

**Employers' guide on working from home
in response to the outbreak of COVID-19**

How to use this guide

This guide has been developed by the Business Unity South Africa (BUSA) in collaboration with the International Labour Organization (Bureau for Employers' Activities) to provide practical guidance to member companies that have implemented 'working from homes' protocols for their staff as an alternative temporary arrangement during the COVID-19 crisis. The Guide is designed as a practical tool to assist companies as they navigate a mostly new situation.

Companies have implemented working from home protocols as preventive measures or in response to the order or directive of the Government restricting face-to-face contact. This guide provides recommendations for companies, including the duties and responsibilities of employers and workers, considerations and challenges, and how to address and manage those challenges. It also provides a sample template for companies to enable them to develop a bespoke working from home policy.

Foreword by the President

In only a few months' time, the coronavirus (COVID-19) pandemic has had a devastating economic, social and health impact across the globe. Hundreds of thousands of lives have already been lost, and the end of this crisis is not yet in sight. From the outset, Business Unity South Africa (BUSA) has been working with our member companies across the country to assist them in managing the negative economic, social and health implications of the COVID-19 crisis.

BUSA will continue to provide support throughout this crisis. Our priorities throughout the crisis are: first to provide strong leadership to ensure the health and sustainability of the workforce and our communities; second to represent the interests and needs of business in crisis to Government with innovative and quick action measures and solutions; and third to support business during this period with relevant information and services as well as opportunities for remote networking and engagement with peers as these alternative arrangements are becoming universal.

This guide is the latest example of our commitment to our member companies.

Employers have a complex and evolving landscape to navigate. In our daily discussions with government representatives, we are prioritizing measures to support business continuity. This is particularly critical for hospitality, retail and related sectors that have already suffered a very significant demand shock.

Difficult decisions are being made each day and people's safety must always come first. We urge our member companies to implement government measures as speedily as possible and to increase awareness and positive action wherever possible.

This guide has been designed to help our member companies respond to a 'new normal' that is changing day by day. Many companies are relying on 'working from home' arrangements for the first time. Some are thriving while others are struggling to adapt. I hope this guide can provide timely assistance.

Finally, I would like to thank the International Labour Organization for their assistance in developing this guide.

Yours sincerely,

President of BUSA

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Introduction

The coronavirus (COVID-19) pandemic continues to severely affect public health and cause unprecedented disruptions to economies and labour markets. In line with advice from the World Health Organization (WHO), many steps have been taken worldwide to contain the spread of the virus. Governments have implemented measures ranging from physical distancing, restrictions on the freedom of movement and the closure of non-essential companies and undertakings, to the lockdown of entire cities in different parts of the world. As the pandemic evolves, so have the measures governments have taken to address it.

Since first case of COVID-19 was reported in early March 2020, the Government has taken a wide range of actions and issued numerous regulations, directives and recommendations aim to minimise the spread of the virus, measures from travel restrictions and bans, movement restrictions and lockdown which started on 26 March 2020 have been implemented. These have impacted the society and business across all sectors of the economy.

Reducing face-to-face contact is an important action to mitigate the impact of COVID-19. According to the International Labour Organization (ILO), around 68 per cent of the world's total workforce, including 81 per cent of employers, are currently living in countries with recommended or required workplace closures.¹ The lockdown in South Africa has recently moved to level 4 with more businesses are allowed to operate in complying with the guidelines,² and is expected to gradually move down the various levels before resuming back to full economic activity. In this new environment, employers have to be able to adapt and make contingency plans to respond to new measures as they arise. Many companies are exploring working from home (WFH) as a temporary or alternative working arrangement.

¹ ILO (International Labour Organization), "[ILO Monitor: COVID-19 and the world of work. Third edition – Updated estimates and analysis](#)", 29 April 2020.

² Regulation 16(6)(b) of the Regulations of the Disaster Management Act dated 29 April 2020 places four obligations on each business, industry and entity in both the public and private sector which are permitted to operate during Alert Level 4, i.e. (1) Covid-19 compliance officer, (2) Phased in return from other provinces/metropolitan areas/districts, (3) Measures and (4) Workplace plan.

1. What is working from home?

WFH is a working arrangement in which a worker fulfils the essential responsibilities of his/her job while remaining at home, using information and communications technology (ICT). For the purpose of this guide and in the context of the COVID-19 pandemic, the term “working from home” is used to refer uniquely to home-based teleworking as a temporary, alternative working arrangement. It requires a shared responsibility and commitment by both employers and workers to ensure business continuity and employment.

2. How is working from home different from teleworking, telecommuting, or remote working?

Progress in ICT has enabled and facilitated alternative working arrangements, including WFH, teleworking, telecommuting and remote working. These terms are often used interchangeably to refer to new and evolving models of working outside the employers' premises or workplace. There may be slight differences among these terminologies. For example, some may imply a temporary arrangement while others may imply a long-term arrangement. WFH is considered to be home-based telework,³ the difference being that teleworking may include various locations away from the primary worksite (such as mobile working).⁴

3. Are all jobs suitable for working from home arrangements?

When worksites and premises are closed across the entire company as a precautionary measure or as a result of a government directive, companies may be able to implement WFH arrangements to achieve continuity of service, maintain productivity, and preserve jobs while safeguarding the safety and health of workers. The ILO estimates that close to 18 per cent of workers have occupations that are suitable for WFH and live in countries with the infrastructure to enable WFH.⁵

The responsibility for WFH arrangements is shared, and it requires the commitment of both employers and workers to make it successful. Both employers and workers should be practical, flexible and sensible to each other's situation when implementing WFH arrangements.

Before rolling out WFH arrangements, employers should first assess if it is possible and practical for the job functions and the jobholder, as follows:

- Identify the job functions and tasks that can be done off-site. This may involve innovation and creativity to do things differently from the norm.
- Assess mechanisms for connectivity such as regular videoconferencing calls and other means.

³ Eurofound (European Foundation for the Improvement of Living and Working Conditions) and ILO, [Working anytime, anywhere: The effects on the world of work](#) (Luxembourg and Geneva, 2017).

⁴ Jon C. Messenger (ed.), *Telework in the 21st Century, an Evolutionary Perspective*, ILO Future of Work series, (Edward Elgar and ILO, 2019).

⁵ ILO, “Working from Home: A potential measure for mitigating the COVID-19 pandemic”, Policy Brief, April 2020.

- Assess the infrastructure, facilities and tools available for WFH, such as Internet connectivity and the availability of reliable power supply.
- Assess the legal requirements, obligations and potential liability, taking into consideration the worker's situation and the job functions, equipment and tools needed.
- Assess the worker's situation in terms of safety and health in his/her domestic environment and actual ability to carry out the tasks required at home.
- Consider the potential impact of the worker's living arrangements. For example, workers may have child or dependent care responsibilities, long-term health conditions or disabilities.
- Assess any mental health concerns or possible future concerns that could arise through a work from home arrangement.

It is important to note that while advances in ICT have enabled WFH, not all job functions and tasks can be done outside the employers' premises or the specified workplace. There are companies, occupations and tasks where WFH is not practical or feasible, or it cannot be deployed in a short time frame.

Employers need to explore and implement an alternative plan for job functions and tasks that cannot be performed remotely, or for workers who have limitations at home or health and safety issues that prevent WFH. Employers may consider advising the workers to take the accrued paid annual leave, unpaid leave, or any other applicable leave.

