



Public Consultation on the Introduction of a Right to Request Remote Working

The purpose of this consultation is to seek your views on the introduction of a statutory right for employees to request remote working. The background to this initiative is set out in the attached consultation paper, which also provides you with an opportunity to provide your views on important relevant issues including: reasonable grounds for refusing a remote working request; the right of complaint; provision of necessary equipment; and monitoring of activity by employers.

The document provides space for your responses to the questions set out.

Your Name: Emma Kerins

Organisation (if applicable): Chambers Ireland

Telephone Number:

E-mail: emma.kerins@chambers.ie

Please indicate if this submission is made in a personal/employee capacity, an employer capacity or on behalf of your institution, organisation or group.

This submission is made on behalf of the organisation.

Name of company, institution, organisation or group covered by this submission:

Chambers Ireland

Respondents are requested to make their submissions by email to:

Remoteworkingrequest@enterprise.gov.ie

The closing date for submissions is Friday 7th May at 3pm.

For telephone queries please contact John Simmons on 087 4351917.

I. Background

On 15th January 2021, the Tánaiste and Minister for Enterprise, Trade and Employment, Leo Varadkar TD, published [Making Remote Work: National Remote Work Strategy](#), Ireland's first National Remote Work Strategy to make remote working a permanent option for life after the pandemic. It draws on the results of [Public Consultation on Guidance for Remote Working](#) held by the Department over July and August 2020 and the Department's 2019 report [Remote-Work-in-Ireland](#). The Strategy sets out plans to strengthen the rights and responsibilities of employers and employees, to provide the infrastructure to work remotely, and sets out clear guidance on how people can be empowered to work remotely away from the employer's premises.

It is recognised that not all occupations, or particular roles within an enterprise, will be suitable for remote working. Therefore, even in cases where employers want to facilitate workers and be as flexible as possible, it will not always be an appropriate or suitable option.

The Remote Work Strategy is built on three fundamental pillars which are bolstered by underpinning conditions.

1. Create a Conducive Environment
2. Develop and Leverage Remote Work Infrastructure
3. Build a Remote Work Policy and Guidance Framework

Pillar One is focussed on creating a conducive environment for the adoption of remote work. As remote working is a new way of working for many, it will need new and different measures in place to facilitate this in the future. Changes to how and where people work will have impacts on a number of different areas, such as the rights and responsibilities of employers and employees, health and safety legislation and tax arrangements. The actions in this pillar are centred on assisting employers and employees. The underpinning conditions are horizontal factors that focus both on the promotion of remote work and best practice, and the skills needs from its increased adoption. Through progressing actions in each of these areas, the Government will realise the vision of this Strategy – to ensure remote work is a permanent feature in the Irish workplace in a way that maximises economic, social and environmental benefits.

This consultation is being undertaken in the context of Pillar 1 of the National Remote Work Strategy (Create a Conducive Environment for the adoption of remote work). This pillar outlines actions which need to be taken to ensure that those adopting remote work are facilitated.

These are:

- Legislate to provide employees the right to request remote work
- Introduce a code of practice on the Right to Disconnect, for which a public consultation has already been held
- Provide employers and employees with ongoing up-to-date guidance on remote work
- The Tax Strategy Group will be tasked with reviewing tax arrangements for remote working for (i) employees and (ii) employers in the context of Budget 2022.

II. Benefits and Challenges

There are multiple benefits that can be derived from remote work, which will help to achieve numerous public policy objectives. These benefits include increasing participation in the labour market, attracting and retaining talent, enabling balanced regional development, alleviating accommodation pressures, improving work/life balance, improving child and family wellbeing, reducing the amount of time spent commuting, and reducing carbon emissions and air pollution.¹

The impacts of increased remote work can be substantial and remote working has the potential to fundamentally change the nature of where, how, when and why people work. This in turn will bring about economic, spatial, environmental, cultural and societal change.

However, the increased adoption of remote work is not without challenges. Research has highlighted different impacts for employees and employers. In the case of employees, remote working is linked with negative effects on mental health, with workers experiencing feelings of isolation, loneliness and stress. Employees also experience difficulty switching off and keeping regular working hours.

