

In the Workplace Homeworking Considerations



COVID-19

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This year has brought many changes and challenges, including a transition to homeworking. This may be a temporary shift of location for some, however, others may now be preparing or hoping for a more permanent switch.

Are you wondering if this is the right move for your business? If the answer is yes, as an employer it's important to consider the below points:

- 1. your contractual position,**
- 2. your employees' wishes,**
- 3. the suitability and safety of each employee's homeworking location,**
- 4. the management and supervision of your employees,**
- 5. the administrative and organisational issues that will arise, and**
- 6. your liability as the employer.**

The first stage will be to audit your proposals against current contractual provisions as well as any legal and additional Health & Safety obligations. As each of these are specialist areas, in-house expertise or external HR or Health & Safety resources may be required.

The audit should include the following considerations. (Please note this cannot be considered an exhaustive list as each organisation will be different.)

1. The contractual position

- What are your expectations of the employee and how will they be documented? It is likely that any change to homeworking will include a variation to the contract of employment. Consider the clauses that need to be amended to make homeworking a reality.
- Any changes to the contract will need to be agreed with the employee and go through an appropriate consultation process.
- Will all company policies continue to apply?
- Are new policies required, such as a homeworking policy or a lone working policy?
- Are there arrangements whereby the homeworking arrangement will come to an end, for example if performance is below the expected levels or during notice?

2. The employee's wishes

- If the employee has requested homeworking or some other variation, this is likely to constitute a request under the Flexible Working provisions of the Employment (Jersey) Law 2003, as amended.

3. The suitability and safety of the homeworking location

- Is a risk assessment required? Is there a suitability criteria that needs to be met before homeworking can be considered?

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- Is the proposed location suitable for homeworking, i.e. safe, secure, without interruptions, etc?
- As the employer, how will your duty of care for Health & Safety be met? The home will be an extension of the workplace and as such it will be important to consider how you will monitor display screen assessment requirements, lighting, warmth, security, mental health, equipment, welfare, etc?

4. Management and supervision of the employee

- Consider the issues around how the employee will be supervised and how the work will be monitored for quality and output.
- If part of a team, consider how the working relationships will be maintained, the encouragement of team dynamics and how the many positive elements of team working can be maintained in the business.
- Consider how matters will be handled in the event that work is below the standard required. This could include ensuring that the role can migrate back to the primary workplace.

5. The administrative and organisational issues that will arise

- Consider the channels of communication.
- How will employees report back on any issues, such as technology or productivity, etc?

- Consider how training and development will be delivered.

6. Employer's liability

- If there are regulatory issues connected to the role, how will these be monitored and maintained?
- Ensure Data Protection matters are considered.
- Will there be any issues around intellectual property and confidentiality?
- The home is now the workplace – as the employer, you need to ensure your duty of care is maintained.
- Ensure contractual issues are agreed and documented.
- Be clear regarding your responsibilities for providing workplace equipment.

As a number of these areas require specialist input, it's important to consider seeking appropriate advice to support any move to long-term homeworking.

Together we achieve more.

Information kindly provided by
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**Law At
Work**
The right advice

Please contact us at
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for help and support.

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