The *Basic Conditions of Employment Act, 1997 (BCEA)* provides procedures for annual leave but not unpaid leave. However, Company employment contracts and policies may have provisions for unpaid leave and other leave entitlements which could be utilised in the circumstances. Employers are advised to discuss with the workers or the union for an agreeable avenue to address the situation.

4. How are companies adapting to implementing WFH arrangements?

Some companies may have previous experience in implementing WFH arrangements or they may already have emergency WFH plans in place. However, many companies are likely to be implementing WFH arrangements for the first time, and they need to quickly and urgently adopt WFH arrangement across the entire company. For example, a survey conducted in March 2020 of 250 large firms in Argentina found that 93 per cent had adopted teleworking as a policy in response to the COVID-19 pandemic. Similarly, the Indian business process outsourcing giant, Tata Consultancy Services, reported that around 85 per cent of its 400,000 employees in India and elsewhere in the world were working from home as a result of lockdowns.⁶

Although many companies recognize the benefits of teleworking, some have had difficulty making the transition. In Japan, a survey conducted prior to the 7 April announcement of a state of emergency, found that while 96 per cent of respondents agreed with the importance

⁶ ILO, "Working from Home".

of WFH or remotely, 31 per cent of companies were unable to adopt this form of working because paperwork was not yet digitized and the required internal rules and procedures for teleworking were not ready. Concerns over confidentiality of information or possible security breaches can also limit the use of WFH. Many small and medium-sized enterprises (SMEs) also struggle with telework. The Argentine SME Observatory found far lower use of telework by SMEs than by large companies.⁷

According to Mercer's 2020 Global Talent Trends Study, only 22 per cent of companies were ready for mass remote working prior to the outbreak of COVID-19. The study also found that only 44 per cent of companies say they systematically assess jobs for their adaptability –such an assessment can help companies to design flexibility into a job, rather than allowing flexibility to be determined by the worker's circumstances.

The trend of WFH in South Africa

- Provide data on any survey that shows number of national firms with WFH arrangements
- If not include a Quote on WFH by BUSA President/CEO or major company on the trend on WFH in South Africa.

EXAMPLE: "In South Africa, working from home is a relatively new experience for many companies. In our discussions with you our member companies we have found that many are adapting to these new realities and are seeing many advantages. However challenges remain for many and we are fully cognizant of those. In this respect BUSA will continue to provide support and guidance to member firms."

5. Are workers obliged to observe the company's directive to work from home?

Normally, WFH arrangements are implemented on a voluntary basis between employers and workers, often accompanied by a signed agreement setting out terms and conditions. In the current situation, however, WFH has been mandated in many parts of the world as a temporary public health measure.

In accordance to the Occupational Safety and Health Convention No. 155 (International Labour Standard) and its Recommendation No. 164 and the *South Africa Occupational Health and Safety Act, 1993*, workers are legally obligated to co-operate with the employer for duty, work requirements or measure imposed⁸ to secure a safe and healthy working environment in support of relevant statutory provisions, collective agreements or company policies⁹. Workers are also responsible for taking care of their own health and safety and the safety of others¹⁰, use safety devices and protective equipment by complying with the policies set forth

⁷ ILO, "Working from Home". The Argentine SME observatory found the use of telework to be only 55 per cent of SMEs in the service sector, 24 per cent of SMEs in industry and 23 per cent of SMEs in retail trade.

⁸ Section 8(2)(h) of the Occupational Health and Safety Act 1993: employer has the duty to enforce such measures as may be necessary in the interest of health and safety

⁹ Art 19(a) of Occupational Safety and Health Convention 1981, No.155. Section 14(b)(c) of the Occupational Safety and Health Act, 1993

¹⁰ Section 14(a) of the Occupational Safety and Health Act, 1993

by the employer. Additionally, they should report any hazards or issues as soon as possible following the employer's reporting procedures.¹¹ It is important to reiterate that this applies

Section 14 of the Occupational Health and Safety Act, 1993

Every employee shall at work,

- (a) take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions;*
- (b) as regards any duty or requirement imposed on his employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed or complied with;*
- (c) carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health or safety.*

despite the informal surroundings, i.e. the worker's home.

Therefore, when WFH is required to minimize the spread of a pandemic, workers must cooperate and comply fully with preventive measures or directives, take reasonable care of their own safety and the safety of others and observe the policies of the company.¹²

6. What are employers' responsibilities when implementing working from home arrangements in response to COVID-19?

It is important to note that temporary WFH arrangements do not require any permanent adjustment to the terms and conditions of employment. The arrangements can change in response to updated directives and the evolving needs of the company. Employers should consider modifying or developing a company policy or guidelines to provide clear guidance on implementing WFH arrangements (see annex for a template). They should communicate the policy effectively to all workers, and any changes to the policy should be communicated as early as possible.

A few countries around the world have begun legislating aspects of WFH/remote working arrangements, working conditions, the rights and responsibilities of employers and workers. For example, in the Netherlands, the Working Conditions Decree concerns paid work performed in the worker's living quarters or another place chosen by the worker outside of the employer's premises. It includes the employer's duty of care to check on the worker and ensure legal obligations under the Decree are met. In Poland, the provision of the Labour Code that addresses "telework" emphasises that the location of work is away from the

¹¹ Para. 16 of the Occupational Safety and Health Recommendation, 1981 (No. 164), Section 14(d) of the Occupational Health and Safety Act, 1993.

¹² In Singapore, a new COVID-19 (Temporary Measures) (Control Order) Regulations 2020 was passed on 7 April requiring companies to implement WFH, when possible, and making it an offence if a company does not implement remote working measures if the job scope allows it.

premises of the employer and is based on services rendered by electronic means, while in Austria, “telework” is regulated through working-time legislation, rather than as a separate issue.¹³ In March 2020, Chile enacted a law regulating teleworking, granting legal certainties to both employers and workers in teleworking arrangements and specifying their rights and responsibilities. For example, employers’ obligation includes bearing the costs of operation, functioning, maintenance and repair of equipment.¹⁴

A statement from BUSA CEO ‘best Practice’

EXAMPLE: “Operationally, managing workers from home is a new experience. In such a situation it is critical that communications must occur daily and should be targeted and personal. Managers should be prepared to listen to workers to flush out any customer concerns so workers can respond correctly. Face-to-face conferencing and virtual team meetings should occur frequently. Setting up a routine for departments and employees will provide clear expectations and collaboration. Plan a weekly agenda and distribute it to team members to allow for input before the meetings. ”

Although there is no specific legislation on WFH, employers are advised that the provisions in the *Basic Conditions of Employment 1997*, *Labour Relations Act 1995*, *Occupational Health and Safety Act 1993*, *Employment Equity Act 1998*, *Compensation for Occupational Injuries and Diseases Act 1993*, *Code of Practice on the Arrangement of Working Time*, the many regulations, directives and guidelines issued by the Government since March 2020 including the *Lockdown regulations*, *Alert level 4 lockdown regulations*, *ICT regulations* and its amended regulations etc. may be applicable.

(a) Safety and health of workers

¹³ Examples from the Netherlands, Poland and Austria were drawn from: ILO, *Ensuring decent working time for the future*, General Survey concerning working-time instruments, Report III (Part B), Committee of Experts on the Application of Convention and Recommendations, International Labour Conference, 107th Session, (Geneva, 2018) p. 744.

