


Chapter 18

Work, Family, and Identity: How Remote Work Will Challenge and Change Who We Are

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ABSTRACT

The COVID-19 pandemic has accelerated the existing transition to remote work and, more broadly, flexible forms of work. Much energy and attention have been dedicated to analysing this transition and how governments and other actors can best respond to it. This chapter takes a step back and analyses the potential impacts of the transition to remote work on our individual and collective identities. Recognising that work is an important part of who we are and has historically been a microcosm and a catalyst of broader social change, this chapter analyses how remote work challenges gender roles, contemporary family structures, and our conceptualisation of the relationship between work and other commitments. The chapter admittedly offers more questions than it does answers. It complexifies our understanding of remote work and seeks to spark future discussions as to its consequences.

INTRODUCTION

Work is one of the most fundamental aspects in a person's life, providing the individual with a means of financial support and, as importantly, a contributory role in society. A person's employment is an essential component of his or her sense of identity, self-worth and emotional well-being.

- Former Chief Justice of the Supreme Court of Canada Brian Dickson (Reference Re Public Service Employee Relations Act, 1987, para. 91).

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We've seen what can be accomplished when we use 50% of our human capacity. If you visualize what 100% can do, you'll join me as an unbridled optimist about America's future.

- Warren Buffett (on the participation of women in the workforce) (Brodock, 2013)

Work is an important part of who we are. We work in different ways and for different reasons (Knetz, 2016; Rosso et al., 2010). Many of us work to earn a living, to provide for ourselves and for those we love. Others work to contribute, to make a difference in the lives of those whose path they cross through their work. Yet others seek the apex in their profession as an intrinsically important aspiration, which defines their identity. Of course, these broad idea(l)s are neither exhaustive nor mutually exclusive. And regardless of our motivation, what we do for a sizeable portion of our days is bound to be an important part of who we are. It can provide us with a sense of belonging and contribution. As we earn a living and pay taxes, we also contribute to the shared aspirations of the society we form a part of. Work helps shape who we are, and the meaning we derive from life.

Over time, work has been both a microcosm¹ and a catalyst of broader social change. As a key part of who we are, it has witnessed and exemplified the struggles which have shaped our collective and individual identities. Work has also been a locus of these struggles. The various facets of work are intimately intertwined with broader social issues. Over time, much of the nature of work has changed: who works, who employs, how work is valued and remunerated, and how work is performed.

For millennia, human beings could be owned, sold and bought chiefly on the basis of the labour they could provide (Drescher, 2009). Just two centuries ago in the United States, the colour of one's skin still dictated whether one was free or owned, and whether one could reap the benefits of one's own labour (Berlin, 2015). More recently, work has been a significant locus in the transformation of the role of women in developed countries. Having fought for the right to vote and own property (which they could formerly only do through their spouse), women sought the possibility to enter the workforce and benefit from the same opportunities as men (Kirk, 1995; Lebsack, 1977; Punnett, 2016). Though this fight continues to this day, it has redefined the nature of work and of the workplace, and has been a significant driver of economic growth (S&P Global, 2017; Weinstein, 2018).

Today, the COVID-19 pandemic stands to permanently yet again redefine the nature of work. As we faced a generational public health threat, the only effective solution seemed to be broad lockdowns: the immediate and indefinite shutdown of broad sections of the economy (Lord, 2020a, p. 2). With these shutdowns, billions of people have had to work from home (Lord, in press). As we slowly emerge from the severest lockdown period, many companies have significantly expanded their remote work policies, allowing remote work through 2020 and beyond. The pandemic will therefore accelerate the existing transition to remote work and, more broadly, to more flexible forms of work.

I am a legal scholar who conducts principally doctrinal legal research. I have previously published on remote work: my research encouraged more sophisticated government responses to the increasing significance of remote work (Lord, 2020c; Lord, in press). This chapter adopts a different perspective. It is not concerned with legislative responses to remote work, and rather opts for a broader approach. Without adopting an explicitly favourable or unfavourable stance on remote work, it asks how remote work will redefine our identities. If the world indeed does move toward this mode of work, how will the transition reshape our individual and collective identities? Accepting work as a privileged locus in defining these identities, it analyses how remote work challenges gender roles, contemporary family

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structures, and our conceptualisation of the relationship between work and other commitments. This chapter admittedly offers more questions than it does answers. It complexifies our understanding of remote work, and seeks to spark future discussions as to its consequences.

