

TELEWORK AND THE POST-COVID-19 FUTURE: THE PORTUGUESE MINISTRY OF JUSTICE CASE STUDY

TELETRABALHO E O FUTURO PÓS-COVID-19: ESTUDO DE CASO DO MINISTÉRIO DA JUSTIÇA DE PORTUGAL

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Abstract: This article aims to summarize the principal results obtained from a study of Portuguese Ministry of Justice employees (including courts employees) regarding telework. Employees' perceptions were assessed concerning both the COVID-19 confinement (started at the end of March 2020) and post-COVID-19 scenarios. A quantitative approach was used and data was collected by the Directorate General for Justice Policy (DGPI), Ministry of Justice, Portugal, through questionnaires applied online, between the 23rd and 30th of April 2020. It was possible to obtain 2,373 answers, from workers of 11 different entities (including courts workers). The authors explore the assessment of the transition into telework, the perception of quality and intensity of work performance (telework versus in person), the willingness to continue teleworking after the COVID-19 pandemic for employees already teleworking and the willingness to start teleworking after the COVID-19 pandemic for employees currently not teleworking. Results show the potential for more permanent change, beyond the COVID-19 crisis management. The authors encourage both the academic and praxis justice international communities to conduct, collect and share similar research both during and after the COVID-19 pandemic in order to amass a data historic that might be useful in the next crisis and inform a host of current debates.

Keywords: Telework. Portuguese Ministry of Justice. COVID-19. Future. Perceptions.

Resumo: Este artigo pretende resumir os principais resultados obtidos num estudo realizado com funcionários do Ministério da Justiça (incluindo funcionários dos tribunais) sobre o teletrabalho. As percepções dos funcionários foram avaliadas em relação ao confinamento COVID-19 (iniciado no final de março de 2020) e cenários pós-COVID-19. Foi utilizada uma abordagem quantitativa e os dados foram recolhidos pela Direção-Geral da Política da Justiça (DGPI), Ministério da Justiça, Portugal, através de questionários aplicados online, entre os dias 23 e 30 de abril de 2020. Foi possível obter 2.373 respostas de trabalhadores de 11 entidades diferentes (incluindo funcionários judiciais). Os autores exploram a avaliação da transição para o teletrabalho, a percepção da qualidade e intensidade do desempenho do trabalho (teletrabalho versus presencial), a vontade de continuar em teletrabalho após a pandemia COVID-19 dos funcionários que atualmente se encontram em teletrabalho e a vontade de iniciar o teletrabalho após a pandemia de COVID-19 dos funcionários que atualmente não trabalham à distância. Os resultados mostram o potencial para mudanças mais permanentes, além da gestão de crises COVID-19. Os autores incentivam as comunidades internacionais académica e da praxis da justiça a conduzir, recolher e partilhar pesquisas semelhantes durante e após a pandemia COVID-19, a fim de reunir um histórico de dados que possa ser útil na próxima crise e informar uma série de debates atuais.

Palavras-chave: Teletrabalho. Ministério da Justiça de Portugal. COVID-19. Futuro. Percepções.

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Introduction

In line with the orientations from the Portuguese Directorate General for Health, in order to prevent and control the COVID-19 infection, the justice sector has devised several measures that were implemented in several institutions of the Portuguese Ministry of Justice. Each one of these organisms has created and applied its own contingency plan. Services that require physical presence were constrained, during the confinement phase of the pandemic, to a few urgent activities. To safeguard both citizens' and employees' safety and health, workers from the justice services started to work on a rotating basis with a significant proportion working via telework. More detailed information on the Covid-19 impact on the Portuguese context can be found in Correia *et al.* (2020a, 2020b).

Technical, judicial, managerial, administrative tasks and court clerks were able to be placed in telework with the assistance of electronic tools such as laptop computers, desktop computers, printers, scanners and VPN access to the internal network, as well as videoconferencing tools (mainly the use of Microsoft *Teams* and Cisco *Webex*, made available to employees by the Ministry). By technical duties, the Portuguese Ministry of Justice considers all non-managerial, non-administrative positions, for instance: consultants, legal advisers, back office support and other analytical positions. Overall, all activities that do not involve contact with the public. The telework conditions consisted of exactly the same work schedule (weekdays and hours worked) as in the pre-COVID-19 context.

