

# **Remote Work Problems and Their Solution for Employees**

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## Introduction

The “Remote work problems and their solution for employees” study brings an integrated, although in relation to its scope necessarily brief overview of remote work as an increasingly more common flexible form of work. The study provides definition of remote work and lists other key concepts related to remote work, focused on remote work from home, where it is usually performed.

The proportion of Czech employers who offer remote work (or work from home) varies, according to different surveys, in the long run between one-quarter and one-third. However, the proportion of employees using this form of work is steadily increasing.

Remote work brings many advantages to employers and employees, on the other hand it is also associated with different kinds of negatives. Implementing remote work also faces various kinds of obstacles. The authors went further in this part of the study and drew attention to specific examples of businesses that have completely re-evaluated their flexible remote work policy on bases of their own experience. The study also provides results of surveys pointing to necessity of setting certain extent of remote work from home while keeping certain amount of work to the employer’s workplace to preserve commonly proclaimed benefits of this type of work flexibility, such as increasing employees’ motivation and productivity.

The study focuses on selected issues the remote work can bring about and comments on it in the wider context of the digital society of the 21<sup>st</sup> century. It describes effects of flexible forms on health, processes phenomena such as labour intensification, BYOD or techno-stress. It focuses extensively on the role of new technologies, modern forms of remote work are usually based on (the proportion of employees using smart phones, tablets, laptops and desktops to work outside employer’s premises is 17% according to available surveys in the EU). Key trends and change factors due to ICT use are described, including impacts on the way and place of work: in addition to flexible forms of work, it includes categories such as virtual jobs, crowd working, fluid co-working spaces and changes in HR management. The study also deals with topics which have not yet been discussed in the context of remote work in the Czech Republic, or only minimally – such as environmental advantages of remote work, generational differences or gender issues.

The second chapter of the study provides details from research among Czech employers, specifically focused on work from home as an employee benefit. The results were processed on the basis of 1,013 respondents’ answers and provide information on utilization of the benefit e.g. from the viewpoint of economic sectors’, employer’s size or selectivity of the offered benefit.

Representatives of selected employers who offer the home work possibility of were interviewed via a telephone call during the study. The aim of the interview was to verify their

experience with this benefit and to identify whether and how the performance of work from home was implemented into internal business processes. The results are provided in the third chapter of the study, including procedures and guidelines examples related to working from home. Even a small sample of enterprises shows clearly that employers differ significantly in their approach to homeworking. Measures range from the absolute absence of specific rules to comprehensive, highly detailed guidelines covering the layout of working hours, homeworking costs, OSH, fire protection, protection of data and other employer's property and liability.

The fourth chapter of the study provides identified foreign examples of legislation addressing flexible work, including remote work. Examples are available from the UK, the Netherlands and Australia. It is based on separate legal acts (the Flexible Work Act, the Fair Labour Act), with a common feature of statutory employee's right to apply for work from home, as well as employer's obligation to deal with such a request. In the case of Great Britain and Australia the study describes also mechanisms for further action if the employer does not approve such a request. Examples of good practice are included (such as manuals, examples of rules or checklists for employers and employees focused on home work organization and related measures).

The final fifth chapter of the study focuses on legislation in the Czech Republic. The current legal status and interpretation of the work from home is described. The study describes in detail the proposed amendments to the Labour Code in relation to remote work and follows the development of the existing discussion, starting with the draft amendment to the Labour Code, including the arguments of the Ministry of Labour and Social Affairs of the Czech Republic and key labour market entities representing the interests of employers and employees.

The authors of the study express their thanks to concerned businesses for sharing their experience with remote work and providing homeworking directives for the purposes of this study.



# 1 Problem specification

## 1.1 Definitions and related terms

**Work from home (or home work)** is one of **flexible work forms**.

According to the study of European Commission, “Flexible working time arrangements and gender equality,”<sup>1</sup> work from home is one of the **flexible forms in the working time organization**. Other measures within the framework of working time organization include e.g. flexible start or eventually end of working hours, working hours account or sharing work.

Second category is flexibility in the **number of working hours**.

More and more frequent choice of work from home offered by employers is closely related to the development of modern information and communication technologies. Employees themselves can also perceive work from home as a certain form of benefit.

The most common synonym used for work from home is in the Czech environment the term **home office**. However, a more appropriate term is **homeworking**, which is a real foreign language equivalent for work from home. The concept of **home-based work** is less common.

In the Czech Republic, both concepts are sometimes distinguished in the following way: while home office refers rather to an occasional situation when an employee works for some reason from home, homeworking is used in cases when work from home is an agreed standard.

Traditional work from home where people were (or are) making various kinds of goods is usually designated as a “domestic work” (the English equivalent for such workers is **out workers** or **piece workers**).

The expression: **teleworking** is used for forms of remote work (from the Greek *tele* – far away), whether from home or any other place outside the employer’s workplace, it uses, as a rule, current technologies. The USA “Telework Enhancement Act” (2010), which allows remote work to federal officials, defines telework as a “*work flexibility measure, in which an employee performs work tasks and responsibilities arising from the job position, or other*”

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<sup>1</sup> EUROPEAN COMMISSION. *Flexible working time arrangements and gender equality — A comparative review of 30 European countries* [online]. Luxembourg: Publications Office of the European Union, 2010 [seen on 2017-06-01]. ISBN 978-92-79-15545-1. DOI: 10.2767/29844. Available at: <http://ec.europa.eu/social/main.jsp?langId=en&catId=22>

*activities that he/she was appointed to perform from an approved workplace other than from the location in which the employee would otherwise work*<sup>2</sup>.

The term: **telework/ICT-mobile work (T/ICTM)** can also appear in connection with teleworking. For example, ILO and Eurofound work with it extensively in the study called *Working anytime, anywhere: The effects on the world of work*<sup>3</sup>. The term “telework/ICT-mobile work” (T/ICTM) is defined as “*utilizing smart phones, tablets, laptops and desktop computers for work outside employer’s premises*”. According to the study, a typical **teleworker/T-ICTM worker** is a highly skilled worker in a professional or managerial position that works flexibly in different places, but mainly from home.

Another term, often used in connection with work from home, is **telecommuting**. Some authors<sup>4</sup> refer to **telecommuters** as workers who have usually a common office work and 1-3 days a week they perform it from another place.

However, work from home may be viewed also from a different angle, and although this study does not deal with it in detail, the authors of the study consider it appropriate to mention it at least. The phenomenon of work from home is, according to EKS (2006),<sup>5</sup> often discussed in connection with the increasingly appearing global phenomenon of so-called **informal work**, the global movement of production and the related deterioration of working and social conditions. In this case the work from home is characterized as the most common form of informal work carried out globally by women in particular and which brings many disadvantages connected mostly with its “invisibility”. According to the ICFTU, the work from home is globally the most widespread form of informal work. Informal in this case means it is without a proper employment contract and protection of labour rights. In the Czech context, we could talk about illicit work done from home.

<sup>2</sup> USA: *Telework Enhancement Act of 2010* [online]. Chapter 65 – Telework, § 6501–6506 [cit. 2017-06-01] Available also from : <https://www.gpo.gov/fdsys/pkg/BILLS-111hr1722enr/pdf/BILLS-111hr1722enr.pdf>

<sup>3</sup> EUROFOUND AND THE INTERNATIONAL LABOUR OFFICE. *Working anytime, anywhere: The effects on the world of work* [online]. Luxembourg: Publications Office of the European Union, 2017 [seen on 2017-06-08]. ISBN: 978-92-2-130472-2. DOI:10.2806/372726. Available at: [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1658en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1658en.pdf)

<sup>4</sup> HILL, J. E., MILLER, B. C., WEINER, P. P., & COLIHAN, J. Influences of the virtual office on aspects of work and work/life balance. [online]. *Personnel Psychology*. September 1998, vol. 51, no. 3, p. 667–683 [seen on 2017-06-13]. Available at: <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-6570.1998.tb00256.x/abstract>

<sup>5</sup> ŠINDLEROVÁ, I. *Práce žen z domova v České republice. Nejistá a nevýhodná práce ukrytá za dveřmi domácností, nebo flexibilita pro skloubení rodinného a profesního života?* (Women’s work from home in the Czech Republic. Insecure and disadvantageous work hidden behind household’s door or a flexibility providing joined family an professional life?) [online]. Praha: EKS, 2006 [seen on 2017-07-17] ISBN: 80-239-7284-7. Available at: <http://www.ekscr.cz/sites/default/files/prace-z-domova.pdf>

## 1.2 Who does the work from home concern

### 1.2.1 Categories of persons suitable for work from home

The Gender Studies<sup>6</sup> organization attempted to categorize workers, whom it would suit the best to work from home, in the “Work from home” handbook (2011). In the handbook they identified the following categories of people:

- People from hard to reach places or living far away from the workplace;
- Fathers and mothers on a parental leave and parents of young children;
- People who take care of members of the household on a long term basis;
- People with disabilities;
- People who generally prefer work from home.

### 1.2.2 Employers and workers working in the work from home mode

This chapter lists the results of selected surveys focused on work from home, which illustrate the current state and trends in using these flexible work measures.

The results of the **Global Economic Indicator** study by Regus<sup>7</sup> from 2013 show that 48 % of workers in managerial positions work at least half of the working week in the distant mode. The study includes 26,000 managers from 90 countries. Of these, 55 % assume that distant employees can be effectively managed. According to Regus, the key role in remote work consists of trusting employees and of their freedom. When these elements are applied, the remote work provides these expected benefits: higher productivity, retention of employees, lower operating costs.

The **US Telecommuting Forecast** study (Forrester Research) estimated the number of Americans working from home in 2016 to 63 million.

A specific figure is the share of employers offering partial work from home (in combination with work at the employer's workplace). According to the **2014 National Study of Employers**, the share of US businesses offering this form of work increased from 50 % to 67 %<sup>8</sup> between 2008 and 2014.

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<sup>6</sup> BASLAROVÁ, I. *Práce z domova aneb V práci jako doma (Work from home or At work like at home)* [online]. Gender Studies, o. p. p., 2011 [seen on 2017-07-21]. Available at: [http://genderstudiep.cz/download/Prace\\_z\\_domova.pdf](http://genderstudiep.cz/download/Prace_z_domova.pdf)

<sup>7</sup> REGUP. *Global Economic Indicator* In: *Regup.co.uk* [online]. September 11, 2013 [seen on 2017-06-29]. Available at: <http://presp.regup.com/regus-europe-hub/half-of-us-work-remotely--when-will-the-rest-catch-up-0>

<sup>8</sup> MATOS K., GALINSKY E. *2014 National Study of Employers* [online]. Families and Work Institute, © 2014 [seen on 2017-06-26]. Available at: <http://familiesandwork.org/downloads/2014NationalStudyOfEmployerp.pdf>

According to the **Europe-wide Labour Force Survey (LFS)**, the share of home-based employees is gradually increasing<sup>9</sup>. While in 2009, this share amounted to 12.2 % within EU-28, by 2016 it was already 14.5 % employees. The highest share of people working from home was recorded in the Netherlands (37 % in 2016) and Denmark (35 %), the least frequently worked from home employees in Bulgaria or Romania (1.1 %, or. 0.8 %). In the Czech Republic, this share also increases: from 6.7 % in 2007 to 8.9 % last year.

In the UK, between 2007 and 2012, the number of employees who usually work from home increased by 13 %, which is about 500,000 (4 million from total of 30 million British employees)<sup>10</sup>.

The **Homeworking: helping businesses cut costs and reduce their carbon footprint**<sup>11</sup> survey states:

- 40 % of jobs in the UK is compatible with the concept of working from home;
- Work from home is offered to less than 40 % of British employees;
- 35 % of UK employers have a corporate home work policy;
- Where a possibility to work from home is offered, it is declined by a third to half of employees.

According to the **KPMG survey**<sup>12</sup> (2014), a third of Czech companies offer their employees to work from home. More than three quarters of Czechs would like to work in this way, but the work from home use only 12% of employees.

Some older Czech surveys on the topic of work from home among employers are summed up in the **Flexible Work Forms in Selected EU Countries** study<sup>13</sup> by the **Research Institute of Labour and Social Affairs**. According to the survey the **Association of Small and Medium-Sized Enterprises and Tradesmen of the Czech Republic**, 30% of the addressed companies offered work from home. A similar share (25%) of companies using remote work was also confirmed by the survey of Václavková (2007).

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<sup>9</sup> EUROSTAT. *European Union Labour Force Survey (EU LFS)* In: Ec.Europa.eu [online]. [seen on 2017-07-10]. Available at: <http://ec.europa.eu/eurostat/web/microdata/european-union-labour-force-survey>

<sup>10</sup> OFFICE FOR NATIONAL STATISTICP. Labour Market Statistics, March 2014. In: Nationalarchive.gov.uk [online]. [seen on 2017-07-13]. Available at: [www.onp.gov.uk/ons/rel/lms/labour-market-statistics/march-2014/statistical-bulletin.html](http://www.onp.gov.uk/ons/rel/lms/labour-market-statistics/march-2014/statistical-bulletin.html)

<sup>11</sup> SWIFT P., STEPHENS A. *Homeworking: helping businesses cut costs and reduce their carbon footprint* [online]. London (UK): The Carbon Trust, 2014 [seen on 2017-07-11]. Available at: <https://www.carbontrust.com/media/507270/ctc830-homeworking.pdf>

<sup>12</sup> KPMG. [online]. Praha: © 2017. [seen on 2017-06-26] Available at: <https://home.kpmg.com/cz/cs/home.html>

<sup>13</sup> KOTÍKOVÁ J., KOTROUSOVÁ M., VYCHOVÁ H. *Flexibilní formy práce ve vybraných zemích EU (Flexible forms of work in selected EU countries)* [online]. Praha: VÚPSV, v.v.i., 20132 [seen on 2017-07-28]. ISBN 78-80-7416-131-5 Available at: [http://praha.vupsv.cz/Fulltext/vz\\_366.pdf](http://praha.vupsv.cz/Fulltext/vz_366.pdf)

The **Business for Society** association<sup>14</sup> (2014) pointed out that eight out of ten younger employees expect the company to offer them home office or flexible employment opportunities. The survey involved two hundred small and medium-sized companies.

Three quarters addressed in this survey are convinced that if they are to do a good job, they have to be personally present at the workplace. From them:

- 70 % state that their presence at the workplace is required by the type of work;
- One third does not have the necessary equipment (such as a computer that connects to the employer's network);
- One third wants to work in the company of their colleagues.

The research of work from home as a benefit in the Czech environment is further covered in Chapter 2.

## 1.3 Obstacles, advantages, disadvantages of homeworking

### 1.3.1 Obstacles to homeworking

The **main barriers** to greater utilization of flexible work forms **on the employers' side** can be classified according to RILSA:

- Hesitant (sometimes also hostile) attitude towards flexible forms of employment, expectation that their more frequent use is associated with lower efficiency and productivity of work, more difficult communication with these workers, issue of ensuring workplace safety on the workplace (e.g. when working from home) and checking the quality of work done. Czech employers thus appear to be relatively conservative to changes in the style of human resources management;
- Concerns about increased administrative burdens associated with organizing the part time work;
- Concerns about increased financial burden. According to the RILSA study (2004) 45% of employers agree that flexible forms of employment can cause cost growth.

M. Martoch (2014)<sup>15</sup> classifies problems and obstacles to remote work in three basic categories:

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<sup>14</sup> *Byznys pro společnost (Business for Society)* [online]. [seen on 2017-06-21]. Available at: <http://byznysprospolecnost.cz/>

<sup>15</sup> MARTOCH, M. *Řízení vzdálených pracovníků Kdy a proč práce na dálku (ne)funguje (Management of remote workerp. When and why the remote work works / does not work)* [online]. Třebíč: Koordinační centrum práce na dálku, (Coordination

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### **Computer and technology issues:**

- Risk of internet connection failure;
- Obsolete computer equipment and software;
- Non-functional hardware and software;
- Insufficient computer knowledge of workers;
- Concern of loss, misappropriation or abuse of corporate data;
- Unpreparedness of IT departments to connect the employees' own equipment;
- Psychic addiction on smart phones.

### **Problems of the technical management:**

- Insufficiently communicated expectations and visions;
- Concern about disturbing corporate culture;
- Concern about ensuring efficient communication;
- Lack of physical contact with employees and a work team;
- Low willingness of management and employees to adapt;
- Ignorance of talents and strengths of workers;
- Distrust in employee performance and lacking overview of results;
- Preference of workers in office at the expense of remote workers;
- Inadequate system of rewarding a good quality work;
- Problems with handling signed documents and physical objects;
- Ignorance of specific modifications of the Labour Code;
- Lack of information about household conditions of workers.

### **Problems of the subordinates:**

- Lack of motivation to work and postponement of work tasks;
- Too long working hours and overload of work tasks;
- Increased costs of running the household;
- Lack of personal contact with colleagues and a feeling lonely in isolated environment;
- Feeling of mistrust in sufficient performance of the employee by the manager and concerns in regards of promotion, wage increase or wage bonuses;
- Inability to separate personal and working life;
- Mess and untidiness;
- Lack of working space;
- Lack of understanding from one's family.

### 1.3.2 Advantages and disadvantages of implementing work from home from the employers' viewpoint

#### Advantages of working from home:

- Savings in company's costs: lower costs for office and its equipment, furniture, services costs, energy costs etc. (according to the findings of RILSA and others, for example, Cisco company stated that due to allowing remote work to its employees it reached an annual cost savings of US \$ 277 million);
- Well adjusted work from home increases loyalty and employee satisfaction;
- Making the company more attractive as an employer – offering modern work forms for employees;
- Using current communication capacities makes the company's management in the form of remote work as efficient as in the case of personal presence of the manager at the workplace;
- The enterprise can employ more people: a possibility to provide work to mothers with children and employ more people in limited space capacity of the enterprise;
- The possibility of employing or retaining employees which might otherwise leave, or which might not be employed otherwise at all.

#### Disadvantages (obstacles) for working from home:

- Limited possibilities to check the employee;
- Difficult communication with the employee;
- Low experience of managers with team leadership in which part of employees work from home;
- Doubts regarding work productivity;
- New employees are difficult to fit in with colleagues;
- It cannot be introduced due to the nature of the production and services;
- Traditional forms of work fit better to the company's culture;
- Structural constraints given by the size of organization, labour market conditions or social policy.

#### *Box 1: Is it really that simple? (part I.)*

Proven examples from practice show companies, which on basis of real experience with applying remote work, completely changed their policy in this regard. Medially known examples are IBM or Yahoo. While in 2007, approximately 40 % from 400,000 employees of IBM did not use traditional office and the company argued with reduced costs and productivity gains, IBM currently plans to reduce remote work radically. The argument is a change in the nature of software development work and digital marketing, which, according to IBM, requires new approaches to work. IBM reduced the office space by 23.7 million square meters between 1995 and 2008, of which 17.6 million square meters was sold for \$ 1.9 billion.



Already in 2013, US company Yahoo limited teleworking to 12,000 of its employees. Yahoo's director Marissa Mayer has supported the cancelation of remote work with arguments about poor quality and speed of work. In Yahoo's view, work shared in one place promotes mutual communication and collaboration.

*"Some of the best ideas and decisions take place somewhere in the corridor and in the cafeteria during lunch discussions, while meeting new people and during improvised team meetings. To be one company, we have to start from being physically together"*<sup>16</sup>.

### 1.3.3 Advantages and disadvantages of implementing work from home from the employees' viewpoint

#### Advantages of work from home:

- Saving time (for example, a study by Carbontrust states that working from home two days a week would save the average British 50 hours otherwise spent on commuting);
- Savings on commuting (the same source states that working from home 2 days a week on average the British saves £ 450 per year);
- Higher job satisfaction: higher working flexibility combined with time savings leads to a better work-life balance.

#### Disadvantages of working from home:

- Self-discipline and resistance to distracting stimuli are required preconditions to home work (KPMG, Gender Studies and others);
- The employee working from home can feel being under pressure, fear of not managing the appointed work and fear of disappointing the trust of the superior;
- Working outside office can isolate the employees from other people and cut them off real social networks (for example, a Stanford University research has shown that remote workers have a higher job satisfaction, yet half of them has returned back to the office after some time);
- Flexible work (company) policy entails the risk of worsened working conditions;
- The growth of negative emotions in employees (resentment, resistance against this labour policy);
- Dissolving the borders between "working" and "home" is stressful for some people;
- Possible increase of some costs (energy consumption costs needed for the operation of, for example, computers are actually small, another question is e.g. home/apartment heating, especially in winter – according to the calculations of

<sup>16</sup> MAYER, M. Telecommuting: What Marissa Mayer Got Right—and Wrong In: *Times* [online]. June 05, 2014 [cit. 2017-07-12]. Available at: <http://time.com/money/2791618/telecommuting-what-marissa-mayer-got-right-and-wrong/>



Carbontrust, the increased heating costs for work from home start to balance out the expenses on commuting when driving a car at least 7 km (one way), using a bus at 11 km and train at 25 km (calculated for the UK).

*Box 2: Is it really that simple? (part II.)*

The Gallup Institute study<sup>17</sup> points out that when naming benefits, disadvantages or obstacles to introducing work from home, a careful procedure is necessary, as well as taking into account the nuances. The **Gallup's State of the American Workplace** report concludes that remote employees are actually more involved in their work, but this only applies when they spend outside their office only 20 % of working hours or less.

