

Considerations for Managing Remote Workers

Detry Carragher, CPHR, SHRM-SCP, CCIP, PHSA

Agenda

- Trends for remote work
- Right to request flexible work arrangement
- Ten considerations for transitioning to a remote workplace
- Steps to protect the rights and responsibilities of employers and employees

This presentation provides general coverage of its subject area and is presented for informational purposes only. The information may not be suitable in a particular situation and should not be construed as legal advice.

Imagine these scenarios ...

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Remote Work Statistics

- The number of people who work from home has **increased by 140% since 2005**. (Global Workplace Analytics)
- 32% of Canadian employees aged 15 to 69 worked most of their hours from home in 2021, compared with only 4% in 2016. (Statistics Canada)
- 40% of people feel the greatest benefit of remote work is the flexible schedule. (Buffer)
- Companies allowing remote work have 25% lower employee turnover than those that don't. (OwlLabs)



What is your practice for remote work?

- a. Everyone (or nearly everyone) is still remote.
- b. We've never worked remotely.
- c. "Hybrid" model – people come in sometimes.
- d. Most of us are back, but it depends on person / classification.
- e. We're still figuring it out!



Individuals

Advantages

- Less distractions from co-workers
- Better personal time management
- Savings in time and commuting costs
- Higher job satisfaction
- May be welcome for people with disabilities as a significant number of barriers are no longer there.

Disadvantages

- Isolation
- Lack of separation between home and work
- More distractions from family
- Potential for excessive working hours
- Less awareness of company changes
- "Out of sight, out of mind"
- Fear of being overmanaged

Organization

Advantages

- Improved employee retention
- Often higher productivity
- Less lost hours due to traffic issues
- Reduced absenteeism
- Savings in energy, office space, etc.
- Increases number of potential candidates for a job
- Maintain business continuity during emergencies

Disadvantages

- Difficulty maintaining contact and open communication with the employee
- Difficulty with maintaining communication with customers/clients
- Possible delay in customer/client service
- Risk of injuries if home office is not set up properly

Right to Request Flexible Arrangement

An employee may exercise their right to request a flexible work arrangement under the Code. The right to request only applies to:

- employees after 6 months of continuous employment; and
- flexible work requests for changes to the employee's:
 - number of work hours
 - work schedule
 - employee's location of work



WRITTEN
REQUEST FOR
FLEXIBLE WORK
ARRANGEMENT

Canada Labour Code Right to Request Flexible Arrangement



Image credit: Barbara Gibson

Employer has 30 days to respond and provide 1 of 4 possible responses in writing:

- approve as is
- approve in part
- propose an alternative
- deny

Reasons for Denying a Request

- It would result in additional costs that would be a burden on the employer
- It would have a negative impact on:
 - ❖ the quality or quantity of work and the ability to meet customer demand; and/or
 - ❖ the performance of the employee's workplace
- The employer cannot reorganize work among existing employees or hire more employees to manage the requested change
- There would not be enough work available for the employee if the requested change was granted
- It does not meet the criteria mentioned.

More details on this, and criteria for denials, available at www.canada.ca.

Consideration :

Productivity and Performance

Consider the following methods to track work productivity:

- Mandate a required timeframe where all employees are expected to be working and available (e.g. 10:00am-2:00pm)
- Schedule routine calls or video meetings
- Require employees to track their hours of work and to report hours worked to their supervisor/manager regularly

Always consider offering assistance to ensure that employees feel supported and have the proper tools.

Consideration:
Working Conditions



Remote employees have the same rights and entitlements and are protected by the same employment related legislation as office employees.

Consideration:
Accountability

- Regardless of where they are working, performance expectations continue
- Address how respond to competing priorities during work hours (especially while childcare and eldercare)
- Employees should:
 - Be transparent about daily and weekly activities
 - Request modified hours if needed
 - Generally be available during regular business hours
 - Continue to communicate effectively
 - Keep track of work and hours



Consideration: Privacy and Security



Make sure that employees working from home understand your privacy and security policies (and are signed by employees)

Make sure there are systems in place for ensuring those policies are enforced by everyone in the organization

Consideration:

Privacy and Security

Policy Considerations:

- Be vigilant in ensuring the security of information
- Lock computers when they are not being used
- Work should be conducted in a private area if possible
- Physical documents should not be left out in the open
- When taking a call, do so in a discrete manner
- Require anyone who uses public WiF is to use a "VPN"
- Enable 2-factor authentication whenever possible
- Encrypt hard drives
- Restrict ability to print or download confidential documents onto personal computer

Failure to follow instructions and protocols. What are the consequences?

