

## THE DIGITIZATION SYSTEM AND THE IMPLEMENTATION OF THE TELEWORK PROGRAM IN THE PUBLIC ADMINISTRATION IN ROMANIA AND THE EUROPEAN UNION

**Georgiana-Florina (POPA) ILIE**

*National University of Political Studies and Public Administration  
Blvd. Expozitiei No. 30 A, Sector 1, 012104 Bucharest, Romania  
iliegeorgiana486@gmail.com*

**Alina (VEISA) TĂNASE**

*National University of Political Studies and Public Administration  
Blvd. Expozitiei No. 30 A, Sector 1, Bucharest, 012104 Bucharest,  
Romania email4alina@yahoo.com*

**Ioana PĂDURARIU**

*National University of Political Studies and Public Administration  
Blvd. Expozitiei No. 30 A, Sector 1, 012104 Bucharest, Romania  
padurariu\_ioana24@yahoo.com*

**Abstract:** *The information society is characterized by the predominance of information processes based on information and communication technology that implicitly lead to reconceptualization and reengineering systems that provide information services and products. In this context, the specification of new methods of organizing the activity, and the work of integrating the new competencies for the collection, processing, organization, and communication of information becomes an indispensable requirement for the efficiency and effectiveness of a structure (Drăgănescu, 2003).*

*The Lisbon Strategy adopted by the European Union states that "the transition to a knowledge-based digital economy will be a powerful engine for increasing competitiveness. Moreover, it will improve the quality of the environment and the lives of citizens. Information technology and communication facilitate the participation of European citizens at all levels of social activity. Public administration responds to the needs of society and operates based on organizational structures, processes, roles, relationships, policies, and programs. It influences sustainable economic prosperity (Kaufmann & al), social cohesion, and people's well-being.*

**Keywords:** *Communication; Digitization; Information; Public administration; Technology.*

### Introduction

The purpose of this article is to analyze the progress in the digitization of services in Romania, as well as in the member states of the European Union, taking into account the pandemic period that surprised the whole world. Many people, in recent years, have turned to the purchase and use of internet platform services, thus replacing services from physical points.

Considering the pandemic crisis, the digitization process has started rapidly in terms of both public and private services. The first part of the article highlights the main theoretical aspects of the digitization process at the level of the European Union, and in

the second part, we will have an analysis of the implementation of the digitization process in Romania compared to the member states.

Digital transformation or digitization is one of the global megatrends that leads to structural and organizational reforms in the public and private environment by adopting information and communication technology (ICT) solutions to optimize operations and provide improved services to customers or citizens (Lappi et al., 2019).

The globalization of the labor market, the increase of the specialization degree in the workplace, and the appearance of new technologies represent one of the most important elements that influence the labor market both at the level of the European Union and at the global level.

In 2018, at the level of the European Union, approximately 5% of employees aged between 15 and 64 were working from home. The countries with the highest percentages that practiced work from home are the Netherlands (13%), Luxembourg (12%), Finland (12%) at the opposite pole Romania (0.4%), and Bulgaria (0.3%). Innovative public administration involves creativity, development, and implementation of some practical ideas that achieve a public benefit and these ideas must be at least technological improvements, not just simple improvements. Some of the benefits of introducing smart solutions in the administration are: improving the activity of public administration, citizens' access to information thanks to services, user satisfaction, more services geared to the needs of citizens, a rapid provision of services, simplification of administrative procedures, improvement

working conditions and employee satisfaction and reducing the costs of adoption a digitized way of working. Innovations in public administration can be achieved by changing public policies and a legislative framework, changes in thinking, in the approach to the provision of public services, and in providing relevant solutions within the public administration. To address these challenges, the public sector must be open to all, collect best practices, and collaborate with other institutions in the country and abroad to achieve sustainable social change. Public utility is an area that implies the need for providing certain services or making available to the general public elements of infrastructure, to meet some needs considered fundamental.