On the one hand, the Gallup Institute confirms that productivity is actually increasing: people spend more time working, partly because of the time saved on commuting or going to lunch, partly by eliminating distractions in the common workplace. On the other hand, there comes a certain break point when people spend 50 % and more of their working time away from their employer's workplace. They are less interested in their work than their counterparts working at the employer's site. Workers, who work from home hundred percent of working hours, may feel separated from their work twice as likely as others.

## 1.4 Other selected topics related to flexible work forms

### 1.4.1 Flexible work forms and health impacts

Flexible work forms should provide, inter alia, a response to the phenomenon of work-related stress. On the other hand, digital technologies and "24 hours on receipt" society have the potential to create stress and pressures leading to worsen existing mental illnesses or to promote start of illnesses. For example, the UK *Health and Safety Executive* has showed that, as a result of stress, depressions and anxieties arising from employment, around 11.7 million of working days was lost in the years 2015/16. In total it included 488,000 cases in that period, i.e. 24 lost days per case<sup>18</sup>.

Research has also shown that mental health of people performing psychologically problematic jobs is as bad or even worse than the mental health of the unemployed.

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<sup>17</sup> GALLUP'S State of the American Workplace. 70% of U.P. Workers Not Engaged at Work *Gallupe.com* [online]. © 2017 [seen on 2017-07-25]. Available at: <http://www.gallup.com/services/178514/state-american-workplace.aspx>

<sup>18</sup> HSE. Work related stress, anxiety and depression statistics in Great Britain 2016. *hse.gov.uk* [online]. October 2017 [seen on 2017-06-23]. Available at: <http://www.hse.gov.uk/statistics/causdis/stress/index.htm>

### 1.4.2 Work intensification

The strong work intensification trend is highlighted for instance by Gail Kinman and Almuth McDowall<sup>19</sup> (2017). The rapid increase in work intensity is shown by surveys such as the **Workplace Employment Relations Study** (2013) or the European Work Relationship Study (**WERS**, 2015). The same authors point also to the **Skills and Employment Survey**. According to it, the share of employers fully agreeing with the statement that work requires them to work “very hard” has increased from 32 % in 2004 to 45 % in 2012.

The response of public administration and companies to these issues was meant to be greater support for work from home, flexible working hours, part-time work, other forms of flexible work and related experiments, such as shortening the working day. For example, according to **Towers Watson**<sup>20</sup> in 2013, up to two-thirds of British companies have declared they plan to increase spendings on corporate tools to promote health and well-being of employees.

However, foreign studies suggest that work from home can cause more harm than good. Working culture “always on alert”, requiring ever more flexibility from the employees, brings with it a great psychological burden.

The above mentioned Professor Gail Kinman (University of Bedfordshire, British Psychological Society) points out that people constantly checking work emails and handling out work phone calls out of working hours consistently have a high stress level. As a result, the body regeneration process does not work properly, the sleep is not of sufficient quality and the immune system quality is reduced. It also points to studies showing that increasing volume of work reduces space for personal interests, sport and good quality food.

Connection between psychological aspects of work and heart diseases has been also shown, although it has not yet been precisely described how exactly does this connection work (Prof. Simon Wessely, Royal College of Psychiatrists<sup>21</sup>).

Similar findings are the source of arguments for advocates of more sophisticated measures that allow people to reach the work-life balance even in rich economies, which have tendency to overload some people while under-utilizing millions of others.

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<sup>19</sup> KINMAN, G., McDOVALL, A. (2017). Work-Life Balance in Times of Recession, Austerity and Beyond. [seen on 2017-06-23]. Available at: <http://www.worldcat.org/title/work-life-balance-in-times-of-recession-austerity-and-beyond/oclc/957127645>

<sup>20</sup> WILLIS TOWERS WATSON. Health, wellbeing and productivity survey 2012/2013. *Towerswatson.com* [online]. UK: Willis Towers Watson, © 2017 [seen on 2017-07-17]. Available at: <https://www.towerswatson.com/en-GB/Insights/IC-Types/Survey-Research-Results/2013/05/Health-wellbeing-and-productivity-UK-survey-results>

<sup>21</sup> THEGUARDIAN. Work-life balance: flexible working can make you ill, experts say. In: *Theguardian.com* [online]. January 2, 2016 [seen on 2017-06-30]. Available at: <https://www.theguardian.com/money/2016/jan/02/work-life-balance-flexible-working-can-make-you-ill-experts-say>

### 1.4.3 Role of new technologies

The **impact of new technologies** that make the flexible work possible is a specific topic. For example, the **Ofcom** study (2015) has shown that adults spend more time using technology than sleeping<sup>22</sup>. Kinman states that new technologies contribute to intensifying work by enabling and requiring people to work faster, doing more and working on more tasks at a time. She also highlights the increasing phenomenon of **presentism** that is, by the ChiefExecutive.net,<sup>23</sup> comprehended as a situation when employee is physically present at work, but does not work in a way possible to classify as sufficiently productive.

An extensive report titled **Working anytime, anywhere: The effects on the world of work** was prepared on the new technologies impact on the world of work together by **ILO** and **Eurofound**<sup>24</sup>. In this context they focus on so-called **telework/ICT-mobile work (T/ICTM)** which is defined as utilizing smart phones, tablets, laptops and desktop computers for work outside the employer's premises. The report is a synthesis of research conducted in 10 EU countries and in 5 other countries including the USA and Japan.

The study defined several categories of workers in terms of ICT usage and places of work performance.

Chart 1 – Operationalisation of T/ICTM categories according to items of "ICT usage" and "place of work performance"

category	ICT usage	Place of work performance	
<b>Regular remote work from home</b>	Always or almost always	Working from at least one place other than the employer's premises at least several times a month	Working from home at least several times a month and from all other places (outside employer's workplace) less than several times a month
<b>Highly mobile T/ICTM</b>			Working from at least two places other than the employer's premises at least several times a week or working daily from at least one other place
<b>Occasional T/ICTM</b>			Less frequent work or fewer locations than highly mobile T/ICTM

<sup>22</sup> OFCOM. The Communications Market Report 2015. In: Ofcom.org.uk. [online]. 17 August 2015 [online] [seen on 2017-06-16]. Available at: <https://www.ofcom.org.uk/research-and-data/cmr/cmr15>

<sup>23</sup> Chief Executive Net [online] © 2017 [seen on 2017-06-30] Available at: <http://chiefexecutive.net/>

<sup>24</sup> EUROFOUND AND THE INTERNATIONAL LABOUR OFFICE, note no. 3

<b><i>Always at the employer's workplace</i></b>	<i>All categories</i>	<i>Always at the employer's workplace</i>
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Source: EWCS (2015)

The **key findings** of this study include:

- In the surveyed countries, the highest share of T/ICTM workers was recorded in Finland, Japan, the Netherlands, Sweden and the USA;
- The proportion of T/ICTM workers vary between 2–40 % depending on the country, occupation, sector and frequency of utilizing T/ICTM for the above stated work purposes;
- On average, the share of T/ICTM workers is 17 % in the EU-28 countries;
- In the vast majority of countries, the funds of T/ICTM are used for work out of employer's site occasionally, not on regular basis;
- On average, men are more involved in T/ICTM than women, on the other hand, women use working from home more frequently;
- Workers who work exclusively from home mention a better work-life balance than employees who use T/ICTM for work on variety of locations, including work from home.

The report also provides an overview of **positive effects of T/ICTM declared by their users:**

- Reducing the time required for commuting;
- Greater work autonomy and therefore a greater flexibility in terms of work organization;
- A better overall balance between work and personal life;
- Higher productivity.

**Positive effects declared by employers:**

- Improving the employees' work-life balance leads to their increased motivation which has a positive impact on the company's turnover, improves its productivity and efficiency;
- Reducing office space and reducing the costs of their operation.

**Disadvantages of T/ICTM** mentioned in the report:

- Tendency to prolong working hours;
- Tendency to overlap working and personal life and negative interference between the two components;
- Tendency to intensify the work.

The study illustrated the stated disadvantages on several **examples** listed below.

For example, the UK Labour Force Survey (2015) found the following:

- Remote workers often state 9.8 hours spent overtime, while office workers state 8.4 hours;
- 80 % of overtime work performed by UK “remote workers” is not paid (it is an equivalent to 7.8 hours per week) – on the other hand, respondents working at the office stated the same for 60 % of overtime work (5 hours per week).

The Finnish study on working life quality from 2013 states that 65 % of Finnish remote workers are contacted for work outside working hours, usually by email. A similar study from Spain (Randstad, 2012) mentions the occurrence of this phenomenon in 65 % of remote workers – by emails or phone calls.

The authors of the Swedish survey (Unionen, 2013) found out that:

- 53 % of respondents are available on a daily basis even after working hours;
- 31 % of respondents confirmed that they often check their work emails after working hours;
- The most common reasons, why they are available after work time, are to be available to help colleagues and to be available to customers and clients;
- About one-fifth of respondents stated that their employer expects them to be available even after the working hours.

A French study prepared by OBERGO Institute (2015) mentions that 61 % of the surveyed workers have increased their working hours. Respondents said that they would save an average of 1.38 hours per day on commuting, but this time “rolled over” to the working time. The Dutch research by CBS and TNO (2014) found that half of the remote workers works sometimes or regularly on Sundays. A similar Japanese research shows that 30 % of teleworkers work 6 or 7 days a week.

The report states that one of the factors determining, whether the T/ICTM usage is perceived as positive or negative, actually depend on the fact, whether technologies replace or complement the office work. It should also be noted that impacts of using T/ICTM may vary according to the categories of workers (see the above listed chart, Operationalisation of T/ICTM categories according to “ICT usage” and “place of work performance”).

The EU-OSHA study, **Key trends and drivers of change in information and communication technologies and work location** (2017)<sup>25</sup>, defined several categories and within them a greater amount of key trends and factors of changes caused by utilizing information and communication technologies, including impacts on employment and ways and locations of work performance.

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<sup>25</sup> STACEY N., ELLWOOD P. BRADBROOK P., REYNOLDS J. WILLIAMS H. *Key trends and drivers of change in information and communication technologies and work location* [online]. Luxembourg: Publications Office of the European Union, 2017 [seen on 2017-07-11]. ISBN: 978-92-9496-382-6 Available at: <https://osha.europa.eu/en/tools-and-publications/publications/key-trends-and-drivers-change-information-and-communication/view>

The issues of flexible work forms, including work from home, is primarily related to the “Society” category and the “Employment” subcategory. However, other trends and factors also have a specific connection to home work, which will be specified below.

Chart 2 – *Subcategories of employment forms*

<p><b>Flexible work forms</b></p> <p>The growth in demand (from both, employers and employees) after flexible working hours; part-time work (both chosen and involuntary), so-called “<i>zero-hours</i>” contracts, short-term work, self-employment, work from home, mobile work and shift work.</p>
<p><b>Virtual jobs</b></p> <p>Work online from anywhere, anytime. Terms as a “job” are irrelevant.</p>
<p><b>Crowd-working</b></p> <p>The principle is an online platform serving organizations or individuals to provide specific services or products against payment.</p>
<p><b>Fluid co-working spaces</b></p> <p>Shared physical work spaces where different individuals work, which are not employed by the same organization.</p>
<p><b>Changes in HR management</b></p> <p>Changes in the type of tracking and monitoring the position, activity and productivity of workers through data analysis, the transition to flatter organizational structures where workers are less checked, more autonomous and are judged by innovation and performance rather than just by the amount of working hours.</p>

A more detailed description of the subcategories in relation to work from home:

### **Flexible work forms**

The still further blurring boundaries between work and personal life can lead to the impression that it is really necessary to be available 24 hours a day, which leads to restraining rest periods and creates *burn-out* prerequisites. Globally, around 50 % of people report that they feel the need to check work emails from home. Citizens of Germany, Spain and United Kingdom under age of 35 state twice as often as those over the age of 34 that they are anxious about the unavailability of their electronic devices. This feeling is sometimes referred to as a **techno-stress**.

The study also highlighted the growing demand on employees to use their own technological devices (so-called **BYOD – bring your own device**).

## Virtual jobs

It is predicted that billions of new online workers will enter the labour market in the next 20 years. The technology availability, growing demands for work from various locations, the ability to share data in clouds and other related trends will create a “project economy” where jobs and organizations will be “fluid” more often.

Currently, half of the workers working this way are between ages 26 to 35.

Virtualization of jobs can lead to:

- Breaking the boundaries between work and personal life;
- Increasing virtualization of working relationships;
- “Fear of missing out” (FOMO, see also the above mentioned presentism);
- Confusion between urgent and important work tasks.

This all can lead to an increased stress associated with work, social anxiety or burnout.

People who professionally cooperate in different time zones must also be available at socially unsuitable times to make an online collaboration possible.

According to EU-OSHA (2017), the growing intensity of labour is likely to lead to degradation of work under supervision or cancelation of specific working hours, which can again lead to stress and burnout. People will need better competencies to manage and organize workload in a way enabling them to reach a better work-life balance.

Increasing willingness/demand for utilization of personal technology facilities can complicate corporate management and protection of business and personal data.

## Crowdworking

Christane Benner (2014) defines crowd work as follows: *“In the case of crowdworking, work is assigned to a more or less closely determined number of workers through a web platform. These workers may be individuals, companies or institutions”*<sup>26</sup>

In recent years, the new online applications of *talent cloud* category increase in popularity as they match job requirements with skills and interests of workers (for example, Task

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<sup>26</sup> BENNER. CH., Crowd Work – zurück in die Zukunft? Perspektiven digitaler Arbeit. [online]. Bund-Verlag GmbH, 2014. [cit. 2017-07-11]. ISBN: 978-3-7663-6395-4 Available at: <https://www.buchundmehr.de/out/media/6395-Crowdwork-Gewerkschaftliche-Perspektiven-Leseprobe.pdf>



Rabbit). The total number of these “cloud workers” doubled between 2010 and 2011, and revenue generated by this kind of work increased by 75 %.

### **Fluid coworking spaces**

Coworking is one of the fastest growing trends linked to companies reducing office space and using shared locations to increase productivity (from *workplace* to *workspace*). Worldwide, the number of coworking sites has doubled each year since 2006. People, however, differ in their willingness to work in this way. While some are more flexible about the issue, others can be stressed by not having their own personal space to work. From the viewpoint of safety and health at work, it is necessary to ensure the safety aspects of constantly changing people on the site. It is also not clear who is responsible for OSH– is it the owner/manager of these spaces or the employer of people working there?

### **Changes in HR management**

Increased monitoring and screening of workplaces may mean that the privacy of employees is being compromised. People perceive this monitoring, which can lead to an increased work-related stress and sense of insecurity. The youngest workers are the most offended: generation Y, which actually accounts for a quarter of the total labour force, as well as generation Z, which is just entering or going to enter the labour market.

Monitoring and screening of workplaces can lead to work intensification, which may result in general overload of workers by work tasks. Flatter organization means that workers have more autonomy and control in their own hands. This may increase the sense of job satisfaction in one group of employees, while the same approach may cause a sense of insufficient employer's support.

#### **1.4.4 Remote work environmental benefits**

Remote work has gained importance in the USA in the 1990s, among other things also through the 1996 *Clean Air Act* amendment aiming at reducing the production of carbon dioxide and ground-level ozone by 25 %. This law requires support for car-sharing, public transport, shorter working weeks and remote work from businesses over 100 employees. In 2004, a law was enacted that promoted remote work in selected federal offices. The standard made it possible to withhold payments to authorities that did not provide the possibility of remote work to all employees for whom this flexible work form is appropriate.



Lister<sup>27</sup> (2009) states that if 40 % of USA citizens doing work compatible with teleworking would really perform remote work at least half of the working hours, it would:

- save 280 million barrels of oil (45 million m<sup>3</sup>);
- empty the streets permanently of approximately 9 million cars;
- save energy by not burning the fuel which is twice as high as the energy produced in the USA by all kinds of renewable energy production combined together.

The Carbon Trust study, **Homeworking: helping businesses cut costs and reduce their carbon footprint** concluded that ever increasing number of British remote workers has provided savings of 3 million tons of carbon each year, coupled with GDP growth due to £ 3 billion in savings for both employees and employers.

An Australian study, **National Broadband Network**<sup>28</sup> states that if 10 % of Australians were to work half of their working hours distantly, it would bring about saving of 120 million litres of gasoline and 320 thousand tons of carbon emissions. Such a share of remote work would also contribute to productivity increase in between \$ 1.4 and \$ 1.9 billion per year.

#### 1.4.5 Generational differences

Generation Z (“digital natives”) are people born between 1995–2009. They spent all their lives in a digital, interconnected world. They think digitally. They adapt to a flexible, collaborative and online forms of work better than previous generations. They may be more willing to use their own technology at work (BYOD – *bring your own device*). Their sedentary way of life may lead to chronic diseases like diabetes, cardiovascular disease or back diseases.

Generation Y are people born between 1979 and 2001, accounting for about 27 % of labour force. About half of them spent less than three years with their current employer. They are most common among knowledge workers or in services. Available technologies have played a big role in shaping this generation. Generally, this generation calls for more autonomy and self-control over working time. They require opportunities for self-development.

Post-war generation and generation X: they may require more often a hierarchical style of management and less autonomy. They have not grown up in a digital world and they may perceive ICT still only as a workplace innovation.

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<sup>27</sup> LISTER K., HARNISH T. *Undress For Success. The Naked Truth About Making Money at Home* [online]. New Jersey: John Wiley & Sons 2009 [seen on 2017-07-13]. ISBN: 978-0-470-38332-2 Available at: [https://www.slideshare.net/sipho\\_msolo/undress-for-success-the-naked-truth-about-making-money-at-home](https://www.slideshare.net/sipho_msolo/undress-for-success-the-naked-truth-about-making-money-at-home)

<sup>28</sup> *National Broadband Network* [online], © 2017 [seen on 2017-06-15]. Available at: <http://www.nbnco.com.au/>

#### 1.4.6 Regulation of new work forms

In connection with regulation, the **Key trends and drivers of change in information and communication technologies and work location** study focuses on an example of France which considers introducing the “disconnection rights for employees”. Employers with more than 50 employees should prepare a corporate code that specifies when employees do not have to send emails or respond to them (usually evenings and weekends). According to the study, it is clear that the levels and types of regulations at national and EU levels will have a major impact on the digital economy development of the Union. Effective interventions in the area of OSH will also require protection of workers using new work forms.

The report, **Working anytime, anywhere: The effects on the world of work** focused also on general **recommendation of related policy formulations**:

- Policy makers should emphasize the positive effects of using ICT while limiting the informal, complementary use of T/ICTM (such as handling emails and business phone calls beyond paid working hours);
- Work organization changes and working time regulation should reflect it. A particular attention should be paid to the complementary use of T/ICTM, which can be perceived as unpaid work, and to ensuring that minimum requirements for resting time are respected;
- A major challenge is to apply safety requirements outside the employer's premises. Policy makers should use the outcomes of the project: **Foresight on new and emerging risks in occupational safety and health associated with ICT and work location by 2025** (EU-OSHA: European Agency for Safety and Health at Work);
- Training and other initiatives for employees and managers focused on efficient ICT utilization at remote work, its potential risks and the effective management of the flexibility provided by these measures are needed to make full use of the T/ICTM potential;
- T/ICTM can be part of policies primarily focused on inclusion within the labour market and in society as such. Measures in some countries point to improving position of some groups in the labour market through the T/ICTM utilization: older workers, young women with children or disadvantaged people;
- Government measures and national or sector collective agreements play an important role in setting the overall T/ICTM framework. This framework should provide sufficient scope for the development of specific measures which serve the needs and preferences of both the employers and employees.
- The measures should address the reasons for negative impacts on the working conditions identified in the quoted study.

### 1.4.7 Gender issues of work from home

According to the EU LFS, the proportion of employed women working from home is gradually increasing. While in 2009 this share amounted to 11.9 % in the EU-28, by 2016 there were already 14.4 % of female workers. The highest share of home female workers was recorded in Netherlands (36.1 % in 2016) and Denmark (32.5 %), the least often worked from home female workers in Bulgaria or Romanians (1.4 % and 0.9 %). In the Czech Republic this share also increases: from 6.9 % in 2007 to 8.7 % last year.

From a gender perspective, the topic of work from home is addressed, for example, by a comprehensive study by the European Commission on **Flexible working time arrangements and gender equality**<sup>29</sup>. The study looked at gender-specific measures related to work flexibility and gender equality in 30 European countries.

The study is from 2009 and its findings should therefore be taken with the necessary perspective. Nevertheless some of its conclusions are worth mentioning:

- It points out that, in terms of gender equality, the **flexibility in terms of working time organization offers more opportunities** than flexibility in the length of working time. This is because, according to the study, this type of flexibility is, in principle, based on full-time workloads of both men and women.
- According to the EWCS (European Working Conditions Survey), the highest share of so-called “teleworkers” (people working exclusively or almost exclusively from home with the use of ICT) was recorded in the Czech Republic: 9.1 %;
- With exclusion of teleworking, the highest share of work from home was recorded in Ireland (5.2 %), Belgium (5.1 %) and in Finland (4.8 %).

