



Flexible working – homeworking and the future?



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Flexible working – the right to request?

The right to request flexible working came into force in June 2014. Under these provisions, the right to request a flexible work arrangement extended to every employee after 26 weeks' employment.

Employees can only make one request in any 12-month period and the request must be dealt with in a reasonable manner. The employer must notify the outcome to the employee within a three-month decision period. The request can only be refused for one of the eight reasons set out in the legislation:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work; or
- planned structural changes.

Homeworking on the increase

The term 'Homeworker' is not a defined term in law, however, it broadly covers those who divide their working time between home and their employers' premises, or alternatively work from home occasionally.

Is this the way forward?

According to the Office of National Statistics in 2014, 73% of home workers were in the highest skilled roles in the economy. Whilst

there is no guarantee this is still the case, or numbers have risen many businesses are allowing homeworking as a means of supporting employee retention and helping to manage workplace costs. It is suggested homeworking can:

- Reduce overhead costs;
- Increase productivity;
- Increase motivation;
- Retain skills; and
- Form part of business resilience business recovery strategies.

Potential drawbacks:

- Loss of control – a fear that some workers will not 'pull their weight';
- Potential damage to team dynamics;
- Different management styles may be needed to oversee homeworkers and this may not be able to be accommodated to effectively support workers to the same degree as those office based or managers may need training;
- Homeworkers may not feel engaged with the wider business or their colleagues
- Businesses may become overly dependent on technology – thus increased costs supplying homeworkers.

Is it right? – the issues surrounding work/life balance

There is an argument that homeworking can have a negative impact on an employee's work/life balance. In the most basic terms they effectively never leave the office.

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There can be issues, such as:

- Stress – lower physical boundaries between work and home life are present which can lead to increased risk of stress;
- Detachment and ease of access – it is much easier to check work with a VPN access from home whereas office workers can leave their work at the door and not be so easily tempted at home. This can lead to an unhealthy over-controlling work obsessed nature in homeworkers, particularly those in senior positions;
- Isolation – on the flip side homeworkers may resent their inability to create lasting work-based relationships by not being in the office.

Is flexible homeworking suitable for the job in hand?

It very much depends on the industry. Sometimes it may not be possible to have any flexibility in regards to location, whereas other times it may be relatively easy to implement.

Practically, what does an employer need to put in place to effectively achieve homeworking?

Contractual provisions

- Place of work – establishing a principle place of work;
- Hours of work – when the homeworker will be available;
- Salary and benefits – must not be less favourable to the homeworker (discrimination concerns);

- Expenses – e.g. Heating and lighting, travel;
- Illness – same entitlement to sick pay;
- Holidays – same entitlement;

Equipment

- Server access – establishing a VPN for homeworkers to use outside of work;
- Special equipment – no legal obligation but practically homeworkers may need high-speed internet, printers, shredders;
- Unauthorised software – employers have no direct control over home computer software use outside the scope of the VPN access. Adequate antivirus must be installed.

Reporting and appraisals

- Homeworkers should be appraised like any others.

Data Protection

- Homeworkers need to control who has access to their home computer base of operations.

Health and Safety

- An employer is responsible where 'reasonably practicable'.

The information contained in this document provides background information only. The document may be misleading if relied upon as an exhaustive list of the legal issues involved. If any matter referred to in this document is sought to be relied upon, further information should be sought.