### **Digitization of services in Romania - member states of the European Union**

In international law, the International Labor Organization (I.L.O.) is the body regulating labor standards that gather the most members at a global level. Among the I.L.O. most important incidents in telework and work at home should be mentioned in Recommendation R184 / 1996 of the I.L.O. looking work-from-home regime. States are encouraged to add labor and protection legislation to their legislation certain provisions so that each Member State should, by national law and practice, designate an authority or authority responsible for formulating and implementing national policy on working from home.

The European Framework Agreement on Telework and several Directives are relevant to European Union law in telework and work at home. The EFA aims to make European workers more flexible and increase their safety at work, thus aiming for a balance between the flexibility of forms of work and safety at work.

The European Framework Agreement on Telework aims to make it more flexible and increase the safety at work of European workers, thus aiming for a balance between the flexibility of forms of work and safety at work. This agreement refers to all employment relationships that use means of communication distance and have provided in their content another place adopting a place or place where the employer carries out his permanent activity.

The agreement does not enjoy immediate applicability and does not set concrete tasks for the Member States, but its provisions lay down several standards by which the Member States offer employees (teleworkers) the same collective rights as employees working at the employer's premises.

Directive 2003/88 / EC on the organization of working time presents particular importance as it provides the Member States with certain minimum standards they need to implement regarding the organization of working time. Among the measures which have been taken through transposition into the laws of its Member States directives include a rest period of 11 hours every 24 hours; break time every 6 hours worked; day off compulsorily granted every seven days; at least four weeks of paid annual leave; free medical checks for workers night etc. The Court of Justice of the European Union has ruled in Case C-306/16 - A. Marques da Rosa, that he opposes a worker being forced to take leave first, before knowing if he is entitled to be paid for this leave (Moarcăș, 2018).

Directive 89/391/CEE on implementing measures to promote the improvement of the safety and health of workers at work. Directive 91/533/CEE on the employer's obligation to inform workers of the conditions applicable to the contract or employment relationship.

**ROMANIA-** Romania is a member of the ILO and must consider its recommendations and conventions in drafting labor and social security legislation.

The information society is characterized by the predominance of information processes based on information and communication technology that lead to the reconceptualization and engineering of information services and product systems.

The Lisbon strategy adopted by the countries of the European Union shows that the transition to a digital economy based on knowledge will be a powerful engine for increasing competitiveness.

Information and communication technology facilitates the participation of European citizens at all levels of social and economic activity. ICT can contribute to social support in public administration, governance, health, education, and work from home.

The Europe 2020 strategy has promoted smart cities by investing in human capital development infrastructure and solutions that take advantage of new technologies and digitalization.

According to the latest report of the European Commission, Romania is on its last among the 28 member states. The level of digitalization of the economy and the digital competencies of the population are low and make the process difficult.

The unprecedented isolation and social distress triggered by the COVID-19 epidemic renewed the importance of appropriate employee policies. Public administrations in the area The EU / OECD has taken various measures to protect its employees and, at the same time, to ensure providing essential services to citizens and companies and to ensure the proper functioning of state institutions.

Moreover, public sector staff is often at the forefront of the fight against the epidemic, and some participate in developing and implementing measures related to the consequences of the crisis on health, economic and social situation. Their workload has also increased to new ways of delivering results. Remote work requires not only technical infrastructure (hardware, internet connection, access to IT systems, and digitized workflows), but also adjusted management skills and collaboration tools. Countries with extensive telework experience and staff-appropriate legislation have quickly adapted to this working method. But not all administrations The EU / OECD have succeeded in this, according to a study carried out by the European Commission together with