The EU-OSHA study, **Key trends and drivers of change in information and communication technologies and work location** considers the more intensive use of ICT as one of the factors contributing to a higher women’s participation in the labour market. Due to ICT, more women who prefer or are more willing to work from home will enter the labour market. In this context, the study mentions that part-time work continues to prevail among women and that in the last two years (the study is from 2017) there has been an increase by 25 % of freelance women.

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<sup>29</sup> BROUGHTON, A. Flexible working time arrangements and gender equality. In: *Eurofond.eu* [online]. February 24, 2011 [seen on 2017-07-10]. Available at: <https://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions/flexible-working-time-arrangements-and-gender-equality>

### 1.4.8 Fraudulent home job offers

Work from home is tempting, especially for low-income people such as seniors, mothers on maternity or parental leave, people with disability pension, etc. it is clear from the enumeration that these are the most vulnerable groups that welcome an easily available extra income. Home job offers often declare high income for little work and directly from home. In most cases, however, one must first register and pay the entry fee.

In English the term “*home work scams*” is commonly used for these fraudulent work offers .

Significant features of fraudulent job offers include:<sup>30</sup>

- High reward for undemanding (often manual) work;
- Request for an entry fee, e.g. for various catalogues, training materials, etc.;
- Request to send a text message or make a phone call to fraudulent telephone numbers;
- Potential employer's pressure on the applicant when deciding;
- Potential employer has no trade licence or ID number;
- The company does not want to explain an exact way of remuneration;
- The offered work cannot be profitable for the employer.

The most frequent fraudulent home work offers in the Czech Republic include writing envelopes, hand work or assembly of anything. Victims of such fraud are often ashamed of their gullible and imprudent behaviour, and therefore often do not report the fraud.

People abroad are also deceived by fraudulent work offers. According to the Monster portal<sup>31</sup>, the most common fraudulent work offer include filling envelopes, assembling work, billing or processing receivables for physicians.

Homeworking.uk<sup>32</sup> divides fraudulent home work offers into the following categories:

- Fraudulent list of companies offering work;
- Recruiting fraud: an entry fee is payable, and then it is necessary to involve others in the scheme;
- Hand-crafted scams;
- E-mail frauds;
- “Aircraft” or “pyramid” type of fraud.

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<sup>30</sup> PRÁCE NA DÁLKU (REMOTE WORK). Jak na podvodné nabídky práce. (How to handle fraudulent work offers) Pracenadalku.cz [online]. © 2016 [seen on 2017-06-09]. Available at: <http://www.pracenadalku.cz/jak-na-podvodne-nabidky-prace>

<sup>31</sup> ROSSHEIM J., Top Four Work-from-Home Scamp. In: Monster.com [online]. [seen on 2017-07-07]. Available at: <https://www.monster.com/career-advice/article/avoid-work-from-home-job-scams>

<sup>32</sup> Home Working UK. Scam! Homeworkinguk.com [online]. © 2017 [seen on 2017-06-22]. Available at: <http://www.homeworkinguk.com/scams-scams/>



## 2 Work from home as a benefit in the Czech Republic

The evaluation of advantages and disadvantages of working from home must take into account the needs of both parties – employers and employees. Many employers allow their employees to work from home, thus responding not only to the **employees' need to combine their family and work lives in a better way**, but also to the **higher pressure of employee shortages**. Benefit in the form of home work is also becoming one of the tools of struggle for employees. It is also confirmed by Robert Half International, which published so-called *Robert Half International Hiring Index* in 2008 – the result of a survey among 1 400 of CFOs. A total of 13 % of respondents considered remote work as the best benefit for specialized accountants in the surveyed year. In earlier surveys, 33 % of respondents considered remote work to be the best benefit of all, while half of respondents considered it to be the second best benefit.

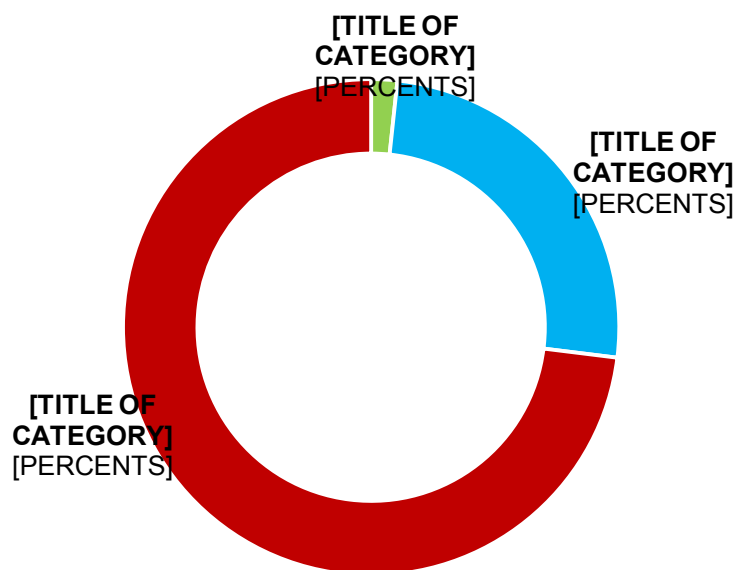
The issue of providing this benefit in the Czech Republic has not been systematically surveyed. Therefore this chapter will focus directly on this problematic. The offer of this benefit will be evaluated using the results of the sample **survey**. This survey was carried out in 2016, it fulfilled the statistical requests of **stratified random selection** and the data **were added to the basic set of economic entities** in the wage sphere of the Czech Republic.

In 2016, **a quarter of economic entities in the wage sphere<sup>33</sup> enabled its employees to work from home**. Compared to the rate of other benefits utilization, work from home occupied the middle position in terms of the individual benefits popularity in the Czech Republic.

Entities which enabled their employees to work from home in 2016, belonged **mostly to the service sector** (73 %). A quarter of entities providing this benefit belonged to the industry and construction sectors and only a small number of entities were from agriculture (see Figure 1). However, this result can be largely influenced by the structure of the national economy and it is therefore appropriate to monitor also the utilization of home work in each sector sphere (see Figure 2).

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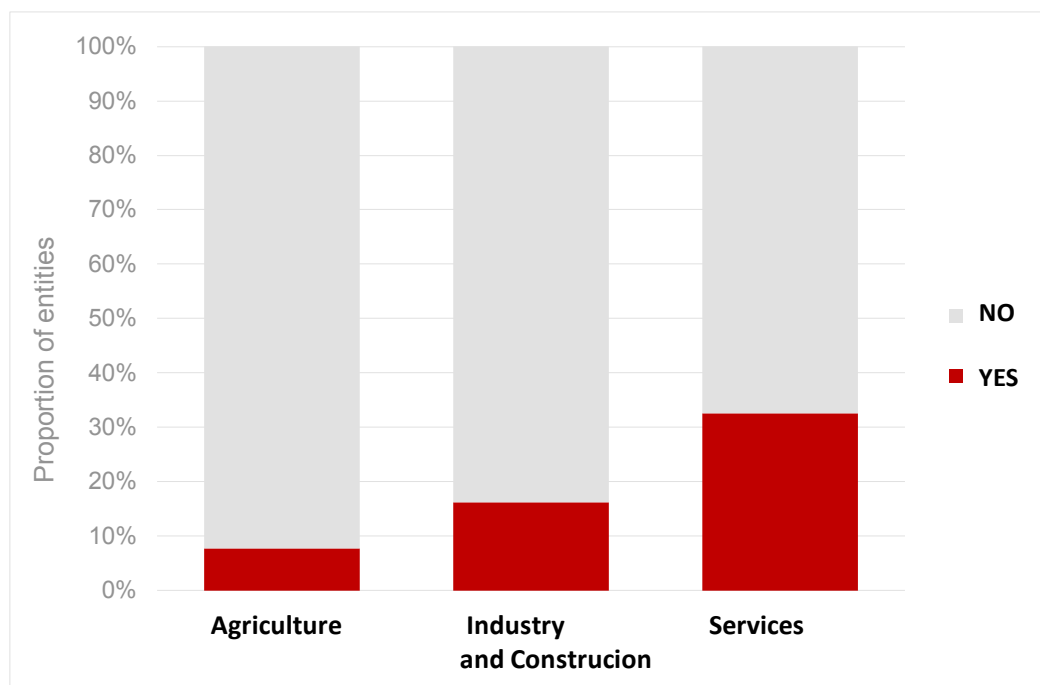
<sup>33</sup> The wage sphere includes economic entities remunerating by wage according to Section 109 par. 2 of Act No. 262/2006 Coll., Labour Code, as amended.



**Figure 1** – Sector structure of entities enabling work from home in 2016 (wage sphere of the Czech Republic)

Source: TREXIMA, own calculations

The Figure 2 shows that almost **one third of companies in the service sector** (33 %) included work from home. In industry, this benefit was used by 16 % of companies and in agriculture only by 8 % of entities in the monitored year.



*Figure 1 – Share of entities in branch sectors providing work from home in 2016 (wage sphere of the Czech Republic)*

Source: TREXIMA, own calculations

According to the survey, work from home was offered mostly by the largest employers. Work from home was provided to at least selected employees **by half of the entities with more than 1000 employees** in 2016. **As the number of employees declined, the proportion of companies providing this benefit also declined** (see Figure 3).

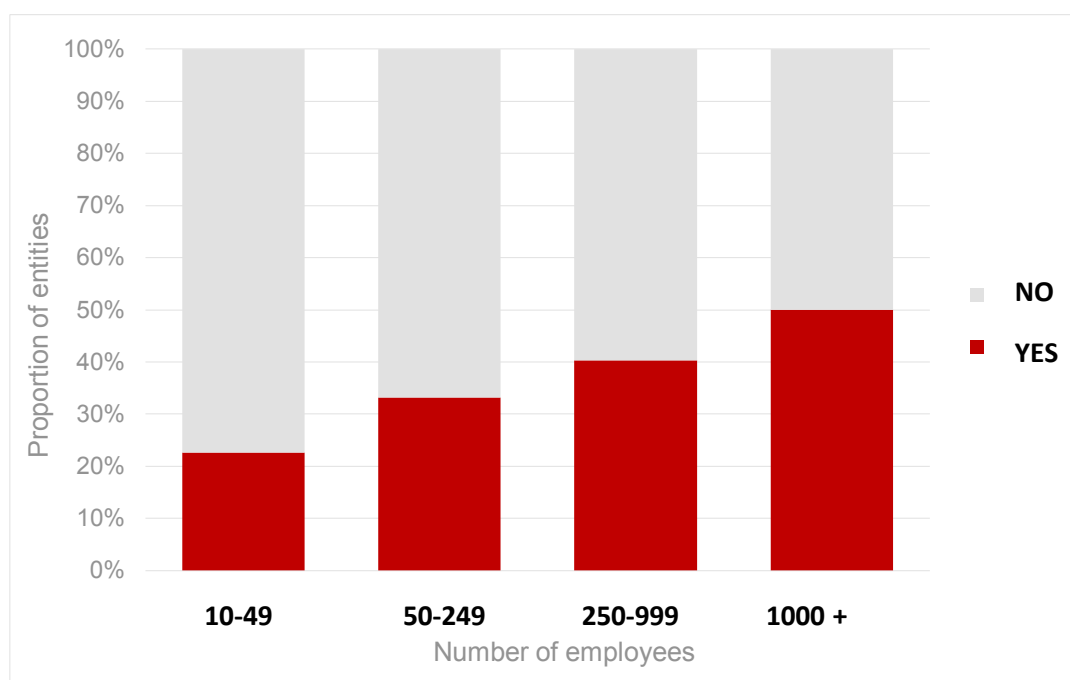


Figure 2 – Share of employers providing work from home in 2016, according to the size of the entity (wage sphere of the Czech Republic)

Source: TREXIMA, own calculations

In the Czech Republic, benefit offers as well as the frequency of their use is influenced to a great extent also by a collective bargaining. Generally speaking, in the wage sphere, **most of the benefits** in 2016 were provided **more frequently by entities** where a **company's collective agreement** was concluded. In the survey, minimum benefits were identified in relation to a **higher frequency of providing benefits without collective agreement**. These benefits also include the possibility to **work from home**. In 2016, work from home was offered by 24% of economic entities with a collective agreement and by 25 % of entities without a collective agreement (see Figure 4). However, the difference of 1% in favour of entities without a collective agreement is **statistically insignificant** – and in comparison with results related to other benefits, the difference between both economical entities' groups is negligible.



CA_YES	[ROW'S TITLE] [VALUE]	[ROW'S TITLE] [VALUE]
CA_NO	[ROW'S TITLE] [VALUE]	[ROW'S TITLE] [VALUE]

Figure 3 – Share of employers enabling work from home in 2016, according to a collective agreement (wage sphere of the Czech Republic)

Source: TREXIMA, own calculations

Note: Abbreviation: CA\_YES refers to entities with a conducted collective agreement, CA\_NO to entities without a collective agreement.

The benefit of work from home is associated with a number of unsubstantiated claims. Duspivová et al. (2016) confirmed that the *“frequently mentioned thesis that home work is the privilege of large Prague companies providing services”* does not apply. Work from home is **provided by employers across the Czech Republic**. On the other hand, the possibility to work from home is a **prerogative of mental (non-manual) workers**. According to the study, work from home was most often limited by the following conditions (or by a combination of them):

- The nature of the work (mainly technical management staff, management), which reported 33 % of beneficiaries;
- The superior’s approval (17 % of entities);
- Technical equipment of the employee (computer, telephone) and the related accessibility (16 % of entities) or;
- Social considerations (e.g. childcare, health status of the employee) (10 % of entities).

**High selectivity** in terms of providing the home work benefit is also confirmed by the surveyed results. It turns out that 25% of employers provide a home work possibility, but almost three quarters of them do not provide this benefit to all employees (see Figure 5).

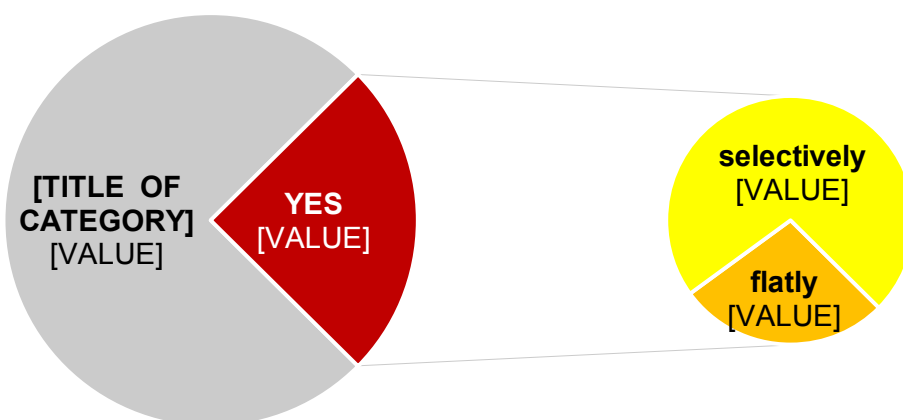


Figure 4 – Providing benefit in the home work form in 2016 (shares of entities in the wage sphere of the Czech Republic)

Source: TREXIMA, own calculation

Although a number of employees can work from home under certain conditions, many of them does not use this option during the year at all. Duspivová et al. (2016) states that only **4 % of employees** from companies providing this benefit actually used the possibility to work from home in 2015.

### **3 Experience with work from home among employers operating in the Czech Republic**

In the course of the study, interviews were conducted with selected companies across branch sectors. The aim of individual telephone interviews was to find out the experience with one of the forms of flexible work organization, namely work from home. In interviews conducted mostly with human resources clerks during June 2017, the following were investigated:

- How to implement work from home into the company;
- The utilization of work from home by employees;
- Problems with introducing this work form;
- Advantages or disadvantages of working from home from the employer's viewpoint.

#### **3.1 A large manufacturing company active in the automotive industry**

The company has provided work from home since 2008 but only exceptionally and for social reasons (health reasons or maternity/parental leave). Starting 1 January 2017, the possibility of working from home was introduced for all technical workers (hereinafter referred to as TW). This was preceded by a several-month pilot phase, attended by IT staff, who are generally considered to be the most suitable category of home office staff.

In the period between its launch in January 2017 and end in May 2017, according to the company's statistics, the home office has been actively used by 5 % of TWs, most often it is 1 to 5 days a month. The agreement of potential use of home office was signed with their supervisor by 7 % of employees. Despite the short-term implementation of work from home, positive trends can be observed in the above-mentioned workers in terms of reducing barriers in work (up to a third), which are most often the visit of a doctor, the care for a sick member of the family, etc.

**Prerequisites for using home office at the surveyed company are as follows:**

- The employee him/herself shows an interest in home office;
- A direct superior agrees and provides consent to home office;
- The OSH conditions are met;
- Information security is ensured;
- The employee has internet connection, suitable place for work, etc.

The company also had to solve technical equipment for home office work: such as a company's notebook, teleconferencing tool, etc.

**While introducing home office, the company identified these main obstacles:**

**Mental barriers**, particularly from superior staff. The company has introduced regular all day training for both managers, who have home office in their teams, and for specific employees. In training, for example, the potential candidates can check whether they fulfill the conditions for home office and what work methods and communication with the employer they can use.

**Legislative**, the company sees the problem that OSH is not transparently addressed in the legislation, especially the area of occupational injuries. That's why the company has prepared a list of home office potential risks<sup>34</sup> that all employees asking for home office are familiarized with.

### **Assessment of the advantages and disadvantages of home office viewed by the employer**

**Key advantages include:**

- Loyalty of employees;
- Making the company more attractive as an employer;
- Employee satisfaction;
- The availability of a larger group of experts as potential employees of the company;
- The possibility of suitable connecting one's personal and working life;
- Limitation of commuting (saving time and finances);
- A modern work form for employees.

**According to the company, among the disadvantages belong:**

- Inexperience of managers with team management which consists partly of home office staff;
- Home office employee feels pressure on him/herself, worrying about not managing the appointed work and fear of disappointing the trust of the superior.

Financial costs or savings and their impact on the work efficiency will be evaluated over a longer period.

## **3.2 A large production company operating in the woodworking industry**

The company does not offer the home office possibility in general, and does not even have any specific rules for this form of work. Nevertheless, home office is used by both the management of the company and some technicians. Employees can use home office after agreement with their superiors if they need to arrange something, visit a doctor, take care of a family member, etc. This is a short-term home office, most often provided by employees with contract wages, such as marketing specialists, regional managers, etc.

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<sup>34</sup> The list of risks corresponds to office work riskp.

### 3.3 A medium sized IT company

The company implemented “home office” into its benefits in January 2016. Until that time, employees were given the option of working from home, but on the basis of a previous agreement between the employee and his/her manager. An incentive to include the “home office” in the benefits offered was an interest of employees, who demonstrated it in the company benefits survey. The company has issued an internal directive where it included also a possibility of drawing company benefits in form of home office. Each employee is allowed to work at home office 1 day a week (or several days, according to an agreement). It is at the discretion of the employee who takes the home office to chose the day of the week, but he/she has a duty to tell his/her team leader in advance of,

- When he/she will use the home office (e.g. on Monday he/she will report to his/her superior that he/she will take the home office on Friday);
- At what time will he/she be on-line (e.g. from 9 am till 2 pm); the company has a flexible work time, so this time is purely on the employee's decision, however, at the reported time he/she must be available on email or phone for his colleagues or customers.

At the same time the employee must enter the day when he/she uses the home office into MS Outlook.

All employees have the technical equipment which allows them home office: notebook, a fast internet connection, a remote connection to meetings, etc.

Providing home office is also based on a corporate culture established on trust between the employer and employees (without any additions to the contract or special measures related to OSH).

#### **Evaluation of advantages and disadvantages of home office estimated by employer**

##### **Advantages according to the company are as follows:**

- Relieve for commuters (saving time and finances);
- Better conditions for concentration at home office (vs. open space in offices);
- Ability to be with a sick child, take care of errands at authorities, receive shipment delivery from a courier, be available for workers in case of building modifications in the household, etc.

##### **Disadvantages:**

- The employee's contact with colleagues is more limited. A long-term drawing of the home office (e.g. whole week) threatens to isolate the employee from the collective and may cause a loss of insight into the company's life.

### 3.4 A small consulting company

The company decided to introduce flexible forms of work organizations, the home office, within the framework of project implemented between 2013 and 2015. The aim of one of the key activity called “Equal opportunities for women and men” was to implement flexible work form organization called home office. As part of a piloting, this form of work was made possible for employees who returned from parental leave, with the intention of enabling this work form to all employees with specific needs.

For the introduction of the new form of work organization, an analysis of the conditions for providing “home office” was prepared. Subsequently the rules and conditions for this type of work performance for employees were set up as well as an agreement form for providing the possibility of home office to employees. All steps and requirements leading to the introduction of home office were discussed with the top management of the company and subsequently approved. It was important for all the managers to have a positive approach to this form of work organization.

The pilot verification has shown that for parents returning from parental leave, this method of work is a benefit, but at the same time it implies greater demands on managers in the area of management and coordination of work activities of both individuals at home-office and whole teams that include individuals at home office. Willingness and tolerance to communication via email, telephone, Skype, etc. must also be manifested by employees (colleagues) who do not use this form of work.

