COLLAS CRILL

Remote working: Ten top tips for employers

JANUARY 2022

As we enter the third year of the coronavirus pandemic, many employees have found themselves working from home once again. For some, this will be a short-term measure while infection rates remain high. For others, it may form part of a longer-term shift towards remote or hybrid working. See below some top tips for businesses with employees who are working remotely.

1 Make sure you know where your employees are

Some employees may assume that if they are not required to be in the office, it does not matter if they travel overseas for a few weeks or months and work from there instead. However, this is not always true. Working in another jurisdiction could give rise to income tax or social security liability in those jurisdictions, local reporting considerations, entitlements under local employment laws and/or immigration issues. Ask your employees to check with HR before working overseas so that they can evaluate the risks.

2 Assess and mitigate health and safety risks

Employers remain responsible for the health and safety of employees while they are working remotely, and should provide guidance and information to employees to help them review and risk assess their home working environment. Employees might require additional equipment to work safely and effectively from home. Providing such equipment could not only improve productivity but also mitigate the risk of claims for personal injury and/or (in Jersey) disability discrimination.

3 Take time to check in with employees

When an employee is sitting in front of you, you might easily pick up on the fact that they seem stressed or appear to be working excessive hours. This is less visible when everyone is working remotely. It is common for employees working from home to report a blurring of the boundaries between home and work, resulting in an inability to switch off properly, and increased feelings of stress and isolation. Schedule regular check-ins with employees (ideally on both a one-to-one basis and in larger groups) to ensure that employees are able to connect with co-workers, and to help identify any concerns.

4 Signpost wellbeing resources

Make sure employees know what support is available if they are struggling. If the business offers employee assistance programmes or access to counselling or other medical support, communicate that this help is available and remind employees how they can access it.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

5 Check insurance cover

Make sure your business insurance policies cover employees working from home. Often they will, but this will not necessarily be the case. Seek additional cover if necessary.

6 Remind employees of sickness policies

Some employees who contract Covid will feel well enough to work remotely, but others will not. Employees can sometimes feel pressure to work while ill, especially when working from home. Remind them that the current sick leave policies continue to apply while remote working and that they should take sick leave if they are not well enough to work.

7 Think about data protection and confidentiality

Employees working remotely may be sharing their workspace with others and using their own devices. Remind employees about the importance of maintaining confidentiality and complying with data protection principles by, for example, ensuring that others cannot overhear work calls, using only secure network connections, making sure that all devices have up-to-date anti-virus software and locking away or shredding hard-copy documents.

8 Consider requests for longer-term remote or hybrid working

Some employers may have already implemented a longer-term approach to agile working. If this is not the case, or if an employee asks for an arrangement outside the normal policy, the business should carefully consider their request.

Employees in Jersey have a statutory right to request flexible working, and there is a specific process which must be followed if a request is made. Employees in Guernsey do not have an equivalent right but employers would still be well advised to consider requests for remote or hybrid working, to avoid other employment law risks, maintain good employee relations and retain talent. If a request is granted, think about how best to document the new working arrangement, whether to make it subject to a trial period and if so how and when it will be reviewed.

9 Update policies

Put in place a homeworking or agile working policy to document what is expected of employees working remotely. Also, review existing policies – eg sickness, data and IT, disciplinary and grievance, benefits – to consider whether any changes need to be made in light of the shift towards remote or hybrid working.

10 Be inclusive

If you have some employees working remotely and others in the office, you should operate in a way that is inclusive of those working from home. For example, ensure that those at home can join any important meetings

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

remotely and that work is not allocated according to employees' physical location.

Click here to view our infographic.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.