**Flexible 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 -**

* An Agile and Remote Working policy was introduced in January 2020 (pre Covid-19 pandemic) and updated in February 2021.
* The Agile and Remote Working Policy has now been replaced by the Flexible and Remote Working Policy following the publication of the WRC Code of Practice for Employers and Employees: Right to Request Flexible Working and Right to Request Remote Working 2024 and the coming into effect of the Work Life Balance and Miscellaneous Provisions Act 2023.

**The Legal Quality Standard of Ireland**

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

* Firms need to identify why they are considering a flexible /remote working policy.
* Firms should consult the WRC [Code of Practice for Employers and Employees Right to Request Flexible Working and Right to Request Remote Working](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 consult the WRC Code of Practice for Employers and Employees on the Right to Disconnect.
* Firms should complete the Department of Trade, Enterprise and Employment Remote Working Checklist for Employers prepared by the Government of Ireland: [Remote Working Checklist for Employers - DETE](https://enterprise.gov.ie/en/publications/remote-working-checklist-for-employers.html)
* Firms need to carefully consider business processes and requirements: -
  + Ensure sufficient buy in from senior management;
  + Review job roles within the firm and check them against suitability for a flexible and or remote working arrangement;
  + How will the firm operate once it has gone ~~agile~~ flexible /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 flexible /remote working arrangements;
  + Be careful approving and rejecting flexible /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 flexible /remote working.

**[FIRM NAME]**

**Flexible 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. Innovative 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.

Pursuant to the provisions of the Work Life Balance and Miscellaneous Provisions Act 2023, all employees may apply for an arrangement for remote working (RW) i.e. to work outside of the office environment without changing the employee’s ordinary working hours or duties.

Pursuant to the provisions of the Parental Leave Acts, 1998- 2023 and the Work Life Balance and Miscellaneous Provisions Act 2023, flexible working (FW) is a working arrangement that allows employees working hours/ patterns to be adjusted using flexible work schedules or reduced working hours or remote working arrangements. Employees eligible to apply for an FW arrangement must be:

* The parent or acting in loco parentis to a child under 12 years old or under 16 if the child has a disability or illness or who is or will be providing care to the child; or
* Providing or will be providing personal care or support to a specified person namely the employee’s child, spouse, civil partner, co-habitant, parent, grandparent, sibling or person other than in one of the categories specified who lives in the same household as the employee who is in need of significant care or support for a serious medical reason.

Although the nature of most of the roles within [name of firm] cannot be classed as flexible/remote there may be scope in some cases for some form offlexible and/or remote working. The diverse ways in which flexible 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 suitability and 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 flexible /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 flexible /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, flexible /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 employees at any level within the firm who are eligible for RW or FW under the provisions set out in Parental Leave Acts, 1998- 2023 and/or the Work Life Balance and Miscellaneous Provisions Act 2023. The extent of flexible and/or remote working will vary according to the job role, the employee’s suitability and the impact flexible and/or remote working would have on the service to the client(s) and employee welfare.

Employees must be continuously employed by the firm for 6 months before an approved arrangement for FW or RW can commence.

**4.0 Types of Working Arrangements**

*Set out what types of remote/flexible working arrangements will be considered by your firm*

Flexible /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, term time work, remote working, flexitime etc.)

**5.0 Main Considerations**

The WRC Code of Practice on the Right to Request Flexible Working and the Right to Request Remote Working ( the WRC Code of Practice) and the following factors will be taken into consideration when considering a request for flexible and/or remote working, this is not an exhaustive list and other criteria may also be considered: -

* The suitability of the job role for flexible and/or remote working;
* The workload of the role;
* Anchor/Onsite Days – *if the firm has fixed days where employees in the office, this should be set out.*
* 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) e.g. an employee working in a hybrid manner is still expected to attend client meetings if they fell on a work from home day;
* The impact and effect of the arrangement on the firm as a whole;
* The need for supervision e.g. mentoring, development, training;
* The effect on supervision;
* Availability of staff resources or equipment/technology or data that are only available on site;
* 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;
* Employee needs i.e. the reasons for requesting FW and or RW;
* The employees IT skills to work remotely outside the office;
* The employee’s attendance record;
* The employee’s ability to meet deadlines and/ or performance standards;
* Whether the employee is subject to a probationary period;
* Whether the employee is subject to a disciplinary process or is there a live record of disciplinary action.

Requests for a change to an employee’s working arrangements will be agreed on an individual and case by case basis.

The firm and the employee must discuss the level of flexibility that is most suited to the role and that meets the service need. Both the firm and the employee 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 that the impact the flexible and/or remote working request has on the service is an important consideration and not all flexible or remote working arrangement wills be suitable for all roles

An agreement to a flexible 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.