After the completion of the project, the company continues to offer this form of work to its employees. This option is used not only by parents returning from parental leave, but also by other people with specific needs. The short-term form of home office is used by employees across the company. This option is a part of the benefits system and its use is based on an agreement between the manager and the employee.

The company implemented the work performed at home office into its guidelines. Specially, this is the “Human Resources Management” directive, section “Benefits tied to the approval of Management Board”.

#### **Excerpt from the Home office directive of the consulting company:**

##### ***“Home office***

*Home office must be effective and economically beneficial to both employers and employees. It is possible in cases where the work type and scope allows it and the employee at the same time meets the conditions for home office (e.g. PC equipment, material equipment, internet/dial-up connection). It applies to all (partial and full-time) work schedules.*

*We divide the home office into a short and long term. Short-term is exceptional (fitful) in case of, for example, illness, family member treatment, etc. and at a maximum of 15 business days. The long-term is regularly repeated (e.g. once a week).*

*Short-term home office is approved by the department manager, long-term is approved by the Management Board.*

*The home office is determined by department manager or it can be requested by an employee who guarantees the home office conditions.*

*The department manager/team manager defines the tasks, scopes and deadlines for the completion of the tasks, or consultation and meeting dates, time-line of internet connection or other means of communication. During home office, the employee must be available (e-mail, telephone) at the specified basic working time, i.e. from 8.00 am till 1.00 pm.*

*The employee receives an employment contract annex and is properly instructed about occupational safety and legislative norms for home office.*

*The section manager/team manager evaluates the advantages of home office and can cancel it with an immediate effect.*<sup>35</sup>

### **3.5 A large company active in insurance industry**

The company issued an internal guideline regulating home office on 31 January 2017. The internal guideline is valid for all employees, however, the requirements for home office are met only by some work positions. Certain positions do not apply, for example, work positions providing internal service or work positions that do not allow this type of work (e.g. the need to comply with the Personal Data Protection Act). As a result, the possibility of home office is related to 50 % of employees.

The primary reason for introducing the home office possibility into the company was the physical shortage of workplaces (office desks), another reason was a friendly approach towards employees.

A positive approach towards home office utilization in the company comes from employees (they use it after agreement with their superior, usually once a week), as well as from the superiors.

**The internal guideline includes:**

- Working time layout;
- Home office costs;
- OSH and FP;
- Data and other employer's property protection.

**The internal guideline is as follows:**

#### **„Section 1**

**The internal directive's subject matter**

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<sup>35</sup> Anonymously provided guidelines from a consulting company.

1.1 *This internal directive regulates closer home office conditions for employees of the company.*

1.2 *Rules for home office according to this internal directive apply to all employees who have an agreed ability to perform home office in their employment contract or a special arrangement.*

3 *The rules for home office apply to all work performed outside the employer's premises and apart from business trips, whether the work is performed from the place of residence of the employee or other agreed place.*

## **Section 2**

### **Working time organization**

2.1 *In an employment contract or agreement to home office, each employee has determined the extend of working hours, or how many days a week can the home office be utilized and how many days a week the work is performed at the employer's premises.*

2.2 *Except as outlined in paragraph 2.3 below, employees schedule their working hours themselves in the days of home office. They are obliged to fulfill the provisions of the Labor Code on the layout of working hours, i.e. especially the maximum lengths of the shift, drawing of breaks at work, uninterrupted rest between two shifts and uninterrupted rest during the week, days off work, maximum overtime, night work restrictions. The employee can work at home office as overtime or as a night work or work on national holiday only with the prior express consent of a superior employee.*

2.3 *Employees on working positions which require the employee to be reached within a specified time or to perform a particular work within a specified time period, shall apply to a working time schedule determined by the employer also for home office. These work positions are explicitly indicated in an employment contract or a home office agreement.*

2.4 *An employee is obliged to keep records of his/her working hours during home office.*

2.5 *In the case of a temporary incapacity for work, the employer shall, for that purpose, prepare a special working time schedule also for the employees performing home office, and this special working schedule provides the basis for wage reimbursement for temporary incapacity for work.*

2.6 *In other important personal obstacles to work, employees during home office are not entitled to wage reimbursement, except for the obstacles explicitly mentioned in the Government Regulation No. 590/2006 Coll., as amended.*



### **Section 3**

#### **Costs of home office work**

3.1 *The employer shall compensate the employee for the costs incurred as a result of their work from home, at the flat rate indicated in the Annex to this directive: A flat rate of home office costs reimbursement.*

*The employer shall compensate the employee with the costs of consumed electricity, internet connection, telecommunication services and wear and tear when using his/her own technical equipment.*

3.3 *The employer may replace the lump-sum or extraordinary costs of an employee incurred by performing home office, provided that the costs of such work is previously agreed by a supervising employee.*

3.4 *Employee's costs reimbursement is not part of the salary, but is paid quarterly according to the employer's terms of payment.*

### **Section 4**

#### **OSH and FS**

4.1 *The employee will comply appropriately with the provisions of "EMPLOYEE'S TRAINING IN HEALTH AND SAFETY AT WORK" and "EMPLOYEE'S TRAINING IN FIRE SAFETY", which he/she has undergone in the framework of general training with the employer, and shall repeat such training as instructed by the employer.*

4.2 *During home office performance, the employee is required to comply with the relevant occupational safety and health as well as fire safety, also in relation to the place where the home office is performed.*

4.3 *The employee is obliged to ensure that the working conditions of the place, where he/she performs home office, comply with legal regulations and are safe. The employee is obliged to meet working practices and take measures so that the work cannot be detrimental to health.*

4.4 *Employees are obliged to notify their supervisor of the home office workplace shortcomings and deficiencies, which threaten or may threaten safety or health of the employees at work, and, if possible, take part in the removal of the identified shortcomings.*

4.5 *The employee is required to abide by the ban on the use of alcoholic beverages and other addictive substances when performing home office.*

4.6 *The employee is also obliged to comply with other principles of safe work performance when working at home office:*

- a) *Submit the used work equipment to mandatory revisions, as instructed by the employer, if prescribed,*
- b) *Connect the entrusted notebook only to the electrical network complying with the Czech State Norm, do not use faulty connecting cables, splitters, etc.,*
- c) *Keep basic principles of working with equipment connected to the power grid in the home environment, in particular not to make any interventions on the device connected to the power grid,*
- d) *Adhere to usual precautions of home safety and caution (such as handling open fire, moving on wet surfaces, stairways, etc.),*
- e) *Immediately report any injury to the employer, as far as possible, if incurred in connection with the home office work performance.*

4.7 *In justified exceptional cases, the employees are obliged to tolerate the employer's access to the home environment, where the home office is performed. In particular for the purpose of random checks on compliance with the OSH conditions, or to investigate the circumstances of an occupational injury. The employer is obliged to respect the privacy of the employee to the largest possible extent and always agree terms of such a check with the employee in advance (unless a local investigation of an occupational injury is to be carried out without delay).*

4.8 *The employer is not responsible for any damages suffered by the employee during the home office performance, if it is not directly related to the work done or the damage to the equipment and objects of the employee used to perform the home office work over and above the entrusted work means without the employer's consent.*

## **Section 5**

### **Protection of employer's data and other property**

5.1 *The employee is obliged to ensure adequate protection of the employer's property that he/she uses when working at home office, and, in particular, the protection of the employer's data.*

5.2 *When the employee uses his/her own technical equipment and data carriers while performing home office work, he/she shall also ensure their sufficient protection from loss, damage or abuse.*

5.3 *Upon a request, the employee is required to inform the employer how he/she secures the data, or to prove it.*

5.4 *If a private telephone is used to work, it is required to:*

- a) *Have an antivirus software installed,*

b) *Have an automatic screen lock set up which activates itself within 5 minutes if the telephone is idle.*

5.5 *A private computer used for remote access to work is required to:*

a) *Have an updated antivirus and firewall program installed and turned on,*

b) *Have a private password set to access the computer. If a computer is used by multiple users, other users must also access the computer through their own password; it is necessary to respect the employer's defined password creation policy,*

c) *Have the computer locked up automatically within 5 minutes,*

d) *Keep the monitor screen so that its content cannot be viewed by another person or camera device.*

5.6 *The computer must not be left unlocked and unattended.*

5.7 *It is forbidden in any way to copy data from the work environment. This includes, among other things, saving screenshots, copying data to a local disk, sending private and sensitive information over private email or public repositories.*

## **Responsibilities**

*The direct superior sends the list of approved home office workers through emails to human resources employees.*

*After an authorized employee signs the agreement and internal directive, a human resources worker informs via email an IT worker who will technically enable the home office to the authorized employee.*

*A staff member of Human resources department submits quarterly documents (a statement of the number of hours worked at home office) to the finance department to cover the costs of home office work.<sup>36</sup>*

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<sup>36</sup> Anonymously provided directive of a company active in insurance industry.

## 4 Related foreign legislation and examples of good practice

### 4.1 ILO: Convention No. 177 on Home Work

On June 20, 1996, **International Labor Organization (ILO)** adopted the **Home Work Convention<sup>37</sup> (No. 177)**, which came into effect on 22 April 2000. So far it has been ratified by 10 countries<sup>38</sup> (the Czech Republic is not among them), which have pledged to adapt, implement and regularly evaluate national home office policies to improve the situation of people working from home. This process includes a consultation with representatives of employers' and employees' organizations, or organizations focused on work from home, if they exist in the country.

*Definition of **home work** is, according to this Convention, as follows:*

- *"domestic work is a work carried out by a person, so-called **homeworker**, which:*
  - o *Performs work in his/her home or other premises according to his/her choice, but not on his/her employer's premises;*
  - o *Receives remuneration for work;*
  - o *The outcome of his/her work is a product or service specified by the employer, regardless of who provides the equipment, materials or other inputs used, and unless that person has the degree of autonomy and the necessary economic independence, which makes him/her an independent worker according to national laws, regulations or a court decision.*
- *An employee performing work from home only occasionally is not regarded as a homeworker;*
- *The employer is considered to be the one who directly or through an intermediate submits a home work leading to the fulfillment of the performed business activities.*

*National policy on home work should promote equal conditions in handling for all workers (homeworkers and others), taking into account the specific nature of home work. Equal treatment conditions should be promoted in particular:*

- a) *In the right of homeworkers to associate in organizations of their choice or to participate in the activities of such organizations;*
- b) *In protection against discriminations in employment;*
- c) *In protection in the area of health and safety at work;*
- d) *In remuneration;*

<sup>37</sup> ILO. C177 – Home Work Convention, 1996 (No. 177) Convention concerning Home Work (Entry into force: 22 April 2000). International Labour Organization [online]. © 1996 - 2016 [seen on 2017-06-30]. Available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:P12100\\_ILO\\_CODE:C177](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:P12100_ILO_CODE:C177)

<sup>38</sup> Albania, Argentina, Belgium, Bosnia, Herzegovina, Bulgaria, Finland, Ireland, the Netherlands, Tajikistan, Macedonia.

- e) *In social security according to the law;*
- f) *In access to education;*
- g) *At the minimum age for recruitment;*
- h) *In protection during pregnancy/maternity.*

*National policy on home work should be implemented through laws, regulations, collective agreements, etc. National laws and regulations on safety and health at work should also apply to home work, with respect to its specific nature.*

*The system of inspection should ensure compliance with relevant laws and regulations concerning home work. In case of non-compliance with the laws and regulations, appropriate remedies and penalties should be required.”<sup>39</sup>*

These are the most important provisions of the Convention for the Protection of Homeworkers. Given that the Czech Republic has not yet approved this Convention, its provisions are not binding there.

## 4.2 Great Britain<sup>40</sup>

Flexible work is a form of work organization that meets the needs of the employee. Work from home is also one of the flexible work forms in UK. Other forms of flexible work offered in the UK include a part-time work, a compressed working week, flexible working hours, (with a set-up basic working time), a perennial working hours account, non-standard working hours or a gradual retirement<sup>41</sup>.

**All employees are legally entitled to a flexible work.** This right is known as “making a request by law”<sup>42</sup>. An employee may submit an application for a flexible work form if he has worked for the employer **at least 26 weeks**. An employee can submit this application at most **once a year**.

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<sup>39</sup> ILO. C177 – Home Work Convention, 1996 (No. 177) Convention concerning Home Work (Entry into force: 22 April 2000). International Labour Organization [online]. © 1996 – 2016, Articles 1, 4, 5, 7, 9 [seen on 2017-06-30]. Available at: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:P12100\\_ILO\\_CODE:C177](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0:NO:P12100_ILO_CODE:C177)

<sup>40</sup> The chapter does not provide details on North Ireland, where the flexible work related rules are set-up differently.

<sup>41</sup> Details to individual types of flexible work are available at: <https://www.gov.uk/flexible-working/types-of-flexible-working>

<sup>42</sup> „Making a statutory application“; GOV.UK. Flexible working. Gov.uk. [online]. [seen on 2017-06-27]. Available at: <https://www.gov.uk/flexible-working>

*“The employer must treat the application in a reasonable manner, in so-called adequate way, i.e.:*

- *Evaluate the advantages and disadvantages of the application;*
- *Discuss the application on a personal meeting with the employee;*
- *Offer him/her an appeal process.*

*If the employer does not handle the application in an acceptable way, the employee may apply to the employment court. The employer may refuse the application if he has good business reasons.”<sup>43</sup>*

#### **4.2.1 Flexible work application**

An employee may apply for one of the flexible work forms once a year. The condition for submitting this application is to work for the employer at least 26 weeks.

The basic application procedure is as follows:

- The employee submits an application to the employer;
- The employer has 3 months<sup>44</sup> to deliver his/her decision to the employee, from the date of submitting the application;
- Application approved: employee's work contract is adjusted, not later than 28 days from the approval.

Steps following the application's approval:

- Negotiating conditions under which the flexible work will be performed;
- The date of commencement of the changes agreed in a work contract.

These changes must be arranged at least 28 days after the approval of employee's application.

- The application is rejected: the employer delivers the employee written reasons for rejection of his/her application,

*“Reasons for rejecting an employee's application:*

- *Increasing the employer's costs which harm the company;*
- *The work cannot be redistributed among other employees;*
- *It is not possible to recruit new employees for the job;*
- *The flexible work would influence the quality and performance;*
- *The company will not be able to meet requirements of the customers;*

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<sup>43</sup> Ibid

<sup>44</sup> The employer and employee may agree on a different time period.

- *Little work is available in the required working hours;*
- *The company plans changes in structure of employees.*<sup>45</sup>

The employee can appeal against the position for the employer. However, legally he/she is not entitled to do so. The employer can offer the employee a possibility of appealing, and therefore declare that the employee's application is treated "in an acceptable manner."

#### 4.2.2 Home work according to ACAS

The issue of working from home (so-called homeworking) is being dealt in the UK by an independent organization, **ACAS**<sup>46</sup>. ACAS provides free-of-charge information and advice to employers and employees in the field of labor law and workplace relationships. ACAS is managed by an independent counsel composed of representatives of employers' and employees' organizations and experts.

The trend of home-based employment is growing, especially in office jobs, or in jobs which include regular travels. That is why ACAS has decided to prepare a guidebook for both employers and employees, which provides comprehensive information on home work and its implementation into practice.

The ACAS's guidebook: *Homeworking – a guide for employers and employees* is attached to this study. The guidebook applies to workers who commonly work from home on the basis of an agreement with the employer, it does not apply to workers referred to as *piece workers* or *out workers* who perform manual, so-called traditional, homework (e.g. knitting, filling envelopes, etc.).

***"Work from home is a kind of flexible work that depends on an agreement between employer and employee. It may (or may not) be used in combination with other options such as flexible working hours, part-time work, fixed-term work or basic time setting used during flexible working hours. ACAS found that employing a mix of ways to organize work at office or home offers the best results in terms of job satisfaction, work productivity and stress reduction."***<sup>47</sup>

The rate of interest in working from home may vary greatly. While some employees want to work exclusively from home, others want to use it only exceptionally. Homeworking is considered by employees to be one of the ways to ensure work-life balance. For some

<sup>45</sup> GOV.UK. Flexible working. *Gov.uk* [online] [cit. 2017-06-15]. Available at: <https://www.gov.uk/flexible-working/after-the-application>

<sup>46</sup> ACAP. *Advisory, Conciliation and Arbitration Service* [online]. London: Acas, © 2001 - 2009 [seen on 2017-06-15]. Available at: <http://www.acap.org.uk> (Advisory, Conciliation and Arbitration Service)

<sup>47</sup> ACAP. *Homeworking. Advisory, Conciliation and Arbitration Service* [online]. London: Acas, © 2001 - 2009 [cit. 2017-07-10]. Available at: <http://www.acap.org.uk/index.aspx?articleid=4853>



groups of people, such as people with disabilities, this form of work may be the only possibility to do the work they want.

Providing work from home is a challenge for both employers, who have to manage employees working independently and out of workplaces, and for employees, in which this form of work can create a feeling of isolation or disturb the boundaries between work and private life.

Homeworking can be agreed in different ways. The employee can work only from home and attend only regular or occasional office or customer meetings. Participation in meetings can be in person or on-line. Another option is to divide the working week into days when the employee works from the office and the days he/she works from home or at customers (for example, two days in the office and three days at home or with customers). Some employees prefer to work at their employer's office and use the possibility to work from home only occasionally.

### **What does the employer need to consider before allowing an employee the home work?**

- Whether the particular job position is suitable for performing home work. Not all job positions are suitable for this form. The employer must consider whether the job position requires a team work, personal supervision or specific devices;
- Whether the home work is suitable for a particular employee. The employee performing work from home must be able to work independently, not needing leadership, he/she should be motivated, disciplined and able to separate work and private life;
- Whether the introduction of home work is financially or organizationally beneficial for the employer.

The following section is dedicated to ACAS materials, which should make it easier for businesses to implement home work.

#### **1) The form for setting up rules for home work<sup>48</sup> contains the main elements of setting up home work in the company.**

<b>INTRODUCTION</b>	
<b>Employer's announcement</b>	<p><i>The employer should describe one's own ways of flexible responding to both the needs of employees and one's own.</i></p> <p><i>Further it should be explained that home work is a flexible work form, but employees should not expect that other forms of flexible</i></p>

<sup>48</sup> ACAP. Sample homeworking policy [document word Sample homeworking policy]. *Advisory, Conciliation and Arbitration Service* [online] London: Acas, © 2001–2009 [cit. 2017-06-26]. Available at: <http://www.acap.org.uk/index.aspx?articleid=4853>



	work (e.g. adjusted working time) are automatically part of a home work agreement.
<b>Definition of work from home</b>	<p>The employer should set out ways of using home work, further regulated by an internal company's directive, and also determine whether the primary place of work will be the employer's workplace or an employee's home.</p> <p>Setting options of home work:</p> <ul style="list-style-type: none"> <li>- Home is the main place of work;</li> <li>- Flexible home work with divided working hours between home and office;</li> <li>- Mobile work where the base is the home of the employee as the starting point for travel to customers or to various employer's branches;</li> <li>- The office is the main place of work with the possibility of casual work at home.</li> </ul>
<b>Ways to apply for home work</b>	<p>The employer should describe the conditions the employee must meet in case of applying for home work. The application should be submitted in writing. Further a subsequent procedure should be described, including circumstances to be considered in the evaluation of the application: appointing a person responsible for the final decision, reasons for the decision that the employee may appeal against if his/her application is rejected.</p>
<b>COMPANY'S DECISION</b>	
<b>Suitable position for home work</b>	<p>The employer should determine the criteria for evaluating whether the particular work position can be performed also outside the workplace.</p>
<b>Employee's eligibility for home work</b>	<p>The employer should determine who is eligible to work at home. These are people who:</p> <ul style="list-style-type: none"> <li>- Provide a reasonable reasoning for homeworking;</li> <li>- Require flexibility at work;</li> <li>- Have completed a certain length of service in the company, or have completed their training satisfactorily and have reached an acceptable annual performance evaluation.</li> </ul>
<b>Appropriate personal qualities</b>	<p>Typical personal qualities of a homemaker:</p> <ul style="list-style-type: none"> <li>- Self-motivation and discipline;</li> </ul>

<b>of employee applying for home work</b>	<ul style="list-style-type: none"> <li>- Ability to work without direct supervision;</li> <li>- Ability to complete work within set-up deadlines.</li> </ul>
<b>Home suitable for work</b>	People working from home need safe and appropriate work environment, including sufficient privacy for work. Office-type work requires a powerful internet connection supporting programs and tools of the employer.
<b>Advantage of home work</b>	The agreement should be beneficial for both parties and should meet the needs of both the employee and the employer.
<b>OTHER IMPORTANT FACTORS</b>	
<b>Assessment of health and safety risks</b>	<p>The employer has a duty to take care of the employees and should assess a risk analysis before approving employees the option to work from home.</p> <p>There the employer should describe the steps to follow if the employer finds irregularities during the risk analysis. It should include who will correct these irregularities and who will bear the costs of eliminating them, including setting a deadline for remediation.</p> <p>There should be also described what happens if the irregularities are not addressed to anyone. In this case a right to refuse the application is reserved.</p>
<b>Setting working conditions for home work</b>	<p>The employer has to determine:</p> <ul style="list-style-type: none"> <li>- What will the company provide to the employee: which furniture, telephone, printer, paters, fire extinguisher;</li> <li>- What is expected from the employee (e.g. heating, lighting);</li> <li>- Who pays the other necessary expenses, if they are required and agreed on and what costs can be reclaimed;</li> <li>- Who owns the equipment, who is responsible for its maintenance or moving and how it will be taken care of, if it can or cannot be used for private purposes of the worker and his/her family.</li> </ul>

<b>Operational costs and expenditures</b>	<i>The employer should determine if the employee is eligible for home work costs reimbursement (e.g. heating, lighting, etc.). If so, the amount of reimbursement which may be claimed by the employee should be determined, including a definition of the method of requesting the reimbursement. It is also necessary to clarify the issue of taxation (tax eligible and ineligible expenditures).</i>
<b>Taxes</b>	<i>The employer should determine the impact of home work from a tax viewpoint.</i>
<b>Mortgage, lease agreement and insurance matters</b>	<p><i>An employee willing to work from home should inform of such an intention the mortgage provider or landlord and insurer. They should check that nothing stops the employee from working at home (e.g. selected provisions in his/her mortgage, lease or insurance contract).</i></p> <p><i>The employee should receive from the insurer a receipt describing what is covered by the insurance and whether he/she can claim reimbursement from a third party. The employer should declare who pays the extra expenses related to an increased insurance due to such a change.</i></p> <p><i>Occupational property and statement from third party should be covered by employer's insurance.</i></p>
<b>Employer's access to the employee's home</b>	<p><i>The employer should determine how often and under what circumstances he/she will request access to the employee's home, e.g. in cases of:</i></p> <ul style="list-style-type: none"> <li><i>- Initial setting up of home work;</i></li> <li><i>- Devices and equipment maintenance;</i></li> <li><i>- Safety assessment;</i></li> <li><i>- Testing of electrical devices;</i></li> <li><i>- Personal consultation with a superior, colleague or customer.</i></li> </ul>
<b>Relocation of the employee</b>	<i>The employer should describe the procedure in case of relocation of the employee.</i>
<b>MANAGING AN EMPLOYEE WORKING FROM HOME</b>	

<b>Employee's performance</b>	<p><i>Employer should set up how the employees working from home will be managed and in what way they would be provided with the same opportunities for training, development and work promotion as are provided employees performing their work from employer's workplace. In addition there should be described rules on:</i></p> <ul style="list-style-type: none"> <li>-Health and safety;</li> <li>-Work and performance checks;</li> <li>-Team work;</li> <li>-Communication;</li> <li>-Training, development and support.</li> </ul> <p><i>The employer is responsible for informing employees working from home of their working hours, or basic working hours, during which they should perform the work.</i></p>
<b>An employee's presence in the employer's premises</b>	<p><i>The employer should determine the rules regarding the presence of an employee at the workplace: how often, for how long, where and for what purpose is his/her presence in the workplace necessary.</i></p>
<b>Information security</b>	<p><i>The employer should specify how and where should the employee working from home store and forward documents and information.</i></p>

**2) A checklist for setting up work from home<sup>49</sup>** for employers and employees when implementing work from home.

