

Legal Frameworks and Gaps in Telework: Impact on HR, Compliance, and Business Governance

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Abstract

This study provides a comprehensive analysis of the evolving legal frameworks surrounding telework in various jurisdictions, including the Netherlands, Hungary, Qatar, the United Arab Emirates, and the broader Gulf region. It investigates how existing laws address the distinctive challenges posed by remote work and identifies significant gaps and inconsistencies within these legal systems. The findings reveal that many legal regulations are outdated, rigid, or insufficiently detailed to adequately cover issues such as social security, workplace safety, working hours, and the classification of workers as employees or independent contractors. These shortcomings lead to increased legal uncertainty, risks of exploitation, and protection gaps for teleworkers. The review highlights that these legal ambiguities adversely affect human resource management practices, complicating recruitment, worker evaluation, promotion, and organisational culture. Inadequate legal clarity shifts the burden toward HR to ensure fairness, accountability, and productivity in remote work arrangements, often without sufficient legal guidance. The study emphasises the urgent need for legislative reforms to establish flexible, clear, and comprehensive policies that address the realities of digital and remote work. It advocates for international harmonisation and national legal adjustments to regulate telework better, ensuring adequate protections, data privacy, safety standards, and social security coverage. Ultimately, the research underscores that effective legal reforms, coupled with adaptive HR strategies, are vital for fostering sustainable, fair, and compliant teleworking environments. These measures will mitigate legal risks, uphold workers' rights, and support the development of resilient and equitable remote work systems amid rapidly changing labor markets.

Keywords

Telework, HR Management, Policy Development

1. Introduction

Due to the COVID-19 pandemic, which fuelled the rise of telework, a new way of understanding employment has emerged. The paper examines how employment relationships transform under telework. It illustrates that the typical elements, such as being told what to do, monitoring, agreements and working in a specific location, are rearranged.[1] The research investigates how labour laws in Hungary, the Netherlands, Qatar, and the United Arab Emirates (UAE) address the particular aspects of telework. The report considers how shifts in work to remote locations change employees' job status and how gaps in rules, laws, and institutions shape employers' duties and employees' legal rights.

Telework poses one of the most significant challenges to traditional (typical) labour law concepts because it requires reassessing employer control mechanisms, occupational safety standards, and the legal boundaries of supervision in non-standard workplaces. The execution of the employment contract outside the employer's premises has been shown to challenge the application of traditional statutory health and safety rules and expose regulatory gaps that existing labour laws were not designed to address.[2] Those who hire employees find telework more challenging to manage, face liability risks, and must adhere to more rules. This is why studying the work relationship in telework is a significant issue for laws and policies, with far-reaching consequences.

International and national labour laws are the framework within which this change is happening.

- European Framework Agreement on Telework (2002), which establishes minimum rules for telework in EU member states regarding voluntary participation, data protection, health and safety and work-life balance.
- Hungarian Labour Code (Act I of 2012) defines employment officially and includes sections on remote work, which became more critical since the COVID-19 pandemic led to more remote work.
- Under the Dutch Civil Code (Book 7, Article 610), employment is described. Dutch courts are flexible in recognising rights for remote workers.

- The UAE Federal Law of Decree No. 33 of 2021, which covers ways to organise work and includes flexible models and agreements for telecommuting.[3]
- Under Qatar Labour Law No. 14 of 2004, the rules for work are open to the employer's decision, yet it is not mentioned if employees can work from home permanently.
- The ILO issued the Teleworking Arrangements Policy (in 2020) in reaction to the pandemic, urging governments and employers to support proper remote working conditions.

2. Problem Statement

The problem addressed in this paper is the significant gap and inconsistency in current legal frameworks governing telework across various jurisdictions, including the Netherlands, Hungary, Qatar, and the UAE. These outdated and inflexible laws fail to adequately address the unique challenges posed by remote work, such as worker classification, safety, working hours, social security, and employer-employee relationships. Consequently, this legal ambiguity increases the risk of exploitation, undermines worker protections, and creates legal uncertainties that adversely affect human resource management practices. There is an urgent need for comprehensive regulatory reforms and adaptable legal instruments to effectively manage, protect, and regulate the evolving landscape of telework in the digital age.

