

'Remote Working' is an Opportunity to Reimagine Work Organisation

The experience of many workers of working from home during the Covid-19 crisis has led to a greater interest in remote working arrangements generally. Many expect that the proportion of people working from home on a regular basis once the crisis is over will increase significantly compared to before the pandemic.

For some the return to their 'office' environment, will come as a welcome relief, where for others, the experience has awakened a serious interest in having more flexible work location arrangements. Remote working will remain a significant feature of work organisation but will not be for all. Indeed, even where it continues, a range of blended solutions involving periods of attendance in the office or hub locations are more likely to facilitate collaboration, reporting and teamwork. In a recent study, conducted by Amarách Research for Fórsa trade union (July 2020) seven in ten of those surveyed who had worked at home during the Covid-19 crisis said remote working had been a positive or very positive experience. But this fell to 66% for workers aged under 30, suggesting that younger workers face particular challenges in home working. The biggest negative aspect of home working, cited by 69% of respondents, was the lack of interaction with colleagues.

The Department of Business, Enterprise and Innovation has recently closed a public consultation process on remote working and the need for further guidance for employers and employees on a variety of topics, including equality, health and safety, employment conditions and the right to disconnect, data protection and training.

Proponents argue that remote working has a positive impact on the environment as it results in less pollution from commuting, as well as helping families in terms of arranging childcare. Others argue that if remote working results in excessive working hours this can put a strain on health and productivity and therefore should be discouraged and accompanied by a 'right to disconnect'.

Faced with the challenge of responding to the Covid-19 crisis, employers and workers are facing many challenges as they adapt to new ways of doing business and remote working continues to be encouraged, where possible, for office or non-essential work, where practicable even as the emergency measures are lifted.

There is no right to remote working under Irish law. Under the [EU Directive on Work-Life Balance 2019](#), which is to be implemented by Ireland by August 2022 there will be a right for working parents and carers with children up to eight years old to request flexible working arrangements. This does not create an obligation to grant flexible working if there is an objective justification for declining a request.

Otherwise a [Code of Practice on Access to Part-Time Work, 2006](#) aims to encourage employers and employees to consider *part-time* work and provides that an employer should have a procedure for dealing with part-time working requests from full time staff. There is no obligation to provide part time work but if an employer refuses a part-time working request, they need to provide good reasons and having considered the request on non-discriminatory grounds.

Employers need to provide guidance on how to address the [cultural factors](#) which surround remote work, to include maintaining trust between employees and managers when work is being undertaken remotely, maintaining visibility and managing relationships and performance when working remotely. [Training](#) for employees working remotely and for managers in managing distributed teams is a major enabler in the successful interpretation of remote working policies. The employee and his/her manager should always agree effectiveness criteria or feedback channels as part of the means of managing performance in a remote working arrangement.

'Remote Working Is Not A Job but A Method of Working'.

What constitutes '**flexible work**' is complex and often can include a wide variety of different contracts and ways of working. However, **remote working** consists of a combination of home and office-based work and is a way of working using information and communications technologies in which work is carried out regardless of location.

Prior to the Covid-19 crisis, research¹ commissioned by the Irish Government and published in December 2019 under Pillar 4 of *Future Jobs Ireland 2019*, found that among employers, increased productivity and cost-effectiveness are key reasons for permitting employees to work remotely. Meanwhile, 44% of employees saw greater flexibility as a primary motivator for working remotely. Some 41% identified reduced commuting time and 60% reported work-life balance as strong benefits. **The report suggests that remote working has the potential to improve productivity, attract and retain talent and grow participation in the workforce.**

However, the research also identified that employers would benefit from increased clarity around occupational health and safety requirements and more guidance on balancing employee's right to privacy and the monitoring of working hours as well as performance.

Significantly, the research discovered that many organisations were reluctant to have a written remote working policy because of the inability to make all roles within an organisation remote, and the potential equality issues that could arise as a result. The report further suggests that remote working can be associated with prolonged working hours (an inability to switch off or disconnect) and encroach on an employee's personal life. This can lead to heightened stress for remote workers who are also more likely to work when they are sick

[Guidelines on Remote Working Must Recognise Diversity of Issues for Both Employers and Employees](#)

¹ '*Remote Work in Ireland - Future Jobs 2019*'. Report published in December 2019 and developed by the Department of Business, Enterprise and Innovation

An increase in remote working arrangements can stimulate regional growth, widen the talent pool, reduce accommodation and commuting pressure in cities and promote a green economy. This can give employers access to a broader pool of talent, promote retention, increase productivity and improve cost effectiveness, whilst engaging in more sustainable ways of working. Guidance to employers and workers should both encourage the increased use of remote working in appropriate circumstances whilst recognising that it cannot always be available or may only be provided on a limited basis and will be role and organisation dependent.

For some employees, they attach importance to preserving clear 'segmented' boundaries between work and family or personal life, whereas for others they are more comfortable working with 'integrated' or blurred work-family boundaries². Integrators are generally comfortable performing work tasks during "family time" and doing family tasks during "work time" and are more comfortable blurring spatial boundaries. Segmentors on the other hand normally will focus on work during work hours and on family during family time and will try to keep these spaces separate and are more likely to need a physical barrier between work and home, like a room or a separate space.