This checklist can be used to set up work from home between a particular employer and employee. The evidence of setting up individual measures also serves as a check that the processes related to the home work implementation are carried out in an optimal way. The checklist can be used by both the employee and the employer.

	<b>AKTIVITY</b>	<b>TIME OF COMPLETION</b>
1	<i>The employer checks that the employee has a suitable home work environment.</i>	

<sup>49</sup> ACAP. Checklist for setting up homeworking [document word Checklist for setting up homeworking]. Advisory, Conciliation and Arbitration Service [online] London: Acas, © 2001–2009 [cit. 2017-06-26]. Available at: <http://www.acap.org.uk/index.aspx?articleid=4853>

2	<i>The employer checks that the employee is equipped with:</i>	
	- <i>Furniture</i>	
	- <i>Telephone</i>	
	- <i>Computer equipment</i>	
	- <i>Adequate internet connection</i>	
	- <i>Fire extinguisher</i>	
3	<i>The employee checks that his/her household insurance covers work from home and ensures a third party statement.</i>	
4	<i>The employer checks that its insurance includes facilities related to the worker's household business and provides the third party statement.</i>	
5	<i>The employer shall prepare an assessment of the health and safety risks.</i>	
6	<i>The employee shall notify his/her mortgage provider or landlord of his/her intention to work from home; he/she checks that he/she can do so while drawing mortgage or within the lease agreement.</i>	
7	<i>The employee verifies whether charges for the use of non-residential premises will have to be paid.</i>	
8	<i>The employee verifies whether an authorization is necessary.</i>	
9	<i>The employer and employee agree how they will keep in touch.</i>  <i>For example, through:</i>	

	- Telephone/Skype®/email;	
	- Attendance of employee at scheduled meetings at the headquarters of the company;	
	- Realization of planned meetings in the household of the employee;	
	- Colleagues with whom the homeworking employee will cooperate.	
10	Employer and employee agree how often the employee will be present at the headquarters of the company/office.	
11	The employer and employee agree how the performance of employee will be monitored and controlled.	
12	Employer and employee agree on the arrangements for the confirmation of expenditures (what are eligible expenditures, which expenditures are tax deductible).	
13	The employer and employee agree on how often common agreements are evaluated, when and where the evaluation meetings would take place – whether or not the trial period will be arranged upon, and what happens if the agreements do not work.	
14	The employer shall lay down a written measure and/or issue a directive concerning work from home.	
15	The employer will prepare a form of consent that the employer and the employee sign to clarify the details of the joint agreement on home work.	
16	The employer will adjust the worker's employment contract for the home work needs.	

17	<i>Employer checks the availability of IT support, including who and when provides it and how does he/she provide it.</i>	
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## Managing homeworkers

For managers, managing people working from home can be more demanding than managing employees in offices. Managers are encouraged to:

- Build trust between them and employees working from home;
- Establish a mutually agreed way of checking and evaluating the performance of an employee working from home;
- Manage an effective communication;
- To receive a training and provide training to employees working from home, in which they will learn how to work effectively.

The biggest barrier to successful implementation of home work can be a lack of trust between the manager and the employee. It is especially challenging for managers who prefer personal leadership. Managers should ensure that employees know what they are expected to perform on their work position, including way of sharing information and ideas not only with managers but also with colleagues. Implementing internal directive related to home work will enable to manage the organization more efficiently.

Managers in the office tend to communicate more often with employees at the workplace, so it is very important to communicate knowingly with employees working at home. An example of good practice is when employees working from home attend regular meetings in the office, making them informed also of the running of the whole company.

## Safety and health of homeworkers

Employees have an obligation to take care of the health of all their employees, so the legislation on a workplace safety and health includes also homeworkers. Given that the employer is liable for risks associated with safety and health protection of employees, it is its task to assess and check whether the workplace at the employee's home corresponds to the required parameters. Depending on the nature of work performed, it is necessary to carry out checks of ventilation, temperature, lighting, floor and other space and equipment that the employee will use at work.

The employer is also responsible for the occupational facilities provided to the employee. After the worker takes over the equipment, he/she is responsible for the equipment him/herself. At the same time the employee assumes responsibility for any removal of deficiencies on household facilities that have successfully undergone employer's check.

## Employer's costs associated with homeworking

*"Employers who provide employees with reimbursement of costs incurred in connection with home work must also meet their tax, insurance or reporting obligations."*

*Costs related to work from home include:*

- *Equipment, services or supplies provided to the employees working from home (computer, office furniture, internet access, pen and paper, etc.);*
- *Other household expenses such as gas or electricity costs."*<sup>50</sup>

A more detailed description of the employer (such as the amount of taxes, insurance, reporting obligation etc.) are described on the British Government's website [www.gov.uk](http://www.gov.uk).

## 4.3 The Netherlands

In the Netherlands, as a rule, the most common terms are "*telewerken*" (telework, remote work) or also "*Het Nieuwe Werken*" (HNW), "*plaatsonafhankelijk werken genoemd*" or "*Plaatsonafhankelijk arbeid*". These are broader concepts than just work from home. The "*plaatsonafhankelijk arbeid*" is discussed in the "*Arbobesluit*" Working Conditions Decree.

In the Netherlands, the **Flexible Working Act**<sup>51</sup> was adopted on 14 April 2015, which entered into force on 1 January 2016. The aim of this law is to make it easier for employees to set a balance between work and private life. The employees are provided with more flexibility regarding working hours and work from home.

The employees may ask the employer for a:

- Change in the number of working hours;
- Change in the working time;
- Change in the place of work.

The employer must agree with the employee's request unless serious commercial reasons (e.g. safety or work plan problems, financial or organizational reasons) restrain it. In case of changing the workplace the employer may refuse the employee's request, even without any commercial interests restricting it. However, the decision must be consulted with the employee and duly substantiated.

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<sup>50</sup> GOV.UK. Expenses and benefits: homeworking. Gov.uk [online]. [cit. 2017-06-27]. Available at: <https://www.gov.uk/expenses-and-benefits-homeworking>

<sup>51</sup> NORTON ROSE FULBRIGHT. Dutch Flexible Working Act. nortonrosefulbright.com [online]. [seen on 2017-06-29]. Available at: <http://www.nortonrosefulbright.com/knowledge/publications/127797/dutch-flexible-working-act>



The employee may apply for the above changes after 26 weeks from starting work (previously it was one year). The application must be submitted in writing at least 2 months before the change is requested (previously it was 4 months). If the application was denied, the employee will be able to re-submit it one year later (formerly in two years). If unforeseeable circumstances (such as a sudden illness of a family member) arise, the employer does not have to demand compliance with the above rules.

If the employer does not deliver the employee decision regarding his/her claim at least 1 month before the change is requested, these changes will be made according to the employee's proposal.

The new law does not apply to employees covered by collective bargaining agreements that include flexible work arrangements.

Employer employing less than 10 workers is excluded from the scope of this regulation. However, these employers are obliged to define their own measures regarding the employees' right to request working time adjustment.

The occupational safety issues for teleworking and home work are monitored by the SZW Inspectorate, with more detailed information available on the government's website. It states that conditions for home work are more flexible in terms of OSH than in the case of the employer's workplace.

However, the following applies:

- *"The employer is obliged to inform the worker of the risks of home work safety and instruct him/her how to avoid the risks;*
- *Organization of the work place should be discussed with the employer;*
- *Home work and teleworking should be included into inventories and OSH risks assessments;*
- *The employer prepares written agreements with the employee regarding, for example, maintenance, repairs and replacement of used equipment, breaks, payments, etc.;*
- *When working from home, only the dangerous substances that do not compromise home work safety can be used. Because it is not possible to take the same precautions at home work as in the case of work at the employer's workplace, many dangerous substances are not allowed to be used at home work. In the case of home work with combustibles, the employer must always provide a fire extinguisher. The employer must always disclose how to work with dangerous substances as safely as possible;*
- *The employer is required to provide the necessary information and instructions for work with machines and tools used at home work;*
- *A good home workplace consists of at least a good chair, a good table and the right lighting. The employer is obliged to provide them in case the employee does not want to purchase the equipment at his/her own expense. If the teleworker works with*

*computer and monitor, these devices are subject to the same requirements as the same equipment used at the employer's workplace.*

- *The employer is responsible for the quality of work performed from home. Therefore the employer can check with the employee whether the home workplace will be made available for inspection. The SZW Inspectorate is also entitled to check the working conditions in the household".*<sup>52</sup>

The regulation of health and safety at remote work is generally less strict in the Netherlands than in normal work at an employer's enterprise. The key is an agreement on remote work conducted between the employer and the employee, signed by both parties. The employer then communicates with an employee and explains him/her the risks.

In the "Het Nieuwe Werken" guidebook,<sup>53</sup> recommendations are made on measures to take for arranging remote work properly.

## 4.4 Australia

**The Fair Work Act** from 2009<sup>54</sup> guarantees workers the right to demand flexible working arrangements at national level. An eligible employee for flexible work, including casual employees working for the employer long term, is the one who has worked (full-time or part-time) for the employer at least 12 months.

Employees entitled to apply for flexible working arrangements are:

- Parent carers or persons responsible for the care of a child of school age or younger;
- Persons in the role of guardians;
- Disabled persons;
- Persons aged 55 years or more;
- Persons violently abused by a member of their household;
- Persons who provide care or support to members of their household or immediate family members who need care or support because of violent abuse.

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<sup>52</sup> RIJKSOVERHEID. Welke arboregels gelden voor mij als thuiswerker of telewerker? *Rijksoverheid.nl* [online]. [cit. 2017-06-07] Available at: <https://www.rijksoverheid.nl/onderwerpen/arbeidsomstandigheden/vraag-en-antwoord/welke-arboregels-geldenvoor-mij-als-thuiswerker-of-telewerker>

<sup>53</sup> RIJKSOVERHEID. *Het Nieuwe Werken: hoe blijf je er gezond bij?* [online], 2011 [seen on 2017-06-30]. Available at: <https://www.rijksoverheid.nl/onderwerpen/arbeidsomstandigheden/documenten/rapporten/2011/12/12/het-nieuwe-werken-hoe-blijf-je-er-gezond-bij>

<sup>54</sup> FEDERAL REGISTER OF LEGISLATION. *Fair Work Act 2009* [online]. [seen on 2017-06-28]. Available at: <https://www.legislation.gov.au/Series/C2009A00028>

Employer must consider each delivered request for flexible work, but may refuse it for acceptable commercial reasons.

Flexible work arrangements help employees to balance the work and personal life (for example, parents of young children, school children, children with disabilities, etc.). Flexible work arrangements are also beneficial for companies as they reduce absenteeism and increase performance by keeping their employees satisfied.

One form of flexible work in Australia is also the option **to work from home**. Other common flexible work forms are working time adjustments (start, end), part-time work or job sharing, compressed working week, possibility to work more hours with an off-time compensation, possibility to replace paid overtime by drawing time off or drawing free days in a form of half-free-days, etc.

### **Request for work from home**

If the employee wants to **work from home** or use other flexible work forms, he/ she is, first of all, recommended to write a formal application to start a discussion with his/her employer. The application must be made in writing and include the requested change and reasoning for it.

The discussion will allow both to clarify the employee's and employer's needs as well as to find possible ways to fulfil them at the workplace. The employee and employer may have different ideas on how to organize business activities in case of a new setting of the employee's work, with minimal disruption of work performance.

The employer is obliged to respond in writing within 21 days upon a formal written request from the employee. The answer must indicate whether the request was approved or rejected. If the employer rejects an application, specified reasons for the decision must be provided to the employee.

If the employee is not satisfied with the explanation, he/she may ask the Fair Work Commission or the Fair Work Ombudsman<sup>55</sup> for help. The employer should agree with this procedure. The Fair Work Commission can initiate negotiations between the employer and employee for finding solution to the situation.

Detailed information regarding the flexible work request, including recommendations and ideas for employees as well as for employers can be found at <https://www.fairwork.gov.au>.

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<sup>55</sup> Or Australia's national workplace relations tribunal, available at: <https://www.fwc.gov.au/>.

## 4.5 Ireland

Large technology companies<sup>56</sup> operating in Ireland are primarily focused on recruiting staff working only from home or students working on an adjusted time schedule with respect to their study responsibilities (e.g. they work 20 hours a week during the semester and full-time on holidays).

Advantages from companies' viewpoint are:

- Office savings;
- Faster and more flexible recruitment (use of social networks);
- Reduced risk of absences (just turn on the computer, no need to travel anywhere).

Requirements placed on employees:

- Employers emphasize the demand for a private work space (no noise, doors, etc.);
- Some employers also specify the technical requirements: ergonomic chair and table, high-speed internet with a specified speed, telephone line, technical tools (Skype, WebEx, etc.);
- Employers emphasize that work is demanding and employees must be available in 80 % of their time.

Initial training is often the next stage of the recruitment process, it enables to determine the employee's suitability for this form of work, sufficient motivation and prerequisites for independent work from home. Frequently, so-called virtual testing also takes place.

Companies also monitor what an employee does (for example, by using mouse-movement monitoring).

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<sup>56</sup> REDDAN, F. Big tech firms target those who work only from home In: *The Irish Times* [online]. September 14, 2015 [seen on 2017-06-28]. Available at: <https://www.irishtime.com/business/big-tech-firms-target-those-who-work-only-from-home-1.2348679>

## 5 Related legislation in the Czech Republic

### 5.1 Current legal situation and legal interpretation

The issue of labour law is currently dealt with in the Czech Republic by Act No. 262/2006 Coll., The Labour Code. This legal standard is valid from 7 June 2006 and effective from 1 January 2007.

The current Labour Code (LC) does not contain the concept of work from home, nor does it address the related issues more broadly, it only defines “special nature of some employees’ work” in **Section 317** as follows:

*“Employment relationships of an employee, who does not work at the employer’s workplace but who performs appointed work for the employer according to agreed conditions during working hours planed by him/herself, are adjusted by this law in a following way:*

- a) it is not affected by the adjustment of working time, delays or breaks due to adverse weather conditions;*
- b) for other personal obstacles to work he/she shall not be entitled to a salary reimbursement unless otherwise provided in the implementing regulation (Section 199 par. 2) or in the case of wage or salary reimbursement under Section 192, a fixed working timetable set into shifts, which the employer is obliged to determine for this purpose, applies to the employee;*
- c) he/she is not entitled to wage or salary reimbursement or compensatory leave for overtime work, nor wage reimbursement or additional payment for work on national holiday.”<sup>57</sup>*

Work from home fulfils the signs of dependent work as defined in Section 2 par. 3 of the Labour Code as follows: *“In terms of work carried out in relation to the superiority of the employer and subordination of the employee, the personal work performance of the employee’s work for the employer is considered to be in accordance to the employer’s instructions, on his behalf, for wages, salary or remuneration for work, in working time or otherwise defined or agreed time at the employer’s workplace, or at another agreed place, at the expense of the employer and under his/her responsibility”.*<sup>58</sup>

From the point of view of the legislation in force, it is possible to “work from home also on the basis of other, e.g. civil or commercial law contracts or a trade licence. However, in such

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<sup>57</sup> The Act No. 262/2006 Coll., Labour Code. In: *Sbírka zákonů České republiky 2006 (Collection of Laws of the Czech republic 2006)* . Available also from: <https://www.zakonyprolidi.cz/cs/2006-262>

<sup>58</sup> Ibid

a case, this is no longer an employment relationship under the Labour Code, so the potential worker is not protected by the Labour Code.”<sup>59</sup>

The basic document governing the employment relationship between the employer and the employee is the employment contract which must contain the following essential elements:

- The type of work to be performed by the employee for the employer;
- The place of places of work in which the work referred to in a letter a) is to be performed;
- The date of commencing the work.

In order to work outside the employer's workplace, **BASLAROVÁ** (2011)<sup>60</sup> recommends to include into the employment contract also:

- Place of work;
- Working conditions;
- Data security and storage;
- Conditions of safety and health at work;
- Working hours;
- Provided work equipment;
- Reimbursement for the use of the employee's own work equipment;
- Reimbursement of the employee's costs;
- Any further arrangements.

The basic aspects regarding the legal regulation of work from home are described in detail for the Ihned.cz portal by Bernard Legal lawyer's office. **Bernard and Malachová** (2012) summarize them as follows:

### ***“The place of performed work***

*The place of work performance must be agreed between the employee and the employer (Section 2 par. 2 of the Labour Code) in the employment contract (Section 34 par. 1 letter b) of the Labour Code). The Labour Code does not contain any further restriction on the place of work performance. For the employer it may be usually practical to negotiate with the employee the place of work such as a workplace at the employer's premises and, for example, an employee's residence if the employee is to work from that place. As the place of work performance can be arranged more widely than one municipality, it is even possible to negotiate a place of work performance on the area of, for example, whole region, where both the employer's workplace and the residence of the employee are located. Right choice of place of work performance is also important in terms of transferring the employee to work elsewhere than was agreed in the employment contract (when the employee's consent is required; the transfer is not the case and so the employee's consent is not necessary if the employer determined the work in other place which is included in the place of work). The*

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<sup>59</sup> BASLAROVÁ, I. *Práce z domova aneb V práci jako doma (Work from home or At work like at home)* [online]. Gender Studies, o. p. p., 2011 [cit. 2017-06-22]. Available at: [http://genderstudie.cz/download/Prace\\_z\\_domova.pdf](http://genderstudie.cz/download/Prace_z_domova.pdf)

<sup>60</sup> Ibid p. 12

choice of place of work is also important in terms of determining work trips and travel expenses.