OECD - Public administration: response to the COVID-19 pandemic - Government responses to public relations of EU Member States to the COVID-19 pandemic. The same study reveals that for citizens in Romania applications and supporting documents submitted for assistance benefits such as state child allowances and unemployment can be submitted by post or email. In European public administrations, Romania occupies a comparatively inferior position to the other Member States or other European countries. In Romania, in the case of public administration, there is only spatial and temporal flexibility. In the case of spatial flexibility, two apply forms: leatherwork and work at home, and in the situation of temporal flexibility three forms: are program flexible (uneven or individualized), compressed work schedule (reduction of the working week to a maximum of 4 day days and part-time work. The possibility of flexibility numerical or functional is not currently available in the Romanian administration. Telework, but especially work from home (although, in general, the schedule remained the same as in the case of office work) was applied on a large scale in the Romanian administration during the immobilization of emergencies and to run the first mentioned was in Decision. Not. 6 of March 9, 2020, of the National Committee for Combating Special Emergency Situations regarding the approval of additional measures to combat the new coronavirus, which provides in art. 9, that both public institutions and private operators will arrange, where possible, for some of the employees to carry out homework. This provision was by the provisions of art. 108-110 of Law 53/2003 regarding the Labor Code, corroborated with the provisions of art. 2 of Law no. 81/2018 regarding the regulation of telework activity. Subsequently, by Decree 195/2020 on the establishment of the state of emergency on the territory of Romania (since 16 March 2020) In addition to working from home, the concept of telework has also been introduced, with the mention that they will be achieved by a unilateral act of the employer. These two options have been strengthened by Law 55/2020 on some measures for prevention and combating the effects of the COVID-19 pandemic (May 2020) which specifies, according to art. 17, that during the alert state, the employer may order the activity of telework or work at home, by changing the job or its duties. In contrast to the previous normative act Law 55/2020 carrying out the activity in the telework regime or work workings done with the employee's consent. By 2022, Member States must transpose two directives into their legislation. Direction 2010/18 (to be implemented by August 1, 202ch gives the right to employees who return from maternity or paternity leave to request flexible

working arrangements such as reduced working hours, flexible working hours, or other arrangements.

Directive 2019/1158 (to be implemented from 2 August 2022) will allow all parents who have children up to the age of 8 and all caregivers the right to apply working arrangements such as reduced working hours, flexible working hours, or flexibility in what regarding the location of the work.

**IRELAND-** In Ireland, a common form of flexibility in public administration is sharing space job sharing/work sharing, introduced in 1984. This involves two or more many employees sharing tasks full-time. In general, this type of work flexibility in Ireland is implemented by sharing a job between two people employees, sharing at the same time the salary and benefits according to the time worked. This form allows employees to cope with responsibilities outside the workplace. This scheme also worked effectively in the times when Ireland was facing high unemployment rates.

Another form of time flexibility in Ireland, according to the study Flexible Work Arrangements and innovations in the Irish public service (2000), another form of time flexibility in Ireland is career breaks. This arrangement motivates the employee about the organization, allowing him to take a break while keeping their job for personal or professional reasons. This would translate into the administration's ability to suspend the service report at the initiative of the civil servant (according to art. 514 and 515 of Emergency Ordinance no. 57/2019 on the Administrative Code) for a maximum period of two years.

In the vicinity of Ireland, another country frequently uses the form of flexibility in public administration job sharing, namely the United Kingdom of Great Britain and Northern Ireland. Here there is a platform (The Job Share Finder<sup>1</sup>) where civil servants looking for a reduced work norm can find a partner with the same skill sets to achieve together a norm of work. Although initially this method was introduced to support parents who returned from maternity and paternity leave, subsequently enjoyed real success and in among other categories of employees (including those preparing to retire, thus ensuring a smooth transition).

**THE UNITED KINGDOM** has begun to create its regulations for digital services, no longer subject to the rules of European Union law. Some agencies of Uk. The regulatory authority (Competition and Market Authority (CMA), Office of the Information Commissioner, Financial Conduct Authority, and Office for communications) work together to provide advice on the Kingdom's strategy United for regulating digital markets. Together, they form the Working Group (Task Force) digital of the United Kingdom, which published in early 2020 a series of recommendations on digital markets and services. The regulatory regime proposed by the Digital Working Group includes code conduct (with different rules for different types of companies), pro-competitive interventions (including solutions such as mobility and interoperability of personal data), and consolidated merger regulations. The common goal of all these proposals would be supervised by a new unit of digital markets. The Working group regime targets digital companies with a strategic "market status" (SMS) to be determined based on an assessment based on various market factors. This reflects the approach in the EU strategy to temper companies perceived as having consolidated market power. But unlike the EU approach, the working group proposes that such an evaluation by SMS be

applied to the specific activity of a company, rather than the company as a whole. Although the digital working group considers a pro-active regime, open relationships, and productivity with SMS companies, it goes beyond the EU in the proposed sanctions.

