

“ Plain speaking legal advice ”

Home Working
HR Forum Briefing Notes

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Since April 2003 the Flexible Working Regulations have allowed employees with at least six months service and children under the age of six to ask their employer to consider allowing them to switch to flexible working. This of course includes working from home (wholly or in part). Whilst it is only a right to request, nonetheless the employer must consider any such request carefully.

Permission need only be granted if the flexible working proposal is in the best interests of the business and that decision is one for the employer alone. If you get a request to work from home there are a number of issues that need close consideration.

- Can the job actually be done from home?
- Is the performance level of this particular employee good enough to be satisfied that the level will remain so if they work from home?
- Is there any equipment that would have to be provided?
- What health & safety, security and insurance arrangements are needed and could they be satisfactorily put in place?

Remember that an employee based at home is still an employee and needs to be treated in the same way as those that are office based.

If you agree a “home work” request, whether or not made under the flexible working legislation, bear in mind there are legal as well as practical matter to be dealt with.

1. Employment contracts – will need to be varied to show the change in workplace. Ensure there is a clause showing a trial period will be initiated and then the home working will be reviewed. That enables you to assess the impact on the business as a whole as well as the productivity levels of that individual employee. Check if additional clauses will be needed for insurance purposes.

2. Home working Policies – If you have some specific policies to deal with home working issues it enables you to be consistent with staff. It may be that all home workers will have to

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hot desk, or have no actual office space specifically allocated to them. If you set this out clearly there is less chance for staff to be off doing their own thing or chose home working under misconceptions.

3. Health & Safety – Employers remain responsible for this even where employees are working from their own homes. Risk assessments need to be carried out and any hazards dealt with. Equipment provided must meet the standards expected in the office. This includes IT and furniture requirements.

4. Security – The data that the employee is dealing with needs to be secure and adequate Internet protection in place. If there is going to be expensive IT equipment in the home, what are the home security arrangements like?

5. Monitoring – How are you going to ensure that productivity remains at a satisfactory level. Simply checking hours worked in the office is no longer appropriate. You have to measure results – how is that going to be done effectively? How are you going to monitor and retain levels of trust? How are you going to avoid the office based employees feeling those on home working are slaking off?

6. Communication – This is going to be crucial, both to ensure managers know what is going on and to avoid home workers feeling isolated. In much the same way as monitoring, you need to communicate to the office-based workers that home working is not the easy option and that those in the office are not having to work harder because of it.

If you wish to discuss the issues above further in relation to your particular circumstances please contact Frankie Tierney on 01276-686222

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