

Remote workplace agreements and policies are key to successfully managing remote workers during and after the pandemic



By: **Natasha Savoline**

The story of how we moved to an almost entirely remote workforce goes something like this. Monday: “Wash your hands often for 20 seconds and use the sanitizer we have placed around the office”. Thursday: “Rush to the grocery store, we are running out of toilet paper”. Friday: “Everyone out – you have to work from home”.

Ideally, remote workplace policies and agreements are in place before an employee begins to work from home. However, the rocket speed at which we shifted to remote work as a result of the pandemic means that many employers did not have the time or resources to implement the necessary policies. The good news is that it’s not too late.

Along with providing some structure and oversight to current remote work arrangements, it’s proactive and forward-thinking given that we are likely to see an increase in remote work after the pandemic as organizations look for ways to reduce costs and come to realize the other benefits of remote work for both the employee and employer.

Remote workplace policies and agreements have typically covered everything from health and safety of the work-from-home environment to who pays for the home office costs. While there are some unique pandemic-related elements of telework policies and agreements that employers will want to include, it’s also important to include essential elements of a telework policy and agreement that will continue beyond the stay-at-home world we are currently in.

While there are some unique pandemic-related elements of telework policies and agreements that employers will want to include, it’s also important to include essential elements of a telework policy and agreement that will continue beyond the stay-at-home world we are currently in.

- 1. Authorized by the employer** – currently, all but employees in essential services are working from home. But beyond the pandemic, not every job or employee is suited for remote work. The policy should provide the employer discretion to determine if a particular teleworking arrangement is feasible.

2. **Who is covering the costs** – will the employer or the employee pay for the internet, phone line, insurance, ergonomic equipment and other costs of having a home office? Given that employers are requiring employees to work from home during the stay-at-home orders, employers may be required to contribute a greater share or all of the costs during this time.
3. **Work time** – is the employee required to work certain hours or a certain number of hours in a day? During the pandemic, employers will need to offer greater flexibility to employees in terms of work hours, given the conflicting demands on many employees' time in caring for and schooling children as well as caring for other family members inside or outside the home. The pandemic is also taking an emotional toll on some, which can impact employees' focus and productivity.

In the non-pandemic world, telework agreements can be more specific in terms of hours of work, whether employees are permitted to work only certain days from home and when, if ever, overtime will be payable. Policies and agreements should also stipulate that, in a non-pandemic setting, employees are devoting their work hours to work and not simultaneously juggling other significant commitments such as child or elder care or devoting time to another employment endeavour.

4. **Quality and quantity of work** – clearly spelling out performance objectives and expected results gives the parties a measuring stick to assess how the arrangement is working. Objectives and expectations may differ during versus after the pandemic.
5. **Keeping in touch** – establish expectations about response time to work communications and participation in group and one-on-one meetings and video calls. Limits on non-work-related chats is also suggested. During the pandemic, employers will again need to be more flexible, bearing in mind that many employees are balancing family obligations and some may be struggling emotionally with the pandemic.
6. **Professional appearance and attire** – although it can be tempting to work in pajamas, an expectation should be set that if video calls are scheduled or are possible, attire and appearance should align with how the employee would present themselves in the workplace.
7. **Where is the work performed** – during the pandemic, employees are working from home. However, to ensure that the policy and agreement extend beyond the stay-at-home directives, it should address whether the employee is permitted to work anywhere other than home, such as in public spaces like a coffee shop. It should also reference the safeguards that must be followed to protect company equipment and information in either environment.

8. **Health and safety** – employers still have an obligation to protect a worker’s health and safety when home is the workplace. Telework policies and agreements should set out health and safety expectations of a remote workspace and obtain the worker’s agreement to comply with them. There will be some unique health and safety precautions that will apply during the pandemic, such as distancing from a family member infected with COVID-19, if possible, and disinfecting the workspace.
9. **Adherence to company policies** – although the employee is working remotely, it’s important to make clear that they remain subject to the company’s policies and procedures, while allowing for flexibility and accommodation as required during the pandemic.
10. **Duration** – for many employees who are working from home as a result of COVID-19, it will be a temporary measure and a return to commuting to the workplace will resume once the stay-at-home orders are lifted. For others, the arrangement will continue in some shape or form following the pandemic. The policy should speak to the discretion of the employer to implement various arrangements and the agreement should set out whether it is a temporary or indefinite arrangement. In either case, a trial period to allow the employer to assess the long-term viability of the arrangement is recommended.
11. **It’s no longer working** – there are a variety of reasons why a remote work arrangement may prove unsuitable from operational needs, changes to the business or an employee failing to prove productive at home. To ensure the policy allows the employer the discretion to end the arrangement post-pandemic, the policy and agreement should speak to the employer’s discretion to end or alter the arrangement.

Implementing telework policies and agreements makes sense given that the directive to stay home as a result of the pandemic is likely to continue for some time. Some organizations and occupations will be under stay home orders longer than others and, while we hope it won’t happen, a second wave of the pandemic is possible. It’s also likely that we’ll see some of the current remote work arrangements continue post-pandemic. Putting telework policies and agreements in place now will help employers effectively manage both short and long-term remote work arrangements.