Managers will need to appreciate even more that what happens in the office also needs to be regularly communicated with those who are working remotely. This makes clear communication and regular check-ins important not just for operational reasons but for forming and preserving relationships.

We know that some key issues to be addressed, include the following:

1. **Equality** - Employers are sometimes reluctant to introduce a formal remote working policy, arising from a concern that refusal of requests for remote working could give rise to equality issues, where it is argued that a remote working policy is not open and available to all employees.
2. **Health and safety** – The lack of clarity on health and safety issues is an influencing factor for employers when considering the introduction of a remote working policy. The absence of clear guidance on the employer responsibility in the event of work-related accidents and risk assessments for employees working at home (or in a hub) has resulted in a fear of liability amongst employers. If remote working is deployed, reasonable preparations for establishing workstations in the home must occur. Where possible, information to enable remote workers to self-assess and educate themselves on the best set up for a home working arrangement should be provided³.
3. **Data protection** - Guidance is needed on balancing data security and cyber security when engaging in remote work, particularly given GDPR and data protection legislation.

² Building Work-Life Boundaries in the WFH Era - Nancy P. Rothbard, Wharton School, University of Pennsylvania – 15.07.20

³ The current HSA Guidance is available at [https://www.hsa.ie/eng/Workplace_Health/Manual_Handling_Display_Screen_Equipment/FAQs/Display_Screen_Equipment1.html](https://www.hsa.ie/eng/Workplace_Health/Manual_Handling_Display_Screen_Equipment/FAQs/Display_Screen_Equipment_FAQs/Display_Screen_Equipment1.html)

Employers would benefit from a framework specifying the appropriate technical and organisational measures to be implemented to ensure that personal and sensitive data is kept confidential and secure for remote working. This would include data protection training for the employees engaging in remote work.

4. **Training** - Employers need clear guidance on how to address the cultural factors which surround remote work, to include trust between employees and managers when work is being undertaken remotely, maintaining visibility, and managing relationships when working remotely. The dual challenge of managing remote working and maintaining employee motivation and engagement when working remotely requires an upscaling of management training support.

It should be noted there is no legal obligation on an employer to provide employees with remote working arrangements. Moreover, the fact that remote working arrangements exist within an organisation does not mean that every employee has an automatic entitlement to such an arrangement. Some employers are implementing policies that require their employees to spend more time in the office again. This can be mandated by a need for more face-to-face interaction among employees to foster a more collaborative culture and may be unavoidable in customer facing roles.

Therefore, we need to be cautious about how best to encourage a greater voluntary recourse to remote working arrangements. The location for remote working requires careful consideration and shared work spaces, such as hot desking, will require strict hygiene protocols whilst Covid-19 remains a significant risk.

Other Factors Which Need to be Considered When Preparing Guidance

Any guidance to be provided to employers and employees which encourages employee's to request remote working arrangements, should also reflect (i) the current legislative provisions governing an employer and the employee's obligations if such a request is acceded to and (ii) give guidance on appropriate criteria to be followed which an employer ought to take into account in considering such a request.

The formal arrangements for remote working should include coverage of (i) frequency and duration of the arrangement, (ii) any qualifications e.g. number of days for remote working from home or another office, (iii) consent to enter the premises where the employee will be working remotely, (iv) communication & reporting issues, (v) absence & working time recording, (vi) health & safety obligations & incident reporting, (vii) performance management and (viii) insurance notifications.

Where an employer is willing to permit remote working, they will need to set out clear arrangements to ensure that the personal data processed by the person is kept safe when working away from the office. This should cover issues including (but not limited to) (i) the use of devices, (ii) compliance with email policy, (iii) cloud and network access, (iv) management of paper records (v) the use of electronic signatures and (vi) social media use compliance (vii) the need for clear communication channels and reportage of loss or theft and (viii) maintaining strict confidentiality of all data and correspondence.

Businesses Need to Think Carefully About Workforce Planning, Resourcing & Organisation Issues

The Covid-19 crisis has caused businesses to think carefully about workforce planning, resourcing and organisation issues. They will want to consider the impact for their longer-term resourcing strategy amidst continuing uncertainty. As people return to 'office', there is an opportunity to learn and share experiences of what has and has not worked well during the 'lockdown', to better understand and explore insights about work organisation and opportunities to create the future. As we have learned to adjust to social distancing, in many cases, remote working has also led to some degree of personal isolation and impacts on our need for social interaction. Inevitably this will now drive real innovations in work organisation and configuration in response to both business and employee needs.

Organisations must be able to decide what working arrangements best suits the business and in doing so to take account of individual needs. Working from home gives more flexibility on hours of work but should be accompanied with a much greater emphasis on deliverables and results rather than being time dependent i.e. work becomes the focus rather than time. This may also have Implications for reward.

At Stratis we predict that we will see some roles increasingly being designated as 'remote first', and other roles which will be 'office' based but which could be done remotely for short periods (which may be necessary as part of a further response where Covid clusters require emergency measures).

In any circumstance, where parties may be willing to sustain a level of remote working, along with all of the issues mentioned, this will also need to be considered and led by HR not just as part of the suite of post Covid-19 temporary measures but as part of reimagining the longer term future planning business and work organisation responses by the organisation.

If you would like to talk to us about any of the above issues or about engaging your people through the period ahead, please get in touch with me at brendan.mcginty@stratis.ie or any one of our Partners.

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