When a member of staff applies for a different job role within the firm their current flexible /remote working arrangements are not protected. The non exhaustive list of factors above will be taken into consideration when considering an RW or FW arrangement for a different role.

**6.0 Making an Application for a FW/RW arrangement**

Eligible employees may make a request for permanent or temporary change to their terms and conditions of employment to work flexibly and or remotely.

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

* Specify the type of FW /RW arrangement that is being requested;
* Specify the reasons for requesting FW/RW
* Specify if it is a permanent or temporary request (include duration);
* 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 – e.g. if FW is being sought for caring purposes include details of the child/person to be cared for. In the case of a child include the birth cert or cert of placement from a registered adoption agency or Tusla. For a specified person needing significant care or support for a serious medical condition the application should include the employee's relationship to the person, the nature of care/support required and evidence of the need for significant care/support - this could be in the firm of a medical certificate signed by a medical practitioner or as agreed by firm. The firm will ensure that that it takes all steps to ensure that the person’s personal data rights are protected.
* For RW, details of the RW location and its suitability considering the firm’s policies listed at 11.0.

Applications for FW or RW should be submitted as soon as reasonably possible but not later than 8 weeks before the proposed start date of the FW or RW arrangement.

**7.0 The Firm’s Response to the Application**

Once a flexible /remote working request is received by [name of person dealing with flexible /remote working requests], the request will be considered and a meeting(s) may be set if deemed necessary by the firm ~~t~~o discuss and assess the viability of the proposed flexible and/or remote working arrangement with the employee taking into consideration the factors outlined at 5.0. The employee will cooperate with the firm in discussing and exploring the best practical and operational arrangements for the requested working arrangement and clear realistic objectives need to be agreed between the firm and employee to enable the employee’s performance to be managed. All arrangements will be subject to the employer and the employee’s responsibilities more particularly set out in Section 9 of this policy.

The employee will be informed in writing of the firm’s decision as soon as reasonably practicable but no later than 4 weeks from the date of the firm receiving the request from the employee. The firm must within 4 weeks of first receiving the request:

1. approve the request for FW or RW and include an agreement prepared and signed by the employee and the firm setting out the details of the arrangement to include the start and end date; or
2. refuse the request or FW and or RW and in doing so provide reasons to the employee for its decision;
3. Notify the employee that the firm wishes to extend the period to assess the request for a further a period not longer than 4 weeks if the firm has difficulty making an assessment.

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.

Where the employee has any concerns regarding a decision made by the firm in response to the request for RW or FW, these concerns should be discussed with INSERT NAME with a view to resolving any issues as soon as possible after the decision is made *AND/OR the firm may wish to refer the employee to the firm’s grievance procedure.*

*The firm may wish to insert an appeal process if a decision is refused e.g. where a request has been refused the employee has a right to appeal the firm’s decision. This must be made within [insert* *timeframe e.g. 7 days] 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 e.g. 14 days]. The employee will be informed of the outcome of their appeal within [insert* *timeframe e.g. 7 days] of the scheduled appeal meeting.*

**8.0. Reviewing, Changing and Terminating Arrangements**

**8.1 Reviewing Arrangements**

Any issues relating to RW or FW must be raised by both the employee and the firm promptly so that they can be dealt with as soon as practicable. Any issues relating to the day-to-day RW and or FW arrangement should be notified to [INSERT NAME]

Trial periods allow the firm and employee time to assess how the new FW or RW arrangement is working. Temporary and trial arrangements will be reviewed by [INSERT NAME every insert timeframe] to ensure the new arrangement is meeting both the employee’s needs and the firm’s needs. The firm can request employees currently working in temporary/trial arrangements to consider changing their working arrangements to accommodate changing business needs or requests from other staff. In certain cases, a further trial period may be required by the firm or the firm may decide that a trial/temporary arrangement should be terminated. If no issues arise however the RW or FW arrangement can be signed off on by both the firm and the employee and appended to the original terms of employment.

**8.2 Changing Arrangements**

The firm and the employee can agree between themselves in writing to a change a RW or FW arrangement which has already been signed before or after it has commenced.

An employee can request in writing a return to their original working arrangement earlier than had been approved. This must be notified in writing to the firm and the firm will consider its needs and the employee needs in reaching a decision. The firm will notify the employee of its decision within 4 weeks of receiving the request and may propose an alternative date.

**8.3 Terminating Arrangements**

The firm can terminate a FW or RW arrangement before or after it has commenced if the firm is satisfied that the arrangement would have or is having a substantial and adverse effect on the firm by reason of any of the following:

* Seasonal variations in the volume of work;
* Unavailability of a person to carry out employee's work in the office;
* The nature of the employee’s duties;
* Any other factors relevant to the substantial adverse effect on the firm.