Employers too face challenges. Feedback provided to the Department has highlighted how remote working does not easily enable creativity, group dynamics, shared ownership and collegiality. If these obstacles cannot be overcome, it could result in long-term impacts on firms' productivity. Research has also found that remote working can lead to an innovation deficit due to difficulties in collaborating with colleagues.²

On a broader scale, remote work could also have a negative impact on national employment levels. With remote work becoming increasingly popular, there could be challenges in attracting and retaining talent in Ireland.³ Broader Issues such as data protection and taxation policy also arise in the case of employees who may wish to locate outside of Ireland.

Whilst increased remote work could help to revitalise villages and towns across Ireland, it could result in challenges for cities as increasingly workers may choose to work from other locations. Another consideration is how remote working can impact differently, depending on gender, with care burdens and reduced visibility of remote workers having potentially negative impacts for women in the workplace.

III. Definitions and how they apply to Ireland

The term remote work refers to the broad concept of an arrangement where work is fully or partly carried out at an alternative worksite other than the default place of work. Many phrases are used to refer to remote work including: telework, e-Work, mobile work, smart working, telecommuting, flexible working, hub-work, locationless work, co-working, home office, virtual office and platform

¹ [Department of Enterprise Trade and Employment \(2019\) - Remote Work in Ireland](#)

² [Microsoft, \(2020\) Building Resilience & Maintaining Innovation in a Hybrid World](#)

³ [Microsoft, \(2020\) Building Resilience & Maintaining Innovation in a Hybrid World](#)

work. These concepts are all related and share a degree of overlap, with remote working being the broadest concept encompassing all of these terms.

Both the 2019 Remote Work in Ireland report and the National Remote Work Strategy adopted the following definition of 'telework', as described in the 2002 European Framework Agreement:

'a form of organising and/or performing work, using information technology, in the context of an employment contract/relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis.'

The definition of flexible working is much broader than remote work and may include the possibility of starting or finishing work at different times, doing compressed hours, having access to flexitime, and shared working options.

IV. Occupational safety and health legislation and remote working

The underlying principle of occupational safety and health legislation in Ireland is that all workers enjoy the same basic entitlement to a safe and healthy work environment regardless of their status. Equally, all employers have the same basic duty of care to provide a safe and healthy work environment and to ensure that work practices are conducted in as safe a manner as possible. Under the main piece of occupational safety and health legislation in Ireland (Safety, Health and Welfare at Work Act 2005) an employer's basic responsibility for the safety and health of employees who work from home remains the same as for other classes of employees. This means that working from home must be well managed and coordinated, so as not to put employees at risk from any long-term health and safety hazards. Safe systems of work should be provided that are properly planned, organised and maintained. Potential risks should be assessed, and appropriate control measures put in place.

Employees also have a responsibility to take reasonable care of themselves, to co-operate with their employer and follow instructions.

The Health and Safety Authority guidance on working from home is available from the HSA's website (www.hsa.ie). It provides very practical advice for both employers and employees on how to adapt to working from home while respecting statutory duties and responsibilities. This guidance includes:

- Laying out the responsibilities of both employers and employees
 - Employers in the provision of a safe place of work; that the work and equipment are suitable; a prearranged form of contact, and
 - Employees in regard to their own safety; co-operation with their employer; following instructions provided
- Requirement for a dedicated working from home policy
- Identification of a suitable work location and provision of suitable equipment

- Compliance with regulatory requirements for display screen equipment
- Provision of adequate training
- Awareness of work-related stress issues and how they should be managed
- Protection of sensitive groups such as pregnant or post-natal employees and people with a disability.
- Compliance with risk assessment requirements (including a sample checklist)
- Establishment of robust communications between employees and management/employers.

Having an overall good safety management system in a workplace is more likely to be beneficial to an employer in terms of averting workplace incidents or accidents which could potentially lead to claims and/or increased insurance costs. Therefore, it will be very important for employers to have confidence in their ability to deliver a safe working environment in the context of remote working.

V. Current remote work arrangements

The increase in home working as a result of COVID-19 has brought remote working to the forefront of working life. Though the adoption of remote work was already increasing in Ireland, COVID-19 has greatly accelerated this trend, making remote work a central part of the workplace today and into the future.

Whilst this arrangement has been beneficial for some, it is important not to conflate the experience of homeworking during the COVID-19 pandemic with remote working under a regular scenario. The sudden introduction of mass emergency homeworking often resulted in less-than-ideal working conditions for both employers and employees. In particular, there have been significant challenges faced over this period including a lack of adequate remote working infrastructure, unsuitable home working environments and the non-availability of early learning childcare and schooling.

