**Agile and Remote Working Policy**

**General Comments -**

* This is a template/precedent document only. It should be tailored as appropriate to suit the needs of each individual firm.
* All sections should be considered and implemented as deemed appropriate for the firm. This cover page should not be included.
* The LQSI cannot accept any responsibility for any errors or omissions contained in this template document.
* The document should be reviewed on an annual basis, or as required.

**Specific Comments -**

* This policy was introduced in January 2020 (pre Covid-19 pandemic). As clearly noted above this policy is in draft form and will need to be tailored to address each firm’s needs and visions relating to agile/remote working arrangements.
* This policy was generally updated in February 2021. It includes reference to remote working, remote working resulting from Covid-19, organisation of working time act and has a link to a Home Working Risk Assessment and a Remote Working Checklist for Employers.
* This policy was updated in March 2024 to refer to the WRC Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working. This code provides guidance about how requests for flexible and remote working arrangements are made and dealt with. It also supports employers, employees in understanding the rights and obligations set out in the Parental Leave Acts, 1998-2023 as amended by the Work Life Balance and Miscellaneous Provisions Act, 2023 in relation to requests for Flexible Working and the Work Life Balance and Miscellaneous Provisions Act, 2023 in relation to requests for Remote Working.

**The Legal Quality Standard of Ireland**

**Updated March 2024**

**BEFORE INTRODUCING THIS POLICY FIRMS SHOULD COMPLETE THE FOLLOWING CHECKS**

* Firms need to identify why they are considering an agile/remote working policy.
* Firms should consult the [Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working - Workplace Relations Commission](https://www.workplacerelations.ie/en/what_you_should_know/codes_practice/code-of-practice-for-employers-and-employees-right-to-request-flexible-working-and-right-to-request-remote-working/)
* Firms should complete the Remote Working Checklist for Employers prepared by the Government of Ireland <https://enterprise.gov.ie/en/Publications/Publication-files/Remote-Working-Checklist-for-Employers.pdf>
* Firms need to carefully consider business processes and requirements: -
  + Ensure sufficient buy in from senior management;
  + Set out an eligibility criterion for agile/remote workers – review job roles within the firm and check them against suitability for an agile/remote working arrangement;
  + How will the firm operate once it has gone agile/remote – office communications, training, team and client meetings;
  + Consider a trial period to gain employee feedback on the policy and to test whether the approach is right for the business;
  + Ensure you have adequate technology to support agile/remote working arrangements;
  + Be careful approving and rejecting agile/remote working requests - you do not want allegations of direct or indirect discrimination;
  + Remember data protection regulations;
  + Carefully consider health and safety issues associated with agile/remote working.

**[FIRM NAME]**

**Agile and Remote Working Policy**

**1.0 Introduction**

[Name of firm] recognises the need to develop modern working practices to maximise employees’ productivity and performance and deliver the greatest value to the firm, whilst maintaining a good work life balance. New technologies mean that there are numerous tools to help people work in new and different ways, that best suits their needs and also meets client needs, firm’s needs, reduces costs, increases productivity and improves sustainability.

[*Owing to the Covid-19 pandemic any employee who in response to the government guidelines is currently working from home, should note that this is a temporary agreement/situation between the firm and the employee. Where an employee wishes to seek an ongoing agile/remote working arrangement after this temporary agreement/situation owing to Covid-19 has ceased, the following policy and application process will apply*.]

Remote work is a working style that allows employees to work outside of a traditional office environment.

Agile working has many levels, but the underlying theme is flexibility and providing employees with the option to work when, where and in the way that suits them.

Although the nature of most of the roles within [name of firm] cannot be classed as totally flexible there may be scope in some cases for some form of agile and/or remote working. The different ways in which agile and/or remote working can be undertaken is dependent on demands and needs of the employee’s job role within the firm, the employee’s preferences and circumstances. It may be possible with careful planning and a degree of best practice evaluation for employees to carry out their duties from a number of locations and during hours that better suit them.

**2.0 Benefits of agile/remote working**

The benefits which may be gained from changing work practices, utilising new technologies and creating new working environments include the following: -

For the firm agile/remote working can: -

* Reduce unnecessary travel time, which increases productivity and reduces cost;
* Lower our carbon footprint through reduced emissions from reduced travel;
* Reduce absenteeism and related costs;
* Reduce staff turnover with associated costs and reductions in lost knowledge, skills and experience;
* Improve staff performance;
* Attract and retain high quality talent;
* Improve service to clients;
* Space savings;
* Promote a work environment which allows employees achieve an improved work life balance, greater job satisfaction, motivation, morale and productivity.

