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IMPACT OF COVID-19 ON A SUSTAINABLE WORK ENVIRONMENT IN THE CONTEXT OF DECENT WORK¹

Keywords: decent work, sustainability, work in the emergency situation, remote work, workplace well-being

Summary

The aim of the study is to analyse decent work as a value stemming from human dignity. The key factors include a safe and healthy work environment and working conditions, social protection, compliance with employment law, stability of a workplace, opportunities for development, training and self-fulfilment, mutual respect, contacts with colleagues, etc. The impact of the pandemic has changed employees' views on "perfect job". Remote work is only one of the new forms of employment created by digitalization, which will increasingly enter and strengthen the labour market. However, not all employers are equally prepared for change. The study will illustrate how the concept of decent work has changed in the context of the pandemic, so that the legislator and employers can reorganize themselves, creating appropriate work environment for employees and promoting the economic sustainability of the country.

Introduction

The independence of the Republic of Latvia was reestablished thirty years ago. The Republic of Latvia was founded and restored as a democratic state. The demand

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for a democratic state derives from the nation's right to sovereignty. At the same time, every citizen has the right to a democratic state.² The implementation of democracy requires a state governed by the rule of law, where the principle of the supremacy of law is enshrined in the constitution and the principle of the power separation and respect for fundamental rights are ensured.³ In a state governed by the rule of law, the principles of the supremacy and binding force of law are consistently implemented.⁴ This means that even in an emergency that arose in a country during a global pandemic, the state had to take legal decisions and implement them legally.

The right to work is a fundamental human right that must be assessed in the context of human dignity. Human freedom and free work are basis of modern civil society.⁵ "Work is an integral source of human dignity and self-actualisation in a democratic society."⁶ In addition, work is important not only in the lives of individuals, but also in ensuring the well-being and sustainability of the whole society. The aim of our study is to find out the impact of COVID-19 on the employment and work environment by evaluating this impact from the aspect of human dignity, decent work and employee well-being. The study is interdisciplinary, combining sources and methods of law, economics, and human resource management to gain a fuller understanding of the process.

1. Decent work in the sustainable work environment

The modern state is formed for an individual, that is, to ensure person's right to free self-determination. In order to legally strengthen this right, the concept of human dignity is enshrined in law. Jürgen Habermas writes that human dignity is the "moral source" from which the Constitution of a democratic state obtains nourishment.⁷ Human dignity is an inherent, integral, unconditional moral value of every individual, from which a number of human rights derive: all human beings are equal, and everyone has fundamental rights that no one should be deprived of. The right to human dignity is universal and its exercise must not be influenced by

² Degenhart Ch. Staatsrecht I. Staatsorganisationsrecht. Heidelberg: C. F. Müller, 2017, S. 11.

³ Bleckmann A. Vom Sinn und Zweck des Demokratieprinzips. Berlin: Duncker & Humblot, 2021, S. 124.

⁴ Horn H. Einführung in die Rechtswissenschaft und Rechtsphilosophie, 4, neue bearbeitete Auflage. Heidelberg: C. F. Müller, 2007, S. 3.

⁵ Lazdiņš J. The Origins of a Civil Society Based on Democratically Legitimate Values in the Baltics After the Abolition of Serfdom. In: Legal Science: Functions, Significance and Future in Legal Systems II. The 7th International Scientific Conference of the Faculty of Law of the University of Latvia 16–18 October 2019. Riga: University of Latvia, 2020, pp. 144, 145.

⁶ Judgment of the Constitutional Court of the Republic of Latvia of 14 June 2007 in Case No. 2006-31-01, para. 14.2. Available in English: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2006/11/2006-31-01_Spriedums_ENG.pdf#search=2006-31 [viewed 01.11.2021.].

