

POOR IMPLEMENTATION OF THE TELEWORKING LAW AND ITS INFLUENCE ON THE JOB PERFORMANCE OF PUBLIC SERVANTS IN PERU

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ABSTRACT

This research, framed within the context of public management, aimed to determine the extent to which the deficient implementation of the Teleworking Law influences the job performance of public servants in Peru. The study employed a quantitative, basic research approach with a non-experimental, cross-sectional, correlational-causal design. The sample consisted of civil servants from Peruvian state institutions. Data collection focused on the implementation of teleworking (job flexibility, work autonomy, process digitization, and task completion) and job performance (effectiveness, efficiency, and productivity).

The results revealed a moderate and statistically significant positive correlation between the implementation of the Teleworking Law and job performance ($r = 0.448$; $p = 0.008$). This indicates that better conditions for the application of the regulations are associated with a higher level of performance among civil servants. Furthermore, the study identified that adequate implementation of teleworking, based on autonomy, flexibility, digitization, and activity control, significantly contributes to job performance. In contrast, poor implementation limits the effectiveness of this work modality.

It is concluded that the implementation of the Teleworking Law significantly influences the performance of civil servants in Peru, highlighting the need to strengthen institutional management to optimize its application.

KEYWORDS: Teleworking Law, job performance, civil servant.

1. INTRODUCTION

Nowadays, the transformation of labor models worldwide has driven the incorporation of new work modalities mediated by the use of digital technologies, with teleworking standing out as a flexible and efficient alternative for the provision of services. This modality has gained particular relevance within the digitalization of public administration, allowing the continuity of work activities without the need for physical presence at the workplace, which has generated significant changes in the organization, supervision, and evaluation of performance (International Labour Organization, 2020; Law No. 31572, 2022).

In this context, teleworking is configured as a modality based on the use of information and communication technologies (ICT), which allow functions to be carried out remotely under conditions of employment subordination. Likewise, its implementation requires the articulation of technological infrastructure, digital platforms, cybersecurity mechanisms, and digitization processes that guarantee efficiency in the provision of public service. In this way, teleworking not only represents a form of work organization but also a State modernization strategy aimed at improving productivity and optimizing institutional resources (Castillo & Maldonado, 2024; SERVIR, 2023).

Over time, the concept of teleworking has evolved from its first theoretical approaches to its incorporation into the regulatory frameworks of various countries. In the case of Peru, its development has moved from home-based work regulated in the 1990s, through Law No. 30036 and remote work implemented during the COVID-19 health emergency, to the current Law No. 31572 and its regulations. This evolution reflects the need to adapt the legal system to new labor dynamics based on virtuality, flexibility, and results-based management.

However, despite regulatory progress, several studies show that the implementation of teleworking still presents important limitations, especially in the public sector. Among the main difficulties are deficient management of technological resources, limited staff training, scarce supervision of results, as well as problems linked to digital disconnection and workers' mental health. These deficiencies can directly impact

job performance, generating gaps in efficiency, productivity, and the quality of public service (Vidal, 2023; Tapasco & Giraldo, 2020).

In the international context, research such as that of Auquilla (2024) and Alban and Sánchez (2023) indicates that teleworking can generate positive effects on job performance, such as increased productivity, reduced stress, and improved job satisfaction, provided there is adequate organizational implementation. However, it is also noted that its effectiveness depends on the level of technological adaptation, organizational culture, and the management capacity of employing institutions.

At the national level, studies such as those by Cabrera (2022), Ruiz (2022), Alfaro and Vicente (2024), and Barreno (2021) show a significant relationship between teleworking and job performance in public and private institutions, highlighting that adequate application of this modality contributes to improving workers' efficiency. However, it has also been found that the absence of clear guidelines, limited technological infrastructure, and lack of effective supervision can negatively affect job performance in public-sector entities.

In a public institution such as the Local Educational Management Unit of Cotabambas (UGEL Cotabambas), it has been observed that the implementation of teleworking does not always develop optimally, with difficulties evident in the organization of activities, goal monitoring, institutional communication, and control of job performance. These limitations create the need to analyze how the deficient implementation of the Teleworking Law influences the job performance of the civil servants of that entity.