Additionally, from the employer's perspective, not all work lends itself easily to remote working, for example where a worker needs to be physically present on-site to do a task, interact with others, or use location-specific specialised machinery or equipment. Therefore, even in cases where employers want to facilitate workers and be as flexible as possible, it will not always be an appropriate or suitable option. In cases where remote work is suitable, a hybrid or blended model with a combination of remote work and onsite work may be the preferred arrangement. Some organisations may adopt a model where employees are required to come onsite only a few days a week or month. Some companies will need a core of 'anchor' people, that will be in the office or onsite most days because they need to be. Remote working doesn't work for everyone, or for all aspects of an organisation.

Despite these substantial challenges, the interest in remote working in the long term remains strong amongst employees. Research carried out in October 2020 found that 94 percent of participants

would like to work remotely, at least some of the time, after the crisis.⁴ This figure is almost 10 percent higher than it was in the first phase of the research published in May of the same year.⁵

Currently in Ireland, all employees can request remote work from their employers but there is no legal framework around which a request can be made and how it should be dealt with by the employer. Introducing legislation on this topic will provide a framework around which requesting, approving or refusing such a request can be based. It would also provide legal clarity to employers on their obligations for dealing with such requests.

In August 2019, the Work-Life Balance Directive came into force in EU Member States. It introduced a new set of legislative actions aimed at achieving better work-life balance for parents and carers. This Directive includes the right to request flexible working arrangements for carers and working parents of children up to eight years old. Member States have three years to comply with the Directive. National preparations for transposition of this Directive are being led by the Department of Children, Equality, Disability, Integration and Youth.

VI. Selection of right to request remote work in other countries

In almost half of EU Member States employees may, by law, collective agreement or at the discretion of the employer, be entitled to request remote or tele working. In addition, others are currently considering or progressing measures in this policy space, while some others have initiated temporary arrangements during the Covid-19 pandemic.

Finland has policies on flexible and remote working for employees and has recently introduced a new Working Hours Act in 2020. This gives the majority of full-time employees the right to decide when and where they work for at least half of their working hours. The new Act replaces the concept of a 'workplace' with a more neutral concept 'working place', which aims to better address contemporary ways of working. In practice this means that working hours will no longer be tied to a specific place of work, rather working hours will mean time spent working. This has the potential to significantly ease agreements concerning work done from home.

In the **UK**, flexible working requests include requests to work from home or elsewhere ('remote working'). Flexible working legislation is enabled by a code of practice published in June 2014 by the Advisory, Conciliation and Arbitration Service (ACAS). **UK** employees have the right to make a flexible working request if they:

- Have worked for their employer for at least 26 weeks
- Are legally classed as an employee

⁴ [NUI Galway Whitaker Institute & Western Development Commission \(2020\) - Remote Working during COVID-19: Ireland's National Survey - Phase II Report](#)

⁵ [NUI Galway Whitaker Institute & Western Development Commission \(2020\) - Remote Working During COVID-19: Ireland's National Survey - Initial Report](#)

- Have not made any other flexible working request in the last 12 months.

Employers in the **UK** are required to:

- Look at a request fairly, following the ACAS Code of Practice on flexible working requests
- Have a sound business reason for rejecting any request
- Make a decision within a maximum of 3 months.

In the **Netherlands**, employees with at least one year of service with an employer which employs at least 10 employees are entitled to request placement at a different location or to work from home. In principle, the employer should honour such a request unless there is a “significant business or service interest” involved in not doing so. The employer might reject a request of a change of workplace based on several factors. These include if the change:

- causes safety problems
- causes roster problems
- leads to financial or organisational problems
- is not supported by sufficient work
- is not in line with an established formation or staff budget.

In **New Zealand**, under the Employment Relations Amendment Act (2014) all employees can ask at any time to change hours of work (over a day, a week or year), days of work or place of work. An employer is obliged to give each request fair consideration and to respond to a given request no later than one month after receiving it.

