



Regulating Flexibility: Legal and Policy Frameworks on Hybrid Work in the Western Balkan Countries

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Abstract

Digital transformation and the COVID-19 pandemic have caused a paradigm shift in work; hybrid work arrangements that combine remote and in-office work are becoming the norm in many business organizations worldwide. Employees benefit from the flexible working arrangements that the hybrid work offers, but they often navigate in uncertainty in terms of legal protection and contractual arrangements, even in the EU (European Union). WB (Western Balkan) countries have embraced hybrid work with a constant effort to align their policy and legal framework to the EU standards, as pressing requisites of EU integration aspirations. This study aims to explore the readiness of WB countries' national legal and policy frameworks to regulate hybrid work through mapping and analyzing the dimensions of hybrid work in national legal and policy frameworks through a comparative legal and policy analysis. Results reveal that in the majority of the legal frameworks of WB countries, there is no specific definition of hybrid work, and legal arrangements on homework or telework can be found in the legal frameworks of Albania, Bosnia and Herzegovina, and Serbia. Employees' working conditions, work-life balance, gender aspect, and well-being are not fully addressed. Policy instruments remain underdeveloped, with Serbia being the only country with significant labor reform progress. National legal frameworks need further harmonization, whereas national policies need to tailor proper policy instruments that address hybrid work.

Keywords: Hybrid work arrangements, contractual arrangements, work-life balance, employees' well-being, Western Balkan countries

1. Introduction

The development of ICT (information and communication technologies) resulted in a transformation of the workspaces and a reconceptualization of the concept of work. Work can be delivered in multiple workspaces located in different physical locations (Hadford, 2005). Modern co-working spaces and digital working spaces have facilitated hybrid work practices' implementation by business organizations. Consequently, in terms of location-related activities, hybrid work is a combination of switches between different workplaces and workspaces where employees execute and perform their work tasks, resulting in the typical combination of "working from home" and "working from the office" (Yang et al., 2021). Different hybrid work arrangements are offered to employees. They can vary from a fixed hybrid schedule, flexible model, office-first model, remote-first model, role-based model, project-based model, asynchronous model, compressed workweek, seasonal model, and on-demand model. These can be clustered in four main models of hybrid work, such as

the flexible hybrid work model, fixed work model, office-first hybrid work model, and remote-first hybrid work model.

The COVID-19 pandemic caused a major shift in working arrangements due to a rise in hybrid and remote work, which is expected to persist over time depending on employer policies (Logansen et al., 2024). The regulation of non-traditional work arrangements, such as hybrid work, became crucial because employees were exposed to different challenges due to the imposition of social distancing rules, where, according to Dimitru (2023), employees spend more time than before working for the employer, outsourced activities were reinternalized, and budgets were reallocated to be compatible with the needs of the hybrid work. The regulation of hybrid work models is becoming an emergency in different legal frameworks where several challenges can be identified, such as employment contracts, data protection and privacy, occupational health and safety, taxation, social security, and labor and employee rights (Sava, 2025).

Hybrid work and remote work in WB countries have increased during recent years, especially after the Covid-19 pandemic, even if the region has a particular development path of the future of work at the crossroads between EU integration and migration, brain drain, and ageing of the population. There are no previous studies that focus on the level of readiness of legal and policy frameworks of the region in terms of hybrid work regulation that prepare employees and employers for the challenges of the future of work. Therefore, this study aims to:

- Map and analyze the dimensions of the hybrid work in the national legal frameworks of the WB countries.
- Identify the policy instruments of the hybrid work in the national policy frameworks of the WB countries.

In the first section of this paper, the literature review will be analysed. In the second section, research methods will be explained. Results will be discussed in the third section, and in the last section, conclusions will be presented.