The Working Party recommends that the British Government apply sanctions to fines of up to 10% of overall turnover.

**GERMANY:** In order to keep the jobs, Germany has applied the so-called time flexibility method

Kurzarbeit (short work). This means a more flexible work schedule depending on the orders or requests for services that the employer has. It is an existing model from 1910 which represents a reduced workload (due to external imbalances), the difference up to when covering the normal working hours being covered by technical unemployment (which is paid by the state).

Specifically, for the hours the employee works, he is paid 100%, and the period in which he is not working (technical unemployment) is paid by the state (up to 70%). This model was successfully applied during the financial crisis of 2009. During the crisis, COVID-19 applications are much higher compared to the crisis of 2009 (especially in the manufacturing industries and tourism), but this method has managed to keep many jobs.

**ESTONIA-** Estonia is considered one of the most developed countries in the world from the point of view of the digitalization of society, from public administration services to education or social services. Investments and approaches aimed at digitizing several areas of Estonian society have also been facilitated by the Law on Telecommunications since 2000, a normative act by which internet access was enshrined as a right of citizens. Art. 5 of the Law provides:

(1) universal services (understood as guaranteed public utility services) comprise a set of telecommunications services that meet the technical and quality requirements set by the Government of Estonia, through which it offers all consumers who wish to have access to the public telephone network at a reasonable price in the designated area of the operator the public telephone network concerned.

(2) the set of telecommunications services referred to in paragraph 1 of this section consists:

1) a telephone service provided on a 3.1 kHz bandwidth channel, available at the same price for all consumers, regardless of their geographical location;

2) an internet service available at the same price for all consumers, regardless of their geographical location;

3) a publicly available telephone service that uses cash as a means of payment or cards;

4) the possibility to have free access to police, ambulance, and intervention services in emergency cases;

(3) The requirements for the provision of universal service shall be established by the Minister of Roads and communications. The main objectives for the development of internet infrastructure in Estonia were:

- Completion of the medium-speed high-speed network
- Extension of the broadband access network in the regions affected by the malfunctions of the market, by: reducing the administrative burden related to building an infrastructure network for communications by simplifying the relevant legal framework; promoting Community initiatives for the development of fast internet connections; supporting the installation of internet infrastructure in areas with market failures, including in rural areas, if necessary; analysis of the need for external connections and implementation of relevant projects when necessary; ensuring the availability of radio frequencies that meet the requirements of society to provide end-users with internet access in areas where they are not fixed networks available;
- Promoting the principle of net neutrality, which means that network operators' electronic communications may not restrict end-users access to electronic communications services online legal assistance, websites, or other available platforms;
- Promoting secure public WiFi networks, provided mainly by (local) organizations from the public sector.

**GREECE-** In Greece, a revision of the Constitution took place in 2008, bringing a series of amendments also in force in 2021. Art. 5A refers to the right to information of the citizens of the Republic of Elene. According to him: "(1). all citizens have the right to information, as specified by law. Limitations on the exercise of this right may be imposed by law only to the extent necessary and justified on grounds of national security, by combating crime, or by protecting the rights and interests of third parties. (2) Anything the citizen has the right to participate in the Information Society. Facilitating access to information transmitted electronically and their production, exchange, and dissemination constitutes an obligation of the State, always in compliance with the guarantees of Articles 9, 9A, and 19."

