

## Remote Working during Covid19 outbreak Ibec outline of key considerations

Issued: 11 March 2020

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### Context

The recent outbreak of the Coronavirus (Covid-19) is an unprecedented situation in Ireland, where nationally and internationally efforts are being taken to prevent the further spread of the virus. As a direct result of this situation, many companies are and will have to explore the possibility of temporary Remote Working for the first time and in a situation of urgency. Other employers will have experience of Remote Working on a restricted basis and may now need to deploy across the entire staff body. The health and safety of the workforce and the wider community must be the key priority during this situation. Businesses will have to examine if and how the option of Remote Working can be utilised to ensure continuity of service provision. There will be businesses, job roles and situations where this form of working is not practical or cannot be deployed in such a short time frame.

For the following points, the type of work being considered is typical office work for full and part-time employees. In the case of other types of work that employees may engage in, there will be other risk-specific requirements to be considered.

### Key Considerations

- **Communication channels** – In order to minimise any confusion, it is recommended that employers have in place a comprehensive communications strategy throughout the coming week, which addresses the concerns of all stakeholders. In relation to employees, the employer should ensure that communication channels exist to enable the business to communicate remotely with staff to update as necessary and ensure consistency of message. Employers should ensure that they have up to date contact details to enable communication with every employee outside of the workplace (e.g. phone number or email address). Where an employee or group of employees are required to remain at home for reasons relating to Covid19, the employer must ensure that ongoing communication with these persons continues. A temporary Remote Working arrangement that is utilised in the coming weeks to meet a direct public health risk does not adjust terms and conditions of employment on a permanent basis. This also needs to be communicated to employees where appropriate.
- **IT Equipment and Office Furniture** - Where Remote Working arrangements are deployed in the current emergency, the normal preparations around establishing workstations in the home cannot occur. Issues may arise where the company does not have sufficient equipment for all staff to work from home at the same time. Employers will have to seek cooperation and ideas from staff as to how best overcome this challenge. Information sources to enable remote workers to self-assess and educate themselves on the best set up for a home working arrangement should be provided. Guidance is available from the HSA. [https://www.hsa.ie/eng/Workplace\\_Health/Manual\\_Handling\\_Display\\_Screen\\_Equipment/FAQs/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)
- Any **accident or incident** that takes place outside of the office while the employee is conducting normal work duties, should be reported to the company and where required to the HSA as normal.

- **Data Security and GDPR** considerations: the company needs to ensure that data security is maintained where staff are working from their own homes. Where remote working involves the transmission of confidential data outside of the workplace, the employer will need to ensure that its systems are designed to enable the safe transmission of such data. Having a robust IT system in place with the necessary safeguards is important and so too is the skills and awareness of the remote worker. Reminders and online training can be utilised to refresh skills in this area.
- **Organisation of Working Time;** The employer is required to ensure compliance and this includes ensuring that working hours and rest breaks are occurring in line with the legislation and that records of the days and total hours worked in each week by each employee are maintained. The employer may have an existing IT solution. A temporary method of achieving this via email for example may need to be deployed.

### **Business continuity planning**

Where remote working is being introduced to address a temporary and unprecedented situation, early preparation and planning for the possibility is important.

- Which employees have previously or officially work outside of the office prior to now?
- What types of activities happen across the business? Which of these activities are suitable to remote working and which activities will present difficulties? Employers may be in a position to identify what work or tasks would lend themselves to remote working arrangements.
- What technological and other resources are necessary for employees to work remotely, from their homes. In particular, the business needs to have a means of communicating with all members of staff when they are not in the workplace (should the need arise).
- A **pilot** of remote working should be considered right now in order to prepare for any eventualities that may arise in coming weeks. This will enable the employer and staff to evaluate the arrangement and to make any possible adjustments as necessary. This can occur on a rolling basis across the business from now.

None of these considerations should delay or take priority in a situation where an employee has received medical advice to self-isolate.

**Employees are under a legal obligation** to co-operate with the employer so far as is necessary to enable compliance with the relevant statutory provisions and company policies. It is important to reiterate that this applies despite the informal surroundings such as a person's home. This includes an obligation to take reasonable care to protect their own safety. This includes following the advice of their GP, health care providers and the HSE as appropriate.

Employees have an existing obligation to notify the employer if they become aware that they are suffering from any disease or physical or mental impairment which affects their performance of work activities that could give rise to risks to the safety, health and welfare of persons at work. The duty is on the employee to protect themselves and others and is especially critical in the current situation.

**Disclaimer: Ibec has endeavoured to find a reasonable balance between the legislative requirements and the current public health situation. This document will be reviewed on a regular basis as the need arises. In the meantime, it is intended as a practical guide and is not a substitute for specific professional (including legal and medical) advice on individual circumstances.**