Theoretically, this research is grounded in the contributions of results-based management theory, scientific management theory, and contemporary approaches to human talent management, which indicate that job performance is directly related to the clarity of objectives, work supervision, and the organizational conditions under which work activity takes place.

In this sense, the present research aimed to determine the extent to which the deficient implementation of the Teleworking Law influences the job performance of employees of Peruvian state institutions. The specific objectives were: to determine how the level of job flexibility affects the job performance of employees of Peruvian state institutions; to determine how the level of task completion affects the job performance of employees of Peruvian state institutions; to determine how the level of task autonomy affects the job performance of employees of Peruvian state institutions; to determine how the level of digitization of job activities affects the job performance of employees of Peruvian state institutions; and to determine how the level of information confidentiality affects the job performance of employees of Peruvian state institutions.

2. METHODOLOGY

This research adopts a mixed approach, as it integrates the analysis of quantitative and qualitative data with the purpose of more fully understanding the influence of the implementation of the Teleworking Law on the job performance of employees of Peruvian state institutions (Hernández et al., 2014; Medina et al., 2023).

The study has a non-experimental design, since the variables were not intentionally manipulated but observed in their natural context. It is also cross-sectional, as data collection was carried out at a single point in time. Its scope is correlational-causal, since it seeks to analyze the relationship and influence between the implementation of teleworking and job performance (Hernández et al., 2014).

In addition, the research is of a basic type, as its purpose is to generate theoretical knowledge about the relationship between the variables studied (Ríos & Mory, 2019). The population consisted of civil servants of Peruvian state institutions, and the sample was selected through non-probabilistic convenience sampling. The survey and observation were used as data collection techniques. The main instrument was a questionnaire applied to the employees, along with a field notebook for recording observations. Data were processed using IBM SPSS Statistics and Excel software, applying descriptive and inferential analysis for the interpretation of results.

Finally, the research was conducted in accordance with the ethical principles of confidentiality, informed consent, and responsible use of information.

3. RESULTS

Table 1 shows the distribution of participants according to the levels of the Teleworking Law, allowing the degree of perception of its application in the sample studied to be identified.

Table 1. Categorization of the Teleworking Law Level

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Low Level	1	2.9	2.9	2.9
	Medium Level	25	73.5	73.5	76.5
	High Level	8	23.5	23.5	100.0

	Total	34	100.0	100.0	
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Note. Own elaboration – SPSS v25

According to the results obtained, 73.5% are at a medium level of the Teleworking Law, indicating that most respondents perceive a moderate application of the guidelines and provisions established by this regulation. Likewise, 23.5% show a high level, evidencing a favorable perception regarding compliance with and knowledge of the law. On the other hand, only 2.9% are at a low level, reflecting a limited perception of the benefits or of compliance with the teleworking regulations.

Table 2 presents the distribution of participants according to job performance levels, allowing the degree of performance achieved by the workers in the sample to be identified.

Table 2. Categorization of the Job Performance Level

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Low Level	2	5.9	5.9	5.9
	Medium Level	12	35.3	35.3	41.2
	High Level	20	58.8	58.8	100.0
	Total	34	100.0	100.0	

Note. Own elaboration – SPSS v25

The results show that 58.8% present a high level of job performance, followed by 35.3% at a medium level. On the other hand, only 5.9% show a low level. Overall, a predominance of the high level is observed, indicating that most participants exhibit favorable job performance.

Table 3 presents the correlation analysis between the Teleworking Law and workers' job performance, with the purpose of determining the existence and magnitude of the relationship between both variables.

Table 3. Correlation between the Teleworking Law and Job Performance

		Teleworking Law	Job Performance
Teleworking Law	Pearson Correlation	1	.448**
	Sig. (2-tailed)		.008
	N	34	34
Job Performance	Pearson Correlation	.448**	1
	Sig. (2-tailed)	.008	
	N	34	34

** The correlation is significant at the 0.01 level (2-tailed).

The results show a moderate and significant positive correlation between the Teleworking Law and job performance ($r = 0.448$; $p = 0.008$). This indicates that as the application and perception of the Teleworking Law improves, job performance tends to increase. Likewise, since the significance value is below 0.01, it is concluded that the relationship found is statistically significant.