2. Literature Review

2.1 Setting a theoretical framework for hybrid work

The main dimension of the hybrid work is flexibility. Krajčik et al. (2023) suggest that hybrid work provides two forms of flexibility to employees' location flexibility and time flexibility. Time flexibility is reflected mostly through the evident reduction of commuting time between the workplace and home. Zamani and Spanaki (2022) consider that hybrid work's temporal dimension is becoming even more important than its spatial dimension. Perspectives of time include not only flexibility and commuting but also the process view of time, temporal boundaries, temporal fragmentation, and temporal order and structuring. Vartiainen and Vanharanta (2024) translate time in terms of a hybrid work environment as duration, timing, and time frequency. Flexible work arrangements have shaped the attitude of employees towards flexible work orientation in terms of performance, job satisfaction, work-to-family conflict, and family-to-work conflict. (Petitta & Ghezzi, 2025). Employees are embracing a flexible working culture that influences well-being, work experience, work-life balance, perceived usability of hybrid work, and managerial support (Yadav and Bagri, 2025). The productivity of employees increases, and employee retention is improved, especially in the ICT sector (Bloom et al., 2024). The effects of hybrid work on productivity are dual. In terms of time, time flexibility can mean more working hours, but it can also mean more working time for some employees (Smite et al., 2025).

Another dimension of hybrid work is autonomy; Datta et al (2025) developed a scale in measuring hybrid work autonomy that comprises four dimensions: work location autonomy, work time autonomy, work scheduling autonomy, and work decision autonomy. Vassilev et al. (2025) argue that the autonomy in the hybrid work context can often be a paradox because employees experience work intensification, trust issues with management, and social isolation. Hybrid work improves not only work-life balance but also influences life satisfaction (Mishra & Bhatri, 2023) positively. Work-life balance in hybrid work settings was challenged, especially during the Covid-19 pandemic, when remote work and hybrid work became the norm, and especially women, vulnerable workers, caregivers, and underrepresented individuals faced significant challenges. It is crucial to address workload consequences in work-life balance, organisational and institutional boundaries, and mental health support (Lantsoght, 2025). Whereas Chaput et al. (2025) argue that the best work location for employees' well-being and mental health is not necessarily physical, but it is more related to specific working conditions that the working environment provides to the employees. However, in the hybrid work settings, separations between personal life and work are becoming blurred because of the constant request for online presence, continuous stress from increased workload, and social isolation, which can result in employees' burnout (Bhakuni, 2025). Distress in a hybrid work setting is associated more with flexible hybrid work rather than with fixed hybrid work (Garcia and Christensen, 2025). Employees need organisational support for well-being and mental health. Perceived organisation support for the transition to the hybrid work environment using mechanisms such as providing adequate facilities, work arrangements, supportive communication from the management, recognition mechanisms, self-development

opportunities, and increased attention to the psychological well-being of the employees has a positive influence on the well-being of the employees (Dara et al., 2025). Even the hybrid-working environment is often accompanied with digital burnout, especially among female workers, which hurts job satisfaction and the time that is spent on screen.

Scheduled mental health support initiatives are required, together with digital detox. In some contexts, such as the academic sector, as Mazovad and Pelser (2025) argue, in addition to reward support strategies, such as recompense and recognition, support mechanisms to hybrid work should be included social wellbeing strategies that reinforce the sense of belonging, interpersonal relationships, work relationships and social connections. Organisational support moderates as well the effects of stress and flexibility. Whereas Coulson et al. (2025) stress that team wellbeing should be addressed as well through promoting sustainable hybrid team boundaries, communication norms, an inclusive working culture, and embracing diversity and diverse needs of employees. Hybrid work well-being should be enhanced not only by supportive organizational policies but also by the individual initiatives of the employees. Ribeiro et al. (2024) resume the challenges of well-being of hybrid work as follows: psychosomatic (prolonged use of digital devices), social isolation (lack of face-to-face interaction with colleagues), cognitive ("*always on culture*"), professional (autonomy and competence), and affective (negative emotions and exhaustion).

Gender issues should be addressed as well because, especially during the COVID-19 pandemic, it allowed child caring and it influences female employees' well-being, even if gender gaps persist. As argued by Castro-Trancón et al. (2024), female employees report increased family conflicts related to hybrid work and expectations from traditional gender roles and responsibilities. This gender gap is deeper, especially among young women, highly educated individuals, and those who live with dependent people; this is due particularly to the increase of non-standard schedules (Marcén & Morales, 2025). Barnes et al. (2025) stress that inequalities are persistent not only in terms of gender but also in terms of geographical location, ethnicity, and disability, reflected in the form of flexibility stigma, racism, and discrimination. Hybrid work has increased spatial inequalities because it is more suitable for urban and white-collar workers who live close to amenities (Vilhelmson et al., 2025).