In this context, the Directorate General for Justice Policy (DGPI) from the Portuguese Ministry of Justice, the organism responsible not only for the statistical information but also responsible for the policy articulation of the justice sector, carried out a quantitative study about the Portuguese Ministry of Justice employees' perceptions toward telework, focusing on the COVID-19 and post-COVID-19 scenarios. Judges and public prosecutors, regarding their specific autonomy and professional rules applied, were not considered, nor were the criminal investigation personnel working within the institutional scope of the Ministry of Justice (Judiciary Police).

Participants Characterization

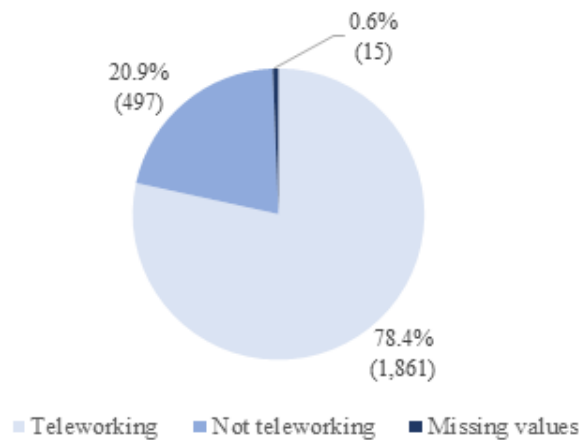
To accomplish these goals an online survey was conducted. The data used in this article was gathered between the 23rd and 30th of April, 2020. It was possible to obtain 2,373 answers, from workers of 11 different entities of the Portuguese Ministry of Justice (including courts workers). Considering that on January 1st, 2020, the Portuguese Ministry of Justice had 22,535 employees, it is possible to estimate a response rate of roughly 10.53%. Given that the paper deals with proportions, the formula for absolute precision indicates a maximum error of 1.95%. The median age of participants was 51 years old and their median seniority in their actual organization was 20 years. There was a higher proportion of female participants, 73.05%, and only 26.95% of the answers corresponding to male contributors. Note that this distribution is consistent with the significantly greater proportion of female employees working at the Portuguese Ministry of Justice. In relation to the academic qualifications, 60.64% of the answers came from workers with a higher education degree. As for the respondents' organizational functions, 26.03% of the sample is composed of participants with administrative functions, 57.63% is composed of participants with technical functions and 16.34% is composed of respondents with management or leadership duties.

Telework adherence and labour conditions

Results showed that roughly 79% of the sample was composed of Ministry of Justice employees in telework (figure 1), with approximately 90% of them assessing the experience as a favourable transition and around 67% even considering the transition as easy (figure 2). In the context of the Portuguese Ministry of Justice, almost impossible types of duties for telework may refer to: prison guards, criminal police officers and some urgent court cases personnel, while easy types of duties to transit into telework may refer to: technical, judicial,

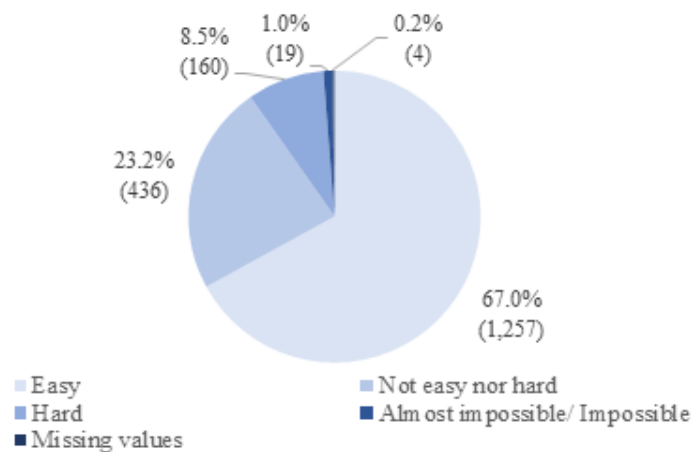
managerial, juridical, analytical, administrative tasks and court clerks.

