Teleworking Justice - a concept paper

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1992

The Hawaii Research Center for Futures Studies is undertaking a project entitled "Teleworking Justice", with the cooperation and support of the Hawaii Judiciary. The initial stage of the process is a questionnaire (distributed to as many Hawaii Judicial employees as possible) which is an attempt to elicit and investigate the judicial employees' attitudes towards teleworking.

This article is an initial statement of our interests in this area, and outlines the concept and practice of telework, as well as imagining how justice in the State of Hawaii could be "teleworked". First, we define telework and discuss current developments. Second, some of the pros and cons of teleworking are mentioned. The third section offers a number of reasons for our interest in pursuing the notion of teleworking justice.

1. What Is Telework

As a number of studies note (Weijers, Meijer and Spoelman, 1992), at the present time, there appear to be more people writing about telework than actually doing it. So what is "it"?

Tele?: A broad definition of telework might be: work which is performed at a distance from the fixed location of the employer or workplace. The work-site can be the employee's home, a local telework center, a satellite office, or even from a car or other remote site via cellular phone or fax (Martin 1992: 3; Weijers, Meijer and Spoelman 1992: 1049). Within that general definition exists a plethora of possibilities some of which might include part-time, flextime, and job-sharing, as well as occasional telecommuters, home-based entrepreneurs, distance-learners, and many more (Davidson 1991: Ch1 and 2).

At the present time, telework often requires advanced information and communication technologies such as computers, faxes, and modems, but frequently telework can be performed now with the minimum of equipment-- just a telephone and typewriter. With the distinction between telephone companies, cable television companies, and computer and software manufacturing companies blurring in the immediate future, and with the emergence of wireless communications systems coming in to prominence soon as well, most homes--indeed, most individuals, on their persons wherever they happen to be on the planet--will soon have all the technology that is needed for telework or any other kind of communication and information sharing and retrieval.

?Work: A wide range of jobs lend themselves to telework now. However, Weijers, Meijer and Spoelman chose the following criteria for jobs which can be teleworked: 20% of the work must be information processing (in a broad sense); part of the output must be measurable; part of the work can be performed without face-to-face or physical contact. In their study, at least 25% of jobs (in the Netherlands) fit these stringent criteria, and thus, could be performed from a distance at least one day a week.

At present in the U.S., most teleworking is done in California where it is motivated in part by air quality management regulations which credit employers for reducing commuter trips by flextime, ridesharing, and telecommuting. Compliance with these regulations is mandatory, and the penalties are intended to be sufficiently severe that compliance will occur (Martin 1992: 34).

State, city and county governments in Arizona, California, Washington, Florida, Virginia and Hawaii are also among those developing and participating in telework programs (Martin 1992: 34f). Private sector telecommuting programs have been implemented at Pacific Bell, AT&T, Sears Roebuck, IBM, Verifone, and Rank Xerox, among others.

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Honolulu City and County Department of Data Systems has offered informal telecommuting for many years (Martin 1992: 37). In 1989, the Hawaii State Department of Transportation, in cooperation with the private sector, sponsored the Hawaii Telework Center Demonstration Project in order to test the feasibility and efficacy of such centers (SMS Research 1991: iii). The 17 workstations in the Center in Mililani Technology Park have been fully used by 24 private sector and government employees, with some stations shared on fixed or flexible schedules. The Project was overwhelmingly successful, and most workers elected to continue telecommuting to work (SMS Research 1991: 12). Their reasons for doing so are included below, in the tables of advantages and disadvantages of teleworking[1].

2. Pros And Cons

The arguments for and against teleworking range from the rationally (almost morally, or at least in some cases, politically) compelling to the apparently trivial (Weijers, Meijer and Spoelman 1992: 1053; others). For example, as already mentioned, a number of companies in California are introducing telecommuting as part of complying with the Clean Air Acts of that state. On the other hand, a significant number of studies cite savings in time and money, due to not having to dress and make up for the office. The reasons which could appear trivial are those which are generally considered more "private" or "subjective". While this is not the place for examining this idea in detail, two points should be mentioned. The public/private, objective/subjective dichotomy provides an opportunity to pose feminist questions of telework, and (in these early stages) to ensure that telework measures up to feminist expectations. Secondly, the blurring of these categories allows us to recognise that telework - and electronic communication in general - offers markedly different options for organising our personal, political and social lives.