In the Western Balkan (WB) region, a study by Petrušić and Đukanović (2023) conducted in four countries of the region, Bosnia and Herzegovina, Montenegro, North Macedonia, and Serbia, concludes that employees from these four countries have shown a satisfying adaptability to hybrid work, with Bosnia and Herzegovina and Serbia showing the greatest levels of adaptability. Critical factors to hybrid work adaptability are psychological adaptability, resilience, and support from family and networks. In terms of employees' well-being, more educated employees are less satisfied with personal life and health expectations and economic and social expectations (Vučeković et al., 2023). Sretenović et al. (2022) suggest that factors should be taken into consideration in the context of WB countries, such as social support, autonomy, monitoring, and job performance. There are no other studies in terms of addressing aspects of hybrid work in the WB countries' context.

Organisational policies and organisational support should be oriented towards hybrid work arrangements that benefit the employees. Therefore, from a perspective of regulation, it is important to analyse hybrid work arrangements at the organisational level and the importance of regulating hybrid work at a national level.

2.2 Regulation of hybrid work arrangements

At the EU(European Union) level, given the rapid evolution of the dynamics of digital transformation, the main emergency is to have a legal framework based on the right to disconnect (R2D), which is a human right that emerged from a decision of the French Supreme Court. It gives employees the right not to respond to calls or to e-mail beyond working hours. There is no formal directive referring to the R2D, even if Directive 2003/88/EC refers to a minimum of daily and weekly rest that is necessary for employees' health and work-life balance, but it leaves to the Member States the right to decide on the adequate time of rest and work. Digitalisation has allowed a more flexible way of organizing working hours, but it has also increased the risk of generating unpaid working hours. The relationship of employees who work hybrid or remotely is still not sufficiently regulated (Urbane, 2023). EU-OSHA (2023) distinguishes two typologies of Member countries: Member countries with specific statutory definitions and specific framework on hybrid work that are included in labor codes or in specific labor legislations (Austria, Belgium, Bulgaria, Czechia, Spain, Germany, Estonia, France, Greece, Hungary, Ireland, Croatia, Italy, Lithuania, Luxembourg, Latvia, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia and Slovakia) and Member countries withno have specific statutory definitions or legislation on telework or that where issues related to telework are dealt with different legislation related to data protection, health or working time (Cyprus, Denmark, Finland and Sweden). In the countries where specific statutory definitions of telework exist, the relationship between the employee and the employer is more often in the form of work arrangements rather

than in the form of a labor contract. In many Member States, the right to request telework is regulated under specific conditions by law, such as in Poland, where the labor code was amended in April 2023 for parents who have children under four years old or individuals who take care of disadvantaged persons, or for documented health issues, such as in Greece. Ratti and Garcia-Munoz(2024) study and compare remote work labor law in five judicial systems in the EU: France, Italy, Luxembourg, Spain, and Sweden. Hybrid work is considered a variant of telework. In France, there are multiple sources that regulate hybrid work, such as law, agreements (enterprise-level agreements and collective agreements), and employment contracts. An important step forward is the National Interprofessional Agreement on Telework(2020), where hybrid work is a dominant model. In Spain, hybrid work is regulated based on collective and sectoral agreements. In Italy, there is a difference between the public and private sectors. In the public sector, there is a specific law that regulates hybrid work, Law 191/1998, and in the private sector, hybrid work is regulated by cross-sectoral agreements. Cross-industry collective agreements also regulate hybrid work in Luxembourg. Whereas in Sweden, regulation is based on bargaining agreements.