¹⁴ Dentons, “[Chile Telework law](#)”, April 2020.

Relevant provisions in Section 8 of the Occupational Health and Safety Act 1993

Employers have reasonable and practicable duty:

- to provide and maintain, a working environment that is safe and without risk to the health of his employees. S.8(1)
- the provision and maintenance of systems of work that is safe and without risks to health; S.8(2)(a)
- taking steps to eliminate or mitigate any hazard or potential hazard to the safety or health of employees, before resorting to personal protective equipment; S.8(2)(b)
- providing information, instructions, training and supervision as may be necessary to ensure the health and safety at work of his employees; S.8(2)(e)
- taking all necessary measures to ensure that the requirements of this Act are complied with by every person in his employment; S.8(2)(g)
- enforcing such measures as may be necessary in the interest of health and safety; S.8(2)(h)

Employers have a duty of care for all their workers and need to, so far as is reasonably practicable, provide a working environment that is safe and without risks to health. This includes controlling and mitigating risks in locations other than the normal workplace, such as the worker's home during WFH. Employers should remind workers of their duties and obligations under their contracts of employment and applicable policies, in particular, their obligations and duties in relation to health and safety, confidentiality, data protection and intellectual property.

Definition of Workplace in Section 1(1)(iv) of the Occupational Health and Safety Act 1993

"workplace" means any premises or place where a person performs work in the course of his employment.

Even though it may be difficult for employers to carry out the usual health and safety risk assessments¹⁵ at a worker's home in the current context, it remains the employers' responsibility to ensure that:

- the workers can perform the required tasks at home safely.
- If changes are needed to make it safe for the workers, employers should ensure it happens;
- the workers have the right equipment and tools to work safely at home, including the required protective or safety equipment, where applicable;

¹⁵ Section 3: Relationship to Health and Safety Law, Code of Practice on the Arrangement of Working Time recommends employers to conduct risk assessment.

- arrangements are made to ensure company's equipment taken home to facilitate WFH is accounted for and returned in the condition it was provided;
- workers have relevant information, instruction, supervision and training, including measures to deal with emergency;
- reasonable adjustment is accommodated for workers with disabilities;
- arrangements are made for workers' physical and mental welfare.

Employers can establish a system for reporting and investigating injuries, illness or other accidents that occur because of work activities.

Section 7 of the Occupational Health and Safety Act 1993

The chief Inspector may direct any employer to prepare a written policy concerning the protection of the health and safety of his workers, guideline on the contents of the policy, and display the policy (signed by the CEO) at the workplace.

Additionally, employers should be aware of any increased health and safety risk that may arise from WFH during the COVID-19 pandemic. This could include increased odds for an incident of domestic violence to occur due to economic hardship at the household level and forced confinement to the home. There are reports in some countries of increased domestic violence and abuse during COVID-19 lockdowns.¹⁶ Employers should keep in regular contact with their workers and keep them apprised of any resources they may have. For example, many employers maintain employee assistance programmes that provide for confidential counselling and referral services.

(b) Tools, equipment, supplies, and technology

Employers should provide the specific tools, equipment, supplies, and technology for workers when implementing WFH arrangements unless the terms and conditions of employment, collective agreement, or company policy state otherwise.¹⁷ Employers should see to the repair of such tools and equipment if necessary. The type of equipment and set-up required depends on the business and work involved. This may include a laptop, computer monitors, software, phone, access to the Internet, headset, access to host applications, and other applicable equipment as deemed necessary. In other situations, it may include the delivery of equipment and the installation of technical devices required for the job.

Employers could consider setting up a separate help desk or support email address where workers can forward issues related to workplace tools, equipment and technology to seek help and support when needed. Employers should also make clear that the use of equipment

¹⁶ [The News International](#) reported that in China's Hubei Province, police reports on domestic violence tripled during the coronavirus outbreak. In Brazil, state-run drop-in centres recorded a 40 per cent surge in cases attributed to COVID-19 isolation.

¹⁷ ILO, [Final report: Global Dialogue Forum on the Challenges and Opportunities of Teleworking for Workers and Employers in the ICTS and Financial Services Sectors](#), GDFTWEF/2016/9, p. 28. "Employers should unless there is an agreement to the contrary with the worker, shoulder the hardware and software costs."

and tools provided by the company for WFH is limited to the worker only and for purposes relating to company business only.

(c) Home working set up and related expenses

WFH expenses traditionally are not reimbursable under most national laws and practices. However, in the current pandemic situation, WFH is required and many workers have incurred related expenses. In the absence of legislative requirements or government directives requiring employers to reimburse workers for WFH expenses, employers should consider reimbursing workers for their reasonable and necessary home office expenses, which may include a portion of the expenses associated with:

- mobile phone or landline costs
- Internet costs
- personal computer or tablet
- teleconferencing software or hardware

However, employers may exclude home office expenses which are mainly for the convenience of the worker, which may include a faster Internet connection, additional computer monitors, ergonomic chairs, or printers.¹⁸ Employers should ensure the company policy specifies which expenses it will cover for WFH situations. The policy could specify that workers must seek the company's prior approval for the reimbursement for expenses incurred in WFH situations.

(d) Worker's compensation

Overall workers' compensation claims frequency could fall during the pandemic, as fewer people are working. But that effect will likely not be felt uniformly across all industries, and the claims employers could face may not be limited to COVID-19 exposures. Generally, employers can face additional challenges to limiting work-related injuries when workers are working remotely due to a lack of oversight of work environments, potentially improper use of equipment, and in-home distractions. These challenges may be compounded by the current pandemic, which has contributed to growing anxiety and mental stress and forced many workers to share makeshift home workspaces with spouses, children, and pets.

Generally, when WFH is implemented, any injury by accident arising or incurred during work hours and while performing work functions in the designated work area of the house should be covered by the worker's compensation insurance¹⁹. However, proving whether the worker sustained injuries while working from home is a fact-finding exercise and could be a challenge. Employers are advised to provide clear guidance and mechanism on the cover of accidents sustained by employees while working from home.

¹⁸ Norton Rose Fulbright, "[COVID-19: Working from home and employer reimbursement of remote-work expenses in California and beyond](#)", March 2020.

¹⁹ Section 22 of the Compensation for Occupational Injuries and Diseases Act 1993.

The Compensation for Occupational Injuries and Diseases Act 1993 defines²⁰:

"**accident**" means an accident arising out of and in the course of an employee's employment and resulting in a personal injury.

Basic Conditions of Employment Act 1997 defines²¹:

"**workplace**" means any place where employees work.

(e) Liability

The worker's home workspace could be considered an extension of the employer's workspace in a WFH arrangement²². The employer may be liable for job-related accidents that occur in the worker's home workspace that are not covered by the workers' compensation insurance. In addition to the statutory workers compensation fund mandated by the *Compensation for Occupational Injuries and Diseases Act 1993*, some companies are also insured by the employers' liability insurance, that protects employers from financial loss if their workers sustain job-related injury or illness not covered by workers' compensation. Employers are advised to review its existing employers' liability insurance to ensure it covers workers working from home.