⁷ Häbermäss J. Par Eiropas konstitūciju [On the European Constitution]. Riga: Zinātne, 2013, p. 21.

a person's origin, gender, age, religion, nationality, sexual orientation, citizenship, world view or political opinion, as this is the only way to protect every individual in today's multicultural society.⁸ Democracy, sustainability and respect for human rights and fundamental freedoms are interrelated and mutually reinforcing values.⁹ In Latvia, human dignity is protected as a constitutional value, as a general principle of law and as a human right.¹⁰ The state must comply with the requirements arising from human dignity, including decent work environment, even in the emergency situation. It is work that allows a person to ensure a dignified life for himself, and to fully integrate into society, including working both for a living and to realize himself as an equal and useful member of society.

The fundamental rights regarding work and employment are enshrined in several articles of the Constitution of the Republic of Latvia. Art. 106 guarantees the right to freely choose employment and workplace according to person's abilities and qualifications and prohibits forced labour. Art. 107 sets out the right to receive, for work done, commensurate remuneration and the right to have a rest, while Art. 108 – the right of employees to collective labour agreement, the right to strike and the freedom of trade unions, so that everyone can defend their rights deriving from employment law.¹¹ In its case law, the Constitutional Court of the Republic of Latvia has both concretized the aforementioned fundamental rights and assessed the significance of work in human life in the scope of other fundamental rights.

The Constitutional Court of the Republic of Latvia has acknowledged: "Sustainability has three interconnected aspects: ecological, economic and social sustainability. [...] Efforts of sustainable development are aimed at people and their right to lead a healthy and productive life in harmony with nature."¹² Therefore, "the legislator has a duty to establish a social security system, the aim of which is to protect human dignity as the highest value of a democratic state governed by the rule of law, to equalize social inequalities and to ensure the sustainable development of the state."¹³

⁸ Cotterrell R. *Sociological Jurisprudence. Juristic thought and social inquiry*. London, New York: Routledge, 2018, p. 165.

⁹ Judgment of the Constitutional Court of the Republic of Latvia of 29 June 2018 in Case No. 2017-25-01, para. 20.2. Available in English: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2017/10/2017-25-01_Judgment_ENG.pdf#search=2017-25 [viewed 01.11.2021.].

¹⁰ Plepa D., Pleps J. *Human Dignity in Latvia*. In: *Handbook of Human Dignity in Europe*. Becchi P., Mathis K. (eds.). Berlin, Heidelberg: Springer International Publishing, 2019, pp. 502, 503.

¹¹ The Constitution of the Republic of Latvia. Available in English: <https://likumi.lv/ta/id/57980-latvijas-republikas-satversme> [viewed 01.11.2021.].

¹² Judgment of the Constitutional Court of the Republic of Latvia of 24 February 2011 in Case No. 2010-48-03, para. 6.1.1. Available in English: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2010/07/2010-48-03_Spriedums_ENG.pdf#search=2010%2048-01 [viewed 01.11.2021.].

¹³ Judgment of the Constitutional Court of the Republic of Latvia of 9 July 2020 in Case No. 2019-27-03, para. 20.1. Available in Latvian: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2019/11/2019-27-03_Spriedums-1.pdf#search=2019%2027%2003 [viewed 01.11.2021.].

A person spends a third of his/her life at work. Employers' concern for the well-being of employees is one form of mutual respect. Well-being is based on the feelings of a person – positive emotion, engagement, relationships, meaning, and accomplishment.¹⁴ Workplace well-being is related to all aspects of the working life: from the quality and safety of physical environment and working conditions to how employees feel about their work, work environment, as well as the work organization. The goal of well-being activities in the workplace is to complement work safety measures that ensure the health, safety, satisfaction and active involvement of employees in their duties. The well-being of employees is the main factor that determines the long-term effectiveness of the organization.¹⁵ In this respect, the European Green Deal also has established workplace well-being as one of its pillars and puts well-being at the workplace at the core of a sustainable workplace by setting the main goal to save and strengthen the EU's natural capital and protecting the health and well-being of citizens from environmental hazards and their negative impacts.¹⁶ Thus, employee well-being is the basis for the decent work in the sustainable environment.