Since laws, policies, and work practices are changing, we must study how employment law responds to telework.

3. Research Methodology

The methodology for this study is primarily qualitative and comparative. I conducted an in-depth analysis of legislative texts, court decisions, and policy frameworks related to telework across various jurisdictions, including the Netherlands, Hungary, Qatar, and the United Arab Emirates. This involved examining legal doctrines, judicial rulings, and administrative guidelines to identify gaps, inconsistencies, and challenges in current telework regulations. I also performed a comparative legal analysis to understand how different legal systems interpret and regulate remote work, focusing on issues such as employment classification, jurisdictional conflicts, and worker protections. Additionally, I integrated relevant scholarly literature and law review articles to contextualise legal developments and support the formulation of recommendations for legislative reform that accommodate the evolving landscape of digital employment relationships.

4. Scope of Legal Frameworks in Different Jurisdictions

The paper compares how various jurisdictions, such as the Netherlands, Hungary, Qatar, and the UAE, approach telework regulation, highlighting their diverse legal policies shaped by local cultural, economic, and legal contexts, with some countries like the Netherlands focusing on substantive employment relationships beyond formal contracts, while others like Qatar and the UAE rely on rigid territory-based laws that complicate cross-border telework. Key challenges addressed by these frameworks include proper worker classification, health and safety standards adapted for remote work, data protection and privacy concerns, and regulations governing work conditions, hours, and social security coverage. Inadequate or outdated laws risk undermining workers' rights, leaving remote employees unprotected in areas such as social security, unfair dismissal, and occupational safety, emphasising the need for legal evolution. Conversely, clarity in employer responsibilities impacts health and safety obligations, data management, and contractual clarity, with ambiguous laws heightening liability and operational risks, prompting employers to develop internal policies aligned with evolving standards. Overall, the findings underscore the urgent necessity for comprehensive labour law reforms and international standardisation efforts to harmonise regulations across borders, close existing legal gaps, and effectively safeguard workers' rights amidst the transformative shift toward telework.

5. Legal Dimensions of Telework in the European Context

From the legal perspective, the emergence of telework in the European Union (EU) has redefined traditional labour relations by introducing flexible yet regulated frameworks. The European Framework Agreement on Telework (2002) remains a core instrument that recognises telework as a voluntary form of employment and should maintain parity with standard office-based work.[4] It emphasises equal treatment, data protection, health and safety, and voluntary consent from both parties. Member states have transposed these principles into the national laws, giving telework a clear legal identity distinct from casual remote work.

Legally, telework differs from home-based work or remote freelancing. While all involve working away from the employer's premises, telework implies the continuation of the employment relationship, subordination to the employer, and access to organisational resources. Home-based work, by contrast, often involves self-employment or piecework without the same level of control or integration. The element of subordination, the worker's obligation to follow the employer's instructions, is therefore central in distinguishing telework from other forms of distance work. [5] Although employees may enjoy autonomy in time management, subordination persists through contractual duties, performance monitoring, and digital supervision.

Telework contracts across the EU must explicitly define an arrangement. According to the Hungarian Labour Code (Act I of 2012, Section 196), telework must be indicated in the employment contract, clarifying that work is performed regularly outside the employer's premises using digital communication tools. [6] Employers must also provide safe

working conditions and specify the right to request office work if necessary. This contrasts with ordinary home-based work, which may lack explicit regulation. Similarly, the Dutch practice treats telework as an extension of dependent employment under Book 7, Article 610 of the Civil Code, provided that the employer retains economic control and supervises the work outcome.

A related question concerns who may legally shift from office work to telework. Under Hungarian law, a transition must be mutually agreed upon and recorded in writing, ensuring transparency in any modification of working conditions. The change cannot be unilaterally imposed by either party. Many EU jurisdictions follow this approach, treating telework as a contractual amendment rather than a managerial decision. This procedural safeguard protects both parties while confirming the voluntary nature of the telework. [7] In summary, EU labour law frames telework as an employment model defined by consent, subordination, and written contractual clarity. Its legal conditioning ensures that the flexibility does not undermine workers' rights or employers' obligations, a balance that continues to evolve across jurisdictions, adapting to digital employment realities.