The employer should ensure the company policy on WFH assumes no liability for injuries arising in the worker's home workspace outside the agreed work hours or any loss, destruction, or injury that may occur to the home of the worker. This includes family members, visitors, or others that may become injured within or around the worker's home.

²⁰ Ibid. Section 1(i)

²¹ Section 1 of the Basic Conditions of Employment 1997.

²² Definition of "workplace" under Section 1 of the Occupational Health and Safety Act 1993, and Section 1 of the Basic Conditions of Employment Act 1997.

7. What are workers' responsibilities when working from home?

Section 14 of the Occupational Health and Safety Act 1993

Workers have the duties:

- (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions;
- (b) as regards any duty or requirement imposed on his employer or any other person by this Act, co-operate with such employer or person to enable that duty or requirement to be performed or complied with;
- (c) carry out any lawful order given to him, and obey the health and safety rules and procedures laid down by his employer or by anyone authorized thereto by his employer, in the interest of health or safety;
- (d) to report any unsafe or unhealthy situation to his employer, or the health and safety representative for his workplace who shall report it to the employer; and
- (e) report any accident to his employer or to anyone authorized, or to his health and safety representative, as soon as practicable, not later than the end of the shift.

Under Section 14 of the *Occupational Health and Safety Act 1993*, workers have the duty to protect themselves and others and to cooperate with their employers in the implementation of preventive and control measures²³. This includes following any information, instruction, or training provided by employers and adopting safe work behaviours, comply with the instruction, ensuring good hygiene practices, use safety devices and protective equipment.

Workers are obliged to notify the employer if they become aware of any unsafe situation²⁴, and report any accident to management immediately²⁵. Workers should also keep in regular contact with their employers and inform any health and safety risks at home or any home working arrangement that needs to be changed.

In addition to safety and health, the general obligation and responsibilities of workers, including those stipulated in the relevant legislation such as the *Basic Conditions of Employment Act 1997*, the collective agreement, terms and conditions of employment or company policies or Code of Practices shall be applicable in a WFH arrangement. These responsibilities may include:

- complying with the company policy or guidelines on WFH, if any;

²³ Section 14(a)(b)(c) of the Occupational Health and Safety Act 2003

²⁴ Ibid. Section 14(d)

²⁵ Ibid. Section 14(e)

- complying with all existing policies and regulations, including safety and health policy, ICT and data protection policy, intellectual property, use of company tools and equipment policy;
- taking care of one's own safety, physical and mental health and well-being;
- restricting working time to those agreed with the employer and in line with national working time legislation;
- fulfilling all normal duties or alternative duties assigned;
- practicing work-life balance, and staying active and connected;
- being available and accessible during work hours, and maintaining frequent and timely communication with managers;
- refraining from holding meeting with customers or other workers at home without the company's approval;
- making necessary child or dependent care arrangements;
- taking reasonable care of the company's tools and equipment, including technology, data protection, confidentiality and security.

8. How to measure workers' productivity when working from home?

Companies with remote workers are generally concerned about productivity from two angles. Some employers wonder "are they working at all?" while others are more concerned with "are they working efficiently?" Yet measuring the productivity of a remote workforce should not be any more difficult or different than measuring a physically present workforce.

Well managed remote teams can be far more productive than physically managed workers as companies are required to measure productivity by objective metrics than the physical presence of "time in the building."

Before a company establishes how to track and measures a workers' performance, it should identify what needs to be measured. Choosing the most impactful and qualitative metrics is key.

Measuring productivity based on results requires quantifiable metrics, which can be challenging to define. Some sectors and jobs are easier to define than others. For example for a sales worker, it is very clear what can be measured and evaluated. In job functions like a call centre representative, a simple metric of calls per hour can be used. However, when you have workers with varying responsibilities, creating metrics for each person will be required, with some degree of frequent revision.

Additionally, meeting a measurement does not necessarily equate to productivity. If goals are set too low, a worker accomplishing the desired result may not be working at full capacity. Just because a worker is connected to the office by a virtual private network does not mean work is being performed.

Performance is best determined by outcomes, and whether a worker is meeting measurable benchmarks or goals. Like any goal, worker performance cannot be achieved if no one knows

what it is. The key to working well with remote workers is to be very clear and specific with all expectations.

Consideration should be given to how long it will take to know if someone is productive or not. Measurable results make sense, but the more frequent the measurement, the more susceptible is the feeling of micromanagement. However, measuring too infrequently means that the employer may not be aware of problems that need to be resolved.

Importantly, there are privacy issues that employers need to be aware of regarding workers and workplace monitoring.²⁶

A study on teleworking conducted in South Africa in 2010 found that Output based Management could have contributed to increased productivity. The respondents in the survey stated that they were given clear guidelines of what is expected of them as well as regular feedback, ensuring that any uncertainty is quickly resolved and that little ambiguity and confusion is present when working virtually²⁷.

Five elements to consider in measuring remote workers' productivity include:

- Set and communicate clear goals and deadlines in the same way with workers in a physical workspace.
- Form plans to increase accountability.
- Analyse important tasks and track progress on a time bound basis.
- Evaluate quality and quantity instead of time worked – shift the metrics to "tasks accomplished and their quality" versus "hours spent".
- Track achievements.

9. What are the main challenges in implementing working from home arrangements and what considerations should be made to address and manage them?

There are multiple benefits associated with WFH, including: the reduction in commuting times; greater autonomy and flexibility in the organization of work; a better work-life balance; increased motivation and reduced turnover; and enhanced productivity and efficiency.²⁸ In addition, reduced travel associated with WFH leads to a reduction in carbon emissions.

However, in such an unexpected and urgent situation as the COVID-19 pandemic, both employers and workers may be unprepared physically or mentally to meet all the challenges. According to a recent survey conducted by the Society for Human Resource Management (SHRM), 71 per cent of employers are struggling to adjust to remote work; 65 per cent of employers say maintaining employee morale has been a challenge; and more than one third

²⁶ In the European Union, the General Data Protection Regulation provides strong data protection and privacy for citizens.

²⁷ Nicholas Baard, Adèle Thomas, "Teleworking in South Africa: Employee benefits and challenges." SA Journal of Human Resource Management, March 2010, p.8.

²⁸ Eurofound and ILO.

of employers are facing difficulties with company culture, employee productivity and leave regulation.²⁹

It is therefore highly recommended that employers develop a workplace policy to provide clear guidelines and address the challenges. Employers should regularly assess the effectiveness of the company policies and guidelines.

(a) **Communication**

Advances in ICT have enabled and facilitated WFH arrangements, yet ICT can not overcome every limitation amid the rapid changes in the current situation. While employers and workers are making effort to keep up with the latest developments, changes announced by the Government or policy changes by the company could cause confusion among workers, especially if the changes could impact business operations or the expectations on workers, such as new restrictions on the movements of people. There are a range of software tools that make communication, collaboration and transparency easier. Many are free or low cost.³⁰

Communicate regularly

Communication should be quicker and much more frequent when WFH arrangements are in place. This improves collaboration and builds the necessary trust to successfully roll out new ways of working. Employers should do the following:

- Designate communication channels to enable the business to communicate with staff during WFH as necessary and ensure consistency of messages.
- Keep an up-to-date registry of contact details of all workers (phone number or email address).
- Communicate with all workers regularly to keep them informed of updated developments related to COVID-19 and its impact on company operations, including any change in company policies.
- Encourage an exchange of views and ideas on business continuity strategies.
- Hold periodic virtual meetings to update workers on the situation, review work and agree on how to deliver the company's services. This will also help workers to feel less isolated during WFH.