From December 2019 to February 2020, a study was conducted involving bachelor's and master's level students from Latvia, in order to assess the views of younger generation on the ideal workplace and conditions.¹⁷ The work environment in this study was viewed from different perspectives, such as work safety and employee well-being. Interestingly, 90% of respondents were in favour of flexible working hours, and a majority desired remote work, as well. A comfortable, safe workplace with stable work relationships, communication and cooperation possibilities dominated in the value scale of respondents.

2. Employee well-being during pandemic

The Republic of Latvia, after restoration of its independence, has experienced several crises, both economic and political. However, prior to the COVID-19 pandemic there were no threats to the health of the society at the national level. Therefore, to take the country out of crisis, novel solutions must be applied,

¹⁴ Seligman M. PERMA (Positive Emotion, Engagement, Relationships, Meaning, and Accomplishment) and the building blocks of well-being. *The Journal of Positive Psychology*, Vol. 13, 2018, pp. 333–335.

¹⁵ International Labour Organization: Workplace well-being. Available: https://www.ilo.org/safework/areasofwork/workplace-health-promotion-and-well-being/WCMS_118396/lang-en/index.htm [viewed 01.11.2021.].

¹⁶ Communication from the Commission “The European Green Deal” (2019). Available: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0640&from=EN> [viewed 01.11.2021.].

¹⁷ Kuzmina J., Atstāja Dz., Dambe G., Kichuk Y., Bykhovchenko V. Well-being in the work environment as foundation to achieve sustainable development goal. In: International Conference on Sustainable, Circular Management and Environmental Engineering, E3S Web Conf. Vol. 255 (ISCMEE 2021). Available: <https://doi.org/10.1051/e3sconf/202125501023> [viewed 01.11.2021.].

including those in legal field. At the same time, each crisis brings lasting changes in the life of society.

In the wake of the crisis caused by the COVID-19 pandemic, companies have had to take significant decisions promptly to be able to adapt to the changing situation and to maintain their market competitiveness. One of the human resource management challenges arising from the COVID-19 pandemic was the rapid transition to remote work to limit human contact.¹⁸ During the COVID-19 pandemic, the remote work model is widely used, i.e., the employees do not carry out work duties at the workplace provided by the employer, but instead work from home. As illustrated by the data from the Central Statistical Bureau of Latvia, the total number of employees working remotely during the COVID-19 pandemic vary between 70.5–140.6 thousand.¹⁹ This phenomenon has been engendered by restrictions laid by state on social contacts and the movement of persons.

Researchers predict that the remote work model will continue to be widely used after the pandemic, as it allows to save resources.²⁰ The pandemic has challenged the workforce to adjust to the remote work environment, where most of the employees have to work from their sofas or kitchen tables, and this new reality is going to impact the work environment in the future, as well.²¹ In other words, work environment will not be the same as it was before pandemic, and work in the office will not be as prevalent as before.²²

Recently, a few studies conducted in Latvia clearly illustrate the trend that employees lack the appropriate equipment for remote work. For example, only 34% of respondents have their own workplace or home office, 46% of respondents have a separate table in a shared living space, 20% use kitchen table or another place intended for different necessities. Half of the respondents have admitted that they use a laptop for remote working without an additional screen or stand. When asked whether they have improved their home office in the previous year, 49% admit that there have been no improvements. Survey shows that employers have provided IT devices and support to 54% of employees working remotely, an office table or chair – to 12% of employees, and a one-off benefit for improving their

¹⁸ Carnevale J. B., Hatak I. Employee adjustment and well-being in the era of COVID-19: Implications for human resource management. *Journal of Business Research*, No. 116, 2020, pp. 183–187.