VII. Some principles that will apply to a right to request remote work in Ireland

- **Employer’s remote work policy** - The Terms of Employment (Information) Act 1994 provides that an employer must provide its employee with a written statement of the particulars of the employee’s terms of employment. It also provides that an employer must notify the employee of any changes in the particulars given in the statement. It is envisaged that an employer’s policy in relation to remote working will be included in the written statement.
- **Time and attendance** - It is proposed that all employees granted remote working will be required to maintain records of their time and attendance as required by the Organisation of Working Time Act.
- **Location of remote work** - It is envisaged that the legislation will provide for a right for employees to request remote working at a nominated location or locations on the island of

Ireland. An employer would be free to offer remote working outside of Ireland to an employee, if he/she so wishes and there are no legislative barriers preventing the job being located outside of Ireland. However, a right to request remote working abroad will not be legislated for.

- **Risk evaluation and risk prevention plans** - It is intended that an employer should conduct an Initial Risk Evaluation and a Risk Prevention Plan with regard to the proposed remote working location intended to be used. An employer must ensure that the location can comply with health and safety requirements, security, data protection and confidentiality obligations in considering the request.
- **Equal access to training and career development** - It is intended that employees working remotely should have the same access to training and career development and be subject to the same appraisal policies as comparable colleagues working in the employer's premises.
- **Equal access to conditions of employment** - It is intended that employees working remotely should have the same access to conditions of employment as comparable colleagues working in the employer's premises.
- **Ongoing review of arrangement** - It is intended that any accepted remote working arrangement will be granted subject to ongoing review by the employer.

VIII. Monitoring of employees' activity

An employee's privacy in the workplace is protected by law. However, that right to privacy is balanced against the rights of the employer to run their business and protect their company.

An employer has an interest in protecting their business, reputation, resources and equipment. To achieve this, they may want to monitor use of email, internet and phone.

When an employer collects, uses or stores information about their employees – including monitoring emails, internet use or using a CCTV system – they must comply with the General Data Protection Regulation (GDPR) and the Irish Data Protection Act 2018.

If an employer wants to monitor their employees' internet use or emails, it must be:

- **Necessary** – an employer must be sure that monitoring is necessary and should consider less intrusive ways of supervising you before deciding on monitoring. For example, blocking websites would be less intrusive - and generally more acceptable - than monitoring internet search history.

- **Legitimate** – the monitoring should have a legal basis, for example, to ensure that employees are not using the internet to download illicit emails, or to disclose confidential company information to people outside the organisation.
- **Proportionate** – an employer’s monitoring must be proportionate to the risk of the perceived threat happening. Monitoring all emails to ensure that employees are not passing on confidential information about the company would not be proportionate. However, monitoring emails using an automated system to scan for viruses would probably be considered proportionate.

Further information is available on <http://www.dataprotection.ie/>.

IX. Publication of submissions and Freedom of Information

Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2018. However, please note the following:

- The information provided in the submission form will be shared with relevant Government Departments and State organisations during the review process.
- The Department will publish the outcome of the reviews and the submissions received under this consultation on its website, and
- as information received by the Department is subject to the Freedom of Information Act, such information may be considered for possible release under the FOI Act. The Department will consult with you regarding such information before making a decision should it be required to disclose it.
- If you wish to submit information that you consider commercially sensitive, please identify that information in your submission and give reasons for considering it commercially sensitive.

X. Note regarding responses

Respondents are encouraged to keep their responses within the box accompanying each question. Please answer any questions that are relevant to you or your organisation.

Question 1: Timeframe for employer to respond

a. What timeframe for response should apply to employers on receipt of an employee's complete request to work remotely;

- 1 month
- 2 months
- other?

Chambers Ireland suggests that a 6-week timeframe for response, namely through the convening of a formal meeting to discuss, should apply to employers on receipt of a request to work remotely. This is consistent with the standard notice periods already in place for various family leave requests.

It is our recommendation that, given the myriad of various leaves and entitlements, consistency insofar as possible will be useful for both employees and employers when it comes to administering leave.

We would also note that when employees are making such requests that they would be obliged to indicate whether they are looking for 'full-time' or permanent remote working or hybrid remote working. It may also be useful for such requests to obligate ranking preferences. In this instance, the employer can fully examine what can be facilitated.

Remote working is not an either/or. Data from the Western Development Commission and the Whitaker Institute [notes that employees may also want a blend of remote and office working](#). Further, our colleagues in Dublin Chamber have published data that [also suggests that a hybrid](#) may well be a popular option for employers and employees when the pandemic passes.