The chapter proceeds in two sections, each anchored in North American labour and legal thought. The first section traces our historical understanding of the concept of work-life balance, as well as the various challenges which the evolution of contemporary societies has posed to its definition and relevance. It positions remote work within these broader challenges. The second section discusses the gendered consequences of work's foray into the home. It analyses how this foray challenges gender roles and family structures.

FROM BALANCE TO INTEGRATION?

Work is one locus where individual identities are defined. Individuals take on different roles in different physical and social loci, which jointly come to define their identities (Knetz, 2016). At work, we may project a different persona, which we find aligned with the nature of our work and our role within our organization. The nature of the work we do, and those we do it for, often plays a key role in defining this identity. Lawyers, including myself, routinely state: "I am a lawyer." In doing so, we seemingly conflate our work and our broader identity: we do not *work* as lawyers, we *are* lawyers. Prior to entering the profession in American states and Canadian provinces, I had to swear an oath which frames the nature of the profession in terms which transcend the nature of the work attorneys accomplish (see for instance Rules of professional conduct, 2009; Supreme Court of the State of New York Appellate Division (Second Judicial Department), 2006).² Attorneys should strive to serve justice in the work they undertake. In advocating zealously for their clients, they should nonetheless remember the duties they owe to the administration of justice, the judiciary, and their profession (Rules of professional conduct, 2009, rule 8.4). Attorneys, we are told, also need to, at least in part, bear the weight of the issues that exist in our justice systems. If the disadvantaged cannot access the justice system, or if organizations that cannot afford a lawyer wish to challenge important pieces of legislation, attorneys should heed the call to serve and provide services to these individuals and organizations for free (Rules of professional conduct, 2009, rule 6.1). To a lawyer, then, her profession transcends her work and defines her identity by setting core values which imbue her service to the disadvantaged and her participation in and contribution to the alleviation of societal problems which are not (at least strictly) juridical.

Yet if work, especially in certain professions, will inevitably be a key factor in the multiple and overlapping ones which define our identity, many of us seek to limit its influence in other areas of our lives. We often use the idiom that we *go to* work. There is, then, a break in physical location which facilitates that in our behaviour and identity. As we physically leave the home, we move to a different location, where we take on an identity which is related to the different role we occupy. Our social circle also changes, as we generally leave our family to join our work colleagues. This leads me to articulate and emphasise a nuance in my earlier claim that work is an important locus where our identity is defined. Even as we accept that our identity is the product of the multiple personas we adopt in the several significant loci where we spend most of our time (and which give meaning to our lives), we can compartmentalise these identities. Although we will be the product of these multiple personas, we can actively seek to make the boundaries which separate them more or less permeable. We can choose not to let our work (at least to the extent possible) penetrate our home. We can choose not to bring the physical tools relevant to our

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work, such as our computer, at home or choose never to work from home. Indeed, facilitating a break in these identities and in our roles, and declining to let our work penetrate the home, may be central to guarding our ability to dedicate time to the other key areas of our lives – and to finding balance and meaning (Golden & Wiens-Tuersb, 2006; Wang & Wong, 2014).

We have historically afforded much importance to the concept of “work-life balance” (Guest, 2002; Kanter, 1977; Lockwood, 2003).³ Inherent to that concept, at least as it was initially construed, is the idea that the constituent parts (work and life) constitute distinct spheres of one’s life, whose relative importance needs to be thoughtfully managed. Work-life balance is the process of apportioning one’s time at and away from work, such that work interferes as little as possible with one’s leisure time and responsibilities at home.

As the world changed, the relevance of that concept, at least as narrowly construed, has decreased. The twin products of industrialisation have been that people work harder and more intensely. I have previously described the impacts of industrialisation and globalisation as follows:

Over the past century, we have witnessed a remarkable and accelerating transition in how skills are valued and remunerated. Even as we went through decades of economic growth, the standing of the middle class has eroded, and our growth has disproportionately benefitted the wealthiest. With technology, the impact of the skills gap between the wealthy and the middle class has grown, and our economy increasingly values the skills of highly educated individuals.