For employees, agile/remote working can: -

* Save travel time and related costs;
* Improve personal productivity – fewer distractions, improved focus, concentration by avoiding interruptions that are part of an office environment;
* Improve work life balance;
* Increase wellbeing, health and happiness – through reduced stress, better sense of control, greater ability to integrate healthy eating and exercise into a day;
* Increase engagement as a result of the autonomy and trust at work.

**3.0 Scope**

This policy applies to all office-based employees at any level within the firm. The extent of agile and/or remote working will vary according to the job role and the impact agile and/or remote working would have on the service to the client(s) and employee welfare.

**4.0 Where agility can be achieved**

Agile/Remote working arrangements can include the following: -

* Hours of Work – (e.g. changes to start and finishing time)
* Locations of work – (e.g. working from home, a co-working space or a hybrid model where work is carried out partly in the office and partly remote working;
* Patterns of work – (e.g. job sharing, compressed hours, part-time hours etc.)

**5.0 Main Considerations**

Requests for a change to an employee’s working arrangements will be agreed on an individual case by case basis. An agreement to an agile and/or remote working request for one employee will not set a precedent or create a right for another employee in a similar role to be granted a similar change to their current working arrangement.

Employers and employees must discuss the level of flexibility that is most suited to the role and that meets the service need. Both need to have open minds when considering requests. Situations will vary from person to person, but it must always be fair. It must be remembered the final decision will be based on the impact the agile and/or remote working request has on the service.

The following factors will be taken into consideration when considering a request for agile and/or remote working, this is not an exhaustive list and other criteria may also be considered: -

* The suitability of the job role for agile and/or remote working;
* The workload of the role;
* Costs associated with the proposed request;
* The impact and effect of the arrangement on other staff;
* The impact and effect of the arrangement on the ability to deliver the same level of service to the client(s);
* The impact and effect of the arrangement on the firm as a whole;
* The need for supervision;
* The effect on supervision;
* Availability of staff resources;
* Whether it is a request for a reasonable adjustment related to disability/illness;
* The ability to work safely and healthily;
* Fairness and equality;
* Data Protection and Cyber security issues;
* Property and Insurance;
* Communications and contact;
* Employee Welfare.

**6.0 Making an application for agile and/or remote working**

6.1 All employees are entitled to make a request for permanent or temporary change to their terms and conditions of employment in order to work flexibly.

A temporary change may be agreed in response to a short-term individual or business need or on the basis of a trial period before a request for a permanent change is made or granted.

An employee is entitled to submit a request for a permanent change once in a twelve-month period. An employee is entitled to submit a request for a temporary change once in a six-month period.

All applications must be made [e.g. in writing, by email] to [name of person in firm dealing with agile/remote working requests] and each application should clearly set out the following: -

* Specify the type of agile/remote working arrangement that is being requested;
* Specify if it is a permanent or temporary request;
* Specify the date from when the proposed change would take effect;
* Specify the impact it would have on the firm, service and work colleagues;
* State how the current service level will be maintained;
* Outline any additional information or benefits that would support the application.

**6.2 Application process**

Once an agile/remote working request is received by [name of person dealing with agile/remote working requests]. A meeting will be set up within [insert timeframe] from the date of the receipt of the request, to discuss the viability of the proposed agile and/or remote working arrangement taking into consideration the needs of the employee and the firm.

If the employee fails to attend this meeting, a further date for the meeting will be scheduled and if the employee fails to attend this meeting their application will be deemed to have been withdrawn.

**6.3 Firm’s Response and Appeal Procedure**

The employee will be informed in writing of the firm’s decision as soon as is reasonably practicable, but no later than [insert timeframe] after the meeting. As stated earlier in this policy each and every request will be considered on a case to case basis based on the criteria set out earlier in this policy.

The request may be granted in full, in part or refused or the firm may propose any of the following: -

* A modified version of the request;
* The request may be granted on a temporary basis;
* The request may be granted on a trial basis;

The employee should contact [name of person dealing with request] within [insert timeframe] to discuss in greater detail the new arrangement where granted in full or in part. This discussion will explore the best practical and operational arrangements for working in this way. Clear realistic objectives need to be agreed between the employer and employee to enable the employee’s performance to be managed by outcomes rather than presence. **Both the employer and the employee will have responsibilities more particularly set out in Section 7 of this policy.**

Where a request has been refused the employee has a right to appeal the firm’s decision. This must be made within [insert timeframe] and the employee must clearly set out in writing the grounds on which they are appealing the decision. Once this is received the appeal will be heard within [insert timeframe].

The employee will be informed of the outcome of their appeal within [insert timeframe] of the scheduled appeal meeting. The decision made on appeal will be final.