Table 4 presents the correlation analysis between the level of job flexibility and job performance, in order to determine the relationship between both variables.

Table 4. Correlation between Job Flexibility Level and Job Performance

		Job Flexibility Level	Job Performance
Job Flexibility Level	Pearson Correlation	1	.559**
	Sig. (2-tailed)		.001
	N	34	34
Job Performance	Pearson Correlation	.559**	1
	Sig. (2-tailed)	.001	
	N	34	34

** The correlation is significant at the 0.01 level (2-tailed).

The results show a moderate and significant positive correlation between job flexibility level and job performance ($r = 0.559$; $p = 0.001$). This indicates that as flexibility in the job increases, job performance tends to improve. Likewise, the significance value is below 0.01, so the relationship found is statistically significant, showing that job flexibility is a factor favorably associated with worker performance.

Table 5 presents the correlation analysis between task completion and job performance, with the purpose of identifying the relationship between both variables.

Table 5. Correlation between Task Completion and Job Performance

		Task Completion and Productivity	Job Performance
Task Completion and Productivity	Pearson Correlation	1	.504**
	Sig. (2-tailed)		.002
	N	34	34
Job Performance	Pearson Correlation	.504**	1
	Sig. (2-tailed)	.002	
	N	34	34

** The correlation is significant at the 0.01 level (2-tailed).

The results show a moderate and significant positive correlation between task completion and job performance ($r = 0.504$; $p = 0.002$). This indicates that as workers more efficiently fulfill their assigned responsibilities and activities, their job performance tends to improve. Likewise, the significance value is below 0.01, confirming that the relationship found is statistically significant.

Table 6 presents the correlation analysis between task autonomy and job performance, in order to determine the relationship between both variables.

Table 6. Correlation between Task Autonomy and Job Performance

		Task Autonomy	Job Performance
Task Autonomy	Pearson Correlation	1	.578**
	Sig. (2-tailed)		.000
	N	34	34
Job Performance	Pearson Correlation	.578**	1
	Sig. (2-tailed)	.000	
	N	34	34

** The correlation is significant at the 0.01 level (2-tailed).

The results show a moderate and significant positive correlation between task autonomy and job performance ($r = 0.578$; $p = 0.000$). This indicates that as workers have greater autonomy to organize and execute their work activities, their performance tends to improve. Likewise, the significance value is below 0.01, confirming that the relationship found is statistically significant and showing that autonomy is an essential factor for strengthening job performance.

Table 7 presents the correlation analysis between the digitization of job activities and job performance, with the purpose of determining the relationship between both variables.

Table 7. Correlation between Digitization of Job Activities and Job Performance

		Digitization of Job Activities	Job Performance
Digitization of Job Activities	Pearson Correlation	1	.241
	Sig. (2-tailed)		.000
	N	34	34
Job Performance	Pearson Correlation	.241	1
	Sig. (2-tailed)	.000	
	N	34	34

Note. Own elaboration – SPSS v25

The results show a low positive correlation between the digitization of job activities and job performance ($r = 0.241$). This indicates a tendency for job performance to improve as the digitization of activities increases; however, the strength of this relationship is weak. Likewise, the reported significance value ($p = 0.000$) indicates that the relationship is statistically significant, so it can be concluded that the digitization of job activities maintains a positive association with job performance, although to a lesser degree than the other dimensions analyzed.

Table 8 presents the correlation analysis between information confidentiality and job performance, in order to determine the relationship between both variables.

Table 8. Correlation between Information Confidentiality and Job Performance

		Information Confidentiality	Job Performance
Information Confidentiality	Pearson Correlation	1	.087
	Sig. (2-tailed)		.625
	N	34	34
Job Performance	Pearson Correlation	.087	1
	Sig. (2-tailed)	.625	
	N	34	34

Note. Own elaboration – SPSS v25

The results show a low positive correlation between information confidentiality and job performance ($r = 0.087$). Likewise, the significance value ($p = 0.625$) is greater than 0.05, indicating that the relationship found is not statistically significant. Consequently, there is insufficient evidence to affirm that information confidentiality is significantly associated with the job performance of the study participants.