There was a time where hard-working, middle-class North American workers could find jobs which required few skills. These jobs would not make them rich, but they would allow them to contribute and provide them with financial security. The salaries were reasonable, and workers who served a company for decades would have a pension they could retire on. Workers worked, and company owners profited. The stability of the relationship was underlain by its fairness: workers were fairly compensated for their work, and they did not need to worry about being laid off or funding their retirement.

Then we grew into service economies. Developed countries got exponentially wealthier. With globalisation, companies became able to take advantage of cheaper, overseas labour, which padded their bottom lines and concurrently reduced product prices for consumers. Developed countries rode and fed this wave by championing free trade agreements, which reduced national barriers to entry and further incentivised companies to outsource low-skilled labour to other countries.

As workers had to compete with those in other countries, their job security quickly vanished. Low-skilled jobs became low-paid ones, without pension and other benefits. [...]

Then came a second wave of change, with the advent of companies such as Uber and the so-called gig economy. Companies found that they could further reduce their labour costs by reimagining the relationship which unites them and their workers. Not only could this relationship be stripped of its ancillary benefits, it could also be construed as something else entirely. Indeed, by making their workers independent contractors, companies could further shift the cost of the relationship to those who work for them. In doing so, companies no longer had to respect legislation regarding such things as work conditions, minimum wage, and overtime pay. (Lord, in press)

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The plainest impact of the downward pressure on wages and devaluation of oversupplied skills has been a necessity for low-skilled workers to work longer hours to maintain their standard of living. Workers began to work overtime or juggle multiple part-time jobs just to make ends meet (Ehrenreich, 2011; Tilly, 1991; Valletta, Bengali & van der List, 2020). As they did, their ability to dedicate time to leisure and home responsibilities came under assault. Economic growth came as a result of productivity increases. While productivity increases can be affected by driving efficiencies in a number of ways, they at least in part resulted from workers accomplishing more in the same number of work hours (Baily, 1986; Jorgenson, Ho & Stiroh, 2008).

Technology has also made it harder for workers to guard the time they dedicate to leisure and home responsibilities. While technology drove efficiencies (and growth) (Baily, 1986; Jorgenson, Ho & Stiroh, 2008), it also changed that nature of work in many ways. The world became more interconnected; information began to be produced and consumed at an ever-faster pace (with individuals accepting this pace as the norm); and technological tools and devices revolutionised the ways in and pace at which we work (Fountain, 2004; Goldsby & Zinn, 2016; Morris & Ferguson, 1993).

Technology also marked a significant inflection point in the way we (can) conceive of work-life balance. Both metaphorically and literally, work made its way into the home. The previously significant physical separation between the locations where we work and don't, which had eased work-life balance and grounded its conceptualisation, was suddenly under siege. Through a somewhat analogous metaphor, Prof. Jeannie Suk discusses the criminal law's foray into the home (Suk, 2006). Historically, she argues, the home had been an intimate location, which existed beyond the reach of the criminal law. She states: "[the criminal law's] expansion has tended not only outward but inward. Traditionally, criminal law did not enter the intimate familial confines of the home. [...] The criminal law [did] not reach into this quintessentially private space" (Suk, 2006, p. 5). It is this intimacy and significance to conjugal relationships which justified the home's independence. The criminal law, with its stark punishments, did not belong in the home (Lord, 2020b).⁴ Though the criminal law's foray into the home is contextualised by its broader expansion, both in scope and in the magnitude of the punishments it attributes, Prof. Suk notes that it is also singularly a product of the feminist movement. From a protection of intimacy, the home's independence was reconceptualised as anti-progressive and its consequences, as deeply gendered. She adds: "The idea that criminal law may not reach into this quintessentially private space has been rightly criticized for enabling the state's acquiescence in violence against women. During the period of over thirty years in which the criminalization of domestic violence has been in the making, feminists have sought to recast as 'public' matters previously considered 'private'" (Suk, 2006, p. 5).