BUSA can insert a quote from member company on how it is managing this communication aspect of WFH.

Example: "We have found that employees who are not self-directed need advice and guidance. The best practice is to stick to your personal routine. Get up on time, get dressed, and set up an area that resembles a work site. Working from home means you are still working. Sure, it is flexible and has many time orientated benefits. But we feel that "you are still at work" is a core message that needs to be delivered".

²⁹ See www.shrm.org/resourcesandtools/pages/remote-work.aspx.

³⁰ Slack for team collaboration and instant messaging; Zoom for video conference calls with team members and customers; Google Suite for email, document collaboration, file storage, shared calendar; Mural for team brainstorming workflow collaboration; Trello for project planning etc.

(b) ICT equipment and workstation set-up

Staff may experience technical challenges, such as connectivity problems, as WFH arrangements were deployed quickly and possibly in an unorganized fashion. There was not enough time for optimum preparation for WFH arrangements that would have typically occurred. Issues may arise where companies, especially SMEs, may lack the required communication infrastructure or sufficient equipment for all staff to work from home at the same time.

Establish shared responsibilities, commitment, and mutual understanding

Employers should seek cooperation, ideas and commitment from workers as to how they can best address and overcome this challenge³¹ while ensuring business continuity and preserving jobs. Workers may have limited resources for WFH, or their home may offer a less optimal working environment than the workplace would (for example, it may be situated near a noisy construction site or factory or workers may have multi-generational household or cramped living conditions that are not conducive to WFH). Therefore, employers need to understand and assess the limitations that staff encounter and adjust expectations, responsibilities and tasks accordingly.

(c) Data protection and security

While the use of technology has enabled and facilitated WFH, it also presents higher risks of cyber-attacks and confidentiality breaches. Safe WFH processes are essential, especially if workers are using their personal laptops or devices to perform official duties and connect to the company network. Some companies have an existing data protection, confidentiality and security policy for this purpose.

Protect cybersecurity and privacy

Employers need to ensure that:

- data security is maintained even during WFH;
- a robust information technology system is in place with the necessary safeguards, including the safe transmission of confidential data outside the workplace;
- computers used for work have proper software is installed, including anti-virus protection, secured virtual private networks or firewalls against cyber threats;
- workers are aware of the company data protection policy, if any;
- workers have the required skill to use the ICT in accordance with company policy. Reminders and online training can be used to refresh skills in this area.³²

³¹ IBEC (Irish Business and Employers Confederation), “[Remote Working during Covid19 outbreak – IBEC outline of key considerations](#)”, 11 March.

³² IBEC.

The Protection of Personal Information Act 4 of 2013 (“POPIA”) was enacted to give effect to the constitutional right to privacy by safeguarding personal information, but only certain provisions are in effect, with remaining provisions expected to take effect in 2020. The section currently enforceable are those relating to establishing the office of the Information Regulator, the powers to make regulations to give effect to POPIA, and the definitions sections.

Commented [MTT1]: For verification of the current status of the POPIA.

(d) Staff management and possible abuse of WFH arrangement

As more and more companies choose to (or are required to) offer WFH arrangements during the COVID-19 crisis, issues of trust often advance to the frontline of workplace discussions. This is because WFH can impact the trust equation between workers and managers because the task of management is more challenging. In the absence of face-to-face contact, the traditional 'command and control' style of management becomes less relevant and managers may struggle to find other ways to make sure that workers are getting their work done during WFH. If workers do not feel a sense of belonging during WFH, they may also distrust their managers and company leadership. This may lead to the manager's loss of control, and certain workers may abuse the WFH arrangement. Hence, workers' self-discipline and mutual trust and confidence between employers and workers are essential in this working arrangement.

Build mutual trust and shared responsibilities

Employers should build mutual trust and establish shared responsibilities with workers through open and transparent discussions about expectations and outputs, including:

- when workers will be available and be responsive;
- how they will keep in touch, such as online and telephone contact;
- how work-life balance will be managed, for instance through regular breaks and switching off from work at the end of the day;
- how performance and reporting will be managed, taking into consideration worker's circumstances where necessary;
- who workers should contact if they have any work-related issue;
- who workers should contact if they have an emergency type situation.

Employers must also recognize some workers may find it hard to motivate and organize themselves when working from home. If this happens, the manager and worker should talk about practical steps that overcome those obstacles.³³

Insert quote from member company on trust issues of WFH
EXAMPLE: “Remote working requires trust as well as digital infrastructure – trust in people's reliability, capability and motivation”

³³ ACAS (Advisory, Conciliation and Arbitration Service), “Working from Home”.

(e) Organisation of working time

The organization of working time is essential but it could be challenging, especially for workers with specified work hours or hourly paid wages.

The ILO report, *Ensuring decent working time for the future*,³⁴ referred to the European Union Framework Agreement on Telework, which provides that the working time of teleworkers should be within the framework of the applicable national legislation, collective agreements and company rules. Teleworkers manage the organization of their working time and workload. Performance standards of the teleworker are equivalent to those of comparable workers at the employer's premises. The report also indicated that Singapore and Sweden regulate telework, including work hours and rest provisions, through collective bargaining or guidance issued by public authorities.

Basic Conditions of Employment 1997

Section 9: Ordinary hours of work

Employer shall not allow the workers to work more than:

- 45 hours a week.
- Nine hours in a day if the worker work on 5 days or less a week.
- Eight hours in a day if the worker work more than 5 days a week.

The worker must have a meal interval of 60 minutes after five hours of work. This may be reduced to 30 minutes by written agreement.

Section 10: Overtime

Employer shall not require or permit workers

- to work overtime except in accordance with an agreement
- to work more than three hours' overtime a day, or ten hours' overtime a week.

Establish self-discipline and close monitoring

While some degree of flexibility should be deployed in a WFH arrangement, employers should:

- establish an expectation of the worker's self-discipline and compliance with the agreed work hours;
- ensure work hours and rest breaks are occurring in line with the *Basic Conditions of Employment Act 1997*, collective agreement, or company terms and conditions of employment. For example, no workers shall be allowed to work for more than 12 hours a day (including overtime).
- ensure that workers' records the total hours worked for each day or week.
- consider deploying online attendance or using email to record work hours.³⁵

³⁴ ILO, *Ensuring decent working time for the future*, p. 743.

³⁵ IBEC.

(f) **Occupational safety and health**

As indicated in section 6(a), employers generally are responsible for the safety and health of workers at the workplace and during work hours. However, during WFH supervisors are unable to ensure the health and safety of workers because they are not present at the employer's workspace. Participants in the Global Dialogue Forum on the Challenges and Opportunities of Teleworking for Workers and Employers in the ICTS and Financial Services Sectors, held in Geneva in October 2016, included this among their consensus points:

"Occupational safety and health conditions are more difficult to monitor and control in teleworking arrangements, especially where the home is also the workplace."³⁶

Promote awareness and ensure compliance

Employers should do the following:

- ensure that workers are aware of or provided with relevant information about their general obligations with regards to safety and health including taking care of their own health and safety and the safety of others;
- ensure that workers are aware of and comply with the company's safety and health policy, if any, including the procedures for reporting work-related accidents and ill health or any health and safety concern;
- review the company's safety and health policy, if any, and ensure it has provisions covering the worker's home when WFH arrangements are in place;
- consider developing a policy on remote working to cover workers' safety and health during WFH;
- ensure they are aware of the liability under the Compensation for Occupational Injuries and Diseases Act, 1993 and their liability insurance for injury occurs in the worker's home during the worker's work hours.

