

## The home office check: Standards, policies, laws

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A few months ago, all you had on your kitchen table were some bread, marmalade and some coffee, now it has been re-purposed and serves as your work desk – at least there is still room on it for the coffee. Most employees have by now gotten used to working from home. What many have asked for before – and were denied time and again – has now become our new reality due to the corona pandemic, practically overnight. Now, as people are starting to get back to working in their offices, more and more people are asking: should I keep working from home, or not? There are quite a few open questions about the switchover to working from home (either permanently or alternatingly) which both employees and employers need to clarify: How does working from home affect productivity, and what tasks or types of tasks should be performed strictly in an office environment? What are the legal and financial regulations that need to be dealt with in the long term?

### Working from home: Legal regulation?

In principle, neither is the employer obliged to allow the employee to work from home, nor can the employee be forced to work from home. This form of work must be the result of a joint decision-making process with certain framework conditions that must be set down in writing in the work contract. Important here is that the new address of the place of work, namely that of the employee's apartment or house, be specified.

## **Equipment and financing**

For many, the first question that comes up is how and where they can get "suitable tools" for their home office, and where to get financing for it. The employer is required to provide suitable IT hardware and software. Those who have up until now been working with desktop PCs at the office would do well to switch to their laptop and maybe buy an additional screen for their home office. This will enable them to flexibly switch between going to the office and working from home. Everything else that is needed – from a printer, collaboration tools and all the way down to network access via a VPN – must be worked out between the employer and employee.

Things like purchasing an office chair, desk and finding space to put everything are not the employer's responsibility (yet). If the employer does decide to provide those, however, such furniture must meet the minimum ergonomic requirements, just as these apply to work for the office. Such an investment is certainly recommended, as it helps avoid medical problems in the future.

Another matter are the additional costs for electricity, rent and Internet. Ideally, an agreement is made between the employee and the employer on a possible lump-sum compensation for these costs.

## **Legal regulation regarding the working time.**

Generally speaking, the same working hours apply to working from home as for working at the office. This means that any time spent doing the laundry or nipping off to the baker for a piece of cake counts for your break and does not constitute paid working time. The prerequisite here is an agreement on flexible breaks.

Taking the other perspective, though, the same also applies to your time off, whether after your working day or when you are on leave. During that time, employees are under no obligation to, for example, answer work emails, even if their laptop is right there on the sofa next to them. Such "on-call" service must be agreed upon separately with the employer and must be set out in the work

contract. It may be helpful when you begin your workday or when about to end it to log into a system or to log in and out of a group chat in order to make people aware of your presence or that you are leaving.

## **Computer security**

Ensuring and maintaining the security of internal company information requires both a clear guideline as well as the initiative of the employer and employees. While the company is responsible for creating guidelines on how to handle company data, and provide for the security of the Internet connection, the employee is responsible to ensure that these data are not revealed to the outside world; this includes family members and visitors not being allowed to “take a peek” at the employee’s screen. Data sheets are to be kept in a safe place, away from curious eyes, the kids’ sticky fingers or overexcited pets.

At the same time, the employer is not allowed to install any “monitoring systems” or any software that monitors computer activity. Working from home is only possible where there is mutual trust.

## **Decision-making process and vocational/advanced professional training.**

Employees who work from home often fall through the cracks and are “forgotten” when it comes to vocational/advanced professional training. But this matter is as important for them as it is for employees who spend their working hours at the office. Since the beginning of the corona pandemic, online courses and online seminars have been finding increased interest, and many training offers can now also be used at home, without any travel or accommodation costs required.