**FRANCE-** On August 24, 2021, the Law on the observance of principles was promulgated Republic. At the second reading of the draft amendment to the Law, which referred to combating separatism, the National Assembly adopted a text in which the platforms will be obliged to "make public the resources they allocate to combat illicit activities "and" implement procedures and proportionate human resources and technological "for this. French law requires platforms to designate a contact point for cooperation with judicial and administrative authorities and to preserve reported and deleted content. A "system of easily accessible and user-friendly reporting "for users and the establishment of a "third party "status part of trust ". One of the amendments given to the original form was intended to anticipate partly the future European regulation on digital services. A new regime of moderation of illegal content is imposed by the end of 2023, for online platforms (procedures for processing legal applications, informing the public about the moderation system, risk assessment, etc.). The Superior Audiovisual Council will have to monitor the moderation processes implemented by social networks, platforms for video sharing, search engines, etc., and may impose financial sanctions (up to EUR 20 million) or 6% of global turnover. Art. 42 paragraph (4) of the Law is also an obligation

for public/user information platforms. (Platforms) Report to the public the means implemented and the measures to combat the dissemination to users in France, an illegal content. This reporting will be done by rules set by Superior Audiovisual Council, and at a frequency recommended by it. However, the European Commission has expressed reservations about the new French regulatory act, stating that it will likely jeopardize the desired unitary application of future European acts. The incident for digital services in France is also the Law 2019-759 on creating a tax on digital services and changing the trajectory of the tax decline on advantage. This Law establishes a separate tax regime for legal entities that operate in the "digital sector".

Article 299.-I. introduces "A fee due based on the amounts collected by the companies in the digital sector defined in ch. III, in exchange for supply to France for one year calendar, of the services defined in ch. II. II. Taxable services are:

1. Providing, through electronic communications, a digital interface that allows users to get in touch with and interact with other users, especially for the delivery of goods or the provision of services directly between these users. However, providing a digital interface is not a paid service then When:

a) users use it to:

- digital content;
- communication services;
- payment services,

b) the digital interface is used to manage the following systems and services:

- interbank settlement systems or the settlement and delivery of financial instruments;
- trading platforms - crowdfunding consultancy activities, and, if it facilitates the granting of loans, financing intermediation services participatory;
- other connection systems, mentioned in an order of the Minister of Economy, whose activity is subject to the authorization and supervision of a regulatory authority to ensure the security, quality, and transparency of transactions involving instruments financial, savings products, or other financial assets;

c) the digital interface is intended to allow the purchase or sale of services that aims to place advertising messages.

**AUSTRIA-** is one of the few EU countries that has developed clear regulations on digital services before acts developed at the level of the EU institutions. The most important legislation in this regard is the Federal Law on Measures for protecting users on communication platforms. Section 3 of the law are n certain obligations for service providers, referred to in the context of the law as "Information society services". The above-mentioned section states: "Suppliers of services must establish an efficient and transparent procedure for the treatment and processing reports on allegedly illegal content available on the platform communications. Such a procedure should be designed

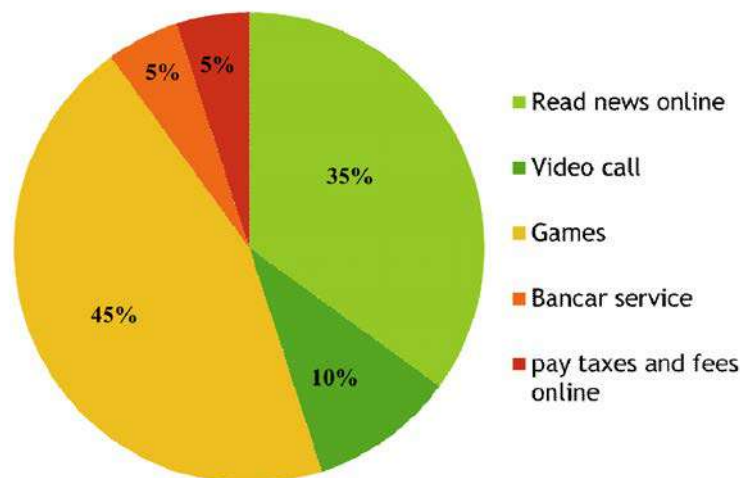


in such a way that users can have functions in a light, constantly available, easy-to-communicate platform." Section 4 also regulates a report that the platforms must prepare periodically: "Service providers are required to draw up an annual report and, every six months for communication platforms with over one million registered users, about how complaints about alleged illegal content are handled. The report must be submitted to the supervisory authority no later than one month after the end period recorded in the report and at the same time made available on the company's website, so that it can be easily found. " Section 8 of the law regulates the status of supervisory authorities:

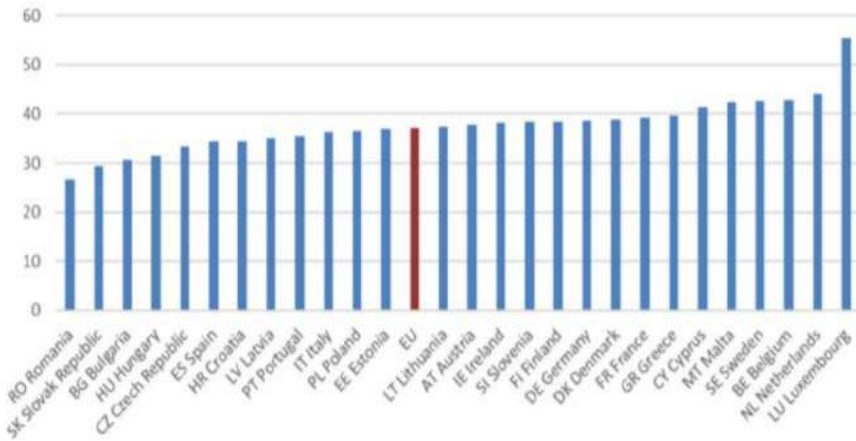
"(1) The supervisory authority for this federal act is the authority of communications from Austria established by Section 1.

(2) Administrative support in matters of this federal law and the function of the bureau of complaints is the responsibility of RTR-GmbH under the responsibility of the Director-General for the media department. As part of the activity report to be drawn up, the supervision, with the support of the complaints office, must assess the effectiveness of the measures and the obligations of conduct outlined in this federal act and developments in that regard in the two previous calendars".

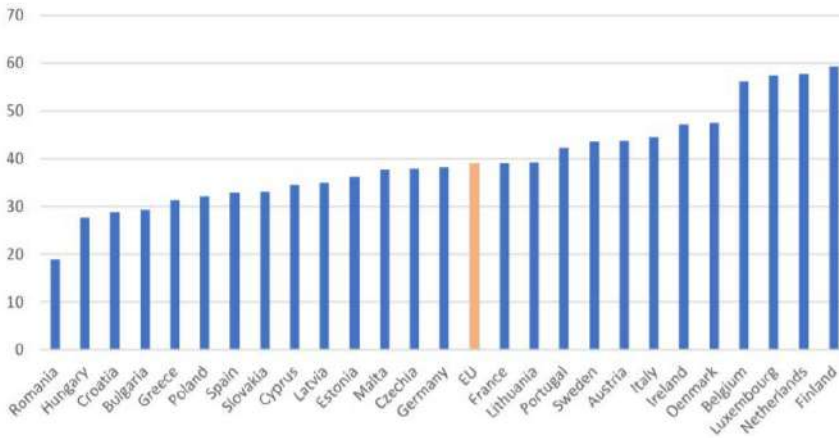
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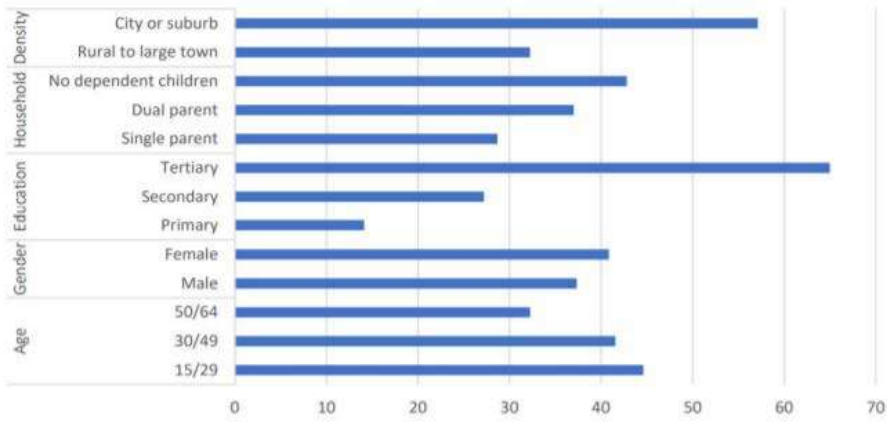
**Figure 1. Internet use in Romania**  
(Source: National Institute of Statistics, 2019)