6. Traditional Employment versus Telework Structures

There have always been three foundational areas in how a standard employment relationship has worked: the worker does their part, the employer has control, and the worker receives remuneration. The same criteria have been included in many national laws and international instruments, such as ILO Recommendation No. 198 (2006), which states that there must be a clear legal distinction between employees and the self-employed. Formulated during the industrial era, they show that production was carried out at set locations, was closely watched and involved well-timed work processes.[8] Employers told employees when, where and how things should get done. Because of the imbalance of power between employers and employees in a contract of employment, this model influenced laws and regulations in the field.

Telework challenges the traditional approach by allowing employees to control both their schedules and workspaces. Many people are working outside central offices, often from their own homes, at all times and mainly using computers and online tools for communication. [9] Being away from the employer's office challenges the authority in the workplace. In traditional employment, managers closely monitor workers and provide face-to-face supervision, but in telework, KPIs, time-tracking tools, project boards, and virtual conferences are used. They can replace a lot of managerial tasks, although they usually do not offer the same immediate or complete control as employers are used to. [10]

As workplaces are often not centrally located, applying laws and regulations can be difficult. According to the Hungarian Labour Code, the employer must provide a safe working environment. But when the job is at a private residence, it is sometimes unclear to an employer whether they should request to be present. Similarly, the laws set by the EU's Working Time Directive (2003/88/EC) ensure that employees do not work too many hours per week, but they are still hard to enforce when staff work irregular hours. The lack of a clear policy in the Netherlands led courts to focus on the entire relationship between employer and employee, not just on whether a boss is watching.

Also, the meaning of workplace has substantial effects on where laws are applied, what regulations employers must meet and what risks they face. The presence of a traditional workplace, not the worker, helps specify which labour, health, and tax rules apply. By contrast, telework makes it less specific to identify a fixed workplace.[11] Employees might be based in many countries or move around, which can cause confusion about which rules cover their work. There is particularly a lot of uncertainty when international private law affects the application of employment statutes in cross-border telework.

Qatar and the UAE, without direct policies in place regarding telework, face extra consequences from this decentralisation. The existing national labour laws hold employers liable, but it is difficult for them to monitor working hours, safety, and benefits without a clear workspace to monitor.

So, although telework offers flexibility and savings, it also creates problems due to unclear rules and outdated policies. Now, officials and courts must find solutions that help employees while acknowledging that workplace boundaries are being crossed and that new definitions of subordination are emerging. As a result, existing laws should be reviewed, and new tools to enforce them are needed to align with how businesses operate online.

7. Legal Foundations of the Employment Relationship

Three main features define the employment relationship: doctrinally distinct from freelancing, consultancy, or being employed under control (separation into employer and employee); personal service; and continuity of casual employment. This foundation for labour regulation is encoded in national laws, explained in court cases and formalised in official acts.[12] Besides distinguishing employees from non-employees, these elements also confer certain legal rights on employees, such as minimum salary, insurance, and protection against dismissal at will.

The paramount importance of written codes and formal reading of laws is acknowledged in employment law in Hungary and the Netherlands. The Hungarian Labour Code (Act I of 2012) expresses that work is based on a relationship in which the employee must take orders and always be guided by the employer. This means the employer can control when, where and how work is done. Similarly, the Dutch Civil Code (Book 7, Article 610) notes that

employment consists of three parts: someone providing labour, being paid, and a boss-worker relationship. The Dutch courts have determined these elements further by emphasising who has more economic control or influence at work.[13]

Hybrid legal systems in the United Arab Emirates (UAE) and Qatar combine civil law, Islamic laws and statutes. Job rules in the UAE are governed by Federal Decree Law No. 33 of 2021, and in Qatar, labour regulations are set out in Law No. 14 of 2004. They formalise employment relationships through numerous employment contracts. Most importantly, while the laws address direction and authority, the actual termination of employment is defined by the terms of the contract between the parties. Courts usually have limited power to change these relationships, maintaining that employers can decide and that employees have fewer means to seek justice in unclear work situations.

As more work is done remotely, legal frameworks need to address the challenges of proving control and of being subordinate to management. Since telework is done remotely, staff are not constantly observed by their supervisors. Since workplace management is now done remotely, traditional ways of showing subordination are replaced by measuring performance and tracking progress online. Because of this change, it has become harder to tell whether someone is employed or engaged as an independent contractor in places where physical or temporal proximity among workers matters.