A study on the legal framework of hybrid work in Ukraine (Hryn et al., 2025) where pandemic and war have influenced the increase of different models of hybrid work show that different models of hybrid work are covered by the Labour Code of Ukraine amended in 2024 that regulate topics of flexible working hours, remote work and home-based work but aspect such as regulation of working hours, rest time, working conditions, well-being, work and life balance and data protection followed by respective obligations employees and employers should be further addressed in the current legal framework. Moreover, there is mixed evidence that the transition to the regulation of flexible working arrangements is related only to sustainable transition and digital transformation, or work-life balance and social issues remain the main key issues (Alfieri et al., 2025).

European Law Institute (ELI) (2023) elaborated guiding principles in setting a legal framework of the R2D, which are the following: purpose, scope, preventive action and information, duty to reconnect, level of regulation, protection against adverse treatment or consequence, monitoring and enforcement, data protection, sanctions, and non-regression. The main foundations in regulation telework and hybrid work in the EU are Regulation (EC) No 883/2004 and 987/2009 on the coordination of social security systems and more recently a guidance note of 13 May 2022, revised on 7 and 14 June 2022 and on 14 November 2022 on telework and hybrid work that allows to interpret the current legal framework at the EU level after the COVID-19 pandemic. A definition of cross-border telework is given, and it concerns employed and self-employed employees. As stipulated by Article 11 of Regulation No 883/2004, which determines the legislation of the person who carries out a professional activity. Article 12 of Regulation (EC) No 883/2004 is focused on the provision of cross-border professional services and professional activity, ensuring that social security provisions are covered for employees in order to avoid complications. In addition, according to Article 13 of the Regulation (EC) No 883/2004, if telework is exercised in more than one Member State of the EU, this should be based on a particular agreement between the employee and the employer. Telework offers employees and employers a flexible working environment based on switching between the premises of the employer and telework, but every week. Concerning the agreements on telework, Article 16 regulates these agreements at the individual level or at a group level, depending on the Member State's involvement. Some other legal frameworks concerning telework, remote or hybrid work at the EU level are the EU Framework Directive 89/391/EEC, which requires employers to ensure health-related working risks and assure workplace safety. The Work-Life Balance Directive (EU) 2019/11583 considers hybrid as a mechanism that can provide flexible working arrangements that improve the quality of life of employees. Marica (2023) considers that the current legislation at the EU level is insufficient and there is a need to harmonize legal frameworks and decrease disparities.

Telework and hybrid work, as one of its forms, is embedded as well in the Cohesion Policy of the EU (2021-2027) through the development of digital infrastructures, bridging the digital gaps between different regions of the EU and upskilling and reskilling the labor force for the future of work. A recent report by Eurofund (2024) addresses several recommendations for policymakers in different regions of the EU in terms of telework, where rural areas should be provided with better connectivity and accessibility, and cities where relocation opportunities for employees who prefer hybrid work and its forms should be more livable.

In the WB region, there is no previous research focusing on hybrid work regulation. Therefore, there is a need to revise the correct legal frameworks and policy frameworks of the WB countries to understand what the current pressing issues are in the region, and how they can be addressed.

3. Research Methods

Abiad and Masadeh (2024) investigate law comparison as a research method as a crucial method for understanding legal framework uniformity. Comparative legal research is based on the comparison of two or more legal systems. It not only describes different legal systems but also understands the differences and the similarities. In comparative legal studies, the comparison goes beyond the legislation; it also focuses on case-law (judicial decisions), the socio-economic context of the law, and the invisible power of the legal systems. Van Hoecke (2011) identifies six methods that can be used to compare legal systems that are: the analytical approach, the functional approach, the historical approach, the structural approach, the law-in-context approach, and the common core approach. The analytical approach is suitable for this study because it is focused on legal interpretation by evaluating the explanation given to a concept in different legal systems.

Comparative policy analysis is used to investigate policies in different times and places, focusing on comparison to understand divergence and convergence that can serve as a basis to draft and elaborate future policy recommendations.

In this study, employment legal frameworks and policy frameworks of 6 WB countries are compared. The research approach of this study is qualitative, and the research approach is inductive; there are no previous studies that focus on hybrid work regulation in the WB countries context. Documentary analysis was performed to identify the main emerging themes on different aspects of the hybrid work, such as the definition of the hybrid and remote work in the respective laws and policies, contractual aspects, working conditions, flexibility, work-life balance, right to disconnect, and gender dimension. Coding procedure preceded the thematic analysis, where codes were clustered in themes.