¹⁹ Centrālā statistikas pārvalde: Attālināti strādājošo darbinieku (darba ņēmēju) īpatsvars attiecīgā saimnieciskās darbības veida (NACE 2. red.) strādājošo darbinieku (darba ņēmēju) kopskaitā (procentos) Q2 2020–Q2 2021 [Central Statistical Bureau: Proportion of teleworkers (employees) in the total number of employees of the respective type of economic activity (NACE Rev. 2) (per cent) Q2 2020–Q2 2021]. Available: <https://stat.gov.lv/lv/statistikas-temas/darbs/nodarbinatiba/tabulas/nbl280c-attalinati-stradajoso-darbinieku-darba-nemeju> [viewed 01.11.2021.].

²⁰ Neeley T. *Remote Work Revolution: Succeeding from Anywhere*. India: HarperCollins Publishers, 2021, p. 7.

²¹ Coggan Ph. Working life has entered a new era. *The Economist*, 30.05.2020.

²² Wang B., Lui Y., Qian J., K. Parker, S. Achieving Effective Remote Working During the COVID-19 Pandemic: A Work Design Perspective. *Applied Psychology*. 2021, No. 70/1, pp. 16–59.

workspace – to 9% of employees.²³ Due to the COVID-19 pandemic, the values of both – employers and employees – have changed. In a study conducted in March 2021 by "Kantar", 84% of employees indicated that work is one of the most important areas that affect their mood and sense of happiness. Furthermore, 54% of employees admitted that they had been experiencing austerity measures in their workplace.²⁴

Doctrine recognizes that labour law has been constitutionalized, thus protecting the fundamental rights of employees.²⁵ Labour and employment law was separated from civil law in the 19th century, because it was concluded that the parties in this legal relationship were not equal, and that the employee needed additional protection regarding working time, salary, work safety, etc. Employment law requirements for employers towards protection of employees varies from country to country, but over the last century there has been a trend to provide additional protection of employees' rights. The arrangement of the work environment is the duty of the employer, and it must be performed, among other things, by taking care of the employee well-being. Employee can agree to work remotely when concluding an employment contract. However, the pandemic forced to work remotely many employees, who had agreed to work at the defined workplace on-site when they concluded their employment contract. The data obtained during pandemic illustrates that only a small number of employers currently take responsibility for providing appropriate work environment for working from home, and almost no one ensures a work environment of same quality as on-site in a workplace. Consequently, in an area where there is currently no detailed regulation, it will have to be developed, primarily to protect the employee.²⁶ When introducing a new regulation, the state must consider both the requirements of fundamental rights and the adjustments introduced by the new reality.

²³ Buša L. Darbs no mājām, aptaujas rezultāti [Work from home, survey results]. Available: <https://www.veselsbirojs.lv/post/darbs-no-majam-aptaujas-rezultatu-parskats> [viewed 01.11.2021.].

²⁴ Tokareva M. "Kantar" pētījums par COVID-19 ietekmi uz apmierinātību ar darbu veikts no 2021. gada 6. līdz 14. janvārim "Kantar" study on the impact of COVID-19 on satisfaction with job was conducted from 6 to 14 January 2021]. Available: <https://www.kantar.lv/84-latvijas-stradajoso-atzist-ka-darbs-ir-svarigs-un-kopuma-ir-viena-no-svarigakajam-jomam-kas-ietekme-vinu-emocionalo-noskanojumu-un-laimes-sajutu/> [viewed 01.11.2021.].

²⁵ Collins H., Lester G., Mantouvalou M. (eds.). Does Labour Law Need Philosophical Foundations? (Introduction). In: *Philosophical Foundations of Labour Law*. Oxford: Oxford University Press, 2019, pp. 8, 9.

²⁶ In other European Union countries, such as Germany, case law on employment under the impact of COVID-19 pandemic is already developing. See: Pusch T. Germany: Latest COVID-19 Related Updates to Employment Law. Available: <https://www.mondaq.com/germany/employment-and-workforce-wellbeing/1101376/latest-covid-19-related-updates-to-employment-law> [viewed 01.11.2021.].