Due to this uncertainty, the way teleworkers are categorised can vary widely. When clear guidelines for control or oversight are absent, courts may delay granting these benefits to remote workers. The likelihood increases that workers will be misclassified as independent contractors, which can take away their rights to protections, paid sick leave, and regulated working hours. Due to such flaws in labour law, workers in digital jobs often fall between gaps the laws are not designed to resolve. To protect teleworkers, national laws should change how they define control over work done at home and use work behaviour to measure employment, rather than relying solely on formality.

8. Subordination, Control, and Autonomy in Telework

With the growing use of telework, the traditional method of maintaining the employment relationship through subordination is being heavily questioned. Usually, subordination means the employer is responsible for setting when, where, and how the employee works, resulting in set hours, a location-based job, and routine reporting.[14] Yet, the new form of decentralisation in work today has made these well-known metrics less useful. Since more work is now done remotely and in a hybrid environment, the regulatory and court tools used to identify employment status must be reconsidered.

Legal scholars have long asked if having control over one's actions cancels out being subordinate or if it only changes the way subordination appears. Working from home generally combines the roles of employee and self-employed because it gives workers flexibility in schedule and location, but they still depend financially and organizationally on a company. Such doctrinally unclear points often leave it unclear which laws apply so that workers may miss out on employment rights.

The technology used for digital monitoring exacerbates the privacy issue. With remote work, supervisors keep an eye on employees by using keystroke loggers, screenshots, and webcam recordings. With these technologies, algorithmic monitoring tries to mirror the impact of a human supervisor. Even so, the courts may decide that simple control over everyday activities is not enough to mean subordination. Even though surveillance measures how productive employees are, it cannot fully replace the all-around management style typical in traditional workplaces.[15] Furthermore, these measures raise questions about how much privacy is protected, whether workers fully understand the practices, and whether the monitoring stays within authorised levels. Therefore, the conflict between control and autonomy in telework is shaped by laws and norms, and it involves the values of dignity, data protection, and agency in employment.

This issue is met by very different responses in comparative jurisprudence. It is the same in the Netherlands, where labour courts have a working approach. Case law in the Netherlands now mainly emphasises the role of the workforce and its fit with the organisation, rather than direct measurement by senior managers.[16] The Dutch courts have recognised that choosing one's schedule or workplace does not, in itself, rule out employment status if the person works closely within the company's structure and meets their performance standards. It follows the common approach in the law to focus more on the essence of a law than on its wording, and it understands the realities of today's labour environment.[17]

Alternatively, Hungarian courts favour a strict, formal procedure. Hungarian courts usually rule that employment claims by teleworkers should be denied because there are no clear contractual clauses specifying who has power in the workplace. Because it values clear documents over actual financial relations, the judiciary cannot help remote workers fall under labour law. The fact that the doctrine is not flexible shows that it struggles to align with current workplace practices.

Subordination in telework is not clearly defined under the laws of Qatar and the United Arab Emirates (UAE). Until now, temporary pandemic guidelines allowed remote work but did not establish a lasting approach. Since there is no law or essential case related to teleworking, its categorisation falls to administrative officials and may be uncertain when interpreted through contracts. Because work is often organised hierarchically in these countries, not knowing how telework is regulated can intensify differences in opportunities and job security.

All things considered, the subordination of people in digital labour calls for an update to the law. There is a need for courts to use models that recognise both the increased visibility and remote supervision common in telework. If the law does not change with new ways of working, it may soon become obsolete.

9. Employment Classification Challenges

A major legal issue that often appears with telework is improper worker classification. Teleworkers who use digital tools or remote platforms but perform duties similar to those of employees are still frequently classified as independent contractors by many companies. This wrong classification can cause many problems in society. This practice leaves workers unable to claim rights such as the minimum wage, paid leave, safe working conditions, and protection against unfair dismissal. Moreover, when people are misclassified, social security systems become weaker, there is greater confusion about taxation, and collective bargaining loses strength.[18]

The main part of any misclassification dispute is figuring out if someone is legally considered an employee or not and this is decided differently by various jurisdictions. In both civil law and hybrid systems, courts and administrative bodies consider several aspects of the working relationship. Judges in the Netherlands interpret laws in a practical, functional way. Besides contractual classifications, Dutch law also considers factors such as the need for the business to survive, the employee's position in the organisation, and the presence of mutual tasks and obligations. In X v. Y (2020), the court found that a worker labelled as a contractor by the company was really an employee, since he was closely tied to the company, regularly supervised, and had fixed job duties. The court concerned itself with what actually happened, not just the label given to the job.