Much like the criminal law's evolution we just considered, technology led work *into the home*. (This foray is analogously quite gendered, but that is addressed in the next section.) With technological devices, we became easily accessible, at all times and regardless of our location (Derks et al., 2015; Kreiner et al., 2009; Major & Germano, 2006). Technology bridged the physical divide between the workplace and the home. The workplace, admittedly in part as a result of client demands, evolved accordingly (Chesley et al., 2003; Derks et al., 2015; Galinsky et al., 2001). Suddenly, it became much harder to effect work-life balance. The locational boundaries between the two constitutive concepts became insignificant. Dedicating time to family and leisure would require significantly greater effort, and fully "disconnecting" from work, even when possible, could upset one's work – and the new expectations of the workplace. While work and other commitments had previously competed in time (i.e. in one's schedule), they now did so across locations and more intensely – and at *all* times.

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The transition to remote work exists in these broader trends and transitions. While the COVID-19 pandemic has accelerated the transition to remote work, it was underway (and accelerating) much before (Lord, 2020c; Lord, in press). Indeed, remote work is intrinsically defined by technology. Although the shutdowns of broad sections of the economy were government ordered (Lord & Saad, in press, p.16), and public health related, these decisions to shut down parts of the economy would have been impossible (or, at least, would have involved carefully weighing more significant consequences) were it not for the assumption that much of the business world could survive with its employees working remotely (Helmore, 2020; NYC schools, 2020).⁵

Technology and remote work are mutually reinforcing. Technology empowers us to work from home, and remote work normalises the place already afforded to work within the home. To put it differently, remote work has consolidated and legitimised work's foray into the home. While technology forcefully defined our availability beyond the workplace and redefined the nature of work in a way that we may not have wanted, with remote work, we are *choosing* to invite work to play a greater role in the intimacy of the home. (As mentioned above, workers had been clamouring in favour of remote work much before the COVID-19 pandemic (Choudhury et al., 2019; Lord, 2020c; Owl Labs & Global Workplace Analytics, 2019).)⁶

Much of the public debate has lauded the great promise of remote work. The central claim has been that greater flexibility in the ways in, locations at, and times at which we work will make the workplace fairer (Lord, 2020c). By reducing commute times and allowing for more flexible work times, it will empower individuals to spend more time with their families – and achieve more at work or choose more demanding careers (Fox, 2020; Gelles, 2020; Powell, 2020). Companies will be able to compete globally for talent, regardless of a worker's location, which will ostensibly favour economic growth (Douglass & Edelstein, 2009; Ebersole, 2020; Florida, 2020). By being able to move away from expensive cities, workers will have more money to make ends meet (Fox, 2020; San Francisco, 2020).⁷

Yet, as mentioned, remote also fundamentally challenges the notion of work-life balance. More so than the emergence of technology, remote work challenges work-life balance at its core. It makes the boundaries between work and life permeable and elusive, arguably to such an extent that the concept loses most, if not all, of its significance. With remote work, work consistently happens in the home, a physical space where work and other aspects of life now compete with the same legitimacy.

This tension is exacerbated by the time flexibility which remote work imports. If work can take place at any time, then work and life compete at all times.⁸ The home is fundamentally redefined, and the activities which take place within the home constantly compete with work. While, as mentioned above, remote work has been lauded for its potential to leave more time for non-work activities, it is also quite possible that remote work will instead make it easier for workers to work a greater number of hours (and for employers to adjust their expectations accordingly) and, with heterogeneous work schedules, further develop the expectation that workers will be available at all times. The COVID-19 shutdowns of sections of the economy happened among broader economic slowdowns caused by the pandemic. As such, workers may not have been able to fully assess the impact of remote work policies – whose impact on the behaviour of employers can only be assessed over time. Furthermore, employers were, at the time, likely grappling with a decrease in the volume of their business, which made it unnecessary to heighten their expectations regarding work hours or time flexibility.

This likely ratcheting up of expectations, combined with work time flexibility, makes it much harder for workers to disconnect from work and set boundaries between their work time and the time they dedicate to leisure and home responsibilities.

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In a previous article, I argued that the transition to remote work holds particular promise in that it could help alleviate structural issues in the nature of work which have had a disproportionate impact on women (Lord, 2020c). As women have historically borne a disproportionate share of household and family responsibilities, they have been, and remain, underrepresented in higher-paying, more senior roles (with correspondingly higher incomes). This has, in large part, caused the gender wage gap most developed countries continue to grapple with (Gangl & Ziefle, 2009; Lord, 2020c). By affording locational and time flexibility, and by reducing commute times, remote work has the potential to empower women to allocate more time, on more convenient schedules, to their work.

