

The evolution of teleworking and the role of the social partners in Ireland

Catriona McKeating, Employment Law Solicitor

13 October 2021



Agenda

- **Evolution of telework in Ireland**
- **Challenges and advantages of remote work**
- **Role of the social partners**

Evolution of telework in Ireland

Legal framework for telework

- Telework/remote work not defined in Irish law
- 2002 European Framework Agreement:
‘form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer’s premises, is carried out away from those premises on a regular basis’
- Employer’s obligations towards employees under legislation including health and safety, data protection, employment equality and working time apply irrespective of whether employee is working in office or remotely

Evolution of telework in Ireland



Remote work and Covid-19

- 27 March 2020 – Government announced that travel to and from work permitted only for essential workers, resulting in mass emergency remote working
- July 2020: Dept. Enterprise Trade and Employment (DETE) held public [consultation](#) on remote working guidance. 520 responses received
- Further to public consultation, DETE published remote working [checklist](#) for employers
- DETE published “[Making Remote Work](#)”, Ireland’s national remote work strategy in January 2021

National Remote Work Strategy

Pillar 1	<ul style="list-style-type: none">• Introduce code of practice on right to disconnect and legislate on right to request remote work• Provide employers and employees with updated guidance on remote work• Review tax arrangements for remote work
Pillar 2	<ul style="list-style-type: none">• Invest in remote work hubs and infrastructure in underserved areas and develop national data on hub infrastructure• Explore acceleration of national broadband plan• Map commuter, skills and childcare facilities data to inform future hub development decisions
Pillar 3	<ul style="list-style-type: none">• Develop national data on the incidence and frequency of remote work• Establish a centralised cross-departmental knowledge base on the costs and benefits associated with the increased adoption of remote working• Convene meetings every four months of the Remote Work Strategy Inter-departmental Group

National Remote Work Strategy

- **Government has further committed to:**
 - **Mandate for public sector employers, colleges and other public bodies to move to 20% home working in 2021**
 - **Raise awareness of existing remote work hub infrastructure**
 - **Work with stakeholders such as Enterprise Ireland, Skillnet Ireland and the IDA to promote remote work amongst businesses including advising on skills needs, training and best practice**

Challenges and advantages of remote working

Challenges and advantages of remote working

ADVANTAGES	DISADVANTAGES/CHALLENGES
Better work/life balance	Recording of working hours
More efficient use of time	Health and safety
Shorter commute times	Data protection and cyber security
Reduction in carbon footprint	Equality
Regional development	Isolation/loneliness
	Inability to switch off
	Reduction in innovation/creativity

Resources

Number of State agencies have produced guidance documents to assist employers and employees with addressing challenges of remote working during pandemic:

- **Health and Safety Authority (HSA):** Published [guidance notes](#) on remote working, working from home, returning to work, work-related stress and infographic on setting up ergonomic workspace
- **Workplace Relations Commission (WRC):** published [booklet](#) on obligations under organisation of working time legislation
- **Revenue:** published guidance for both [employers](#) and [employees](#) on tax implications for working from home
- **Data Protection Commissioner (DPC):** published [guidance](#) for controllers on data security and [note](#) on protecting personal data when working remotely

Role of social partners

Labour Employer Economic Forum (LEEF)

- Forum established in 2016 to bring together representatives of employers, trade unions and Government to discuss economic, employment and labour market issues
- Meets approximately 4 times/year and provides a consultative informal structure for an exchange of views and dialogue on economic and social policies insofar as they affect employment and the workplace

Work Safely Protocol

- Phased return to workplace commenced on 20 September 2021, with final Covid restrictions due to be lifted on 22 October 2021
- Given the importance of keeping workplaces safe during the COVID-19 pandemic, LEEF established a consultative stakeholder group to oversee the implementation of a guidance note (the Work Safely Protocol) to assist employers and workers to plan for the phased return to the workplace
- The [Protocol](#) is a robust document which is applicable to all sectors of the economy. It sets out the minimum Public Health infection prevention and control measures required in every place of work to prevent and reduce the spread of COVID-19

Right to Disconnect

- **Commitment under Pillar 1 of National Remote Work Strategy**
- **[Code of Practice](#) published by the Workplace Relations Commission in April 2021**
- **Code drafted in consultation with employer and employee representative bodies - Ibec and ICTU**
- **Best practice guidance for employers and employees – confirms and compliments existing legal requirements**
- **Focus is on supporting the employee's right to disconnect, while recognising that business and operational needs may dictate that there will be situations which require some out of hours working by some employees depending on the service being provided, employee's role, needs of customers/clients and requirement of critical services**

Right to Request Remote Work

- All employees can currently request to work remotely but there is no legal framework in place around which a request can be made or how it should be dealt with by employer
- Public consultation in May 2021 and [report](#) on submissions received (including submissions from employer and employee representatives) published in August 2021
- Government intends to introduce legislation by end of 2021

Thank you