Instead, Hungarian courts usually view employment through a rule-based, structured lens. Subordination, or being directly managed by someone else, is the primary indicator of employment under Hungarian labour law. Because physical oversight is very limited in telework, it brings about major obstacles.[19] The lack of clear rules or guidelines that give the employer control over the worker means that courts will usually not determine an employment arrangement, even when the work is continuous, and compensation is paid. In practice, the high bar requires more paperwork than actual testing and often leads to teleworkers being treated as independent contractors and missing essential workplace protections.

In places like the United Arab Emirates (UAE) and Qatar, workplace roles are defined primarily through contractual agreements. How employment status is determined depends mainly on what is written in contracts, as provided in the UAE Federal Decree Law No. 33 of 2021 and Qatar's Labour Law No. 14 of 2004. This method overly relies on contract structure, which is often unfair to workers. Even if they are called freelancers or consultants, teleworkers in these places are actually tied to the employer financially and play an essential role in their work, so they are not truly freelance or self-employed. Because there are no clear laws or legal guidelines to address incorrect labelling, these workers find it hard to contest their status.

Such differences in the legal grounds make the law much less certain. A person working remotely as a developer could be called an employee in the Netherlands but an independent contractor in the UAE, simply because of the local definitions of employment. Because of these differences, global labour rules become confused and an international conversation is required on the definition of employment in the digital age.

10. Jurisdictional Conflicts and Cross-Border Employment

Digital technology used globally has led to a significant increase in cross-border teleworking, challenging many traditional ideas about the law. In the past, the physical workplace was the main factor used to set rules, rights and responsibilities in labour laws. But the way telework is organised, with both parties based in different countries, makes legal classifications and problem resolution difficult.

Among the key rules in the European Union is the Rome I Regulation (Regulation (EC) No 593/2008) which manages the law for contractual obligations. Article 8 says that if an employee's employment contract does not choose a particular law, the law that applies is the law of the country in which the employee regularly does their job. The purpose is to secure the weaker party the employee by creating protection and assurance about the outcome of their case. In the case of mobile or international telework, this provision is hard to implement. If employees are working in way stations, courts and regulators tend to have a hard time figuring out which country they are usual residents of, causing legal and practical problems.

The Hungarian and Dutch courts have sought to apply Rome I's rules to issues arising from telework. Through their decisions, Dutch courts have explained that if a teleworker's work is linked closely to the way the employer does business in a certain country and if the legal centre of the work relationship is located in that country, then the laws of that state may control, regardless of where the teleworker is working.[20] It examines how different tasks support one another and the relationship centre of gravity. Yet, when targeting digital nomads or teleworkers with clients elsewhere, such an approach becomes difficult because their place of business cannot be easily defined.

On the other hand, the United Arab Emirates (UAE) and Qatar use more rigid, territory-based laws. Where companies or individuals are registered in a state, the state's labour laws will apply to their employees, even if the work is done elsewhere. An example is the labour law of the UAE (Federal Decree Law No. 33 of 2021), which oversees any

agreement between a local employer and a foreign employee who works in another country. When this unilateral claim is made, it can conflict with the main ideas in private international law, mostly concerning workers who reside in another nation with its own system for labour and justice.[21]

As a consequence of this fragmentation, numerous difficulties arise involving both law and practice. A major problem arises when employers intentionally move to areas with lax rules to avoid complying with strict labour laws. As a result, workers' rights across countries decline, and countries become motivated to compete by lowering their regulatory protections. In numerous cases, workers end up without legal safeguards because they are not covered by either their host or home country, due to language that exempts employers from handling the issue or to unenforceable laws.