Table 1 shows the most frequently-cited advantages and disadvantages of teleworking **for organizations** at the present time. Table 2 does the same **for the teleworkers** themselves. Table 3 indicates advantages and

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[1]. This table is compiled using the following sources: SMS Research 1991; Martin 1992; Weijers, Meijer and Spoelman 1992;

disadvantages which can be considered **social or collective**. In thinking about telework, it should be remembered that few people will work their job entirely through telecommuting. Rather, teleworking a few hours a day or a few days each week, is an option for a substantial number of people.

Table 1. Advantages and Disadvantages of Telework for Organizations

Advantages
* Increased productivity (due to improved concentration; more satisfied and motivated personnel; fewer distractions; lower absenteeism and sick leave; using travel time for work; employees working at peak efficiency times)
* Improved staff retention (due to higher morale; flexible scheduling options; retaining pregnant, retired, disabled workers) and lower training fees, increased company loyalty and accumulated experience and customer connection.
* Improved staff recruitment (attracting potential employees who cannot or prefer not to commute or want flexibility, for example, pregnant, retired, disabled workers)
* Diminished overheads (less office space, parking and equipment)
* PR value for the organisation (employee advantages; environmental concerns; progressive)
* Better service (longer hours, etc)
* Improves office communication. (Kinsman [1987: 118] claims that most offices don't realise that they have a communication problem, until they begin to telework. They are then forced to improve their communications)

Disadvantages
* Initial capital investment (new equipment and phone lines for employees homes)
* Adaptation and change necessary in managerial and organisational styles (supervising and training personnel; loss of informal and spontaneous communication and meetings)
* Fears for: data security, diminished of corporate identification, lack of supervision resulting in decreased productivity (generally unfounded)

Table 2. Advantages and Disadvantages of Telework for Teleworkers

Advantages
* Decreased costs (clothing, laundry, drycleaning and makeup; lunches; travel expenses - parking, fuel, car insurance and maintenance or second car,etc)
* Flexibility (in time management and scheduling; geographic location of home and work)
* Work autonomy and diminished hierarchy
* Increased productivity (fewer distractions; comfortable, quieter environment; increased sense of creativity and value to organisation)
* Safer (out of urban, higher-crime environment)
* Increased flexibility in acquiring and retaining a job (eg. during and after pregnancy; when children, family or worker are ill; people with disabilities; inability or unwillingness to commute)
* Improved family and community life (more time; flexible schedule)

* More discretionary time and less stress (of commuting)

Disadvantages
* Feelings and fears of social and professional isolation (lack professional support; promotion may be less likely due to less availability and interaction with management)
* Establishing and maintaining a workplace in the home and rules for working
* Risk and fear of job and benefit security
* Mixing work and family responsibilities

Table 3. Social and Collective Advantages and Disadvantages of Teleworking

Advantages
* Less rush hour traffic congestion
* Less air and noise pollution
* Lower fuel consumption and diminshed dependence on foreign oil
* Less highway, parking and transit construction, costs and inconveniences
* Higher productivity and competitive advantages for local and domestic industry
* Improved employment access, opportunity and equality (especially for those with limited mobility)
* Improved family and community connections
* Lifestyle flexibility (in time and space)
* Flexible land use planning
* Decreased destruction of natural environments
* Preparedness for natural disasters which could prevent commuting whilst allowing telework

Disadvantages
* Possible urban sprawl
* Decreased inner city investment (increased poverty and crime)

Issues Remaining
A number of challenges remain for those wishing to participate in telework. awareness and knowledge. women - labor, childcare, work socialisation/changing social relations; union concerns - wage, labor, benefit regulations and protection; employee (organised, experienced, suitable environment, family supportive, free choice, organisational support) and task suitability; establishing agreements and maintaining good communication, promotion opportunities; adaptation of corporate culture, especially management and organisational styles; liability and insurance (equipment, employee, site, tax); zoning and lease laws; technology, especially telephone lines; etcetera.

