

Santiago-2017

FOURTH STUDY COMMISSION

“Flexible employment and other emerging types of labor relations”

Preamble

Flexibility (quantitative or qualitative) has become a major issue in the competitiveness of companies, which have to adapt and even react as quickly as possible to unforeseeable events, conjunctures or economic constraints that are less and less predictable.

In order to do so, employers choose to have either external flexibility, by using interim, fixed-term contracts, subcontracting or even the outsourcing of certain skills (computing, accounting, logistics, calling centers, catering, etc.), or internal flexibility 1) by being flexible on “time”, adjusting working hours or allowing part-time work, 2) by giving “geographical” flexibility to the employees in the workplace (telework, working remotely, even a change of assignment from one workstation to another for the same employer), 3) by expanding the employee's tasks to modify his or her job in the workplace (specialization by training in order to increase the skills of the worker), or even 4) by training the worker to give her or him the possibility to get a new job in the same company.

From the workers' point of view, this flexibility may be perceived by some as a source of precariousness likely to degrade their living conditions, but for others this flexibility can both be associated with a freer management of their working hours when, for example, more flexible hours have been negotiated or chosen and not imposed, which would constitute a way of making work less monotonous or more diversified.

This year, the theme chosen by the 4th Commission at the 59th International Congress of IAJ tend, on one hand, to examine the different modes of “time and geographical” flexibility introduced by each country in its positive law and, on the other hand, to identify other emerging modes of flexibility that would have appeared in order to ensure greater flexibility in the work schedule and the workplace of an employee.

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Questions

[1] Does your country have laws or regulations on work schedules?

- [2] **If so:**
- a) **What are the general rules applicable to the duration of working hours?**
 - b) **Has the legislator considered any general exemptions from these rules?**
 - c) **Apart from these general derogations, has the legislator provided for any other special exemptions applicable to the duration of working hours?**
- [3] **In any event (whether in the absence or presence of a regulation on the duration of working hours):**
- a) **What forms of flexible working hours have been considered, whether by your legislator, the social partners (in collective agreements), or even by the company (intern regulations, employment contract)?**
 - **Could you explain how it works?**
 - b) **Moreover, does your country have one or more of the following forms of flexibility (or other forms of flexibility to be specified):**
 - **Successive fixed-term contract, interim, layoff, teleworking, part-time work, on-call work contract, occasional work, etc.**
- [4] **More specifically, in your country, is there a possibility to work outside of the workplace, for example at home?**
- [5] **If so:**
- a) **What kind of control can the employer have over the employee working outside of the workplace?**
 - b) **Do the employers have to reimburse the employee for certain costs associated with this type of work?**

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