Enforcement issues increase if the employer is not physically present in the jurisdiction where the employee lives. Because of these obstacles, sending and receiving documents, handling lawsuits and managing businesses become more complex. Because the rules for taxes, social security and work safety are not always clear, this adds to the problems companies and governments face in understanding each other's responsibilities.

In the end, working across countries highlights the limitations of laws that are based on traditional ideas of where people are. Without common international standards, the risk of legal outcomes that vary, are unfair, and can be abused increases. Since telework is growing in importance worldwide, laws at different levels should be updated to clearly decide the rules on which law applies which authorities have jurisdiction and what steps can be taken to enforce these laws for the safety of both parties.

11. Case Law and Comparative Legal Insights

Telework laws vary across countries. In the Netherlands, courts tend to assess what employment really means rather than focusing solely on the contract's details. Instead of checking whether the relationship is labelled as an employment contract or an agency agreement, Dutch courts look at other factors, such as how the parties are connected, their financial links, and the continuity of the arrangement.[22]

There is still a focus on rigorous legal rules in the country. Courts tend to be reluctant to declare employment when the terms of the agreement are unclear. By doing this, employers are protected by law, but it raises the risk that teleworkers will be wrongly labelled by their employers.

Laws made in the Gulf space tend to focus on administration. Cabinet Resolution No. 27 of 2020 enabled temporary remote work during the pandemic. Nevertheless, because there have been no major changes in legislation, old gaps remain. Just as in the UAE, Qatar has policy guidelines from the Ministry of Administrative Development, Labour and Social Affairs, but no strong legal regulations for telework.

Comparing different companies helps to identify good industry practices:

- Special attention is now being given in the Netherlands to the Work Where You Want Act to reinforce the freedom to work remotely.
- Through the 2017 reforms in France's Labour Code, it is now clear that employees must agree to telework, their data is protected and their accidents are included in insurance policies.
- Unlike many places, the Gulf areas have not established telework as a standard system, which means rules remain unclear and depend on employers' decisions.

12. Implications for HR, Legal and Business Reform

As telework changes the way people work, it has exposed the weaknesses in current labour laws. Remote, decentralised and digital work breaks the main assumptions upon which traditional employment law was built.[23] As we have seen, the legal classification of employment, which uses indicators such as subordination, personal service, and continuity, now finds it more difficult to fit the situation of telework.

An important issue discussed is how subordination and control, two critical parts of employment classification, can be reduced. Because of a lack of supervision, delegation from above and freedom to choose where and when to work, courts have trouble deciding on a constant employment situation. Using tools like keystroke monitoring, turning on webcams, and tracking output in digital environments is meant to replace how employers oversee their employees, but it raises many normative and evidence-based questions. Although surveillance implies leadership, it lacks the actual authority employees usually have at their jobs. Courts in various places have struggled to determine whether surveillance is sufficient to treat digital workers as employees.

One main topic discussed in this paper is the lack of clear rules for working remotely across borders. If the employee works in different areas or even from home, it is unclear which country's laws apply and in which court cases should be brought. It is difficult to use the Rome I Regulation in the EU, which is tied to the "habitual place of work," when telework is not tied to a definite place. Dutch courts adopt a functional interpretation by considering how a worker works and is managed. In contrast, Hungary and the Gulf Cooperation Council (GCC) member states, such as the UAE and Qatar, prefer formal and territorial interpretations. Due to this difference, people who do the same work and rely on the same company experience very unequal treatment based on their location and contract type.

Teleworkers are often misclassified, leaving them without certain legal protections. Employees are usually categorised as working regularly and, depending on a job, are frequently defined as independent contractors, just because it is not always clear how remote work should be treated.[24] In the Netherlands, jurisprudence allows courts to set aside any title used to disguise a contract and make their own decision, but in Hungary and GCC states, laws and court practice are less flexible. Because of this, workers are left without sick leave, social security, insurance for workplace injuries, or mechanisms to unite and defend their rights.

This paper shows that there is a significant gap in employment law doctrine. A few legal systems are opening up to telework, but the rate of change is not enough to match the fast advances in the world's labour markets. Not rethinking the traditional employment relationship exposes both employees and employers to a variety of risks. While employers may face different requirements, workers do not receive sufficient protection and may be mistreated or exploited.