*(All of the above should be processed from start to finish within 8 weeks but no longer than 3 months.)*

**6.4. Reviewing and ending arrangements**

Temporary and trial arrangements will be reviewed every [insert timeframe e.g. three months] to ensure the new arrangement is meeting both the employee’s needs and the firm’s needs.

Employers can ask employees currently working in temporary/trial arrangements to consider changing their working arrangements in order to accommodate changing business needs or requests from other staff.

Employers can stop an agreed temporary/trial arrangement in response to a changing business need and should give the employee as much notice as possible and no less than one month.

Employees with permanent contractual arrangements can be asked to change their arrangements but they cannot be required to do so through this procedure.

When a member of staff applies for a different job role within the firm their current agile/remote working arrangements are not protected.

**7.0 Responsibilities** [Lists of responsibilities set out in 7.1 and 7.2 are suggestions - add to or delete from as appropriate to the needs of your firm]

**7.1 Employer Responsibility**

* To provide advice, guidance and training on the skillsets for agile/remote working; e.g. safeguarding data remotely, maintaining cybersecurity remotely, maintaining confidentiality while working remotely, online communications/use of video conferencing, time management, working independently, management skills etc;
* To review, update and amend this policy and procedure to reflect changes in legislation and employment practice;
* To regularly review the agile/remote working arrangements. If it is not working to try and resolve any issues. In some circumstances it may be necessary to terminate the agile/remote working arrangement and where this happens the employee will revert back to their previous working arrangements;
* To maintain regular contact with their employee;
* Agree the hours of work in advance allowing employees who are using their homes as part of their agile/remote working arrangements to have the right to privacy outside out of work hours so that they can separate their work from their home lives;
* Agree the hours of work to ensure there is compliance with the Organisation of Working Time Act 1997 or the firm’s own working time policy; this is further discussed in **Appendix C**
* Setting and monitoring defined performance measures and ensure there are regular meetings in place;
* To ensure similar access to training and career development as those employees working in the office;
* Be mindful of the isolating consequence of homeworking and how it may lead to depression or other mental health issues, longer working hours as the boundary between work and home is not fixed and to the potential for a reduced work-life balance, see firm’s Stress and Wellbeing Policy;
* To ensure appropriate communication and support channels are made available e.g. regular team meetings to monitor work output and to develop and maintain working relationships with peers, colleagues, support staff etc;
* To be flexible, open and constructive in discussing and agreeing agile/remote working arrangements, whilst remaining focused on the duties and role to be performed;
* To ensure any personally adapted equipment required in order for the employee to undertake his/her duties is available to them wherever they are working under this arrangement;
* To jointly agree costs with the employee or state what costs you will not be responsible for e.g. home internet broadband costs, energy and heating costs;
* To clearly outline any equipment that is being supplied/not being supplied by the firm e.g. laptop, mobile phone etc;
* To agree a work programme so that employers, work colleagues, support staff are aware of the individual’s working pattern, where they are located and know when and how to contact them;
* To clearly outline, set down and agree a list of “housekeeping rules”;
* To meet their duties in relation to health and safety by undertaking appropriate risk assessments, this is further discussed at **Appendix A.**

**7.2 Employee Responsibility**

* To be flexible, open and constructive in discussing and agreeing agile/remote working arrangements, whilst remaining focused on the duties and role to be performed;
* Maintaining regular contact with their employer and being contactable in the same way as if you were working in the office;
* To use an electronic diary at all times and it must be kept open for colleagues to view;
* To attend scheduled team meetings in order to develop and maintain work relationships;
* To work within the agreed “housekeeping rules” (e.g. appropriate work area for working at home, clear desk principle, eating/drinking at desks etc);
* To schedule meetings where possible to minimise the amount of travel time;
* To agree a working pattern with the employer, taking into consideration all necessary requirements to determine if and how their role can adapt and support an agile/remote working arrangement;
* Comply with this policy and any other rules or schedules as jointly agreed with the employer;
* To jointly agree costs with the employer e.g. home internet broadband costs, energy and heating;
* To comply with the firm’s existing health and safety policy and procedures and to participate in and undertake risk assessments, carrying out any actions to minimise risk; maintain a safe working environment and taking reasonable care of your own safety, health and safety is further briefly discussed in **Appendix A**;
* To comply with the firm’s existing confidentiality, data protection and internet security polices, these are further briefly discussed in **Appendix B**;
* To immediately report once becoming aware of any damage, theft or loss to IT equipment or a data breach;
* To take reasonable precautions to protect all of the equipment and any other property supplied by the firm from damage, misuse or loss;
* To consult with all necessary parties such as landlords, insurance and mortgage companies regarding home working;
* Employees must note that ability to work from home is not a substitute for childcare or similar carer responsibilities.
* Ensure there is compliance with the Organisation of Working Time Act 1997 or firm’s own working time policy, when working from home you are responsible for complying with these obligations; keep records; **see Appendix C**;
* Employees must familiarise themselves with the firm’s Stress and Wellbeing policy and comply with the employee responsibilities therein.
* Complete any necessary training provided by the firm relating to agile/remote working;
* Be aware that all the firm’s policies and procedures continue to apply while working remotely.