If the firm proposes to terminate the arrangement, it will firstly notify the employee in writing of its proposal to terminate the arrangement having considered the WRC Code of Practice, the firm’s needs and the employee’s needs. The firm will summarise in writing its reasons for terminating the arrangement and will state in the notice that the employee may make representations on the proposal within 7 days of receiving the notification. The firm will consider proposals or representations from the employee objectively, fairly and reasonably and if the firm decides to proceed with the termination, it will then give a notice of termination of the arrangement to the employee setting out the date on which the employee must return to the original working arrangement which will not be less than 4 weeks from the date that the employee receives the notice (unless the approved arrangement in fact terminates earlier than 4 weeks). The notice of termination will also summarise the reasons for terminating the arrangement.

**8.4 Abuse of an Arrangement leading to Termination**

If the firm has reasonable grounds for believing that an employee is abusing a FW or RW arrangement e.g. the employee not meeting the requirements of their role or not using the working arrangement for the purpose it was approved, the firm may terminate of the arrangement. The firm will notify the employee of its proposal to terminate the arrangement setting out the grounds for same and allow the employee make representations within 7 days of the receipt of the notification. The firm will consider proposals or representations from the employee objectively fairly and reasonably.

If the firm after considering any proposals/ representations decides to terminate an arrangement, the firm will give the employee a notice of termination of the arrangement setting out reasons for the termination and setting out the date on which the employee must return to the original working arrangement which may be 7 days from the date of receipt of the notice of termination.

**9.0 Responsibilities** [Lists of responsibilities set out in 9.1 and 9.2 are suggestions - add as appropriate to the needs of your firm]

**9.1 Firm Responsibilities**

The firm has the following responsibilities in relation to RW and or FW arrangements:

* To provide advice, guidance and training on the skillsets for flexible/ 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 flexible and or remote working arrangements. If it is not working to try and resolve any issues. In some circumstances it may be necessary to terminate the flexible and or remote working arrangement and where this happens the employee will revert to their previous working arrangements;
* To maintain regular contact with their employee;
* Not to expect its employees to work outside their contractual hours when they are working remotely;
* Agree the hours of work in advance allowing employees who are using their homes as part of their flexible and or 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 flexible and or remote working arrangements, whilst remaining focused on the duties and role to be performed;
* To ensure any personally adapted equipment required 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;**
* To keep records of the approved RW/FW arrangements agreed with their employees for three years including: the period of employment for the employee, the dates of which the employee was on an approved FW/RW arrangement and the number of times the employee was on an approved RW/FW arrangement.
* To keep notices (or copies) given to or received from employees for one year.

**9.2 Employee Responsibility**

The employee has the following responsibilities in relation to RW and or FW arrangements:

* To be flexible, open and constructive in discussing and agreeing flexible /remote working arrangements, whilst remaining focused on the duties and role to be performed;
* If the employee intends working outside of Ireland for more than 183 days, this must be disclosed and discussed this with the employer as there may be tax implications.
* To maintain the same working hours, break and rest entitlements as if they are working in the office.
* Maintaining regular contact with their employer and being contactable in the same way during working hours as if you were working in the office;
* To always use an electronic diary and it must be kept open for colleagues to view;
* To attend scheduled team meetings 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 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 flexible and or remote;
* Be aware that all the firm’s policies and procedures continue to apply while working remotely.
* Employees may be able to claim tax relief on additional utility costs when working from home. It is a matter for employees to inform themselves as to these available reliefs and to apply for same and. Employees should refer to the Revenue website for further information.
* Employees are not expected to work outside their contractual hours when they are working remotely and should be aware for their own health and safety of the importance of disconnecting from work.
* To keep notices (or copies) in respect of RW or FW arrangements given to or received from the firm for one year.

**10.0 Updating the employment contract**

Where an agreement is reached on a working arrangement, the signed arrangement between the firm and the employee will be appended to the employee’s contract of employment and retained by both parties.

**11.0 Related Policies**

The firm has several policies in place that support our flexible 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.
* General Computer, Email, Intranet, Internet Acceptable Usage policy.

**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.

The [Occupational Safety & Health Guidance on Remote Working](https://www.hsa.ie/eng/topics/remote_working/remote_working_guidance.pdf) issued by the Health and Safety Authority provides guidance for employers and employees on roles and responsibilities in relation to remote working, and the remote working risk assessment process: [remote\_working\_guidance.pdf.](https://www.hsa.ie/eng/topics/remote_working/remote_working_guidance.pdf) Employers and employees need to check furniture and workstations comply with the firm’s health and safety statement by undertaking a Home Working Risk Assessment and this  **MUST BE** agreed with the employer before an employee will be allowed work from home.

When working from home, even if it is only on an ad hoc basis, employees must ensure that they have suitable workspace with adequate security, internet connection, 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.

A flexible /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, visitors 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 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*.]