In this chapter, it is worth taking a further step back and reflecting upon how remote work more broadly challenges what happens *within* the home. Of course, the various issues and challenges discussed in the previous section apply to women as well. Yet the foray of work into the home is also defined by two operative characteristics which make its consequences somewhat gendered: the likely presence of both spouses within the home, and their consequent availability to engage in home and family responsibilities. These characteristics are likely to fundamentally upset the balance of power within the home, and also to alleviate the share of its burden which has historically fallen upon women.

From a broader conceptual standpoint, it is worth remembering the intrinsic tensions which define the home. I quoted above Prof. Jeannie Suk's assessment of the criminal law's expansion into the home. She states: "The idea that criminal law may not reach into this quintessentially private space has been rightly criticized for enabling the state's acquiescence in violence against women. During the period of over thirty years in which the criminalization of domestic violence has been in the making, feminists have sought to recast as 'public' matters previously considered 'private'" (Suk, 2006, p. 5). Prof. Suk's assessment is underlain by the implicit recognition that the home is defined by its occupants, traditionally a heterosexual couple, with or without children. It is further defined by the power relationship among these occupants, the man and woman, of differing physical strength and characteristics which make the woman more vulnerable to domestic violence and other crimes (Serra, 1993). Beyond this physical power dynamic, there is a converse power relationship in who heads the management of household and childrearing responsibilities – generally the woman, as discussed above (Cerrato & Cifre, 2018; Gangl & Ziefle, 2009; Lord, 2020c; Treas & Tai, 2012).

Remote work challenges this power dynamic. By securing the presence of both spouses within the home, it upsets the heterogeneous distribution of responsibilities and is likely to also help solidify the equality of both spouses. The presence of both spouses makes it easier for them to communicate and collaborate, and to allocate work. Without the locational boundaries between work and family, it will arguably be harder for men to elude their home responsibilities – and easier for women to keep them accountable.

Yet these are macroscopic aspects of the transition to remote work: they are likely long-term consequences of the reconceptualisation of work and the identities it bears upon. It would be myopic not to acknowledge that these long-term shifts may well take place only after converse short-term effects. To a large extent, these short-term effects can already be observed. I have, like many others, previously argued that the pandemic's consequences are intrinsically heterogeneous. The lockdowns ordered by governments to respond to the pandemic, and their economic consequences, have had a disproportionate impact on those who were already disadvantaged (DeLuca et al., 2020; Lord, 2020c, p. 64; Lord, in press). The first to lose their jobs were those in the primary and secondary sectors of the economy:

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waiters, factory workers, and others in low-skilled, low-pay positions (Cortes & Forsythe, 2020; DeLuca et al., 2020; Nicola et al., 2020). Needless to say, it is these workers who could least bear the impact of the pandemic. More importantly, as minority and marginalised groups (including women) are over-represented in these sectors of the economy, the brunt of the shock was borne by marginalised groups (Alon et al., 2020; Cortes & Forsythe, 2020; DeLuca et al., 2020; Keister, 2000). Absent government intervention to mitigate these heterogeneous impacts, for instance through taxation measures (Lord, in press), the pandemic risks entrenching and worsening existing inequality.

The impacts of the pandemic have been especially pronounced for women. As pandemic-related lockdowns led to school and daycare closures, couples have instinctively (and unsurprisingly) reverted to traditional gender roles (Alon et al., 2020; Arntz et al., 2020; Lord & Saad, in press; Modestino, 2020). Additional home and childrearing responsibilities have disproportionately fallen upon women. This compounded the impact of pandemic-related economic slowdowns. While typical recessions have a greater impact on marginalised groups, the pandemic-related shutdowns have (unlike prior recessions) also more acutely affected sectors of the economy where women are overrepresented (Alon et al., 2020; Arntz et al., 2020). The compounded effect of these slowdowns and school and daycare closures has made the pandemic's impact uniquely gendered.