(g) **Health and mental well being**

During the COVID-19 pandemic, many workers may be experiencing full-time WFH for the first time, while they are also isolated from co-workers, friends and sometimes even from family. Their daily living routines have been disrupted, which may cause added stress, tension, and physical and mental strain. The impact of these stressors is even stronger in the current economic situation. When companies are adversely affected there can be increased redundancy, lay-offs and terminations, causing workers to feel further anxiety, uncertainty and insecurity, which may result in feelings of depression. The situation is aggravated during mandatory and prolonged WFH when lockdowns prevent people from going out and social life is limited. Studies have indicated that being unable to interact with friends and isolation from colleagues are key disadvantages in

³⁶ ILO, *Final report: Global Dialogue*, p. 28.

teleworking.³⁷ Company policies on WFH should incorporate measure that respond to those factors.

Promote health and well-being and be supportive and understanding

It is important to stress that physical distancing does not require social isolation. While it is important for workers to find new ways to work and interact, employers must recognize the impact of isolation and loneliness, hence they must be supportive and empathetic, and keep workers informed, connected and mentally healthy. Employers may consider taking the following actions:³⁸

- regularly contacting workers to make sure they feel supported and are coping well;
- creating opportunities for team communications by using online tools or apps to establish team-wide chat groups, for example;
- being available, accessible and willing to listen when workers need support;
- providing workers with appropriate control and flexibility over how they do their work
- offering practical tools to support positive mental health, including access to the employee assistance programme;
- raising awareness of workers' responsibility to take care of their own physical and mental well-being during WFH, including encouraging workers to stay physically active, eat well and regularly go outside for fresh air.

Companies may consider issuing policy guideline on WFH, addressing the mental health and well-being of workers, or they may refer to available resources on mental health and well-being during WFH.³⁹

(h) Work-life balance and workers' privacy

WFH can help workers to achieve a better work-life balance as they avoid long and stressful commutes between home and the workplace, and they have more time for family. Other benefits of WFH include increased worker satisfaction, productivity and loyalty, and reduced staff turnover.⁴⁰ While WFH arrangements have a great deal of potential, the reality is often more complicated, especially when WFH arrangements are implemented to contain a pandemic and not necessarily because the workers chose it.

Often, WFH leads to a blurring of the boundaries between work and personal life, an increase in work hours and an intensification of work. Thus, WFH can interfere with private life and cause work-life conflicts that can be challenging for workers' well-being, and affect overall work performance. A survey in South Africa in 2010 identified an

³⁷ Jon C. Messenger (ed.), *Telework in the 21st Century, an Evolutionary Perspective*, ILO Future of Work series (Edward Elgar and ILO, 2019) p. 303.

³⁸ WorkSafe Victoria, "Minimising the spread of coronavirus (COVID-19): Working from home", 23 March 2020.

³⁹ See American Psychiatric Association Foundation, Center for Workplace Mental Health. "Working Remotely During COVID-19: Your Mental Health and Well-being".

⁴⁰ Eurofound and ILO.

increase in working hours and the lack of availability of training opportunities as the main challenges of teleworking⁴¹

The worry and stress of “work without end” are being recognized and regulatory measures have been introduced in response to separate paid work and personal life.⁴² For example, France introduced the “right to be disconnected” in the 2017 revision of its Labour Code. It is therefore crucial that the employer has clear guidelines on working time arrangements that are in line with national legislation.

Promote work-life balance and be supportive

While there may be some measures taken at the national level addressing work-life balance, employers should do the following:

- set clear expectations of work hours and encourage and empower workers to set boundaries on his or her work schedule;
- promote a healthy lifestyle and work-life balance, including regular breaks and rest, exercise and fresh air;
- provide mental well-being support to workers who experience work-life conflict;
- for guidance, refer to the applicable laws and regulations or the relevant guidelines promoting healthy work-life balance, such as those issued by the occupational safety and health or mental health department.

(i) Performance and productivity

Benefits of WFH for workers typically include less time spent commuting, fewer interruptions, and greater flexibility. Thus, WFH could lead to better performance and increased productivity and engagement, which could improve workers’ satisfaction and reduce turnover. However, WFH implemented in response to COVID-19 lockdown measures may be different in practice. Additional care responsibilities of working parents may dramatically increase due to school closures. Working parents may need to be involved in home-schooling, surveillance and care of children of school-age or there may be more than one family member sharing the same space for online schooling or teleworking. The worker’s family responsibilities or having to share working spaces may interfere with his or her job responsibilities, alter working schedules, and affect work performance and productivity.

Change productivity mindset and be flexible and reactive

Employers could consider providing expanded support to parents and caregivers at this time. Employers may be able to provide some flexibility, including changing the measures on productivity by focusing on outcomes delivered rather than on working time. Employers may also use collaborative online tools, such as shared calendars and public status to facilitate teamwork and boost productivity.⁴³ Workers must adapt to their new

⁴¹ Nicholas Baard, Adèle Thomas. 2010.

⁴² ILO, *Ensuring decent working time for the future*, p. 747.

⁴³ International Organization of Employers (IOE), “IOE Guideline on Teleworking in the times of Covid-19”, Apr. 2020.

WFH arrangement and environment and ensure the essential job responsibilities are fulfilled. Any issue on performance should be openly discussed between managers and workers.

(j) Caring for children and dependent

Working parents may have competing responsibilities between WFH their employer and caring for children whose school or day care is closed. It is unlikely that workers would be able to adequately perform their jobs while simultaneously performing dependent care duties. Employers should make it clear that workers must make arrangements for child or dependent care to enable WFH. Employers should be sensitive to the worker's situation, especially when WFH is implemented on short notice and workers had little time to prepare or make the required child or dependent care arrangement.

Be responsible and adaptive

Workers must communicate with their supervisors about their situation and determine whether modifications to WFH arrangements are necessary to balance the responsibilities of work and family care.

It is important for employers and workers to address the situation and agree on a more flexible WFH arrangement. For example, work hours can be scheduled around the needs of the family, temporary changes can be made to the work terms for a reduced workday or work hours and reduced targets, or the employer can be flexible about deadlines where possible. Some governments are adopting legislation allowing workers to take special paid leave⁴⁴ or unpaid leave without risking their jobs if they have to care for children or if they are unable to work due to COVID-19.

(k) Skills, staff training, and development

Staff training and development play an important role to ensure workers are equipped with the required knowledge and skills to keep up with the latest information and technologies. Workers may need to develop technical skills to use communications tools for WFH when it is implemented in response to COVID-19.

Promote a learning culture

Depending on the specific sector and context, different ICT skills will be required during WFH. Online training, remote coaching, peer-to-peer learning and ongoing support for software and other tools⁴⁵ may be required to ensure workers develop the necessary skills and abilities to perform effectively from home. Employers should make use of ICT and online training tools and apps for regular contact with workers, and provide necessary training, coaching, or mentoring and ensure workers are motivated, developed and recognized.

