



NEW CODE PUTS RIGHT TO DISCONNECT INTO PRACTICE

Ireland's new Code of Practice on the Right to Disconnect means that employees may now switch off from work outside of normal working hours, and should any problems or issues arise, they are entitled to raise the matter with the Workplace Relations Commission.

Developed by the Workplace Relations Commission (WRC), the Code of Practice for Employers and Employees on the Right to Disconnect immediately came into force on 1 April – the same day it was published by the government.

The Code gives employees the right to switch off from work outside of normal working hours, including the right to not respond immediately to emails, telephone calls or other messages

“The pandemic has transformed working practices, and many of those changes will be long-lasting.

“Although much of the pandemic’s impact has been negative, particularly for those who have lost jobs, income or whose businesses have been closed, it also offers an opportunity to make permanent changes for the better, whether that’s working more from home, having more time with the family, or more flexible working hours,” the Tánaiste and Minister for Enterprise, Trade and Employment, Leo Varadkar, noted, on bringing the new Code into law. The following rights are enshrined in the

Code with:

- The right of an employee to not have to routinely perform work outside their normal working hours.
- The right not to be penalised for refusing to attend to work matters outside of normal working hours.
- The duty to respect another person’s right to disconnect (e.g. by not routinely emailing or calling outside normal working hours).



Employees now have more options to work outside of traditional hours, which many people have availed of during the pandemic.

“The Code of Practice applies to all types of employment, whether working remotely or not. It will help employees, no matter what their job is, to strike a better work-life balance and switch off from

work outside of their normal working hours,” the Tánaiste noted.

The Code reflects the Workplace Relations Commission’s objective to achieve good working relations between employers and employees, promoting compliance with relevant employment, equality and equal status legislation, early dispute resolution, mediation, conciliation, facilitation and advisory services, and adjudication on complaints and disputes.

Due to greater flexibility provided by the new Code, employees now have more options to work outside of traditional hours, which many people have availed of during the pandemic. And it reflects the fact that many Irish employees are part of a global network, requiring contact with colleagues around the world.



The right not to be penalised for refusing to attend to work matters outside of normal working hours is one of three main rights enshrined into the Code.

‘RECHARGE THE BATTERIES’

Minister of State for Business, Employment and Retail, Damien English, TD, said: “The right to disconnect has never been more important following a seismic shift in work practices this time last year, as Government asked people who could work from home to do so in the interest of suppressing the virus.

“The publication of the Code of Practice is a positive step in providing practical guidance on the right to disconnect. It will ensure that both employers and employees are aware of their requirements and entitlements and understand how they apply, especially when it is time to unplug and recharge the batteries by switching off properly from work, especially in a remote working scenario.”

The Director General of the WRC, Liam Kelly, commented: “Disconnecting from work and work-related devices necessitates a joint approach by employers and employees. While placing the onus of management of working time on the employer is appropriate, individual employee responsibility is also required.”

In accordance with the provisions of Section 20(4) the Workplace Relations Act, 2015, 37 submissions were received as part of the public consultation process, and considered in the Code’s development.

The Commission had also engaged with representatives of both employers and employees, including IBEC and ICTU, in finalising this Code of Practice.

The Tánaiste is now encouraging employers to engage proactively with employees to develop a policy suited to their own needs.

PLANS TO PLACE THE REMOTE WORKING REQUEST INTO LAW

In addition to the new Code of Practice, the Tánaiste is now inviting views on his plans to put the right to request remote working into law. Both form part of his commitment to create more flexible and family-friendly working arrangements, including remote working and working more flexible hours.

They also build on the ‘Our Rural Future’ plan – the Government’s blueprint to transform rural

Ireland, by facilitating more people to work remotely and flexibly.

“This will provide a clear framework around which requesting, approving or refusing remote work can be based. In putting this into law, we recognise that remote working doesn’t work for everyone or for every organisation, so the Government will take a balanced approach with the new legislation,” he outlined.

Currently in Ireland, all employees may ask their employers for the right to work remotely, but there is no legal framework around which a request can be made and how it should be dealt with by the employer. This new law will set out clearly how these requests should be facilitated as far as possible.

Government has committed over the course of this year to:

- Legislate to provide employees the right to request remote working.
- Introduce a legally admissible code of practice on the right to disconnect from work – covering phone calls, emails and switch-off time.
- Invest in remote work hubs, ensuring they are in locations that suit commuters and are close to childcare facilities.
- Explore the acceleration of the National Broadband Plan.
- Review the treatment of remote working for the purposes of tax and expenditure in the next Budget.
- Lead by example by mandating that home and remote working should be the norm for 20% of public sector employees.

And not all work lends itself easily to remote working, for example where a worker needs to be physically present on site, interact with others, or use location-specific specialised machinery or equipment. In cases where remote work is suitable, a hybrid or blended model with a combination of remote work and onsite work may be the preferred arrangement.

Some organisations may prefer a model where employees are required to come on site only a few days a week or month, while some will need a core of ‘anchor’ people to be in the office or on site most days because they need to be. The new law will look at how all of these possibilities can be facilitated.