The contrasting short- and long-term impacts of the transition to remote work are a testimony to the strength and malleability of the identities we forge through work. It is the strength of the gender-specific identities which existed at the time of the pandemic that led couples to revert to traditional gender roles, thereby exacerbating the pandemic's impact on already vulnerable women. Although they have been redefined over time, these identities are relics of a time when only men worked and, as a result, childrearing and household responsibilities were borne by women.

Nonetheless, gender roles, and the household, have evolved significantly since – in tandem with the nature of work. It is therefore not particularly bold to suggest that a fundamental transformation in the nature of work, the advent of remote work, will have a commensurate impact on our identities. In fact, early evidence suggests that we are at the crossroads of a fundamental change similar to that described in this section: a positive transformation of gender roles and of the household which will make the spouses closer to equal partners (Alon et al., 2020, pp. 4, 28, 38; Arntz et al., 2020, pp. 385-86). If that is any consolation, the pandemic's disproportionate impact on women will have paved the way to positive long-term change in the opposite direction – redefining the identities which have caused this disproportionate impact.

CONCLUSION

This chapter has analysed the transition to remote work, which the COVID-19 pandemic has accelerated. While much energy and attention have been dedicated to analysing this transition, and how governments and other actors can best respond to it, this chapter has taken a step back and analysed the potential impacts of the transition to remote work on our individual and collective identities. Accepting that work is an important part of who we are, and has historically been a microcosm and a catalyst of broader social change, this chapter has analysed how remote work challenges gender roles, contemporary family structures, and our conceptualisation of the relationship between work and other commitments. The first section positioned remote work within the broader challenges to the notion of work-life balance in

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contemporary societies. The second section analysed the gendered impact of remote work within the home and upon its family unit.

The chapter admittedly offered more questions, and food for thought, than it did answers. It complexifies our understanding of remote work, and seeks to spark future discussions as to its consequences. Its key takeaway may be that taking a few steps back is often helpful and insightful. Remote work may be neither good nor bad – or both. Regardless, a dichotomic understanding may not do it justice. Any such fundamental change in the things we do with most of our days is bound to be complex, nuanced, and elusive; fraught with both promise and peril.⁹ In taking a few steps back, we find that remote work challenges, at their very core, the constitutive elements of our identity. Over time, work has been a uniquely fascinating and important locus in the definition of our individual and collective identities. It has witnessed the generational struggles which have redefined who works and who benefits from work, and enfranchised millions of us from legal objects to legal subjects. Remote work is a fundamental shift which will undoubtedly also define, in a significant way, the future of work, of the home, and of our conception of our identity.

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ENDNOTES

- ¹ A microcosm is an illustrative example of the main characteristics of a broader situation.
- ² Throughout the paragraph, I reference the rules mentioned with the New York Bar’s rules on professional conduct.
- ³ Kanter’s seminal work arguably introduced the concept into academic research and significantly solidified its continued centrality to research on labour, identity, and family.
- ⁴ As the cited article further details, the criminal law is unique in being both a public law tool (which is laid out and enforced by the state) and a tool with stark consequences, generally involving the loss of one’s fundamental freedoms. While not strictly necessary for one not familiar with the law to understand my argument, understanding these distinctions can be enlightening. Unlike private law tools, which generally create rights between individuals, public law creates obligations of an ostensibly public nature, such as those imposed by the criminal law. It is thought that the responsibility to enforce public law therefore lies with the state. Preventing people from committing crimes protects the *public* interest by keeping us all safe. In keeping with this conception, the state bears the cost and responsibility of enforcing the criminal law (by prosecuting those who commit crimes), instead of leaving this responsibility to the victim who is directly affected by the crime. Conversely, private parties would need to avail themselves of private law recourses – and their decision to do so would be bounded by cost and other constraints.
- ⁵ The cited sources are examples.
- ⁶ For post-pandemic data, see Brenan (2020), which finds that a majority of U.S. workers now support working from home most of the time.
- ⁷ The news sources cited throughout the paragraph are examples.
- ⁸ This is especially so as the expectations regarding “normal” work hours change. In contrast, while technology made us available at all times, it did not challenge our assumptions regarding a normal work schedule.
- ⁹ And, perhaps, poetic possibility.