*In the context of travel expenses reimbursement, the employer will usually solve the dilemma for employees working from home located in a municipality other than an employer's office: whether to arrange a regular workplace at the employer's premises (in this case the employee could be entitled to travel allowances in connection with work in his/her place of residence) or whether to arrange a regular workplace at the employee's place of residence (in which case travel allowances would be due to work at the employer's workplace). In practice, a regular workplace is usually negotiated at the employer's workplace, with no travel allowances paid in connection with home work. However, in the interest of certainty, it is preferable to negotiate location of the regular workplace in the employment contract; at the same time, the principle should be fulfilled that a regular workplace should be the municipality, where the employee most often carries out the assigned work and where his/her work travels most often start.*

### **Collaboration of family members**

*Even when the work from home is performed outside the employer's workplace and working time is scheduled by the employee him/herself, it is still a dependent job pursuant to Section 2 of the Labour Code, i.e. the employee is obliged to perform the work in person (Section 38 par. 1 letter b) of the Labour Code). Assistance of family members is therefore excluded when working from home, and for precautionary reasons it may be appropriate for the employer to explicitly state this prohibition in the employment contract.*

### **Working time schedule**

*The homeworkers<sup>61</sup> are not covered by the working time schedule arrangements. This means that the employer is not obliged to determine the start and the end of the shift and is not even required to schedule working time within a five day working week. However, this does not mean that the employer would not be entitled to divide the working time for a homemaker, or to exclude periods when the employee may not perform the work (e.g. at night). The working time layout can be practical, for example, in the case of employees who are obliged to communicate with other employees or customers in the course of their home work.*

*If the employer leaves the working hours in full consideration to the employee, an instruction should be provided to the employee by the employer (for example, in the employment contract) what is the layout for working hours in the employee's case in accordance with the safe and healthy working conditions, working time maximum limits and the obligation to take breaks at work for food and relaxation or safety breaks.*

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<sup>61</sup> Homemaker is an employee performing his/her work from home.



### **Remuneration, obstacles to work**

*Homeworkers are not eligible at the most so-called other important personal barriers to the wage reimbursement, nor are they entitled to wages of substitute leave for overtime work, nor spare time or wage reimbursement or additional payment for work on national holidays. In regards of wage reimbursement in case of temporary incapacity for work, the employer provides them with a schedule of shifts fictitiously created for these purposes by the employer.*

### **Safety and health at work**

*The employers should not underestimate the fact that the **Labour Code does not make a difference between work at the employer's workplace and the work performance at home** in regards of the employer's duty to create a safe and healthy, nonthreatening working environment and conditions.*

*To eliminate the risks arising from OSH, the following steps may be recommended:*

- *It would be appropriate if the employer prepares an internal directive containing risks warnings and binding procedures concerning the performance of individual types of work from home.*
- *Homeworkers should be familiar with those directives, their knowledge should be constantly checked by the employer and compliance with OSH directives during work from home required.*
- *The employment contract should pronounce the employer's authority to check the place where the employee will perform the home work; this is an inherent precondition for providing working environment and working conditions in accordance with legal regulations. Arranging the employer's access to the place of employee's work performance is also necessary in order to fulfil the employer's duty to find out the causes of an occupational injury that might occur when working from home. However, exercising the employer's right to check the place of work performance will often be in conflict with the right to inviolability of the dwelling of other family members and it is debatable whether the employer would have come into one's own in court and whether the employer could even claim a breach of statutory obligations if the employee (or his/her family member) would not allow such a check (e.g. when employees were noticed for failure to enable a check of their home workplace). Perhaps the only solution of such a situation will be that the employee will continue to work exclusively at the employer's workplace.*

### **Reimbursement of employee's home work costs**

*Employers often solve to what extent and in what mode they are obliged to pay employees the costs incurred by their work performed from home. These include, for example, the costs of acquiring a computer and telephone that will be located at the place of employee's residence or the costs of services related to the work performance (energy, telecommunication services, including internet connection).*



*Since dependent labour must be carried out at the employer's expense (Section 2 par. 2 of the Labour Code), the employer is obliged to provide the necessary technical equipment and services. The employer and the employee may agree that the employee will use his/her own equipment to perform the work. In this case, the compensation for their wear and tear from the employer is not considered as income from dependent activity and is not a subject to an income tax. If an employee uses the services paid by the employer (e.g. internet) or property of the employer (e.g. computer designed exclusively for work from home) also for his/her personal use, the employee will earn a non-cash income and should be taxed as such by the employer, including social and health tax payments. Employers can avoid this risk by, for example, expressly prohibiting such use in the employment contract.”<sup>62</sup>*

Bernard Legal concludes that although the negotiation of the possibility of work from home is associated with certain legal risks for employers, these risks can be eliminated to a certain extent in the employment contract; the benefits associated with this way of performing work often outweigh the above stated risks.

## 5.2 Amendment to the Labour Code

The Act No. 262/2006 has undergone many amendments over its ten-year existence. The current version (in force from 1 July 2017 to 31 December 2017) is already the 34th version.

However, even the current form does not respond adequately to the changing conditions in the labour market. And hence the Ministry of Labour and Social Affairs has prepared a more comprehensive amendment to the Labour Code aiming at *“changes that will lead to a higher flexibility of basic employment relations while enhancing the protection of the status of the employee in these legal relations (the flexicurity strategy), in response to the demands of the social partners in particular, and taking the development of the Czech legal order, the jurisprudence of Czech courts and the Court of Justice of the European Union into account.”*<sup>63</sup>

The key elements of the proposed amendment are:

- Anchoring the position of senior management employees;
- Greater pluralism of trade unions;
- Adjustment of large-scale redundancies;
- Changes to agreements outside the main employment;
- Changes in holiday arrangements;

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<sup>62</sup> BERNARD R., MACHALOVÁ A. Právní úprava práce z domova – home office (Home office legislation). In: Kariéra. Ihned [online]. 2012-08-28 [seen on 2017-06-14]. Available at: <http://kariera.ihned.cz/c1-55151600-pravni-uprava-prace-z-domova-home-office>

<sup>63</sup> MPSV. Nový zákoník práce: Co navrhujeme a chceme prosadit? Ministerstvo práce a sociálních věcí ČR (MLSA, New Labour Code: What do we propose and want to enforce?) [online]. © 4.3.2016 [cit. 2017-06-29]. Available at: <http://www.mpsv.cz/cs/24452>

- A more suitable interconnection of work and family life, co-called homeworking.

It is obvious that the issue of work from home is perceived as an increasingly important phenomenon, also from the viewpoint of the maker of the amendment to the Labour Code (MLSA), which defines its intention as follows: *“Strengthening the space for a suitable connection of work and family life should bring changes to adjustment of work performed outside the employer’s workplace (homeworking). The conditions for the performance of the work outside the employer’s workplace are specified, an agreement of the layout of the working hours by the employer is made possible, which results in the consequences of not applying some personal obstacles to work, wage or salary reimbursement. The remote work (teleworking) is regulated in accordance with the Framework Agreement concluded by the social partners at European level.”*<sup>64</sup>

### 5.2.1 Description of the specific changes of the LC in relation to home work

In the proposed LC amendment, the relevant Section 317 was updated as well as its extension by new Sections 317a and 317b. The full wording of the relevant part of the LC is as follows:

“Point No. 134 of the proposed amendment to the Labour Code - Section 317 reads:

#### *Section 317*

*1) Under the conditions agreed in the employment contract or in the work contract concluded outside the main employment relationship, the work may be performed outside the employer’s workplace.*

*(2) When the work is performed outside the employer’s workplace, the employer is obliged to cover the costs related to communication between the employer and employee and other costs incurred to the employee when performing the work; these expenses must not be included in the wage, salary or remuneration established by an agreement.*

*(3) The employer and employee may arrange for the costs referred to in paragraph 2 to be reimbursed by a lump sum payment.*

*(4) The employer is obliged to ensure that employees performing work outside the employer’s workplace are not denied contact with other employees. The employer is obliged to allow an employee, who performs work outside the employer’s workplace, on his/her request, to meet regularly in person with other employees working at the employer’s workplace.*

*(5) If the work outside the employer’s workplace is performed with use of electronic communications networks, then:*

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64 Ibid

- a) The employer is obliged to provide technical and software equipment necessary for the employee's work performance, except when the employee performs the work with use of his/her own equipment, and ensure, especially in regards of the software, the security of data processed via remote transfer between the employee and the employer,*
- b) The employee is obliged to act in a way protecting the data and information related to the performance of his/her work.*
- (6) Paragraphs 1 to 5 shall not apply, if the employee performs his/her work outside the employer's workplace only exceptionally."*

The point No. 135 of the proposed amendment to the Labour Code – the following new Sections are inserted after Section 317, they read as follows:

*"Section 317a*

- (1) The employment relationship of an employee, who performs the work outside the employer's workplace pursuant to Section 317 par. 1 and, at the same time agrees with the employer that he/she will carry out the agreed work during working hours scheduled by him/herself, this Act applies in the following way:*
- a) The arrangements of working hours, downtime or interruption of work caused by adverse weather conditions do not apply to the employee,*
- b) The remuneration is not paid according to Section 114, Section 115 par. 1 and 2, Sections 116 to 118, Sections 125 to 130, and Section 135 par. 2 and 3,*
- c) The employee is not entitled to wage or salary reimbursement due to other important personal obstacles to work, unless otherwise provided in the implementing legislation pursuant to Section 199 par. 2 or in case of wage or salary reimbursement pursuant to Section 192.*
- (2) For the purpose of providing wage reimbursement pursuant to Section 115 par. 3 or wage or salary reimbursement pursuant to Section 192, the stipulated schedule of working hours into shifts shall apply, as assigned by the employer for this purpose.*

*Section 317b*

- (1) To the employment relationship of the of the senior management employee, this law shall apply as follows:*
- a) The length of the working hours, which the employee may also schedule on days of rest pursuant to Section 91, shall not exceed 48 hours a week,*
- b) Section 78 par. 1 letter. i), Sections 79, 83, 84, 93 and Section 96 par. 1 letter. a) point 2 shall not apply,*
- c) The reimbursement is not pursuant to Section 114, Section 115 par. 1 and 2, Sections 116 and 118,*
- d) The employee is not entitled to a wage reimbursement due to other important personal obstacles to work, with the exception of wage reimbursement pursuant to Section 192.*

(2) For the purposes of wage reimbursement pursuant to Section 115 par. 3 or wage reimbursement pursuant to Section 192, the stipulated schedule of working hours into shifts shall apply, as assigned by the employer for this purpose.”<sup>65</sup>

## 5.2.2 Opinions and comments of the most important entities in the labour market – before forwarding the proposal to the legislative process

The proposed amendment to the Labour Code has been and is a very common subject of public discussion and media interest. Representatives of employees – trade unions as well as employers’ representatives – the sheeting employers’ organizations also express their viewpoints towards it. The theme of work from home is one of the often discussed and publicized.

The practical impact of the amended LC on work from home, advantages and disadvantaged for employees and employers are summarized by **Hůrka and Randlová** (2016) as follows: *“The legislation incorporated by the legislator to the amendment defines the rules, under which such a work should be performed while respecting the basic attributes of dependent work. Employers state that there are, de facto, two types of work from home. In the first, the employee has his/her office at the employer’s workplace, and only asks the employer accidentally to work from home for a day. Second example is when employee does not have any place at the employer’s premises and is forced to work from home – for example, a typical business representative who leaves home to meet the customers every day. When working from home, the employer will be obliged to pay the employee’s costs related to communication and other expenses incurred by such a work performance. These expenses may not be included in the wage, but may be agreed to be paid in a lump sum. The employer will also be required to take measures to prevent the isolation of such an employee, and enable him/her to meet other employees and provide him/her with necessary technical and software equipment. While the employee will be obliged to act in a way to protect data and information related to the work performance. However, this amendment does not apply if the work outside the employer’s workplace is performed only exceptionally. The question remains, what does the term “exceptionally” exactly mean?”*<sup>66</sup>

**The draft law was submitted by the Ministry of Labour and Social Affairs on 29 February 2016** (in ODoK/eKLEP application) under Ref. No. OVA – 817/16<sup>67</sup>. The commenting procedure took place during 29 February – 30 March 2016. A large number of

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<sup>65</sup> POSLANECKÁ SNĚMOVNA PARLAMENTU ČR (THE CHAMBER OF DEPUTIES IN CZ). Sněmovní tisk (Parliamentary Press No.) 903/0, part no. 1/8 Amendment of law – Labour Code – EU [online]. 9.9.2016 [cit. 2017-06-28]. Available at: <http://www.psp.cz/sqw/text/tiskt.sqw?O=7&CT=903&CT1=0>

<sup>66</sup> HŮRKA, P., RANDLOVÁ N. Výhody a nevýhody novely zákoníku práce pro zaměstnavatele a zaměstnance (Advantages and disadvantages of amendment of the Labour Code for employers and employees) [online]. 2016 [cit. 2017-06-23]. Available at: <http://www.prf.cuni.cz/res/dwe-files/1404054459.pdf>

<sup>67</sup> O/dok Application. Law amendment to the Act No. 262/2006 Coll., Labour Code, as amended, and other related legislation [online]. 29.6. 2016 [seen on 2017-07-10]. Available at: <https://app.odok.cz/veklep-detail?pid=RACKA7LFPYY1>

comments and suggestions were submitted to the original proposal of the amendment from a wide range of subjects addressed in the commenting procedure.

The following is an overview of the opinions and comments on the part concerning home work from the most important subjects representing the interests of employees and employers:

- **The Czech-Moravian Confederation of Trade Unions** issued an opinion on 30 March 2016, in which one of the comments includes a request for amendment of Section 317 par. 2:

*“We would like to prefer negotiating the reimbursement of the costs associated with so-called homework (e.g. a flat-rate monthly reimbursement) before the mandatory statutory regulation and determine the minimum protection of the employee against the pressure of the employer towards continuous availability via IT communication (so-called right to disconnect).*

*The proposed amendment could, as a result, limit the possibilities of using this flexible work form contrary to the interest of employees as well as employers.”<sup>68</sup>*

- **The Industry and Transport Union of the Czech Republic (ITU CZ)** issued an extensive statement to the amendment to the proposal of the Act, which amends the Act No. 262/2006 Coll., The Labour Code, as amended and other related legislation on 30 March 2016. This material contains important remarks on homeworking:

*“Ad points 117 and 118 – in Section 317 – 317a LC (Home office and Teleworking) – the ITU CZ requires the following revision:*

- *Paragraph 1 – such that an agreement can be negotiated even after the employment has been established, not only in the contract of employment and agreement of work performed outside the employment relationship, but also, for example, by a separate agreement (not only in writing);*
- *Paragraph 2 – with regard to reimbursement, it is recommended to distinguish situations where the employer allows so-called homeoffice as (a) a benefit, i.e. that the employee has a workplace at the employer’s premises and chooses him/herself to work from one’s place of residence, solely on his/her own consideration, or (b) the employer does not provide the workplace at one’s own premises. Whereas in the case of (a) a benefit, the employer would not have to cover the costs of the home office – as it would be a double costs – as the employer would pay the expenses for the workplace of the employee at one’s own premises, but also at the employee’s home, while in the case of (b) the claim for reimbursement is justified. Even in the case of (b), it is advisable to allow the parties to agree on a flat-rate reimbursement of the costs related to the work performed outside the employer’s workplace;*
- *Paragraph 3 – the referred Framework Agreement considers the possibility of regular meeting with other employees as an example of a measure that prevents the*

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<sup>68</sup> O/dok Application (bookmark Comments). Law amendment to the Act No. 262/2006 Coll., Labour Code, as amended, and other related legislation [online]. 29.6. 2016 [cit. 2017-07-11]. Available at: <https://appp.odok.cz/veklep-detail?pid=RACKA7LFPYY1>



- isolation of a home-based worker, therefore the conjunction “and” is not appropriate;*
- *Paragraph 4 – to impose an equal treatment obligation only to the extent that it is reasonable and possible in relation to another workplace (e.g. the employer does not have to provide tea and coffee also to the homeworkers, if it is provided to the employees at one’s own premises, or does not have to provide the same thermal comfort or the size of the work area when it is often not technically possible);*
  - *Paragraph 5 – remove the “install” obligation – the home office is often negotiated far away from the employer’s workplace and it is not possible to require the employer to install software in the remote destinations. It is also advised to reformulate the employer’s obligation on information – there is no need for further training of the employee beyond what is already the case under the regulation by the internal directive with which the employee has already been acquainted;*
  - *to regulate the issue of more work places, particularly in connection with travel refunds, so that employees who work at home are not entitled to travel allowances because he/she is at home and does not travel anywhere and therefore does not have any increased costs for food – it is a case when the home is located outside the place of work performance (e.g. the employer’s office is located in Prague, but the employee lives in Kolín – then two places of work are de facto negotiated and the employee may be entitled to travel expenses reimbursement for travelling outside the regular workplace);*
  - *Ensure that any reimbursement for work outside the employer’s workplace is tax deductible;*
  - *To address the OSH in practice, it is not possible for the employer to be fully responsible for OSH also outside the regular workplace, i.e. it is necessary to delegate (at least partially) this duty also to employees – for example to impose an obligation to arrange inspection of his/her own equipment (especially electronics, cauldrons, gas flow-heaters, etc.) and to allow the employer to properly investigate an occupational injury which might eventually occur at employees’ home; to lay down rules on how to report an occupational injury and how to document it in a way enabling to bear the burden of proof.*

*The reasoning: The employers side has repeatedly criticized the fact that the Labour Code does not provide a sufficient arrangements regarding work from home, especially with respect of its constantly growing popularity among employees. These regulations regarding home work performance should be provided in a way specifying certain unclear issues, for example in the field of OSH. Unfortunately the proposed amendment does not reflect these requirements in many respects and cannot be accepted in the proposed form.”<sup>69</sup>*

- On 30 March 2016, **The Chamber of Commerce of the Czech Republic (CC CZ)** issued a summary of comments, in which one of the five thematic blocks is directed to the work from home:

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69 Ibid

*"Comment on Section 317*

*We do not agree with the proposed change and we propose to keep the current wording.*

*Reasoning:*

*At the outset, it is important to emphasize that work from home is one of the most popular and most evolving employees' benefits. The current legislation does not make it difficult in practice. We did not notice that, for example, a Labour inspectorate as a control body would propose a change in the regulation due to a massive non-compliance with the set rules. The change is not triggered by a need to implement European legislation. For all of these reasons, we consider this amendment to be unwarranted and we reject it. If the proposed regulation is adopted, a real concern arises that employers may restrict this benefit, as the new rules only unnecessarily increase administrative burdens and bring unjustified costs.*

*To the proposed changes, we further set forth the arguments that came from the entire membership of the CC CZ. The ability to work outside the workplace only on the basis of a work contract would necessitate changes in employment contracts, which is unacceptable in view of a huge administrative increase. Employers have only limited control over their employees' work at home and should therefore not be administratively and cost-burdened more than is strictly necessary. The proposal does not comply with these viewpoints, for example, the employer's obligation to pay the costs associated with performing work from home does not correspond to today's reality, when it is usually not possible to separate the costs of private communication from the costs of work-related communication. Typically, the employee will pay a monthly flat rate for internet connection, mobile communication services, electricity, heat, water, etc. The employer should contribute to these costs to the appropriate extent and not to cover them all. The original proposal could be interpreted as requiring the employer to pay internet connection, a flat rate on the telephone, etc., regardless of whether the employee (and not just an employee but his/her whole family) also uses these resources for private reasons while working from home. In terms of accounting, this is actually an insoluble problem. Employer would not have legal documentation to account for such costs. The employees would also receive a non-cash benefit which is a subject to income tax. The legislator does not propose the related changes to the accounting and tax rules which necessarily arise in the newly proposed system. In this context, we point out the fact that it is already possible to proceed according to Section 190 of the Labour Code, which regulates the reimbursement for employees using their own resources.*

*The measures to prevent isolation in practice already work. An overwhelming majority of employees work at homeworking only partially. So they regularly commute to the workplace and carry out their work also there. The employees working only from home are provided with regular meetings arranged usually by employers at the workplace.*

*The working and safety conditions of a home-based workplace must match the working conditions at the employer's workplace. Most homeworking occupations fall into the first category of work and therefore do not require special measures. Working conditions of the employee working from home are created primarily by him/herself. With respect to the freedom of housing, the employer has limited powers to control it.*

*The introduction of an explicit obligation on the employer to provide technology equipment and the responsibility of the employer to secure the transferred data is rather funny. In times of stormy developing technologies, all employers spend spontaneously significant resources to protect their data, both internally (prevention of abuse from employees' side) and externally (preventing hacker attacks).*

*It should also be pointed out that the term homeworking does not include only employee's work from home. For many professions, it is rather a concept of a "mobile office" (which is, by the way, known in a number of EU countries) where an employee spends some days by meeting clients. He does not return to the workplace between individual meetings (usually because of efficiency as permanent returns to the workplace would actually prevent employees from doing their work) and performs work in various places (clients' guest rooms, public spaces – restaurants, cafes). In these situations it is not possible to quantify the costs, unless it is a business trip (typically when Prague is the place where the work is performed, the fulfilment of work duties at work meetings in Prague is not regarded as a business trip).*

*Other works may be performed virtually from anywhere (e.g. the IT profession). The proposed changes may also limit home employment of disadvantaged people (e.g. women on parental leave, disabled workers, etc.), since the employer will not be interested in employing such persons if they are subjects to additional requirements for premises, equipment, etc.*

*We conclude that setting more detailed conditions for work from home should remain in the responsibility of employers who define them in internal directives, negotiate them in collective agreements, or include them directly into employment contracts. Again, we appeal to the legislator not to overload employment relationships with an excessive regulation."*<sup>70</sup>

- On 30 March 2017, **the Confederation of Employers' and Entrepreneurs' Unions of the Czech Republic** issued a statement, in which one of the points brings a fundamental comment "on the points 117) and 118) [Section 317 to Section 317b – work from home]:

A possibility to work from home also exists, of course, in the current Labour Code: The current provision on Section 317 regulates the conditions in the case the employee schedules his/her own working hours; however, this does not exclude that the employee and employer in the agreement on home work may also negotiate that

<sup>70</sup> Ibid



the employee will work at the time appointed by the employer. And of course, only on some days, while other days he/she will be present at the employer's workplace.