It is critical that the introduction of a right to request remote reflects the reality of what is likely to occur in the workplaces, and is not too rigid.

Question 2: Length of service before having entitlement

- a) What minimum length of service is appropriate for an employee to have served in the employment of the employer before having an entitlement to make a request for remote work?**

It is worth noting that some businesses are 'remote first' and/or have hybrid workplace practices in place while others operate 'office first' policies.

For businesses that operate more traditional 'office first' policies, it is important to understand the reasons they have for doing so – i.e. they may be in regular client facing roles, they may operate graduate or training programmes that require direct contact, or simply that 'office-first' is the preferred company culture.

We received a mix of responses from members on this question, with some noting that 6 months, or in line with probationary periods, as being an appropriate period of service. Others noted that 12 months would be more suitable, as this period is usually the typical length of time it takes for other leave entitlements to become applicable in many workplaces.

As per Question 1, from an operational perspective, consistency will make the administration of this "right" more straightforward for employers and employees alike.

However, there should be the facility for employers to offer a request for remote working at an earlier stage should they so wish.

- b) After what duration can another request be submitted if the first request was declined?**

We suggest that a 12-month timeframe ought to apply. It is important that employers are able to plan their operations effectively. Furthermore, there will be significant time constraints, particularly for SMEs, involved in dealing with a formal request, to include a potential right of appeal, let alone dealing with multiple requests from the same employee.

Question 3: Risk assessment of a proposed remote workplace

As an employer, how confident would you currently be in carrying out a risk assessment of an employees' proposed remote workplace? What, if any, additional information, guidance or assistance might you require?

Employers, especially SMEs that may not have dedicated HR teams, require greater clarity around where their risk assessment obligations end. The pandemic has meant that remote working has become the norm for a vast majority over the past year, but it is important that we do not conflate working from home with remote working.

Therefore, regardless of if an employee is working remotely from their home office or a co-working hub office, employers are legally required to ensure that an employee's workplace is safe. Our members have welcomed the clarifications published by the HSA over the past year on conducting remote risk assessments. Many of these innovations should be carried forward in line with the implementation of the Government's Remote Strategy.

However, feedback from our members notes that there continues to be uncertainty as to the obligation for ensuring wider work-spaces are safe (be it in a hub, at home, or elsewhere). There is concern as to the extent of the employer's liability should an accident occur in the remote location, be that in the home office or co-working hub. For that reason, we suggest that risk assessments should only extend to an employee's workstation and not the workplace as this could lead to a myriad of potential health and safety and/or insurance issues.

Further, some queries were raised by our members on the nature of "risk" outside of the sphere of health and safety. For example, privacy, digital risk and cybersecurity. There are concerns as to the cost implications on having to reproduce complex cybersecurity systems off-site, or indeed, having appropriate oversight of security in independent remote working hubs.

Question 4: Remote work policy requirement

Should there be a provision inserted in the legislation that employers must have a policy on remote work which can be inspected by employees and the Workplace Relations Commission?

(The policy could set out details such as the type of work that may be suitable for consideration of remote work and equally work that is not appropriate or suitable for remote work. In some companies the potential for remote work may be zero or extremely limited.)

This type of provision is already in use. For example, Section 20 of the Safety, Health and Welfare at Work Act 2005 requires employers to prepare, or cause to be prepared, a written “safety statement” and a copy of a safety statement, or relevant extract of it, shall be kept available for inspection.

Chambers Ireland agrees that ideally all employers should have a policy on their position on remote working.

However, businesses, especially SMEs, need support in creating such a policy in addition to a strong lead in time for this to be put in place. Given the needs of SMEs, it would be prudent to avoid the introduction of lengthy and prescriptive primary legislation dictating what must go into such a policy.

Therefore, we recommend that the introduction of a right to request remote working policy should be accompanied by a WRC Code of Practice on such policies. An explanatory Code of Practice would provide a greater level of clarity and would enable future identification of whether or not an employer has met their obligations.

This Code of Practice approach is already in operation in a variety of situations, such as:

- Disciplinary and Grievance Code of Practice
- Bullying Code of Practice
- Workplace harassment Code of Practice
- Right to Disconnect Code of Practice
- Etc.

Question 5: Reasonable grounds for refusal

a) What are reasonable grounds for refusing a remote working request? Please list.