Martin (1992: 46) and others, conclude that many of these barriers can be overcome through education, legislation, telework agreements between employers and employees, and communication.

3. Teleworking Justice in the Hawaii Judiciary - Why?

At a simply practicaly level, we are interested in teleworking (telecommuting) as a contribution to the solution to the rush hour traffic problem. Our assumption is that most rush hour traffic is composed of people going and coming from central places of work (and study) at the same time. Yet, much of that traffic is unnecessary with modern (and emerging) communication technologies. It is possible for people to "work" and "study" from home (or wherever), and "go" to a central place at varied times, rather than to go to and from work and study at the same place and time.

One of the "problems" of teleworking now is that it needs to be approached "systemically" instead of on a piecemeal basis. For example a lot of rush hour traffic is parents taking kids to and from schools and then going to work/home. Ideally, these need to be linked in a telework study.

There is a growing body of literature on this subject, including on experiments by the State of Hawaii, as well as elsewhere, which gives nuts and bolts details, as well as sociological, psychological, economic, and other perspectives on this. We have begun to access this literature, and especially talk with people who are already laboring in these vineyards here.

But why would we suggest considering what telework in the courts and law offices might look like, as opposed to any other business, organization, or activity? The reasons for investing our energies in researching teleworking justice are as follows:

A. The judicial system involves a lot of people who push paper back and forth at each other in vast amounts.

B. It is a system which is already very highly routinized, probably more so than is any other public or private sector (except the military?), so presumably it is easier, through probably not easy, to integrate into an online system.

C. There is already interest in computerization and automation in both the courts and law offices, as can easily by verified by the cursory glance at the <u>Court Technology Bulletin</u>.

D. We at Hawaii Research Center for Futures Studies already know something about these areas (the legal/judicial systems as well as telecommunications), and have a good reputation where judiciaries are concerned which should make it easier or at least possible to get funding, support, access, etcetera.

E. It is politically interesting--the relative merits of Honolulu Mayor, Frank Fasi's mass rail solution versus the State's telework experiments lend themselves to rich political analysis at the local level.

F. It is economically interesting--it may (or may not) be very much cheaper than Fasi's rail, et cetera.

G. It is environmentally interesting--could it really make a difference to the environmental conditions in the State (judging from the proponents of California's Clean Air Acts, it could)? What about the region, or the globe?

H. It is sociologically interesting--what will/can telework do to "the family", "the home", "the school", "the office", "the community/neighbourhood", etc?

I. It is multifaceted. It involves not only lawyers, but all the people who work in law offices and/or otherwise for lawyers. Similarly, it is not only a question of the "electronic courtroom" (i.e., doing justice either away from a physical courtroom--having "justice" "go" electronically to the point of a crime/dispute and resolve the issue "there"--or at least bringing people and information electronically rather than physically to the judge/jury). It is also a matter of "the administration of justice: "putting online all of the millions of things that law clerks do for laywers, judges, juries, etc., and which themselves need to be linked together more quickly and effectively, etc.

Who will be interested in teleworking justice? It presumably will be of interest to the University of Hawaii law school, and the legal curriculum as well as the way lawyers themselves are educated, and continually educated. It also presumably would be of interest to police, parole officers, welfare case workers, and all the other people who do legal or paralegal work, and who could/should/should not be part of an integrated online network.

Finally, it certainly is theoretically interesting, from McLuhan's "Medium is the Message/We shape our tools and thereafter our tools shape us" point of view.

Conclusion

Based on the premise that teleworking can have a number of benefits for employers, employees, and society as a whole, we have undertaken to investigate the possibility of implementing a telework pilot program, in a highly information oriented, very organized system, the Hawaii Judiciary. Currently, this system operates in a highly centralized, hierarchical fashion, and stores its information on Amazons worth of on paper. Our thesis is that teleworking justice could offer one way (perhaps of many) of doing the work that judiciaries do, in a more economically, socially, environmentally, and politically efficient way, yielding currently unavailable advantages to everyone.

The Hawaii Research Center for Futures Studies does a great deal of work with organizations, including judiciaries, visioning, creating and planning for alternative and preferred futures. It is in the spirit of creating desirable, alternative futures that this project was undertaken.