Two typologies of documents were analyzed: national laws and national policy documents.

The analyzed national laws are: Albania Labour Code No.7961 of 12.7.1996, amended No. 053, 29.12.2008; No. 136/2015, 5.12.2015; No. 91/2024, 26.7.2024; Labour Law of Federation of Bosnia and Herzegovina No.62/15; Republic of Kosovo Labour Law No.03/L-212; Labour Law of Montenegro No 74/2019 of 30 December 2019, 08/2021 of 26 January 2021, 59/2021 of 4 June 2021, 68/2021 of 23 June 2021, 145/2021 of 31 December 2021; Labour Relations Law no. 62/05, 106/08, 161/08, 114/09,130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15 and 27/16) and Employment Act of Republic of Serbia, Nos. 24/2005, 61/2005, 54/2009, 32/2013, 75/2014, 13/2017-Decision of the CC, 113/2017, and 95/2018 - authentic interpretation.

The analyzed national policy documents are: National Strategy for Employment and Skills of Albania; Employment Strategy of Kosovo; Reform Agenda 2024-2027 of Montenegro, Employment and Social Reform of North Macedonia 2020; Employment Strategy of the Republic of Serbia (2021-2026).

4. Results

4.1 Comparative legal framework analysis

4.1.1 Aspects of hybrid work in Albania's legal framework

In the Albanian Labor Code, it is no specific definition of hybrid work. The closer definition of hybrid work that can be found is working from home or telework, which, according to Article 15, the contract determines if the employee will work from home. The element of working conditions is highlighted in the same Article, underlining that the employer should provide all the necessary ICT (Information and Technology) equipment to the employee to perform the job tasks adequately. The contract is defined as a contract of telework. The employee can perform his job tasks at home or at another place using ICT and respecting the working times stipulated in the contract. Working conditions should be the same as those of other employees who are not working under telework conditions. If the contractual conditions allow it, the employee can use their own equipment. The contract of telework is elaborated based on the Albanian Labor Code (Article 12), including working time, holidays, rest, and overtime, working during public holidays, and working on night shifts. The employer should offer not only technical support but also help to fight social isolation through organizing regular meetings with other employees. In terms of working time flexibility, this is defined in the contractual working arrangements between the employee and the employer. There are no specific references to gender and telework or work-life balance, and the right to disconnect. Although provisions on discrimination are given in Article 9 and on gender in Article 3/1.

4.1.2 Aspects of hybrid work in Bosnia and Herzegovina 's legal framework

Although there is no specific definition of hybrid work in the Labor Law of the Federation of Bosnia and Herzegovina, Article 26 focuses on work outside employees' premises, allowing contractual arrangements for home-based work and remote work. In the contract aspects, such as working hours, type of job tasks, working conditions, salary, supervision, use of employee's own means and respective reimbursement, refund of other work-related costs, and other tasks related to the job. Contracts are to be concluded only for jobs that are not detrimental to the health of the employee and for the working environment. Gender dimension is included in Articles 8-10, and work and life balance is only embedded in Article 35, Article 39, and Article 40-42 that focus on overtime work, redistribution of hours, and night work. There is a reference to the right to disconnect.

4.1.3 Aspects of hybrid work in Kosovo 's legal framework

The Republic of Kosovo Labour Law does not have a specific definition of hybrid work, although in Article 11, which focuses on contractual arrangements, specifically in point 11.4, it emphasizes that the place of work and the advice that work will be performed in two different locations should be determined by contractual arrangements between the employee and the employer. There is no specific definition of hybrid work. Safety and health or gender dimensions are included in Article 16 and in Article 22 of the law, but in broader terms. Right to disconnect, work-life balance are not embedded in the law.