Conclusion

1. Human dignity is an inherent, integral, unconditional moral value of every individual. The state must comply with the requirements arising from human dignity, even in the emergency situation. The inviolable minimum of rights consistent with human dignity derives from the individual's right to free self-determination and the right to dignified life, which, *inter alia*, means full participation in society, including by working both for a living and to realize oneself as an equal and useful member of society.
2. Well-being is based on the feelings of a person – positive emotions, engagement, relationships, meaning, and accomplishment. Well-being in the workplace is related to all aspects of the working life: from the quality and safety of physical environment and working conditions to how employees feel about their work, the work environment itself, as well as the work organization. Employee well-being is the basis for decent work in sustainable environment.
3. The dynamic of remote work correlate with the course of the pandemic and restrictions imposed by governments and epidemiological safety measures introduced in workplace. Taking into account the situation highlighted by the previous studies regarding the non-compliance of the work environment with ergonomics and other aspects of workplace well-being, the issue of factors impacting well-being of employees becomes even more relevant for employers.
4. Work is a human necessity that provides both a means of subsistence and a place in society. The impact of the pandemic has changed employees' views on "perfect job". Remote work is only one of the new forms of employment created by digitalization, which will increasingly enter and strengthen the labour market. However, not all employers are equally prepared for change. The study illustrated how the concept of decent work had changed in the context of the pandemic, so that the legislator and employers could reorganize themselves, creating an appropriate work environment for employees and promoting the economic sustainability of the country.

BIBLIOGRAPHY

Literature

1. Bleckmann A. Vom Sinn und Zweck des Demokratieprinzips [On the meaning and purpose of the principle of democracy]. Berlin: Duncker & Humblot, 2021.
2. Carnevale J. B., Hatak I. Employee adjustment and well-being in the era of COVID-19: Implications for human resource management. *Journal of Business Research*, No. 116, 2020.
3. Coggan Ph. Working life has entered a new era. *The Economist*, 30.05.2020.
4. Collins H., Lester G., Mantouvalou M. (eds.). Does Labour Law Need Philosophical Foundations? (Introduction). In: *Philosophical Foundations of Labour Law*. Oxford: Oxford University Press, 2019.
5. Cotterrell R. *Sociological Jurisprudence. Juristic thought and social inquiry*. London, New York: Routledge, 2018.

6. Degenhart Ch. Staatsrecht I. Staatsorganisationsrecht [Constitutional Law I. Law of Organization of the State]. Heidelberg: C. F. Müller, 2017.
7. Häbermäss J. Par Eiropas konstitūciju [On the European Constitution]. Rīga: Zinātne, 2013.
8. Horn H. Einführung in die Rechtswissenschaft und Rechtsphilosophie [Introduction to jurisprudence and legal philosophy]. 4, neue bearbeitete Auflage, Heidelberg: C. F. Müller, 2007.
9. Kuzmina J., Atstāja Dz., Dambe G., Kichuk Y., Bykhovchenko V. Well-being in the work environment as foundation to achieve sustainable development goal. In: International Conference on Sustainable, Circular Management and Environmental Engineering, E3S Web Conf. Vol. 255 (ISCMEE 2021). Available: <https://doi.org/10.1051/e3sconf/202125501023> [viewed 30.09.2021.].
10. Lazdiņš J. The Origins of a Civil Society Based on Democratically Legitimate Values in the Baltics After the Abolition of Serfdom. In: Legal Science: Functions, Significance and Future in Legal Systems II. The 7th International Scientific Conference of the Faculty of Law of the University of Latvia, 16–18 October 2019. Rīga: University of Latvia, 2020.
11. Neeley T. Remote Work Revolution: Succeeding from Anywhere. India: HarperCollins Publishers, 2021.
12. Plepa D., Pleps J. Human Dignity in Latvia. In: Handbook of Human Dignity in Europe. Becchi, Paolo, Mathis, Klaus (eds.). Berlin, Heidelberg: Springer International Publishing, 2019.
13. Pusch T. Germany: Latest COVID-19 Related Updates to Employment Law. Available: <https://www.mondaq.com/germany/employment-and-workforce-wellbeing/1101376/latest-covid-19-related-updates-to-employment-law> [viewed 01.11.2021.].
14. Seligman M. PERMA (Positive Emotion, Engagement, Relationships, Meaning, and Accomplishment) and the building blocks of well-being. The Journal of Positive Psychology, No. 13, 2018.
15. Wang B., Lui Y., Qian J., K. Parker S., Achieving Effective Remote Working During the COVID-19 Pandemic: A Work Design Perspective. Applied Psychology, No. 70/1, 2021.