**8.0 Updating the employment contract**

Where a permanent agile/remote working arrangement is agreed, a new contract of employment will be drafted and sent to an employee with [set of time frame] of the new working arrangement taking place. E.g. it may be that pay is now linked to targeted output rather than hours worked.

Where a temporary or trial agile/remote working arrangement is agreed, a variation/updated letter will be added to the employee’s contract of employment. However in circumstances where there is an opportunity for informal agile/remote working practices this may not require a change in contract.

Each case will be considered carefully to understand the full contractual obligations.

**9.0 Related Documents**

9.1 Policies

We at [name of firm] have a number of policies in place that support our Agile and Remote Working Policy. These policies include but are not limited to, the following: -

* Health and Safety Policy;
* Confidentiality Policy;
* Data Protection Policy;
* Stress and Wellbeing Policy;
* Out of Hours Email Policy;
* Equality and Diversity Policy;
* Dignity at Work Policy;
* Employee Handbook;
* Computer Back-Up Policy;
* Information Systems Security Policy;
* Data Breach Protocol.

**Signed:**

**Dated:**

**Date of next review:**

**Appendix “A”**

**Health and Safety**

Read firm’s Health and Safety Policy and Statement which must be complied with.

Employers and employees need to check furniture and workstations comply with the firm’s health and safety statement. A Home Working Risk Assessment will be carried out and **MUST BE** agreed with the employer before an employee will be allowed work from home. Where firm’s do not have their own Home Working Risk Assessment here is a link to a home working risk assessment prepared by the HSA:-<https://www.hsa.ie/eng/supports_for_business/business_and_education_supports/guidance_for_employers_and_employees_working_from_home/appendix_1_home_working_risk_assessment_checklist.pdf>

When working from home, even if it is only on an adhoc basis, employees must ensure that they have suitable workspace with adequate security, broadband, storage, seating, space and screening from noise in the rest of the home. There must be adequate ventilation and lighting.

Employees who need to carry equipment or documents must ensure they use suitable trolleys and carriers.

Employees must not carry out work meetings in their home with clients.

An agile/remote working arrangement will not take place until all health and safety issues have been adequately addressed and signed off by the employer.

**Appendix “B”**

**Data Protection, Security and Confidentiality**

Read firm’s Confidentiality policy, IT Security policies [list all firms policies relating to IT], Data Protection policies [list all firm’s policies relating to Data Protection] which must be complied with.

Data Protection legislation must be complied with in relation to security of information.

When dealing with personal data the same measures must be applied to remote working as working in the office:-

* Procedures such as double checking names, addresses and attachments and using the BCC function for group emails is just as important when working from home as in the office.
* Work files, email and data bases should not be used where visible to family members or housemates, or left open or unattended.
* Work computers such as laptops should never be used by family members or for non-work purposes.
* When working in a mobile manner the employee is responsible for the security of equipment, files and any other information in their possession including transportation of such items when outside of the office building.
* Wherever possible equipment, paperwork etc should be locked away.

Ensure the appropriate security/remote working software is on all electronic devices.

Where an employee uses their own device, the employer needs to ensure that they can secure the business data from their personal device in the event of loss, theft or the employee leaving employment.

**Appendix “C”**

**Organisation of Working Time**

Familiarise yourself with and ensure compliance with the Organisation of Working Time Act 1997 or [refer to the firm’s Working Time Policy if one is in place.] and read the firm’s Out of Hours Email Policy which must be complied with.

Part II of the Organisation of Working Time Act 1997 titled ‘Minimum Rest Periods and other matters relating to Working Timers’ states - you are entitled to a daily rest period of 11 consecutive hours per 24-hour period. A 15-minute break where more than 4 hours and 30 minutes have been worked and a 30-minute break where more than 6 hours have been worked, which may include the first break. In each period of 7 days, be granted a rest period of 24 consecutive hours per seven days.

When working from home each employee is responsible for complying with the obligations as set down by the Organisation of Working Time Act 1997 and each employee must record their time and attendance [*Employer to recite here if they have a system in place or agree a system for time recording*].

[*Annual leave entitlements remain unaffected and normal notification procedures apply*.]