

## Remote Working in Ireland - A Legal Right on the Horizon

Discussions regarding remote working have been at play since December 2019, when the government produced a report detailing the benefits it can have on workers, companies and the nation<sup>1</sup>. With the Covid-19 pandemic being at the forefront of headlines in 2020 and nearly the entire nation working from home, a National Remote Work Strategy (the “Strategy”)<sup>2</sup> was published by the government in January of this year, discussing its plans to legislate for the right of employees to request remote work. It is planned that the Strategy will become law by the end of September 2021.

### Government Commitments

In the Strategy, the government has committed to legislate for the right of employees to request remote work by the end of Q3, 2021 and that at least 20% of public sector workers will be mandated to work remotely. The Strategy’s key actions include:

- A commitment to invest in remote working hubs around the country;
- Reviewing and creating taxation incentives to promote remote working;
- The acceleration of high-speed broadband throughout the country; and
- The introduction of a code of practice on the “right to disconnect”

Once introduced, the legislation will give employees a legal right to request remote working arrangements, whether this be working from their own homes, or a digital hub space.

### The Right to Disconnect

The Right to Disconnect can be defined as a worker’s right to be able to disengage with work and refrain from engaging in work-related communications, such as mails or other messages, during non-work hours and holidays.<sup>3</sup> With remote work now being an integral part of our daily lives, employees have become more contactable than ever.

While the Organisation of Working Time Act, 1997 places restrictions on an employee’s working times, the Strategy aims to introduce a legal right for employees to disengage and ignore work-related communications outside of their regular working hours. The Workplace Relations Commission has already sought public submissions on the topic, with a code of practice due to be published by the end of Q1 2021.

### Employment Challenges

While the benefits of remote working have been championed by many, the objectives of the Strategy are not without its challenges. Questions are beginning to arise as to how this might impact on things like gender equality, social interaction and fair procedures in relation to potential grievances or disciplinary investigations. It also means that those who are “home working” will no longer be in a “force majeure” situation and will need full health and safety assessments to ensure that the employer is legally compliant.

For those employers looking forward to seeing a large cohort of staff return to the office once the vaccination programme is completed, this legislation is going to cause significant problems.

Whereas we are all looking forward to the end of the pandemic, there will be some new and pertinent considerations for employers that need to be addressed early to ensure organisations continue to run effectively.

*HRLegal regularly advises employers on how to comply with legal developments. For further information on how your business can prepare for these changes, please contact Una Clifford ([uclifford@hrlegal.ie](mailto:uclifford@hrlegal.ie)) or Bláthnaid Evans ([blevans@hrlegal.ie](mailto:blevans@hrlegal.ie)) on 01 639 3000.*

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<sup>1</sup> This Report can be accessed by clicking [here](#)

<sup>2</sup> The National Remote Strategy can be accessed by clicking [here](#)

<sup>3</sup> Eurofound, “Right to Disconnect”, dated 22 October 2019