Figure 1. Proportion of the sample teleworking.



Source: AUTHORS (2021).

Figure 2. Assessment of the transition into telework.

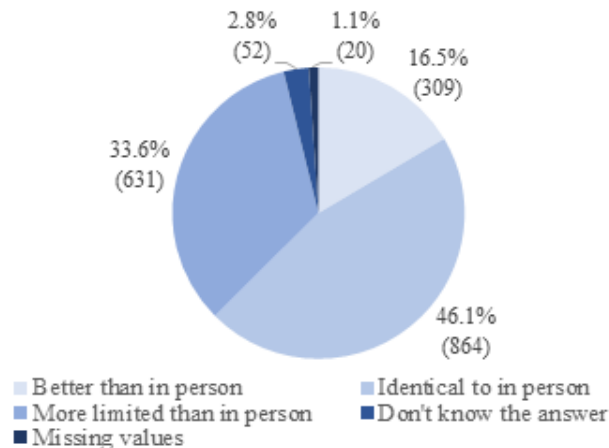


Source: AUTHORS (2021).

The Portuguese Ministry of Justice provided part of his employees with electronic tools such as laptop computers, desktop computers, printers, scanners and VPN access to the internal network, as well as VC *software* access. In relation to work equipment, circa 34% of the respondents stated to have received from their institution dedicated work equipment, in order to be able to adequately perform their corresponding organizational function. From these 34% of sampled workers, approximately 90% of them considered the received equipment to be good or appropriate for their job requirements.

It is also relevant to note that a strong majority of almost 63% of individuals self-reported a telework quality and intensity of work performance better or identical to the one achieved in person (figure 3).

Figure 3. Quality and intensity of work performance: telework *versus* in person.



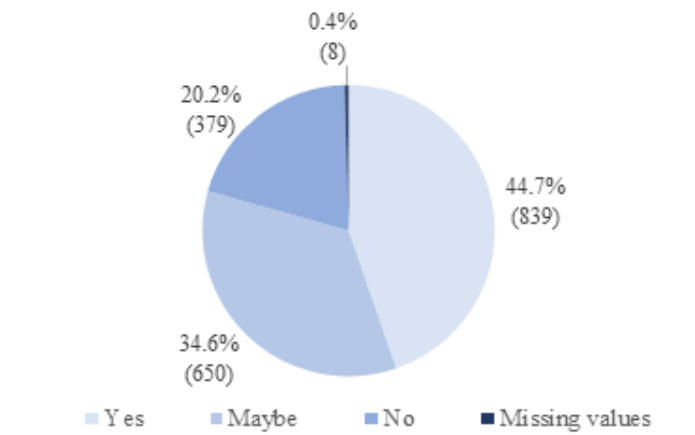
Source: AUTHORS (2021).

Another critical dimension of analysis is the institutional response to the extraordinary conditions generated by the COVID-19 pandemic. Of the Portuguese Ministry of Justice workers surveyed, more than 85% perceived the institutional response as positive, with almost 35% considering that response to have been good or very good. The decisions and actions of hierarchical superiors were evaluated as positive by more than 89% of the work force sample, with more than 45% considering those decisions as good or very good. Information and follow-up from hierarchical superiors were considered sufficient and positive by almost 70% of employees working in this new labour regime.

The post-COVID-19 scenario

Several questions arise for institutions as the pandemic becomes mitigated and eventually ends. During the telework situation, the employees had a normal schedule as in the pre-COVID-19, with the same work schedule (weekdays and workhours, typically 35 hours per week, from Monday to Friday). In order to explore some of those questions teleworking employees were asked if they consider a continuation of the telework regime after the pandemic is over and, effectively, almost 80% of participants stated they want to or considered to continue in telework after the pandemic subsides (figure 4). From those, 86% justified their response by considering the experience adequate and productive both for themselves and for their organization, or by considering the experience and the regimen the most adequate for themselves and their personal and family contexts. If it were up just to the teleworking employees, more than 62% would choose this regime to be permanent or almost permanent, with less than 17% being undecided about that particular subject.