Legal acts

16. The Constitution of the Republic of Latvia. Available: <https://likumi.lv/ta/id/57980-latvijas-republikas-satversme> [viewed 01.11.2021.].

Court practice

17. Judgment of the Constitutional Court of the Republic of Latvia of 14 June 2007 in Case No. 2006-31-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2006/11/2006-31-01_Spriedums_ENG.pdf#search=2006-31 [viewed 01.11.2021.].
18. Judgment of the Constitutional Court of the Republic of Latvia of 24 February 2011 in Case No. 2010-48-03. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2010/07/2010-48-03_Spriedums_ENG.pdf#search=2010%2048-01 [viewed 01.11.2021.].
19. Judgment of the Constitutional Court of the Republic of Latvia of 29 June 2018 in Case No. 2017-25-01. Available: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2017/10/2017-25-01_Judgment_ENG.pdf#search=2017-25 [viewed 01.11.2021.].

20. Judgment of the Constitutional Court of the Republic of Latvia of 9 July 2020 in Case No. 2019-27-03. Available in Latvian: https://www.satv.tiesa.gov.lv/web/viewer.html?file=/wp-content/uploads/2019/11/2019-27-03_Spriedums-1.pdf#search=2019%2027%2003 [viewed 01.11.2021.].

Statistics and survey data

21. Buša L. Darbs no mājām, aptaujas rezultāti [Work from home, survey results]. Available: <https://www.veselsbirojs.lv/post/darbs-no-majam-aptaujas-rezultatu-parskats> [viewed 01.11.2021.].
22. Centrālā statistikas pārvalde: Attālināti strādājošo darbinieku (darba ņēmēju) īpatsvars attiecīgā saimnieciskās darbības veida (NACE 2.red.) strādājošo darbinieku (darba ņēmēju) kopskaitā (procentos) Q2 2020 – Q2 2021 [Central Statistical Bureau: Proportion of teleworkers (employees) in the total number of employees (employees) of the respective type of economic activity (NACE Rev. 2) (per cent) Q2 2020–Q2 2021]. Available: <https://stat.gov.lv/lv/statistikas-temas/darbs/nodarbinatiba/tabulas/nbl280c-attalinati-stradajoso-darbinieku-darba-nemeju> [viewed 01.11.2021.].
23. Tokareva M. 84% Latvijas strādājošo atzīst, ka darbs ir svarīgs un kopumā ir viena no svarīgākajām jomām, kas ietekmē viņu emocionālo noskaņojumu un laimes sajūtu [84% of employees indicate that work is one of the most important areas that affect their mood and sense of happiness]. Available: <https://www.kantar.lv/84-latvijas-stradajoso-atzist-ka-darbs-ir-svarigs-un-kopuma-ir-viena-no-svarigakajam-jomam-kas-ietekme-vinu-emocionalo-noskanojumu-un-laimes-sajutu/> [viewed 01.11.2021.].

Other materials

24. International Labour Organization. Workplace well-being. Available: https://www.ilo.org/safework/areasofwork/workplace-health-promotion-and-well-being/WCMS_118396/lang-en/index.htm [viewed 01.11.2021.].
25. Communication from the Commission “The European Green Deal” (2019). Available: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0640&from=EN> [viewed 01.11.2021.].