It is important that any legislation on this matter is not too prescriptive as the workplace evolves very rapidly and legislation needs to be adaptable. For example, the OWT legislation is already too rigid, and out of step with the realities of the modern workplace.

There should be general principles in the legislation and the Code of Practice (as outlined in question 3) would set out the grounds upon which a request may be refused, subject to a general 'reasonableness' test.

b) Is it acceptable that an employer offers an alternative hybrid working pattern with a combination of remote work and onsite work, in response to any request for remote working? (For example, if an employee is requesting 50% remote working and an employer wishes to offer 20% or a lower percentage than the amount requested.)

As per Question 1, it is our view that in submitting a request for remote work, employees should be able to request full-time remote, or hybrid remote working. In deciding, the employer can review the request, using the "reasonableness test" and if unable to facilitate the preferred arrangement, counter with a hybrid option, in line with the needs and culture of the company.

Further, even if a request to work remotely is agreed and facilitated, it must be within the power of the employer to request specific occasions where employees are required onsite, for work travel, to attend meetings, etc. For example, even in companies that are "remote first", there are occasions where employees are required on-site (team building, project meetings, strategy days, client meetings).

Question 6: Withdrawal of remote working

It is intended that any accepted remote working arrangement will be granted subject to ongoing review by the employer.

- a) If an employer seeks to withdraw from the arrangement, what is a reasonable notice period of intention to do so?

We suggest that an employer should provide the same notice that the employee is expected to provide when requesting remote working. As we suggest a 6-week window in Question 1, we also propose that 6 weeks is the reasonable notice period of intention to withdraw.

- b) If an employee seeks to withdraw from the arrangement, what is a reasonable notice period of intention to do so?

6-weeks, for the reasons set out above.

- c) If an employer seeks to change the specific details of the arrangement, what is a reasonable notice period of intention to do so?

6-weeks, for the reasons set out above.

- d) If an employee seeks to change the specific details of the arrangement, what is a reasonable notice period of intention to do so?

6-weeks, for the reasons set out above.

We would note that in legislating for these grounds, employers and employees would require greater clarity on the allowable reasons for seeking to terminate such arrangements.

Question 7: Provision of equipment

Should the employer bear the cost of providing all equipment for a remote working arrangement as well as covering the cost of maintenance?

[It should be noted that the employer cannot require the employee to install programmes or applications on devices owned by the employee, or to use these devices for remote services.]

An employer is under a duty to provide safe systems of work to include providing safe equipment to provide that work. However, any further legislation in this area does not go so far as to require the employer to provide a “replica” or “identical” workstation as would be provided should the employee work at the employer’s actual workplace.

The focus should be on providing a “safe” place of work, and not on providing an “identical” place of work. The requirement to provide a workstation ought to be risk assessment based in line with existing health and safety requirements as opposed to a carte blanche prescriptive requirement to provide desks, chairs, monitors, etc. in every circumstance.

We would suggest that the provision of home or remote working equipment in a tax efficient manner should be introduced. For example, the bike to work scheme has proved very successful. A similar tax efficient scheme for purchasing remote working equipment along with the employer provision of technology would assist the success of future remote working arrangements.

Question 8: Monitoring of activity

Should the employer have entitlement to monitor the activity of the employee?

Feedback from our members has noted that employer obligations under health and safety legislation is to monitor working time, so that it follows the OWT Directive, and contractual hours.

It is our view that monitoring activity should extend to only monitoring hours worked, and our members would welcome guidance on tools and resources on how to do this efficiently, and in line with legislative obligations.

However, we would have concerns as to extending an “entitlement” any further, as this would pose questions as to the privacy rights of employees. Further, we would have concerns that placing too much emphasis on the monitoring of activity may undermine workplace flexibility.

It is our view that if employers are to successfully embrace innovations of remote working and flexible working, the benefits will only be reaped if there is sufficient investment in appropriate management training, design of communications protocols, and an appropriate focus on outputs-based productivity, as opposed to “presenteeism”.

Any other comments:

Missed opportunity- Flexible Working is Key

Chambers Ireland is disappointed that this consultation is solely focused on a right to request remote working and not on the wider right to request flexible working, with remote being one component. We note that the Department of Children, Equality, Disability and Youth has recently launched a consultation on flexible working. It would have been useful if both consultations were merged and the area was examined more holistically. From the perspective of family friendly workplaces, it is flexibility where the real gains are made, rather than purely remote.