As such, comprehensive changes in the law are now essential. There is a need for legislators and judicial bodies to draw up a framework that defines employment for the digital workforce and protects employees' interests, one that prioritises what happens at work over forms, works to prevent legal borders from interfering, and stops any efforts to get around labour protections.

These uncertain laws have substantial effects on human resource management (HRM). This confirms how poor legal clarity affects core HRM processes such as recruitment, evaluating staff performance, promoting staff wellness and shaping the company culture in telework settings.[25] Since legal protections are not as reliable, more and more responsibility for fairness, accountable behaviour and effective teams falls on HR in remote settings.

13. Conclusion

In light of the detailed analysis presented in this study, it is clear that existing telework regulations fall short of adequately addressing the complexities introduced by remote and digital employment arrangements. Jurisdictions such as Hungary, the Netherlands, Qatar, and the UAE illustrate the diversity of approaches, yet collectively reveal significant legal gaps, ambiguities, and inconsistencies that threaten the protection of workers' rights and the clarity of employment classifications.

The rapid growth of telework, intensified by recent global disruptions, necessitates urgent and comprehensive legal reforms. To ensure fair treatment, legal certainty, and protection against exploitation, lawmakers must develop clear, adaptable frameworks that recognize the unique characteristics of remote work—transcending traditional notions of subordination, location, and contractual clarity. International cooperation and harmonisation of standards are essential to address cross-border employment challenges in a globally connected digital economy.

In summary, without prompt and effective updates to labor laws and judicial approaches, workers engaged in telework remain vulnerable to misclassification, lack of protections, and increased legal uncertainty. Addressing these issues is essential to creating a more equitable, transparent, and resilient employment landscape suited to the demands of the digital age.

The current legal frameworks for telework across different countries demonstrate significant gaps and inconsistencies, often failing to adequately protect workers in the digital and remote working era. In the Netherlands, while flexible, the reliance on substance-based assessment risks misclassification and under-protection of teleworkers, especially if employers exploit loopholes or lack clarity in regulations. The Gulf countries' dependence on traditional contractual and territorial laws, which do not specifically address remote work, leaves workers vulnerable to misclassification, lack of safety measures, and limited legal recourse, revealing outdated structures that do not match modern work practices. Hungary's strict emphasis on formal documentation can unjustly deny protections to remote workers, fostering a legal environment that discourages flexibility and ignores practical realities. Moreover, many jurisdictions, particularly those with civil law traditions, have yet to develop comprehensive frameworks that recognize the specificities of telework, such as issues of subordination, surveillance, and cross-border employment, resulting in a legal vacuum that jeopardizes worker rights and hampers effective regulation. Overall, the failure to evolve legal systems to address the complexities of remote and digital work undermines legal protections, fosters ambiguity, and risks exploitation of workers in an increasingly globalized and flexible labour market.

References

- [1] Lynette Harris, "Home-based Teleworking and the Employment Relationship" (2003) 32 Personnel Review 422 <<https://doi.org/10.1108/00483480310477515>>.
- [2] C. de Oliveira Carvalho, "The new regulation of telework and remote work in Portugal: considerations and prospects," E-Journal of International and Comparative Labour Studies, vol. 11, no. 3, pp. 1–31, 2022. Available: https://ejcls.adapt.it/index.php/ejcls_adapt/article/view/1230 ejcls.adapt.it
- [3] Lutz Gschwind and Oscar Vargas, "Telework and Its Effects in Europe," Edward Elgar Publishing eBooks (2019) <<https://doi.org/10.4337/9781789903751.00007>>.
- [4] European Framework Agreement on Telework (adopted 16 July 2002) <https://resourcecentre.etuc.org/sites/default/files/2022-09/European%20Framework%20Agreement%20on%20Telework%20-%202002.pdf>
- [5] Valeria Pulignano, 'The Transformation of Work: Changing Employment Governance Regime' in Handbook of Industrial Development (Edward Elgar Publishing 2023) 90–105 <https://lirias.kuleuven.be/retrieve/680139>
- [6] Act I of 2012 on the Labour Code (Hungary) s 196 <https://net.jogtar.hu/jogsabaly?docid=a1200001.tv>

