LAW & REGULATION

# **Remote Working:**

# The Benefits, Challenges and Unintended Consequences

by Derek McKay

The Covid-19 health crisis has tested businesses like nothing before; the speed at which businesses have had to adapt to the changing economic landscape has been relentless. Pre-Covid, many businesses had been reluctant to change their tried and tested work practices but now have little or no option but to embrace remote working, virtual meetings and online technologies

# New world of work – the next normal

One wonders if we will ever return to how we did business prior to this crisis; will employees be content with long commutes to get to work, how will we assess our "working day" in terms of flexibility and caring responsibilities, how will employers and businesses get back to operating more profitably than before? One thing is for certain, every aspect of business will be thoroughly examined through the lens of productivity and the bottom line when we get to the "next normal".

The way in which the vast majority of Irish employees now go about their jobs has significantly changed. For many, the new workspace is our homes; but it's important to acknowledge that people are not working from home, they are at home during a crisis trying to work.

Employees are being afforded much more flexibility in their working day than ever before with employers understanding that there is a blending of work-life balance like never before. As well as trying to manage a daily work schedule, there is added anxiety of childcare, health and financial concerns and of course, job security.

For managers, people management is very different when people are working remotely. Not everyone adapts to working from home easily; some of the simplest daily tasks can be more difficult as people don't have the same structures around them as they would in an office. Simple things like not being able to ask a colleague for their input, not having the same level of technology available such as printers or even the use of meeting rooms to provide quiet space for thinking are all new challenges.

As well as these daily structural challenges, other issues such as communication, motivation and wellbeing, can all impact on employee productivity. At Adare Human Resource Management, we've been advising clients on how to best manage in the current environment:

## Establish "ground rules" or "rules of engagement":

establish a work routine, setting out agreed workload and priorities so expectations are clear while ensuring there are appropriate breaks. Managers should be flexible and be there to offer support and encouragement, particularly for those who may be struggling. Support the maintenance of work boundaries so that everyone has a clear differentiation in their working day between work hours and break and rest times.

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#### Manage expectations:

it is important to focus on the outputs or outcomes, not on the activity or time taken to do specific tasks. There's a lot going on so it will take longer to get work done so allowances should be made. That's not an excuse for not getting things done, but it is a reason to reconsider what productivity really means. It's not possible to manage every aspect of the work done by a remote team. Instead of focusing on activity or hours worked, focus on the outcomes and measure your team accordingly.

#### Resource your team:

make sure employees have what they need, whether it's technology or the right equipment. It is also advisable to develop a training programme for employees that encourages and fosters upskilling; this provides a renewed sense of focus and achievement.

#### Communicate regularly:

maybe even more than before!
Keep in touch with teams through
chatrooms or messaging platforms
and check-in daily, this is particularly
important when managing remotely.
Make sure there is also time for
casual catchups within the employee
groups. It is also important that
employees know that they can
access Employee Assistance
Programmes if they feel they need it.

## Same "rules" apply – ensuring you remain compliant

While we are all adjusting to the new (perhaps temporary) world of work, it's vital to remember that employment legislation still applies such as the Organisation of Working Time Act or Health, Safety and Welfare Act along with GDPR regulations. Employees still have the same protections during this crisis as they would normally.

Under the Organisation of Working Time Act 1997, employers are obliged to communicate the normal working time information for employees including starting and finishing times, rest breaks, daily breaks and annual holidays, which can be recorded electronically or in manual form.

Needless to say, the current situation is presenting some difficulties for employers to accurately record working time, which they are obliged to do under the legislation. Some issues we would advise to pay attention to is capturing annual leave as well as working outside assigned working hours, particularly over weekends and overtime.

Given people are working from their kitchens, living rooms or bedrooms, employers should ensure they remain compliant with the *Health*, *Safety and Welfare Act 2005*. An employer still has a duty of care to provide a safe workspace for their employees and ensure they prevent any improper behaviours that would put the health, safety or welfare of employees at risk.

In normal circumstances, this would mean carrying out an assessment of the employee's workspace at home but that may not be possible so they should, at the very least, provide a self-assessment checklist as well as consider transporting office equipment, such as office chairs, to employees. And, importantly, employees should be informed of their obligation to report risks or work-related incidents.

There is no doubt that the current working arrangements require significant levels of trust on the part of the employer and employees, particularly when it comes to delivering on expectations.

Employers are entitled to monitor the productivity of employees in the workplace but should get the balance right in the current circumstances. IT and communications policies should clearly outline appropriate use of work phone, internet, email and social media but it may need to be reiterated that work devices are for work purposes only and that employees have an obligation to ensure the safe and secure storage of information and data while working from home. Any loss of equipment or data must be reported immediately.

#### Conclusion

In the short term at least, we can expect remote working to be the new norm; this presents some tough challenges for employers who will need to continuously assess the situation in line with evolving business strategy. Developing innovative strategies to successfully navigate the next few months to be prepared for the "next normal" is in sharp focus.

Each sector is going to be different in how it plans and effectively manages the changing employment landscape. Despite these changes which arguably have been dramatic for many, it's imperative that employers continuously meet their responsibilities under employment legislation and prepare for future working practices, whatever they may be!

# "Communicate regularly: maybe even more than before!"



#### Derek McKay

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