(l) Keep up with Government's policy and directives

⁴⁴ Seychelles passed the Employment (Coronavirus special leave temporary measure) regulations 2020, introducing special leave for workers to care for the school-age children during the COVID-19 pandemic.

⁴⁵ IOE.

The COVID-19 pandemic has significantly impacted the operation of companies. Many are struggling to sustain themselves, leading to temporary shutdowns or closures. Companies may have to implement WFH as a preventive measure or in response to the Government's orders and directives. Governments should allow a certain degree of flexibility and provide an assistance scheme to facilitate the implementation of the WFH policy. For example, the government of Malta, provided financial support to employers to partially cover the costs of technology and teleworking solutions incurred to implement telework during COVID-19. Employers are granted up to € 500 per teleworking agreement and € 4,000 per undertaking to cover 45 per cent of the eligible cost incurred between 15 February and 8 May 2020⁴⁶.

Even though there is no policy promoting or giving guidance to employers to implement WFH as alternative work arrangement during this pandemic, the Government has launched different schemes to support business, preserve job and protecting the well-being of people. For example, a new "National Disaster Benefit" under the Unemployment Insurance Fund (UIF), Debt Relief Financial Scheme to help companies sailing through this difficult time.

Commented [MTT2]: To verify there is no policy guidance on WFH, teleworking or remote working.

Engage in policy discussion

Companies all over the world are at the front line of a new way of working. It is happening in real time and in a less than optimal fashion. The usual ways that workers and management would agree on WFH arrangements have been discarded. Companies had little time to respond to an enforced and necessary situation.

For some companies, WFH can be a boon for their bottom line. A company that can run its entire operation staffed by workers who (mostly) work from home will no longer need to lease large office spaces and long commutes will also be gone. Some companies will be able to hire a geographically diverse workforce without providing additional office space and incurring no expense to relocate them.

During this challenging time, it is crucial that companies play an active role in providing constructive inputs in policy recommendations. It is critical that company experiences with WFH are shared with BUSA.

Quote from ATE Chairperson/SG/ED

EXAMPLE: "Companies across the country are adapting to the use of WFH arrangements, in some sectors of the economy this has undoubtedly been easier than others. But we are in high-speed learning environment and BUSA will consistently collect the experiences from members companies so as to rely to policy makers the concerns and needs of the business community "

⁴⁶ Lexology, "[Telework-Legal framework and financial support in view of COVID-19](#)", 28 March 2020.

10. Should working from home continue after the COVID-19?

Baard N and Thomas A in their joint study “Teleworking in South Africa: Employee benefits and challenges” in 2010 indicated that teleworking arrangements are on the increase globally because of the clear benefits offered, they also concluded that South African organisations have yet to capitalise on this new employment trend and the benefits that it has to offer⁴⁷.

The response to the COVID-19 pandemic is, among other things, a massive experiment in WFH arrangements. While some jobs cannot be done at home, the outbreak is accelerating the trend toward teleworking, possibly for the long term. Employers and workers are likely to adapt to and become more comfortable with WFH, learn to use ICT for WFH, and understand the benefits of WFH. Employees may even be able to maintaining the same or higher productivity during WFH. In mid-April, a survey was conducted in the United States of more than 1,200 full-time employees experiencing WFH during the pandemic. It found that nearly half of the respondents wanted to keep working remotely. More than 45 per cent said their employers are actively considering or are open to this strategy. Among respondents, 40 per cent had been teleworking regularly at least one day per week before the COVID-19 pandemic.⁴⁸

The WFH arrangements implemented by employers due to the COVID-19 response is temporary, and the decision whether to continue with such arrangements should be at the sole discretion of employers. Workers are obliged to resume normal working arrangements when the situation permits and as directed by employers. Employers however may want to assess the benefits and challenges of WFH during this pandemic and decide on a case-by-case basis and in consultation with workers or unions, if any, on the feasibility of implementing permanent or regular WFH arrangement, if it is requested by workers.

⁴⁷ Nicholas Baard, Adèle Thomas. 2010. p.9

⁴⁸ SHRM, “Will Employees Continue Working from Home After COVID-19? One Company Says Yes”, 30 April 2020.

Annex: Working from home policy template⁴⁹

A working from home (WFH) policy is a key element for an effective contingency plan to ensure business continuity, productivity, and job preservation. It is drafted based on the applicable laws and regulations, collective agreement and company's policy or terms and conditions of employment, and subject to change in response to the changing directive and needs of the company.

The following template aims to provide a practical guide to company that intends to develop the company's policy on WFH. While there is no one-size-fits-all solution to respond to ongoing changes, the template lists out the main components to be included in the policy and other elements for consideration to suit the different situations and needs of the company.

A. Purpose

One or two sentences that explain why the company is implementing WFH. It is important to note that WFH is not a formal or universal workers' entitlement but an alternative temporary arrangement for business continuity in response to an emergency, such as the current COVID-19 pandemic and forced shut down, and is subject to change as the situation develops.

For example:

- *This WFH policy is in effect due to the COVID-19 pandemic and Government's directive recommending work from home when feasible. This policy will be reviewed when the directive or business needs change.*
- *WFH is not a universal workers' entitlement but an alternative temporary arrangement in response to the COVID-19 pandemic.*

B. Definition

The definition of WFH in the current context. Refer to the definition in the relevant laws and regulations, if any.

In short, WFH is a working arrangement that workers working from their home, using the ICT and still fulfil the essential responsibilities.

For example:

WFH is a working arrangement in which a worker works from home, using ICT, and still fulfils essential work responsibilities.

C. Scope and application

Statements on when and to whom the WFH policy is applicable, limitations and conditions, including other applicable and existing policies. It is important to note that it is at the discretion of the company to implement the WFH arrangement.

⁴⁹ Adapted from [Telework Toolkit, Guide to Writing a Telework Policy](#).

For example:

- *WFH does not change the terms and conditions of your employment or the required compliance with the existing company policies, rules, and practices.*
- *This policy applies to all workers undertaking remote work from home. All workers should be familiar with the contents of this policy.*
- *The implementation of the WFH arrangement is at the sole discretion of the company.*
- *The company reserves the right to change, modify, or discontinue the arrangement for any worker at any time as it deems fit, upon which the worker shall resume the normal working arrangement.*

D. Eligibility

Statement on the eligibility of workers to perform work remotely from home. It is important to state that the WFH arrangement is implemented as a response to COVID-19 to contain the spread of the virus, ensure continuity of service and productivity, minimise adverse impact to work quality, production, or service quality. Based on the suitability of the jobs, the home environment, and the manager's ability to manage remote workers, there may be workers who are not eligible for WFH.

For example:

- *WFH is implemented in response to COVID-19 as a preventive measure to contain the spread of the virus and to ensure the continuity of business and productivity of our workforce.*
- *While efforts are being made to accommodate all workers into WFH, there will be some workers who may not be eligible for WFH due to the specific roles or the job function or situation surrounding the home environment that made it not practicable to perform work from home. The departmental manager will be in direct contact with the workers regarding eligibility for WFH.*

E. Main elements for consideration

1. Compliance to company policies

Most companies have existing policies on a range of workplace obligations. It is important to note that all workers on WFH must comply with the existing company policies as applicable.