4. DISCUSSION

When contrasting the results obtained in this research with those reported by Cabrera (2022), important differences are observed in the magnitude of the relationship between teleworking and job performance in public entities. While that author found a very strong positive correlation (0.942) at the UGEL of Aija, the results of this research show a moderate and significant positive correlation between the Teleworking Law and job performance ($r = 0.448$; $p = 0.008$) in Peruvian state institutions. This difference suggests that the impact of teleworking does not depend solely on its regulatory recognition, but also on the institutional conditions that allow for its adequate implementation.

In Peruvian state institutions, although workers have adopted the teleworking modality, limitations persist related to technological infrastructure, digital skills training, and information security management. These conditions restrict the extent to which the potential benefits of teleworking can be leveraged and could explain why the relationship found is of lower intensity compared to that reported by Cabrera (2022).

Likewise, the results allow the conclusion that the implementation of the Teleworking Law in Peruvian state institutions presents important structural and organizational limitations. Although the current regulatory framework promotes remote work in public entities, its effective application is conditioned by the insufficient availability of technological resources, limited staff training, and the absence of specific guidelines for the digitization of processes and the protection of institutional information.

These results are consistent with what was pointed out by Vásquez (2019), who warned that teleworking in the Peruvian public sector was at an early stage of development due to the lack of operational regulation and clear guidelines for its implementation. Although regulatory progress has been made since then, the difficulties identified in Peruvian state institutions show that significant challenges still remain in consolidating this work modality in certain public institutions.

Likewise, the results differ from those obtained by Barreno (2021), who identified a moderate positive relationship between teleworking and teaching performance in an educational institution in Chiclayo. The author highlighted that the availability of technological equipment, internet access, and adequate working conditions favored job performance under this modality. In contrast, the reality of public state institutions is characterized by structural and technological limitations that make it difficult to reach similar levels of effectiveness, especially in a geographic context with greater connectivity and resource constraints.

On the other hand, the moderate positive correlation found in this study also differs from the high positive relationship reported by Ruiz (2022) among administrative staff at Almanzor Aguinaga Asenjo Hospital ($r = 0.820$). In that context, the implementation of teleworking was supported by better technological conditions, defined institutional procedures, and adequate human resource management, factors that allowed the flexibility and autonomy associated with remote work to translate into higher job performance.

Taken together, these comparisons show that the effects of teleworking on job performance are not homogeneous across public institutions, but rather depend on organizational, technological, and management factors. Consequently, public state institutions need to strengthen their digital infrastructure, promote continuous staff training, and establish clear guidelines for managing teleworking, in order to maximize the benefits of this modality and contribute to improving the job performance of their workers.

5. CONCLUSIONS

The research showed a moderate and statistically significant positive relationship between the implementation of the Teleworking Law and the job performance of UGEL Cotabambas workers ($r = 0.448$;

$p = 0.008$), suggesting that adequate application of teleworking guidelines can contribute to strengthening job performance in the public sector.

The results show that most participants perceive a medium level of implementation of the Teleworking Law, while job performance is predominantly concentrated at high levels. This finding indicates that, despite the limitations that exist in the implementation of the remote modality, workers maintain favorable levels of performance in carrying out their duties.

Among the dimensions evaluated, task autonomy ($r = 0.578$; $p < 0.001$), job flexibility ($r = 0.559$; $p = 0.001$), and task completion ($r = 0.504$; $p = 0.002$) showed the strongest associations with job performance, indicating that these factors are key elements for enhancing workers' productivity and efficiency under teleworking schemes.

On the other hand, the digitization of activities showed a low-magnitude positive relationship ($r = 0.241$), while information confidentiality showed no significant relationship with job performance ($r = 0.087$; $p = 0.625$). These results suggest that the mere incorporation of digital tools or information-protection measures does not guarantee improvements in performance unless they are accompanied by adequate organizational and technological conditions.

Taken together, the results highlight the need to strengthen institutional capacities, technological infrastructure, and workers' digital skills in order to optimize the implementation of teleworking and maximize its benefits for job performance within public entities.

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