4.1.4 Aspects of hybrid work in Montenegro 's legal framework

Hybrid work is not formally defined in Montenegro's legal framework, although remote or hybrid-working arrangements can be made through individual or collective employment contracts. In holistic terms, there is reference to contractual aspects (Article 20-26), working conditions (Article 7, Article 37, and Article 41), and gender dimension, mostly focused on aspects of prohibition of discrimination and harassment (Article 8-10) and gender equality (Article 3). There is no reference to the right to disconnect.

4.1.5 Aspects of hybrid work in North Macedonia 's legal framework

There is no specific definition on hybrid or remote work in North Macedonia's legal framework, Article 5 of the Labor Relations Law empathizes that remote and hybrid work arrangement can be regulated through employment contracts or collective agreements. Working conditions such as vacation leave, health and safety are embedded in Article 6 and Article 7 Gendered dimensions referring to harassment are included in Article 9 and protection of mothers and parents in Article 9b. Right to disconnect is not referred to in the law.

4.1.6 Aspects of hybrid work in Serbia 's legal framework

Article 42 of the Employment Act of the Republic of Serbia does not define hybrid work specifically, but it defines employment broadly outside the premise of the employees, more specifically, home-based work and remote work, specifying the working conditions such as the provision of ICT equipment and compensation when using own equipment, and compensation for any other cost related to the respective job-related tasks. Working hours, rest, nighttime work, holidays, and supervision mode are defined as well. Working conditions should be the same as those of employees who work on the premises of the employer. Therefore, the right to disconnect is not mentioned, but it is embedded through working time and rest time aspects. Gender dimension and the work-life balance are embedded in Article 12, where the employers should provide safety, health, and dignity in case of illness and reduced work ability. Employers should provide special protection to mothers and pregnant women.

4.2 Hybrid work policy paths of WB countries

Among WB countries, Albania, Kosovo, and Serbia have dedicated employment strategies. It was not possible to find any policy document for Bosnia and Herzegovina related to employment strategies. For Montenegro and North Macedonia, the analysis was based on the Reform Agenda 2024-2027 of Montenegro and the Employment and Social Reform of

North Macedonia 2020. All WB countries made several efforts to align their policies with the EU framework. Serbia is the country that has made more progress in terms of labor reforms and hybrid work, where work from home and remote work are regulated by law, and flexible working arrangements are a key policy instrument to increase labor market participation and the flexibility of employees. Serbia is the only country that is trying to recognize the right to disconnect by allowing employers to contact employees outside working hours. The EU integration aspiration of Albania and Montenegro has as a major consequence the focus of labor policies on digitalization and modernization of the labor markets, aiming to foster skills, increase the participation, and empower different groups. Hybrid work is embedded very indirectly in the policy documents. Whereas for Kosovo and North Macedonia, even if there is no specific reference to hybrid or remote work in policy documents, policy instruments focus respectively on increasing inclusion to reduce inactivity in the labor market and gender gaps, and in North Macedonia, an emphasis is put on the quality of jobs of employees.

5. Conclusions

This research highlighted that in WB countries, the national legal framework remains predominantly unregulated. Their definition of hybrid work is absent, although in countries such as Albania, Bosnia and Herzegovina, the law refers explicitly to working from home, telework, or remote work. Contractual aspects are generally covered, but other dimensions of the hybrid work, such as the right to disconnect, employees' well-being, work and life balance, and gender issues, are embedded holistically in the law but do not specifically address hybrid work arrangements. Employees and employers who opt for the hybrid work arrangements navigate in uncertainty, remaining unprotected, especially in terms of working time, working conditions, work-life balance, and well-being.

Even if WB countries are making an effort to align their national policy framework to the EU policies, labor reform remains problematic. Serbia is the only country in the region that has made significant progress in terms of labor reform, including the aspects of remote and hybrid work. Policy instruments that address hybrid work in the majority of the countries of the WB region are absent and underdeveloped.

WB countries should further harmonize their legal frameworks through integrating the definition of hybrid work and hybrid work contractual arrangements, guaranteeing the protection and safety of employees. National policy framework needs to develop a tailored policy instrument that broadly addresses the consequences of digital transformation and the impact on the forms of work organization, particularly, the hybrid work. Employees' working conditions and well-being need to be prioritized, integrating aspects of the R2D.

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