For example:

All workers on WFH must abide by the company existing policies, which include:

- *Occupational safety and health*
- *The use of ICT, data protection and confidentiality*
- *Intellectual property*
- *Company's Code of Conduct*
- *Use of company's tools and equipment, such as laptop, software, and so on*
- *Social media*
- *Anti-discrimination/Anti- harassment/Equal opportunity*

2. Compensation and work hours

WFH should not change the normal work hours, compensation, benefits or work responsibilities. However, it should be noted that due to the current circumstances, some flexibility may be required with the agreement between the manager and worker concerned and in compliance with the applicable laws, regulations and company policy.

For example:

- *The working hour, compensation, benefits, and work status and responsibilities of workers shall remain unchanged.*
- *Due to the current situation, some flexibility in the work hour may be permitted with the approval of the company.*
- *Upon application by workers and if feasible, the manager may agree on specific work hours, provided the total weekly work hours remain unchanged, and in compliance with the company's existing policies.*
- *Any changes to the total weekly work hours shall be approved by the human resources department.*

3. Safety and health

Employers have the duty to provide a safe and healthy working environment, thus should ensure the home workplace is safe. Employers should look after the health of their workers, including mental health. It is also important to note the duty of workers to protect themselves and others and to take care of their own safety, health and mental well-being.

For example:

- *All workers must abide by the company's safety and health policy (if any) during WFH arrangements.*
- *All workers have the responsibility to take care of their own physical and mental well-being during WFH and ensure they are physically active, eat well, and exercise regularly.*
- *It is important for all workers to maintain work-life balance, stick to the agreed work schedule, and take a necessary break and rest to stay active and healthy.*

4. Equipment, tools and supplies

This clause states the company's position with regards to equipment, including hardware, supplies, or furniture. It should address if, and under what conditions, the company will provide the equipment for the workers to perform their duties from home. This may include computer hardware, computer software, phone lines, access to the Internet, access to host applications, and other applicable equipment and supplies as deemed necessary. It should also highlight the duty of workers to care for the equipment and to use the equipment as authorized.

For example:

- *The company will provide the required tools and equipment for the workers to carry out the job function from home. This includes computer hardware, software, access to the Internet, access to host application, and so on.*

- *The use of equipment, software, data supplies, and furniture, when provided by the company are for use by the authorized persons and for purposes relating to company business only.*
- *Workers have the duty to take good care of such tools and equipment and shall contact the company (technology dept or manager) if there is any issue with regards to the equipment, software, or connectivity.*

5. Technology, data protection and security

The use of technology for WFH can present higher risks of cyberattacks and confidentiality breaches. Most companies have data protection, confidentiality, and security policy for this purpose.

For example:

- *It is important that all workers on WFH read, understand, and abide by the company ICT policy to safeguard data protection, confidentiality and security.*
- *All workers on WFH must take up the ICT online training, which is accessible for all workers.*

6. Workstation at home

This clause states the company's guidelines and requirements concerning home-office setup, equipment installation, safety, cost, and so on.

For example:

- *The worker shall designate a workspace at his/her home for placement and installation of equipment to be used in a safe condition.*
- *The worker is responsible for establishing and maintaining a designated workplace in a safe, healthy, professional and secure manner.*
- *For reimbursement of expenses incurred, such as remodelling, electrical modifications, or other improvements to the home office workspace must obtain prior approval of the company.*

7. Communication

Communication is critical to remote working. The managers and workers on WFH should agree on how they would be in contact. It is important to note that the workers must be accessible to their managers and co-workers during the agreed work hours.

For example:

- *Workers on WFH must be available and accessible to their manager and co-workers during the agreed work hours.*
- *The manager and the worker shall agree on the communication channel and how they would keep in touch with each other, utilising the ICT available.*
- *The workers remain obligated to comply with all company rules, practices and instructions.*

8. Performance standards

This clause is intended to reinforce the standards of performance are expected to be maintained during WFH. However, the company should recognise as the WFH is implemented in such an urgency situation; they could be obstacles at the workers' home that need to be managed. Certain degrees of flexibility should be considered while upholding the standard expected.

For example:

- *The workers must maintain the same level of productivity and work quality during WFH.*
- *Professionalism, in terms of job responsibilities, work output, and customer service, will continue to meet the company's high standards.*
- *Company recognise there could be obstacles at workers' homes that might impact the work performance; the workers who experience the difficulty shall speak to the manager concern to assess the feasibility of WFH and flexibility required.*
- *Any adjustment to the outputs and performance is at the sole discretion of the manager, taking into consideration the specific circumstances of the workers and the job requirements.*

9. Dependent care and other family responsibilities

The issue of child care and other personal obligations that may impact WFH should be addressed between manager and the worker's concern. It is, however, important to stress that while company may be able to extend a certain degree of flexibility, workers must make arrangements for dependent care and family responsibilities to enable WFH. Workers need to manage and adapt to the situation and ensure the essential responsibilities of the job are fulfilled.

For example:

- *Workers with dependent care and other family responsibilities at home must address the situation with the respective managers and agree on a more flexible homeworking arrangement, such as different work hours, reduced workday or work hours with reduced work targets or flexible deadlines where possible.*
- *While the company may permit a certain degree of flexibility, WFH may be incompatible with dependent care and family responsibilities. The worker must make arrangements for family care and ensure the essential duties of the job function are fulfilled.*

10. Worker's compensation and liability

Employers generally are responsible for the safety and health of workers at the workplace and during work hours. They could be liable for job-related accidents that occur in the worker's home workspace during the work hours. Employers should check the applicable national laws and regulations, such as the Occupational Safety and Health Act, the Employment Act and the Workers Compensation Act. Work-related injuries that occur during work hours, and while performing work functions in the designated work area of the home are usually covered by worker's compensation. Employers may consider developing or extending the existing safety and health policy to cover worker's homes during WFH. They

should ensure workers are aware of the policy, including the procedures for reporting work-related accidents and ill health or any health and safety concern.

For example:

- *If the worker is injured while performing work duties during the agreed work hours at the designated work area, the worker is covered under the Workers Compensation Act. The worker must notify the supervisor immediately and complete the required form.*
- *The company assumes no liability for injuries occurring in the worker's home workspace outside of work hours, or for any non-work-related injury that might occur in the home, even if it occurs during the worker's agreed work hours.*

11. Emergency and illness

The policy may include a clause providing guidance to workers on what action they should take in the event of an emergency, such as illness and injury, power failure, or loss of Internet connectivity. Employers may also consider including lockdown or company shut down as an emergency to activate the WFH arrangement.

For example:

- *The worker on WFH must notify his or her immediate supervisor in the event of any emergency, including illness, injury, power failure, or loss of Internet connectivity.*
- *If an office closure or emergency prevents workers from commuting to the office or working in the office, upon consultation with their respective manager or supervisor, workers should commence work remotely from home or at any other suitable location, as approved by the company.*

12. Expenses

The WFH arrangement is deployed to ensure business continuity and job preservation and, therefore, it should be implemented with the shared responsibility and commitment of both employers and workers. The employer should make it clear if will bear the expenses of a WFH arrangement, as it may create additional costs for the workers in terms of workstation setup, access to the Internet, electricity, insurance. As reimbursement is at the sole discretion of the employer, the worker must seek approval before any expenses are incurred for WFH.

For example:

- *The worker must seek approval from the company before any expenses are incurred for and during WFH.*

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