms to the different developments in the world of work (Conrads et al, 2020). To have healthy, motivated, and satisfied employees seems to be a common goal, but the responsibilities are conceptualised in a different way. Establishing clear WFH rules is pivotal for optimizing the work environment at home. Clarity in expectations, work hours, and communication norms fosters a structured and productive WFH experience. Defined guidelines on work-life balance contribute to employee well-being, while explicit communication protocols ensure effective collaboration within teams in the mode of WFH. Additionally, transparent rules help create a sense of cohesion and shared understanding among employees working from home, mitigating potential challenges arising from distance and varied working hours.

In tandem, incorporating Decent Work principles into practices of WFH is essential for cultivating a positive and sustainable work culture. Prioritizing fair compensation, health, and safety considerations for such employees contribute to their overall job satisfaction and commitment. Furthermore, integrating opportunities for skill development, ensuring job security, and promoting inclusivity and diversity in WFH environments aligns with the broader goal of creating a workplace that values the dignity and rights of every worker, regardless of their physical location. However, the main difference between the two approaches is that New Work focuses mainly on motivation psychology, while Decent Work rely on legal protections provided by law, collective agreements, and establishment-level agreements to ensure good working conditions and dignity.

In addition, stakeholder theory as the third analysed concept in this paper, is based on the principle that organisations should create value for all stakeholders by considering the interests and well-being of everyone affected by their decisions, including employees, customers, suppliers and the community. It emphasises ethical management, transparency and balancing the needs of different stakeholders

to achieve sustainable success and build trust. The Decent Work approach is therefore clearly in line with the stakeholder theory, where fairness and responsible treatment of employees are also important characteristics of WFH. The extent to which Decent Work standards and stakeholder theory can contribute to the development of good WFH regulations for the “future of work” (Conrads et al, 2020) needs to be further analysed.

5. Conclusion

Since the beginning of the COVID-19 crisis WFH has increased at an unprecedented level globally. In Germany we observed a catching-up movement compared to other countries. Although this “pandemic push” will continue, the pros and cons of different forms of WFH are debated not only in the literature, but also within companies and among social partners. We contribute to the literature by discussing new empirical evidence with particular reference to qualitative research in four selected industries (public services, chemical and pharmaceutical industries, metal and electrical industries, and industries). The incidence of WFH according to socio-economic indicators, tasks performed as well as the kind and level of regulation (legislation, collective agreements at the level of the respective industry, firm and industry) are reported.

The European social partners agreed on a telework framework in 2002 to promote this form of work organisation without compromising on employee protection. The agreement ensures that teleworkers receive the same working conditions and legal protection as those working on site, including equal treatment and non-discrimination.

But with the increase of WFH, the EU framework agreement and a variety of informal arrangements on company-level such as a team charter were no longer sufficient, so that larger organisations in Germany begun to conclude establishment-level agreements as well as agreements at individual locations. The intention was to find arrangement at the lowest level possible to provide easy access to WFH for the employees and a practical solution to avoid high requirements for the organisation of WFH.

Further research requires more detailed information about formal and informal agreements, experiences of WFH and the issues addressed in these agreements. We hope that the results of this—slightly jaundiced—review will help to formulate the ‘right’ questions in questionnaires designed for quantitative studies.

The empirical perspective of an international comparison of (legal) frameworks and attitudinal and assessment items has the advantage, among other things, of being able to better classify individual constellations against the background of evolved work cultures. Complementing this with qualitative data, as in the present case for a selected country, allows a deeper look at the current change in work towards a more hybrid world of work. In this respect, it is particularly interesting to see how the frameworks are actually

fulfilled by the relevant labour policy actors on the ground. The Schumpeterian approach of innovation as the necessary destruction of the old is only partly useful here—in the case of the regulations of a modern working world, the relevant research of the last decades on questions of work quality, ergonomics, of workload and over- or even under-demand have been established in Germany since 1974 with the “Research Programme for the Humanisation of Working Life” and its successors (see on these aspects, e.g., the publications of the Federal Institute for Occupational Safety and Health (Bundesanstalt für Arbeitsschutz und Arbeitsmedizin, BAuA) or the New Quality of Work initiative (Initiative Neue Qualität der Arbeit, INQA)). New arrangements are needed for WFH and hybrid arrangements, online induction, electronic coaching and remote technical support, feedback and meetings, work-life balance and part-time opportunities.

The level of establishment agreements seems to be a good option, if, as in the Swedish example, legal frameworks ensure minimum standards. These arrangements should be agreed in collective and establishment-level agreements, with fair consideration for both sides and appropriate organisational structures. The knowledge and learning potential that has grown historically since the humanisation of working life since the 1970s (Sauer, 2011) must be preserved and valued in the sense of a humanisation of working life 4.0 (Conrads et al, 2020). These long-standing findings should also be valid for WFH, but are certainly only a trace of the new working relationships: Empirically, with the differentiation of (nation-state or supranational) labour models, specific manifestations should become apparent, which should bear witness to different country-specific incidences or changes in certain groups of qualifications or consequences for the labour force, etc. From a theoretical point of view, this raises the question of the consequences of a progressive spatial relocation, as well as questions of the regulation of new forms of work, which have a successful history, especially in Europe—even if there are observable gradations from social-democratic to conservative to more market-liberal forms.

So, when we come back to the question of how the empirical findings and identified effects are best reflected in a labour science approach, it’s important to note the lack of regulatory approach in there. The prevalence of WFH has been shown and hybrid modes provides opportunities for good work arrangements (Alewell and Matiaske, 2019) with lived social bonds, good leadership quality, and high Leader-Member Exchange level (Kyriakidou et al, 2023). Combined with adequate regulations at the level of works agreements and legal frameworks, digital transformation could be regulated in a way that benefits everyone, in terms of “Decent Work 4.0” (Conrads et al, 2020).

In addition, there is a lack of long-term observation of labour like WFH—not only on issues like isolation, changed modes of male/female work-life-balances includ-

ing the responsibility for care work, collegiality or productiveness but also on results on union reproduction, new challenges for worker councils and new circumstances for identifying the interests of the employees as a stakeholder of its own. Beside this it is to investigate, how different ways of working in physical or online presence will divide workforce in a cultural as well as in a way of collective behaviour and, additionally, there seems to be some evidence for a firms' interest in hybrid forms of WFH and even roll-back from WFH only (Bund and Groß, 2024), companies are more interested in having their employees in a closer visual range. This request for on both qualitative as well as quantitative research on how employees are reacting by facing a more controlled sphere of work as they were get used in WFH.

Availability of Data and Materials

Data Availability: The datasets generated and analysed during the current study are partially publicly available, but are available from the corresponding author on reasonable request. **Materials Availability:** Materials used in this study are available from the corresponding authors upon reasonable request.

Author Contributions

LB, RC and IM made substantial contributions to the conception and design of the work, as well as to the acquisition, analysis, and interpretation of the data. LB and IM provided data from their own studies. LB, RC and IM contributed to editorial changes in the manuscript. All authors contributed to the critical revision of the manuscript for important intellectual content. All authors read and approved the final manuscript and have participated sufficiently in the work, and agreed to be accountable for all aspects of work.

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Conflict of Interest

The authors declare no conflict of interest.

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