This way we have touched a fundamental problem, namely that the legislator is trying to regulate something that can be (and is) a subject to an agreement. Rather than supporting a flexible work form, this may contribute in a counterproductive way to the fact that the employer will not be willing to offer work from home. In spite of the opinion of the employers' representatives, the work from home is perceived by employees as a benefit and advantage, and rather in a substantial way. They have more calm environment, they can schedule it better, they do not waste time moving from place to place, they can stay in touch with their family.

It is therefore a question of how much the specific conditions, now left to the agreement between employer and employee which does not bring any problems in practice, can support this form of work or vice versa. The submitted proposal includes, for example, an obligation on the part of the employer to *"take measures to prevent the employee working outside employer's workplace from the isolation from other employees and to arrange for him /her a possibility to meet regularly other employees."* In the context of this work form benefits (especially leaving out commuting, often in undignified conditions if it is via public transportation means), and also in the context of issues solved by employers, and therefore also by a significant part of economy, all this may seem rather comical. On the contrary, the issue of safety and health at work and related issues, for example accountability for occupational injury (and damage in general), which should be satisfactorily resolved taking into account the specificities of home work, is not regulated in the amendment.

*In the newly proposed Section 317, therefore, we especially disagree with the provisions referred to in paragraphs 3 and 4, and 5 letter c). We also recommend further regulation of the issues of limited employer control from the point of view of work safety, given that the apartment is a private area of an employee. Employer's liability should therefore be relatively limited due to its capabilities, for example for liability for damage occurring while performing work, but in circumstances beyond the employer's control. Working conditions at work performed from home are largely determined by the employee him/herself."*<sup>71</sup>

**The Association of Small and Medium Size Enterprises and Tradesmen of the Czech Republic (ASMSET CZ)** also challenges the positive impact of the proposed amendment. The new rules for work from home are considered counterproductive. *"Work from home will be made more difficult if all proposed changes are applied. The companies must newly prevent isolation of home-based workers from those, for example, located in the office. The company will newly ensure that people working from home meet regularly with office-based employees. Even less logical is the requirement that the working conditions of an employee performing work outside the*

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71 Ibid

*employer's workplace must not disadvantage or favour this employee in comparison with comparable employees working at the employer's workplace."*<sup>72</sup>

An important milestone in discussing the amendment to the LC was the tripartite negotiations on 6 June 2016. Where the representatives of government, trade unions and employers agreed that the proposed amendment could enter the legislative process without taking into account the changes they have themselves previously proposed.

### 5.2.3 Introduction of the amendment and first reading in the Chamber of Deputies

The draft amendment to the Labour Code was submitted to the Chamber and was distributed as Parliamentary Press No. 903/0 on 9 September 2016.

The organizing Committee of the Chamber of Deputies recommended that the law shall be discussed on 14 September 2016 and the Social Policy Committee was proposed as a guarantee committee and its chairman, Jaroslav Zavadil, was appointed into the rapporteur position.

The first reading of the law took place on 25 October 2016 – the hearing was interrupted. The discussion continued on 9 November 2016 – the hearing was interrupted, and a proposal was made to reject the presented draft and in case it would not pass, the proposal was to be returned back to the legislator for completion.

The discussion continued on 6 December 2016 – a vote took place leading to rejection of the proposal to refuse the submitted proposal of the Law. Therefore, another vote took place resulting in rejection of returning the submitted proposal back to the legislator for completion. The proposal was ordered to discussion by the Social Policy Committee as a guarantee committee.

Moreover, the proposal was discussed by the Economic Committee which issued a resolution on 10 February, in which it recommended the Chamber of Deputies to discuss the Parliamentary press No. 903, as amended by the draft government law.

The Social Policy Committee (the Guarantee Committee) discussed the draft law and, on 20 February 2017, issued a resolution in which it recommended to the Chamber of Deputies to approve the bill with exhaustively defined amendments and supplements.

The discussed parts reading of the meeting on 9 November 2017 are available in the digital library of the Parliament's Chamber of Deputies of the Czech Republic.<sup>73</sup>

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<sup>72</sup> AMPS ČR (ASMSET CZ). AMSP ČR: Novela zákoníku práce je březnový apríl (The amendment of the Labour Code is a March joke). [online] [cit. 2017-06-26]. Available at: <http://www.ampsp.cz/ampsp-cr-novela-zakoniku-prace-je-breznovy-april>

<sup>73</sup> CHAMBER OF DEPUTIES OF THE CZECH REPUBLIC. Wednesday 9 November 2016, stenographic record of part of the discussed point of the meeting [online]. 29.11.2016 [seen on 2017-06-26]. Available at: <http://www.psp.cz/eknih/2013ps/stenprot/050schuz/bqbs/b33903401.htm>

#### 5.2.4 Proposed written amendments (PWA)

The proposed amendment to LC have been tabled by a number of written amendments (WPA), some of which relate directly to the issue of work from home, and they propose an amendment to the relevant Section 317. The importance of the issue is confirmed by the fact that “home office” was the subject of the second written amendment on 8 November 2016. The most important proposed written amendments<sup>74</sup> concerning the modification of work from home in the context of the discussed amendment to the Labour Code are:

- **PWA No. 5192**, deputy Karel Rais, 8 November 2016;
- **PWA No. 5751**, deputy Miroslav Opálka, 19 February 2017;
- **PWA No. 5786**, deputy Karel Rais, 21 February 2017;
- **PWA No. 5896**, deputy Vladislav Vilímec, 28 February 2017;
- **PWA No. 5961**, deputy Zuzana Kailová, 1 March 2017.

#### 5.2.5 Opinions and comments of the most important entities on the labour market – legislative process time period

Since the first publication and circulation leading to the commentary procedure (29 February 2016), the proposed amendment of the Labour Code has undergone several significant changes. A large number of written amendments were tabled in the legislative process, some of which were accepted and some parts of the proposed amendment amended. During the legislative process, the affected proposal is also commented by individual affected participants.

On 11 December 2016, **the Czech-Moravian Confederation of Trade Unions** published a summary of the Union requirements for a conceptual amendment to the Labour Code. It includes total of 29 proposals to supplement the proposed LC amendment, but none of them deals with work from home.

On 27 January 2017, **the Association of Independent Trade Unions of the Czech Republic (AITU CZ)** stated on its website comments regarding homeworking in relation to the currently discussed amendment of LC in the following way: “...the current homeworking modified by Section 317 (after the amendment of Section 317a) is practically almost useless because it only addresses situation when employees schedule their work from home on their own – it is completely unusable for employers who need to have employees available at their appointed working hours. No other regulation is available and therefore it is up to the employers to keep with a rule “what is not forbidden, is approved”, and arrange it themselves.

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<sup>74</sup> CHAMBER OF DEPUTIES OF THE CZECH REPUBLIC. Parliamentary Press No. [903](#) Amended law. – Labour Code – EU [online]. 9. 9. 2016 [seen on 2017-06-30]. Available at: <http://www.psp.cz/sqw/historie.sqw?o=7&t=903>

Against this freedom, the pending amendment to the Labour Code contains a precise modification of work from home, which has a number of pitfalls... *[quotation of the amended part of the law]* ...

*“The proposed amendment therefore distinguishes those works from home:*

- *permanent/regular – for example, the employee agrees with the employer that because of a child care he/she will work 3 days from home, 2 days at the workplace, and*
- *exceptional – for example, the employee asks to be able to work from home because he/she has there a repairman.*

*In the case of permanent/regular home work, the Labour Code provides employers with obligations, such as to cover the costs incurred by employees in connection with the homework.*

*These costs may not be included in the wage, salary or remuneration established by an agreement, but the employer and the employee can arrange them for a lump sum, i.e.:*

- *quantified individual costs such as electricity, heat, water, wear and tear of own furniture and equipment, telecommunication connection, etc. These costs are charged to the employer by the employee in a similar way as reimbursement of travel allowances; OR*
- *a lump sum based on real costs (a qualified estimate) is negotiated.*

*If the employers have included the costs in the wage, they have to allocate them as a separate part of the lump sum. This will be more beneficial for the employer and the employee, because the lump sum will be paid to the employee as a net pay – and therefore will not be burdened with mandatory tax payments.*

*The amendment does not, however, regulate some areas that are not solved in practice yet and so far it lacks clear rules to enable employees to avoid potential risks – in particular occupational and health safety or occupational injuries (occupational diseases).*

*The employer is not objectively in a position to ensure the same level of safety on all locations where the employees perform their home office work, as on the regular workplace. The individual places, where the home office work is done (mostly employees' residences), are mostly not designed and approved for work, but with a large number of these places it would be disproportionately financially demanding to ensure their proper and regular checks. So if the employee wants to work from home office, he/she should also take part in ensuring that the chosen site complies with health and safety standards for work performance. He/she should also be responsible in case of any defects.*

*If the amendment to the Labour Code becomes effective and comes to force in the current wording, two types of work outside the employer's workplace (so-called home office) will have to be distinguished. Stricter rules for employers (including the obligation to pay employees costs reimbursement), will apply only if such a home office is not an exceptional work performance. The standard home office benefit, which is often offered to employees in*

*some limited mode (a few days a year or a few days a month), should be, therefore, not modified in any way.”<sup>75</sup>*

On 7 February 2017, **the Industry and Transport Union of the Czech Republic (ITU CZ)** issued its position to the amendment of the Labour Code, in which it disagrees with the changes made because they do not respect the original agreement of the social partners. In case of failure to respect the original agreements, the union threatens to initiate rejection of the amendment.

*“The Industry and Transport Union of the Czech Republic (ITU CZ) has not seen any reason for amending the Labour Code from the outset. However, it approached the preparation and social dialogue responsibly, and eventually accepted the compromise proposal that originated at the premises of Ministry of Labour and Social Affairs.*

*We have made several proposals in the course of the negotiations, in the interest of creating the smallest ultimate impact on a functioning environment. We have been criticized for this approach by some members of our Union. The amendment to which we have agreed with the social partners was also discussed at the tripartite party on 6 June 2016. It therefore is not true, as the trade unions say, that there is no written record of what was agreed.*

*The trade union representatives, however, announced already before the discussion in the Chamber of Deputies that the prepared amendment would only be a carrier for them, a means of enforcing many other changes that they failed to enforce in the compromise proposal. This has resulted in a situation where we have to discuss 50 proposed amendment only in the social committee. We consider this to be a clear violation of the social dialogue agreements.*

*If the social committee approves anything more than the MLSA’s proposal, then we shall not feel bound by the agreements we have made and we shall address all parliament deputies to reject all the proposals.”<sup>76</sup>*

**The Chamber of Commerce of the Czech Republic (CC CZ)** also repeatedly rejects the current version of the amendment. According to the statement on 23 May 2017, it complicates relationships between the employer and employees: *“The amendment to the Labour Code passed in the Chamber of Deputies in a form that did not particularly impress the employers and did not allow the much needed greater flexibility of work, however, at this moment the amendment is burdened with proposed amendments of trade unions, the adoption of which would complicate relationships between employers and employees. For this reason, the Chamber of Commerce in cooperation with some members of Chamber of*

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<sup>75</sup> ASO. Práce z domova, tzv. homeoffice v projednávané novele zákoníku práce (Work from home, so-called home office in a discussed amendment of the Labour Code). Asociace samostatných odborníků (Association of Independent Specialists - AIS) [online]. 27.01.2017 [cit. 2017-06-27]. Available at: <https://www.asocr.cz/obsah/54/prace-z-domova-tzv-homeoffice-v-projednavane-novele-zakoniku/18426>

<sup>76</sup> SVAZ PRŮMYSLU A DOPRAVY ČR (ITU CZ). Pozice SR ČR k novelizaci zákoníku práce (Position of ITU CZ to the amendment of the Labour Code). [online]. Praha: 7.2.2017. [cit. 2017-06-27]. Available at: [http://www.spcr.cz/images/SPCR\\_pozice\\_k\\_ZP.pdf](http://www.spcr.cz/images/SPCR_pozice_k_ZP.pdf)

*Deputies proposes amendments initiated by employers, which, on the other hand, will make the employment easier...*

*...An example of such an amendment is a statement without providing any reasons. If the employee has poor work results, poor working ethics, if he/she just does not meet the employer's expectations, it will be possible to terminate the employment more effectively than today. But such employees could not get a bad deal. The employer would be obliged to pay them a compensation of six times the salary.*

*The Chamber of Commerce appeals to the members of the Chamber of Deputies to arrange a serious and factual discussion over all the amendments, and to abstain from any a priori rejection of the employers' proposed amendments. If the parliamentary debate leads to the adoption of trade union amendments, the Chamber of Commerce shall appeal to the parliament members to reject the entire draft of the government's amendment."<sup>77</sup>*

## **Second reading of the proposed amendment in the Chamber of Deputies**

The second reading of the proposed amendment to the law has taken place at two meetings of the Chamber of Deputies on 23 May 2017<sup>78</sup> and 7 June 2017<sup>79</sup> and was **discontinued**.

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<sup>77</sup> HK ČR (CC CZ). *Novela zákoníku práce jde za rámec rozumného kompromisu a podstatně zhoršuje podmínky pro podnikání* (The amendment of the Labour Code goes far behind a sensible compromise and significantly complicates conditions for enterprise). In: Komora.cz [online] [cit. 2017-06-14]. Available at: <http://www.komora.cz/aktualni-zpravodajstvi/tiskove-zpravy/tiskove-zpravy-2017/archiv-tiskovych-zprav/tiskove-zpravy-2016/novela-zakoniku-prace-jde-za-ramec-rozumneho-kompromisu-a-podstatne-zhorsuje-podminky-pro-podnikani.aspx>

<sup>78</sup> POSLANECKÁ SNĚMOVNA PARLAMENTU ČR (CHAMBER OF DEPUTIES OF THE CZECH REPUBLIC). Digitální knihovna (digital library) – 57. Schůze (57<sup>th</sup> meeting), úterý 23. května (23 May) 2017 [online]. [seen on 2017-06-14]. Available at: <http://www.psp.cz/eknih/2013ps/stenprot/057schuz/s057165.htm#r8>

<sup>79</sup> POSLANECKÁ SNĚMOVNA PARLAMENTU ČR (CHAMBER OF DEPUTIES OF THE CZECH REPUBLIC). Digitální knihovna (digital library) – 57. Schůze (57<sup>th</sup> meeting), středa 7. Června (7 June) 2017 [online]. [seen on 2017-06-16]. Available at: <http://www.psp.cz/eknih/2013ps/stenprot/057schuz/bqbs/b33902202.htm>



## Conclusion

The “Remote work problems and their solutions for employers” study focused on the phenomenon of remote work, especially on work from home as its most typical form. Many sources show that this work form is expanding dynamically and is being used by an increasing number of workers and employers. According to a Europe-wide Labour Force Survey, the share of employed workers from home within the EU was 12.2% in 2009, while in 2016 it was already 14.5% of the employed. In the Czech Republic, this ratio grew from 6.7% to 8.9% over the same period. In the UK, according to the Office for National Statistics, the number of homeworkers increased from 1.3 million in 1998 to 4.2 million in 2014. Similar trends can be also seen in other countries.

Remote work (from home) has a number of frequently cited benefits, such as time and costs savings, making the company more attractive as an employer, possibility to employ and retain more employees, increasing their loyalty, satisfaction and productivity, better balancing of work and private life. On the other hand, it includes also disadvantages and obstacles that can sometimes arise from fears or prejudices. The problems can be classified into three areas: management issues, subordinate issues and computer/technology issues. The study deals with advantages and disadvantages of remote work from the viewpoint of both employees and employers. In addition to the well-known and frequently cited aspects of remote work, the study also lists some others, which are not yet included in discussions within the Czech Republic (e.g. positive environmental impacts or the theme of fraudulent home job offers).

However, when looking at a detailed view of the remote work and its impacts on, for example, work productivity, it turns out that when naming advantages, disadvantages or obstacles to the introduction of this type of flexible work form, it needs to be followed with caution and taking into account various nuances. The Gallup's State of the American Workplace Institute concludes that long-distance employees are actually more involved in their work, but this only applies when they work outside the office in 20% of their working hours or less. On the other hand, a certain brake point appears in people spending more than 50% of working hours outside their employer's workplace. They are less interested in their work than their counterparts working at the employer's site. The employees performing remote work at one hundred percent feel separation from their work twice as likely as the others. Also for these reasons, businesses are beginning to modify their approach to remote work in a significant way, as the study shows on examples of IBM or Yahoo.

Remote work is linked to some of the issues on which the study focuses in more detail. Flexible work forms have a clear impact on physical and mental health, they are associated with the phenomenon of work intensification and the dynamically growing importance of new technologies. For example, the Ofcom study from 2015 has shown that adults spend currently more time using technology than by sleep. Technology is said to contribute to work intensification by enabling and requiring people to work faster, doing more and working on more tasks at a time. According to the ILO and Eurofound study, the proportion of workers

using smart phones, tablets, laptops and desktop computers for work outside the employer's premises is 2 - 40 % depending on the country, occupation, sector and frequency of use. Besides the context of work intensification, the study has named and demonstrated some other disadvantages of remote work. For example, the British remote workers report 9.8 hours a week of overtime work, compared with office workers reporting 8.4 hours. However, over 80% of UK "remote" workers' do not get their overtime work not paid (which corresponds to the equivalent of 7.8 hours per week). While the respondents working at the office also mentioned 60% of overtime (5 overtime hours per week) not being paid.

Despite the obvious disadvantages and risks associated with remote work, this form of work has many positive aspects and is perceived by many employers and workers as a benefit. According to the TREXIMA survey (2016), a quarter of economic entities in the wage sphere enabled their employees to work from home. Nearly a third of companies in the service sector (33%) has included home work into its benefits in 2016. In industry, this benefit was used by 16% of companies in the monitored year, while in agriculture only by 8% of entities. According to this survey, the largest entities offered home work most often. Work from home was enabled to the selected employees at least by a half of the entities with more than 1,000 employees in 2016. With decreasing number of employees, also dropped the proportion of companies providing this benefit.

The study offers several selected examples of internal arrangements for homeworking in different types of businesses in the Czech Republic. It is obvious, at first glance, that the approaches are very different and range from lack of specific rules to detailed guidelines. This brings an opportunity for employers' organizations and trade unions to create useful manuals and guidelines for their members. Some Czech examples of solution are listed directly in the study, a foreign guidelines example is attached as an appendix to this study.

The study also deals in detail with foreign examples of legislation in the field of remote work. Related laws in the UK, the Netherlands and Australia have various key features in common. They also include a measure guaranteeing employees at national level the legal right to require flexible working arrangements. It obliges employers to deal with such an application but at the same time confers on them the right to reject it in justified cases. This is therefore a significantly different approach to the issue's legislative solution of remote work than is currently contemplated in the Czech Republic.

The study focuses on the present situation, interpretation and the social debate on the relevant legislative changes in the Czech Republic. Law experts are convinced that although the negotiation of the possibility of homework is connected with some legal risks for the employer, these risks can be eliminated to a certain extent in the employment contract. Advantages associated with this way of performing work therefore often prevail the risks. Nevertheless, the Ministry of Labour and Social Affairs of the Czech Republic proposed an amendment to the Labour Code with the aim of enforcing, among other things, also homeworking. The study details the proposed changes to the Code, positions of key entities in the labour market and proposed changes by parliament deputies. At the time of completion of the study (August 2017), the legislative process was interrupted during the second reading of the proposed amendment in the Chamber of Deputies.



It is likely that the debate on the legislative grasp of the flexible work forms will sooner or later revive. Due to the scope of the study, foreign examples of legal standards and manuals for employers were presented only to a limited extent. Also examples from Czech Republic in the form of enterprise experiences and internal guidelines for work from home were provided only in the order of units. The authors of the study therefore recommend further and more extensive research in this field, new inputs into the debate on flexible work forms, including teleworking.