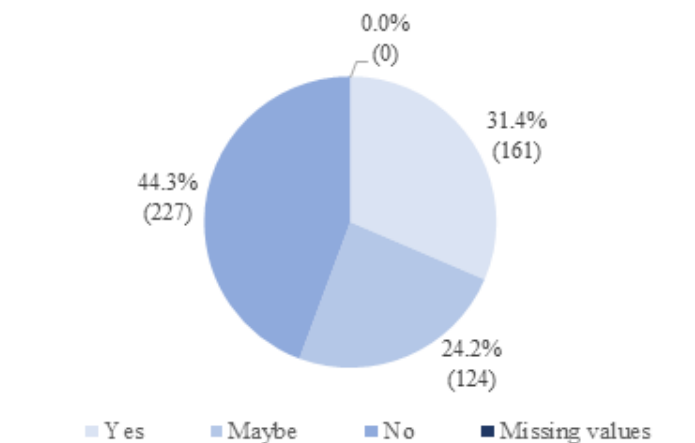
Figure 4. Willingness to continue teleworking after the COVID-19 pandemic for employees already teleworking.



Source: AUTHORS (2021).

For workers who maintained an in-person work regimen during the pandemic, when asked if they would consider to start teleworking after the pandemic recedes, almost 56% of participants stated they were willing to considered it (figure 5). From those, more than 71% justified their response by considering telework would be adequate and productive both for themselves and for their organization, or by considering telework would be the most adequate for themselves and their personal and family contexts. If it were up just to the employees not teleworking, more than 44% would choose the telework regime to be permanent or almost permanent with only 15% being undecided about that particular topic.

Figure 5. Willingness to start teleworking after the COVID-19 pandemic for employees currently not teleworking.



Source: AUTHORS (2021).

Final Considerations

The Portuguese Ministry of Justice is committed on providing the highest level of response to lessen the COVID-19 crisis impact on the Portuguese Justice System and, thus, considers the perceptions of its workers to be a crucial input of present and future planning. It is defendable that hearing the voice of employees is an imperative for public institutions to adjust labour conditions whenever it is considered an inevitability. Future research must continually address the topic of telework, aiming to understand if the positive reaction was due to the new situation we are living, or if it is a more mature response from the employees. Inspired by CEPEJ recommendations (European Commission for the Efficiency of Justice, 2018, Council

of Europe), over the last few years, worker satisfaction, loyalty and involvement in the justice sector has become a topic of interest to the Portuguese Ministry of Justice, an interest that has spread to the Portuguese scientific and academic realm (see, for instance, Correia (2017), Correia & Jesus (2018) or Correia & Bilhim (2019)). The aim of this paper was to contribute to the above-mentioned debate, particularly considering the implications of the data for a range of other practical and theoretical discussions focusing on the justice sector. Implications not only for Portuguese-speaking countries' justice systems, such as Portugal and Brazil, but for most European countries' justice systems. Discussions ranging from public *versus* private organizational values (see, for instance, Correia & Bilhim (2017)), to justice governance (see, for instance, Buta, Guimarães & Akutsu (2020)), to the meaning of work for justice professionals (see, for instance, Guimarães *et al.* (2017) or Silva, Guimarães & Sousa (2019)), to the relation between judicial staff and court performance (see, for instance, Gomes, Guimarães & Akutsu (2016) or Pereira & Correia (2020)).

The authors encourage both the academic and *praxis* justice international communities to conduct, collect and share similar research both during and after the COVID-19 pandemic in order to amass a data historic that might be useful in the next crisis and inform a host of current debates.

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Recebido em 21 de abril 2021
Aceito em 14 de junho de 2021