SME-friendly

SMEs do not have the same access as larger companies to dedicated HR teams and specialists. As a result, they may unintentionally fail to uphold their obligations under new remote working policies. Chambers Ireland strongly recommend that the Department design any new policies and legislative requirements with SMEs in mind and make them as SME-friendly as possible to ensure obligations are met.

In addition, supports for training (both for employees and management), designing internal remote workplace policies and financial supports for the provision of equipment for remote working should all be strongly considered.

Unintended impacts on gender equality

While remote working presents significant opportunities in creating a more equal workforce, we should be very cognisant of unintended impacts. There is growing evidence, nationally and international, that the negative consequences of the pandemic on the workforce have been felt more strongly on women than on men, with women carrying more of the load when it comes to childcare, home duties and home-schooling.

Through feedback from Chambers Ireland members, there are concerns that unless future remote working policies are led from the top, and are 'Remote First', we are then more likely to see only those with caring responsibilities availing of remote working opportunities. There is a fear that if 'remote' was something only of interest to working parents, or in most cases working mothers, it could harm career progression for women and potentially widen the gender pay gap. In March of this year, we published research examining the impact of COVID-19 on female-led businesses. The survey of 536 female-led businesses across Europe, found that 46% of respondents noted that remote working, imposed by pandemic restrictions, meant they had to take on more home duties. 51% of respondents noted that their work-life balance had been strongly or severely impacted in a negative sense. Looking at the Irish data specifically, 57% of female entrepreneurs noted that remote working made it more difficult to carry out caring and home duties. This figure is more than 10% higher than their European counterparts.

While these concerns are acknowledged within the National Remote Working Strategy, 'Making Remote Work', as the strategy evolves it is the view of Chambers Ireland that the Department should closely monitor the impact of remote working and requests for it, on gender equality in the workplace.

[Chambers Ireland/Eurochambres Research on the impact of COvID-19 on women in the workplace](#)

[Chambers Ireland and UNICEF Call for more Family Friendly Workplaces](#)

Any other comments:

Training and Upskilling

Through the National Training Fund, Government should target investment in training for line - managers and employers on how to implement SME-friendly agile work practices, which can include remote, flexible and compressed working hours. A manager will need to learn the skills to manage a team remotely just as much as an employee needs to learn how to work remotely. It is a completely different way of working, which needs a proper structure.

Courses targeted at managers have been launched over the course of the pandemic, with the support of SOLAS, ETBs, and Grow Remote. This kind of training delivered online is essential and should be expanded, and more widely promoted.

Productivity and management skills in the economy has, and is, being examined by various Government departments. The OECD in its review of SMEs and Entrepreneurship in Ireland 2019, noted that management skills in SMEs need improvement and investment.

If Government intends to successfully drive a cultural shift towards increasingly flexible work, not defined by location, it must ensure that the right leadership and management skills are being invested in. Without leadership, the potential for improved labour participation, improved wellbeing and improved productivity will not be met. **See our [submission on the Right to Disconnect for more information on training, culture, and communications.](#)**

Investment in digital infrastructure

All types of flexible working arrangements are dependent on the widespread availability of sufficient broadband connectivity. The evidence cited from rural areas suggests that online participation for work is as prevalent, if not more so, than in urban areas, despite slower and sometimes insufficient broadband speeds in rural areas. This reinforces the need for the universal availability of quality broadband which can deliver more opportunities for flexible and remote working in regional and rural locations. Deployment should commence in those areas that have the lowest broadband speeds in the country.

Paired with investment in digital infrastructure, there needs to be a national strategy on digital security, namely cybersecurity, which will aim to support businesses to improve their individual cybersecurity for workplaces that are increasingly dependent on the cloud, while also looking at the steps we must take nationally. Chambers Ireland have previously called for the creation of a civilian cybersecurity agency with a multiple mandate, firstly to identify threats to ordinary residents in Ireland, state bodies, and businesses. Secondly, to have a remit for penetration testing state bodies. Thirdly a mandate for informing the public and training the business community on how to minimise the risk to them and their property that arise from cyber security threats. The third dimension will be essential to ensure that companies of all sizes are adequately informed and resourced to ensure their business is secure from digital threats.