## Literature

ACAS. *Advisory, Conciliation and Arbitration Service* [online]. London: Acas, © 2001 - 2009 [vid. 2017-06-15]. Dostupné z: <http://www.acas.org.uk>

ACAS. *Handling in a reasonable manner requests to work flexibly*. [online]. TSO: June 2014. ISBN 978 0 11 708246 5. Dostupné z: <http://www.acas.org.uk/media/pdf/f/e/Code-of-Practice-on-handling-in-a-reasonable-manner-requests-to-work-flexibly.pdf>

ACAS. *Homeworking. Advisory, Conciliation and Arbitration Service* [online]. London: Acas, © 2001 - 2009 [cit. 2017-07-10]. Dostupný z: <http://www.acas.org.uk/index.aspx?articleid=4853>

ACAS. *Checklist for setting up homeworking* [document word]. *Advisory, Conciliation and Arbitration Service* [online] London: Acas, © 2001–2009 [cit. 2017-06-26]. Dostupné z: <http://www.acas.org.uk/index.aspx?articleid=4853>

ACAS. *Sample homeworking policy* [document word]. *Advisory, Conciliation and Arbitration Service* [online] London: Acas, © 2001–2009 [cit. 2017-06-26]. Dostupné z: <http://www.acas.org.uk/index.aspx?articleid=4853>

Akademie věd České republiky. [online] Dostupné z: <http://www.avcr.cz/cs/>

AMPS ČR. *Novela zákoníku práce je březnový apríl*. [online] [cit. 2017-06-26]. Dostupné z: <http://www.ams.cz/ams-cr-novela-zakoniku-prace-je-breznovy-april>

Aplikace o/dok. *Návrh zákona, kterým se mění zákon č. 262/2006 Sb., zákoník práce, ve znění pozdějších předpisů, a další související zákony* [online]. 29.6. 2016 [vid. 2017-07-10]. Dostupné z: <https://apps.odok.cz/veklep-detail?pid=RACKA7LFPYY1>

ASO. *Práce z domova, tzv. homeoffice v projednávané novele zákoníku práce. Asociace samostatných odborníků* [online]. 27.01.2017 [cit. 2017-06-27]. Dostupné z: <https://www.asocr.cz/obsah/54/prace-z-domova-tzv-homeoffice-v-projednavane-novele-zakoniku/18426>

BASLAROVÁ, I. *Práce z domova aneb V práci jako doma* [online]. Gender Studies, o. p. s., 2011 [vid. 2017-07-21]. Dostupné z: [http://genderstudies.cz/download/Prace\\_z\\_domova.pdf](http://genderstudies.cz/download/Prace_z_domova.pdf)

BENNER. CH., Crowd Work – zurück in die Zukunft? Perspektiven digitaler Arbeit. [online]. Bund-Verlag GmbH, 2014. [cit. 2017-07-11]. ISBN: 978-3-7663-6395-4 Dostupné z: <https://www.buchundmehr.de/out/media/6395-Crowdwork-Gewerkschaftliche-Perspektiven-Leseprobe.pdf>

BERNARD R., MACHALOVÁ A. Právní úprava práce z domova – home office. In: *Kariéra. Ihned* [online]. 2012-08-28 [vid. 2017-06-14]. Dostupné z: <http://kariera.ihned.cz/c1-55151600-pravni-uprava-prace-z-domova-home-office>

BROUGHTON, A. Flexible working time arrangements and gender equality. In: *Eurofond.eu* [online]. February 24, 2011 [vid. 2017-07-10]. Dostupné z: <https://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions/flexible-working-time-arrangements-and-gender-equality>

*Byznys pro společnost* [online]. [vid. 2017-06-21]. Dostupné z: <http://byznysprospolecnost.cz/>

ČESKÁ TELEVIZE. *Být doma i v práci zároveň. Češi objevují home office*. 18.7.2015 [online] © 1996–2017 Dostupné z: <http://www.ceskatelevize.cz/ct24/ekonomika/1560330-byt-doma-i-v-praci-zaroven-cesi-objevuji-home-office>

Český sociálně vědecký datový archiv [online] Dostupné z: <http://nesstar.soc.cas.cz/webview/>

Dlasková, K. Všichni chtějí v práci flexibilitu. Může ale vést ke stresu zaměstnanců. In: *Hospodářské noviny*. [online] 5. 6. 2017 Dostupné z: <http://byznys.ihned.cz/c1-65753770-vsichni-chteji-flexibilitu-muze-ale-vest-ke-stresu-zamestnancu>

Duspivová, K., Kasal, R., Mrázek, P., Spáčil, P. 2016. Karenční doba a benefity související se zajištěním zaměstnanců v době nemoci. Zlín: TREXIMA, 2016. Dostupné z: [http://www.spcr.cz/images/stories/Projekty/Karencni\\_doba-analyza.pdf](http://www.spcr.cz/images/stories/Projekty/Karencni_doba-analyza.pdf)

EUROFOUND AND THE INTERNATIONAL LABOUR OFFICE. *Working anytime, anywhere: The effects on the world of work* [online]. Luxembourg: Publications Office of the European Union, 2017 [vid. 2017-06-08]. ISBN: 978-92-2-130472-2. DOI:10.2806/372726. Dostupné z: [https://www.eurofound.europa.eu/sites/default/files/ef\\_publication/field\\_ef\\_document/ef1658en.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef1658en.pdf)

EUROPEAN COMMISSION. *Flexible working time arrangements and gender equality — A comparative review of 30 European countries* [online]. Luxembourg: Publications Office of the European Union, 2010 [vid. 2017-06-01]. ISBN 978-92-79-15545-1. DOI: 10.2767/29844. Dostupné z: <http://ec.europa.eu/social/main.jsp?langId=en&catId=22>

EUROSTAT. European Union Labour Force Survey (EU LFS) In: *Ec.Europa.eu* [online]. [vid. 2017-07-10]. Dostupný z: <http://ec.europa.eu/eurostat/web/microdata/european-union-labour-force-survey>

EVERSHEDS SUTHERLAND. Wet flexibel werken (Flexible Work Act) [online]. 26-08-2015 Dostupné z: <http://www.eversheds-sutherland.com/global/en/what/articles/index.page?ArticleID=en/global/netherlands/en/wet-flexibel-werken-flexible-work-act>

FEDERAL REGISTER OF LAGISLATION. *Fair Work Act 2009* [online]. [vid. 2017-06-28]. Dostupné z: <https://www.legislation.gov.au/Series/C2009A00028>

FIRE WORK OMBUDSMAN. *Flexible working arrangements* [online]. [vid. 2017-06-30]. Dostupné z: <https://www.fairwork.gov.au/employee-entitlements/flexibility-in-the-workplace/flexible-working-arrangements>

FORBES. *16 Work-At-Home Scams To Avoid*. [online]. 13 December 2011 Dostupné z: <https://www.forbes.com/sites/groupthink/2011/12/13/16-work-at-home-scams-to-avoid/#3d4314e86f65>

Frame Work Agreement on Telework [online] Brusel: 16. 2. 2002. Dostupné z: [http://www.ueapme.com/docs/joint\\_position/Telework%20agreement.pdf](http://www.ueapme.com/docs/joint_position/Telework%20agreement.pdf)

GALLUP'S STATE OF THE AMERICAN WORKPLACE. 70% of U.S. Workers Not Engaged at Work In: *Gallupe.com* [online]. © 2017 [vid. 2017-07-25]. Dostupné z: <http://www.gallup.com/services/178514/state-american-workplace.aspx>

GOV.UK. Flexible working. In: *Gov.uk*. [online]. [vid. 2017-06-27]. Dostupné z: <https://www.gov.uk/flexible-working>

GOV.UK. Flexible working. In: *Gov.uk* [online] [cit. 2017-06-15]. Dostupné z: <https://www.gov.uk/flexible-working/after-the-application>

GOV.UK. Expenses and benefits: homeworking. In: *Gov.uk* [online]. [cit. 2017-06-27]. Dostupné z: <https://www.gov.uk/expenses-and-benefits-homeworking>

HILL, J. E., MILLER, B. C., WEINER, S. P., & COLIHAN, J. Influences of the virtual office on aspects of work and work/life balance. [online]. *Personnel Psychology*. September 1998, vol. 51, no. 3, s. 667–683 [vid. 2017-06-13]. Dostupné z: <http://onlinelibrary.wiley.com/doi/10.1111/j.1744-6570.1998.tb00256.x/abstract>

*Home Working UK. Scam! Homeworkinguk.com* [online]. © 2017 [vid. 2017-06-22]. Dostupné z: <http://www.homeworkinguk.com/scams-scams/>

HK ČR. Novela zákoníku práce jde za rámec rozumného kompromisu a podstatně zhoršuje podmínky pro podnikání. In: *Komora.cz* [online] [cit. 2017-06-14]. Dostupné z: <http://www.komora.cz/aktualni-zpravodajstvi/tiskove-zpravy/tiskove-zpravy-2017/archiv-tiskovych-zprav/tiskove-zpravy-2016/novela-zakoniku-prace-jde-za-ramec-rozumneho-kompromisu-a-podstatne-zhorsuje-podminky-pro-podnikani.aspx>

HSE. Work related stress, anxiety and depression statistics in Great Britain 2016. In: *hse.gov.uk* [online]. October 2017 [vid. 2017-06-23]. Dostupné z: <http://www.hse.gov.uk/statistics/causdis/stress/index.htm>

HSE. *Home working* [online] Dostupné z: <http://www.nhsemployers.org/~media/Employers/Publications/Home%20working.pdf>

HŮRKA, P., RANDLOVÁ N. Výhody a nevýhody novely zákoníku práce pro zaměstnavatele a zaměstnance [online]. 2016 [cit. 2017-06-23]. Dostupné z: <http://www.prf.cuni.cz/res/dwe-files/1404054459.pdf>

*Chief Executive Net* [online] © 2017 [vid. 2017-06-30] Dostupné z: <http://chiefexecutive.net/>

iDNES. Zpátky do kanceláří. IBM znemožní tisícům zaměstnanců home office. In: *IDNES.CZ*. [online] 25.5.2017 Dostupné z: [http://ekonomika.idnes.cz/ibm-konci-s-home-office-06h-/ekoakcie.aspx?c=A170524\\_095500\\_ekoakcie\\_fih](http://ekonomika.idnes.cz/ibm-konci-s-home-office-06h-/ekoakcie.aspx?c=A170524_095500_ekoakcie_fih)

ILO. C177 – Home Work Convention, 1996 (No. 177) Convention concerning Home Work (Entry into force: 22 April 2000). International Labour Organization [online]. © 1996 - 2016 [vid. 2017-06-30]. Dostupné z: [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C177](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C177)

KINMAN, G., McDOVALL, A. (2017). *Work-Life Balance in Times of Recession, Austerity and Beyond*. [vid. 2017-06-23]. Dostupné z: <http://www.worldcat.org/title/work-life-balance-in-times-of-recession-austerity-and-beyond/oclc/957127645>

KOTÍKOVÁ J., KOTROUSOVÁ M., VYCHOVÁ H. *Flexibilní formy práce ve vybraných zemích EU* [online]. Praha: VÚPSV, v.v.i., 20132 [vid. 2017-07-28]. ISBN 78-80-7416-131-5 Dostupné z: [http://praha.vupsv.cz/Fulltext/vz\\_366.pdf](http://praha.vupsv.cz/Fulltext/vz_366.pdf)

KPMG. [online]. Praha: © 2017. [vid. 2017-06-26] Dostupné z: <https://home.kpmg.com/cz/cs/home.html>

KREAMER, B. Germany: Working from home declines. In: *Eurofound*. [online]. 23 October 2014 Dostupné z: <https://www.eurofound.europa.eu/observatories/eurwork/articles/working-conditions/germany-working-from-home-declines>

LANDLOVÁ. K., Homeworking. In: *Femina*. [online] 16. 6. 2008. Dostupné z: <https://www.femina.cz/homeworking/>

LEXOLOGY. *New Dutch flexible work legislation* [online] 14 December 2015. Dostupné z: <http://www.lexology.com/library/detail.aspx?g=59e9aaf0-5542-42d5-a2ed-15dd287a8cbd>

LISTER K., HARNISH T. *Undress For Success. The Naked Truth About Making Money at Home* [online]. New Jersey: John Wiley & Sons 2009 [vid. 2017-07-13]. ISBN: 978-0-470-38332-2 Dostupné z: [https://www.slideshare.net/sipho\\_msolo/undress-for-success-the-naked-truth-about-making-money-at-homed](https://www.slideshare.net/sipho_msolo/undress-for-success-the-naked-truth-about-making-money-at-homed)

MARTOCH. M., Homeworking – zavádění a přínosy práce z domova. In: *ITBIZ*. [online] 25.2.2009. Dostupné z: <http://www.itbiz.cz/workline-home-office-vyhody>

MARTOCH, M. *Řízení vzdálených pracovníků Kdy a proč práce na dálku (ne)funguje* [online]. Třebíč: Koordinační centrum práce na dálku, 2014 [vid. 2017-06-02]. ISBN 978-80-260-6233-2 Dostupné z: [http://www.pracenadalku.cz/Portals/0/ebook2/Rizeni\\_vzdalenych\\_pracovniku\\_pdf.pdf](http://www.pracenadalku.cz/Portals/0/ebook2/Rizeni_vzdalenych_pracovniku_pdf.pdf)

MATOS K., GALINSKY E. *2014 National Study of Employers* [online]. Families and Work Institute, © 2014 [vid. 2017-06-26]. Dostupný z: <http://familiesandwork.org/downloads/2014NationalStudyOfEmployers.pdf>

MAYER, M. Telecommuting: What Marissa Mayer Got Right—and Wrong In: *Times* [online]. June 05, 2014 [cit. 2017-07-12]. Dostupné z: <http://time.com/money/2791618/telecommuting-what-marissa-mayer-got-right-and-wrong/>

MILFORTOVÁ Romana. *Tzv. „prekérní“ pracovní vztahy v evropské a naší právní úpravě*. Brno, 2006. Diplomová práce. Právnická fakulta Masarykovy univerzity v Brně. Katedra pracovního práva a sociálního zabezpečení. Vedoucí práce JUDr. Zdeňka Gregorová, CSc. Dostupné také z: [https://is.muni.cz/th/61297/pravf\\_m/Diplomova\\_prace.pdf](https://is.muni.cz/th/61297/pravf_m/Diplomova_prace.pdf)

MPSV. Nový zákoník práce: Co navrhujeme a chceme prosadit? Ministerstvo práce a sociálních věcí ČR [online]. © 4.3.2016 [cit. 2017-06-29]. Dostupné z: <http://www.mpsv.cz/cs/24452>

*National Broadband Network* [online], © 2017 [vid. 2017-06-15]. Dostupné z: <http://www.nbnco.com.au/>

NORTON ROSE FULBRIGHT. Dutch Flexible Working Act. In: *nortonrosefulbright.com* [online]. [vid. 2017-06-29]. Dostupné z: <http://www.nortonrosefulbright.com/knowledge/publications/127797/dutch-flexible-working-act>

OFCOM. The Communications Market Report 2015. In: *Ofcom.org.uk*. [online]. 17 August 2015 [online] [vid. 2017-06-16]. Dostupné z: <https://www.ofcom.org.uk/research-and-data/cmr/cmr15>

OFFICE FOR NATIONAL STATISTICS. Labour Market Statistics, March 2014. In: *Nationalarchive.gov.uk* [online]. [vid. 2017-07-13]. Dostupný z: [www.ons.gov.uk/ons/rel/lms/labour-market-statistics/march-2014/statistical-bulletin.html](http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/march-2014/statistical-bulletin.html)

PASPORT TO TRADE 2.0. *Work-life balance*. [online] © 2014 Dostupné z: <http://businessculture.org/western-europe/business-culture-in-netherlands/work-life-balance-in-netherlands/>

POSLANECKÁ SNĚMOVNA PARLAMENTU ČR. Digitální knihovna – 57. schůze, úterý 23. května 2017 [online]. [vid. 2017-06-14]. Dostupné z: <http://www.psp.cz/eknih/2013ps/stenprot/057schuz/s057165.htm#r8>

POSLANECKÁ SNĚMOVNA PARLAMENTU ČR. Digitální knihovna – 57. schůze, středa 7. června 2017 [online]. [vid. 2017-06-16]. Dostupné z: <http://www.psp.cz/eknih/2013ps/stenprot/057schuz/bqbs/b33902202.htm>

POSLANECKÁ SNĚMOVNA PARLAMENTU ČR. Středa 9. listopadu 2016, stenoáznam části projednávání bodu pořadu schůze [online]. 29.11.2016 [vid. 2017-06-26]. Dostupné z: <http://www.psp.cz/eknih/2013ps/stenprot/050schuz/bqbs/b33903401.htm>

POSLANECKÁ SNĚMOVNA PARLAMENTU ČR. Sněmovní tisk [903](#) Novela z. - zákoník práce – EU [online]. 9. 9. 2016 [vid. 2017-06-30]. Dostupné z: <http://www.psp.cz/sqw/historie.sqw?o=7&t=903>

POSLANECKÁ SNĚMOVNA PARLAMENTU ČR. Sněmovní tisk [903](#)/0, část č. 1/8 Novela z. - zákoník práce – EU [online]. 9.9.2016 [cit. 2017-06-28]. Dostupný z: <http://www.psp.cz/sqw/text/tiskt.sqw?O=7&CT=903&CT1=0>

PRÁCE NA DÁLKU. Jak na podvodné nabídky práce. In: *Pracenadalku.cz* [online]. © 2016 [vid. 2017-06-09]. Dostupné z: <http://www.pracenadalku.cz/jak-na-podvodne-nabidky-prace>

REDDAN, F. Big tech firms target those who work only from home In: *The IrishTimes* [online]. September 14, 2015 [vid. 2017-06-28]. Dostupné z: <https://www.irishtimes.com/business/big-tech-firms-target-those-who-work-only-from-home-1.2348679>

REGUS. Global Economic Indicator In: *Regus.co.uk* [online]. September 11, 2013 [vid. 2017-06-29]. Dostupné z: <http://press.regus.com/regus-europe-hub/half-of-us-work-remotely--when-will-the-rest-catch-up-0>



RIJKSOVERHEID. Welke arboregels gelden voor mij als thuiswerker of telewerker? In: *Rijksoverheid.nl* [online]. [vid. 2017-06-07] Dostupné z: <https://www.rijksoverheid.nl/onderwerpen/arbeidsomstandigheden/vraag-en-antwoord/welke-arboregels-gelden-voor-mij-als-thuiswerker-of-telewerker>

RIJKSOVERHEID. Het Nieuwe Werken: hoe blijf je er gezond bij? In: *Rijksoverheid.nl* [online], 2011 [vid. 2017-06-30]. Dostupné z: <https://www.rijksoverheid.nl/onderwerpen/arbeidsomstandigheden/documenten/rapporten/2011/12/12/het-nieuwe-werken-hoe-blijf-je-er-gezond-bij>

ROSSHEIM J., Top Four Work-from-Home Scams. In: *Monster.com* [online]. [vid. 2017-07-07]. Dostupné z: <https://www.monster.com/career-advice/article/avoid-work-from-home-job-scams>

SAARI, T. a PYÖRIÄ, P. *Telework and work-life balance in the Finnish public sector (Community, Work and Family -conference, Sydney 17.–19.7.2013)* [online]. Dostupné z: <http://www.uta.fi/yky/tutkimus/socru/space/cwf2013.pdf>

STACEY N., ELLWOOD P. BRADBROOK S., REYNOLDS J. WILLIAMS H. Key trends and drivers of change in information and communication technologies and work location [online]. Luxembourg: Publications Office of the European Union, 2017 [vid. 2017-07-11]. ISBN: 978-92-9496-382-6 Dostupné z: <https://osha.europa.eu/en/tools-and-publications/publications/key-trends-and-drivers-change-information-and-communication/view>

SVAZ PRŮMYSLU A DOPRAVY ČR. Pozice SR ČR k novelizaci zákoníku práce. [online]. Praha: 7.2.2017. [cit. 2017-06-27]. Dostupné z: [http://www.spcr.cz/images/SPCR\\_pozice\\_k\\_ZP.pdf](http://www.spcr.cz/images/SPCR_pozice_k_ZP.pdf)

SWIFT P., STEPHENS A. *Homeworking: helping businesses cut costs and reduce their carbon footprint* [online]. London (UK): The Carbon Trust, 2014 [vid. 2017-07-11]. Dostupné z: <https://www.carbontrust.com/media/507270/ctc830-homeworking.pdf>

ŠINDLEROVÁ, I. *Práce žen z domova v České republice. Nejistá a nevýhodná práce ukrytá za dveřmi domácností, nebo flexibilita pro skloubení rodinného a profesního života?* [online]. Praha: EKS, 2006 [vid. 2017-07-17] ISBN: 80-239-7284-7. Dostupné z: <http://www.ekscr.cz/sites/default/files/prace-z-domova.pdf>

THEGUARDIAN. Work-life balance: flexible working can make you ill, experts say. In: *Theguardian.com* [online]. January 2, 2016 [vid. 2017-06-30]. Dostupné z: <https://www.theguardian.com/money/2016/jan/02/work-life-balance-flexible-working-can-make-you-ill-experts-say>



USA: *Telework Enhancement Act of 2010* [online]. Chapter 65 – Telework, § 6501–6506 [cit. 2017-06-01] Dostupný také z: <https://www.gpo.gov/fdsys/pkg/BILLS-111hr1722enr/pdf/BILLS-111hr1722enr.pdf>

WILLIS TOWERS WATSON. Health, wellbeing and productivity survey 2012/2013. In: *Towerswatson.com* [online]. UK: Willis Towers Watson, © 2017 [vid. 2017-07-17]. Dostupné z: <https://www.towerswatson.com/en-GB/Insights/IC-Types/Survey-Research-Results/2013/05/Health-wellbeing-and-productivity-UK-survey-results>

WORKINGSMUMS. *How to avoid homeworking scams* [online]. 9. August.2012 Dostupné z: <https://www.workingmums.co.uk/how-to-avoid-homeworking-scams/>

Zákon č. 262/2006 Sb., zákoník práce. In: *Sbírka zákonů České republiky 2006*. Dostupné také z: <https://www.zakonyprolidi.cz/cs/2006-262>

ZIKMUND, M. Když se řekne Homeworking. In: *BUSINESSVIZE* [online] 27.1.2011 Dstupné z: <http://www.businessvize.cz/rozvoj/kdyz-se-rekne-homeworking>

## Appendix

*Homeworking – guidelines for employers and employees*