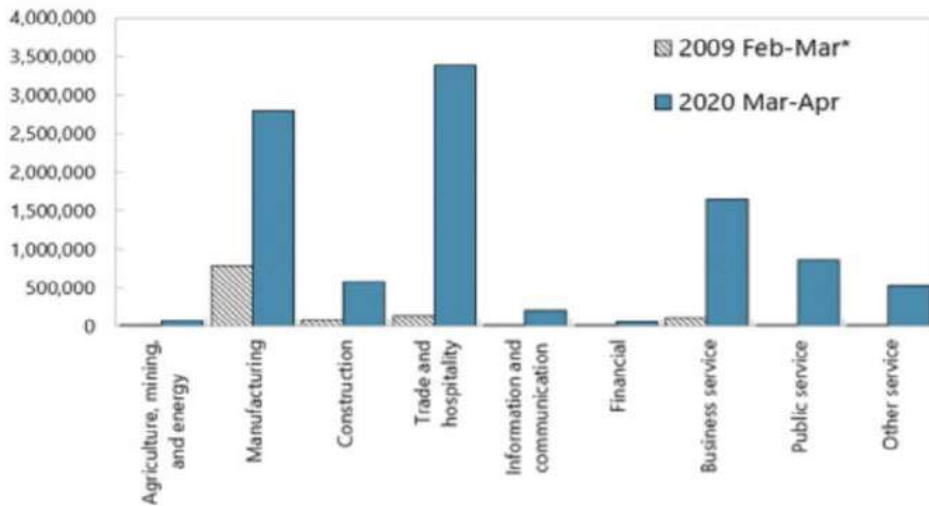
**Figure 2. The potential for teleworking in Europe and the risk of a new digital divide**  
 (Source: European Commission and Eurofound, 2020)



**Figure 3. Employees working from home during the COVID-19 crisis in the country**  
 (Source: EF Covid Survey, 2020)



**Figure 4. Employees working from home post-COVID 19 (Source: EF Covid Survey, 2020)**



**Figure 5. Applications in Germany for Kurzarbeit in 2020 compared to 2009 (Source: FSO and IMF calculations, 2020)**

## Conclusions

The pandemic has forced all Member States to switch primarily to flexible space (telework and work at home). But compared to the advanced savings in the block community-based, knowledge-based, in Romania, telework and work at home apply to a smaller percentage of the employed population.

A study by the European Commission's Joint Research Group and Eurofound (The potential for teleworking in Europe and the risk of a new digital divide, 2020) shows us that Romania is at the bottom of the ranking regarding the number of employees who are in occupations that can be carried out from home. At the opposite pole are Nordic states and Luxembourg, the Netherlands, Belgium, and Malta. Consequently, according to the figure below, a small number of employees in Romania, compared to the state's temperament, started working from home after the COVID-19 crisis.

Similar situations there were found in Hungary, Croatia, and Bulgaria. On the other hand, Belgium, the Netherlands, Luxembourg, and Finland pushed an even larger number of employees into telework.

According to the Eurofound (2020) study, Regulations for addressing work-life balance in the context of flexible digital working arrangements, 30% of Europeans have been teleworking/working from home since the pandemic outbreak, while later mass - the EU average reached almost 40%.