- [7] Manuela Samek Lodovici and others, 'The Impact of Teleworking and Digital Work on Workers and Society' Study Requested by the EMPL Committee (2021) <http://onala.free.fr/ipl421.pdf>
- [8] Yehuda Baruch, "Teleworking: Benefits and Pitfalls as Perceived by Professionals and Managers" (2000) 15 New Technology Work and Employment 34 <<https://doi.org/10.1111/1468-005x.00063>>.
- [9] N Klazinga, "Epimetheus' Responsibility: Resident Working Hours and System Redesign" (2003) 15 International Journal for Quality in Health Care 109 <<https://doi.org/10.1093/intqhc/mzg026>>.
- [10] Ellen Kuhlmann and others, "EU Law, Policy and Health Professional Mobility," Edward Elgar Publishing eBooks (2017) <<https://doi.org/10.4337/9781785364723.00017>>.
- [11] Aline Van Bever, "Open Norms and the Foundations of Employment Law: A Legal Examination of Hidden Patterns in Employment Relationships" (2012) 3 European Labour Law Journal 173 <<https://doi.org/10.1177/201395251200300205>>.
- [12] Arne L Kalleberg, "Precarious Work, Insecure Workers: Employment Relations in Transition" (2009) 74 American Sociological Review 1 <<https://doi.org/10.1177/000312240907400101>>.
- [13] Barry Wellman and others, "Computer Networks as Social Networks: Collaborative Work, Telework, and Virtual Community" (1996) 22 Annual Review of Sociology 213 <<https://doi.org/10.1146/annurev.soc.22.1.213>>.
- [14] Nancy B Kurkland and Diane E Bailey, "The Advantages and Challenges of Working Here, There Anywhere, and Anytime" (1999) 28 Organizational Dynamics 53 <[https://doi.org/10.1016/s0090-2616\(00\)80016-9](https://doi.org/10.1016/s0090-2616(00)80016-9)>.
- [15] Bin Wang and others, "Achieving Effective Remote Working during the COVID-19 Pandemic: A Work Design Perspective" (2020) 70 Applied Psychology 16 <<https://doi.org/10.1111/apps.12290>>.
- [16] The Employment Relationship (2004) <<https://doi.org/10.1093/oso/9780199269136.001.0001>>.
- [17] Karen Legge, Human Resource Management: Rhetorics and Realities (1995) <<http://ci.nii.ac.jp/ncid/BA26435192>>.
- [18] Evan M Berman, Human Resource Management in Public Service: Paradoxes, Processes, and Problems (2000) <<http://ci.nii.ac.jp/ncid/BB19564942?l=en>>.
- [19] Paul Smith and Gary Morton, "New Labour's Reform of Britain's Employment Law: The Devil Is Not Only in the Detail but in the Values and Policy Too" (2001) 39 British Journal of Industrial Relations 119 <<https://doi.org/10.1111/1467-8543.00192>>.
- [20] Daniel Kaufmann, Aart Kraay and Massimo Mastruzzi, Governance Matters III: Governance Indicators for 1996–2002 (2003) <<https://doi.org/10.1596/1813-9450-3106>>.
- [21] Huyen Trang Do Thi and others, "Comparison of Desalination Technologies Using Renewable Energy Sources with Life Cycle, PESTLE, and Multi-Criteria Decision Analyses" (2021) 13 Water 3023 <<https://doi.org/10.3390/w13213023>>.
- [22] Yehuda Baruch, "The Status of Research on Teleworking and an Agenda for Future Research" (2001) 3 International Journal of Management Reviews 113 <<https://doi.org/10.1111/1468-2370.00058>>.
- [23] Peter Boxall, "The Strategic HRM Debate and the Resource-Based View of the Firm" (1996) 6 Human Resource Management Journal 59 <<https://doi.org/10.1111/j.1748-8583.1996.tb00412.x>>.
- [24] Ioanna Simeli and others, "Benefits and Challenges of Teleworking for a Sustainable Future: Knowledge Gained through Experience in the Era of COVID-19" (2023) 15 Sustainability 11794 <<https://doi.org/10.3390/su151511794>>.
- [25] Mark A Youndt and others, "HUMAN RESOURCE MANAGEMENT, MANUFACTURING STRATEGY, AND FIRM PERFORMANCE." (1996) 39 Academy of Management Journal 836 <<https://doi.org/10.2307/256714>>.