Finland has reached the highest share of the number of employees who started working from home, respectively 60%. The main characteristics of European employees who started working from home during the COVID-19 crisis are higher education (highly skilled, knowledge-based jobs are suitable for flexible forms of work), a relatively young age, and working in urban areas.

Women worked more flexibly at home than men, generally due to their disproportionate relationship regarding work tasks and family duties. Surprisingly, a larger number of childless employees began working from home compared to colleagues with dependent children.

Remote work requires not only technical infrastructure (hardware, internet connection, access to IT systems, and digitized workflows), but also adjusted management skills and collaboration tools. Countries with extensive telework experience and staff-appropriate legislation have quickly adapted to this working method.

But not all administrations The EU / OECD have succeeded in this, according to a study carried out by the European Commission together with OECD - Public administration: response to the COVID-19 pandemic - Government responses public relations of EU Member States to the COVID-19 pandemic. The same study reveals that for citizens in Romania applications and supporting documents submitted for assistance benefits such as state child allowances and unemployment can be submitted by post or email. Similarly, in Slovenia, electronic communication between citizens and the public administration is simplified, so that it is not necessary for requests and other types of communication electronic signature (for example, a simple e-mail would suffice or if civil servants

officials would have doubts about the identity of the person, scanned copy of a document with a handwritten signature).

Germany has applied the so-called time flexibility method *Kurzarbeit* (short work) to keep the jobs. This means a more flexible work schedule depending on the orders or requests for services that the employer has. It is an existing model from 1910 which represents a reduced workload (due to external imbalances), the difference up to when covering the normal working hours being covered by technical unemployment (which is paid by the state).

Specifically, for the hours the employee works, he is paid 100%, and the period in which he is not working (technical unemployment) is paid by the state (up to 70%). This model was successfully applied during the financial crisis of 2009. During the crisis, COVID-19 is much higher than the crisis of 2009 (especially in the manufacturing industries and tourism), but this method has managed to keep many jobs. The *Kurzarbeit* model was also approved in Romania during the COVID-19 crisis by the Ordinance of Emergency 132/2020 on support measures for employees and employers in the context of the epidemiological situation caused by the spread of SARS-CoV-2 coronavirus, as well as to stimulate employment growth, but this only applies to the private sector, not the public administration.

Given that the administrative environment is largely bureaucratic, the lack of electronic signatures in many authorities and Public institutions was one of the biggest obstacles. With all that many officials were forced to work from home, he had to return to the office at some point to sign documents. Although part of the management staff receives a signature electronically in some situations, this does not always facilitate the bureaucratic process, as there is a chain of signatures behind the managers' signatures from staff with executive functions. Thus procurement of electronic signature certification services both for managers and execution staff, for central and local public administration institutions is one of the first steps to be taken to unblock the current situation. This is an essential element for digitization administration. Simultaneously with the purchase of signature certification services, electronic several new working procedures needs to be developed, which be by both remote and flexible ways of working in the office, respectively for coordination between activities, people, structures, and institutions. In addition to the workflow procedure, provisions on monitoring must be mentioned. This aspect also depends on the degree of trust in employees. Where there is a high degree of trust, monitoring may be reflected in the delivery of results and not through additional procedures or reports that may complicate and/or fragment the activity of contract officials/staff. Many employees forced to work in telework do not have benefited from logistical support from the institution, given that it was an emergency. Many of them had to use their PC, and security features in cybernetics in working with state documents were often missing. It does not benefit from the means related to information and communication technology and/or the secure work equipment necessary to perform the work, according to the provisions of art. 7, para. a) from Law 81/2018 on the regulation of telework activity. Through the funds, European projects can be accessed and implemented to acquire IT&C equipment.

Last but not least a guide on implementation in the administration of Romania would benefit all parties involved. In the end, it is only a matter of time before the Romanian

administration will align with those Europeans, but the sooner the better, both for public sector employees and its beneficiaries, operators economic, citizens, and other categories of beneficiaries.

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