Consideration:
Communication



Out of sight should not mean out of mind.

Consideration:
Payroll

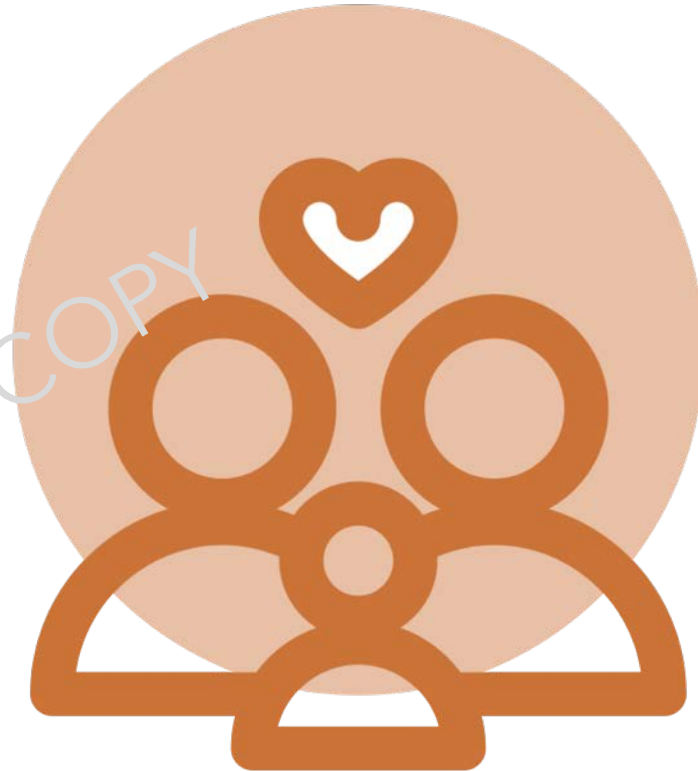
- Make sure you are paying everyone according to the provincial standards in the province where primary work takes place.
- Are employees permitted to work overtime without prior written authorization from their supervisor/manager? Is there a policy for this?
- To balance hours of work, consider setting “dormant” hours when **no** employee should be checking email or logging onto their computers



Consideration:

Family Status and Accommodation

- Accommodating based on family status may include allowing employees to work flexible or alternate hours or even reduced hours on an unpaid basis.
(Note: seek caution with reducing hours)
- The employer has a duty to accommodate to the point of undue hardship.



Consideration:
Health and Safety



Written Agreement:

Who is responsible for health and safety issues and workers' compensation if employee is injured while working from home
(Canadian Centre for Occupational Health and Safety Recommendation)

Important:

Discussion and agreement with the employee as to the areas of the residence which constitute the "office" and specific times during the day that are "work hours."

Consideration:
Document Work Arrangements



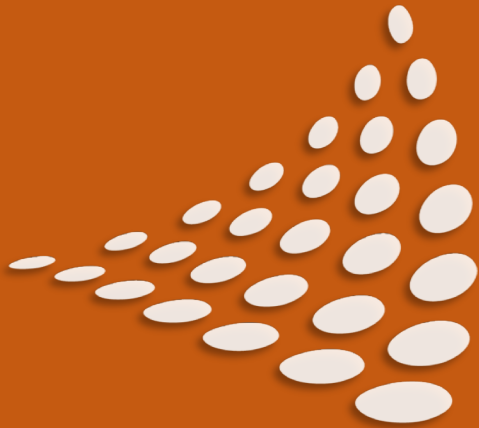
- Safety Checklist
- Location Details
- Timing of agreement
(informal/ad hoc or routine)
- Reimbursements (office and travel related)
- Performance management
- Right to recall back to office
- ... *and more !*

Remote Work Sample Checklist

- Is there a statement which outlines what types of jobs or tasks may be done at home, or will each application be handled on a case by case basis?
- Is there a statement that indicates that except where outlined in the policy that the employee's regular conditions of employment remain the same?
- Has the exact location (full street address) and contact details for where that employee will be working from been recorded in case of an emergency?
- Is there a statement that the employee will follow all of the company health and safety policies when establishing and working in a home office area?

Remote Work Sample Checklist

- Is there a policy detailing how communications between the employee, co-workers and customers will function?
- Is there an agreement about travel time and mileage allowance, if any, between the employee's home and the regular work location?
- Is there agreement on how the workload will be assigned? How will overtime be approved?
- Is there a need for company (proprietary) information to be stored in a locked room, desk or file cabinet?



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Detry Carragher, CPHR, SHRM-SCP, CCIP, PHSA

Email: detry@carvogroup.com

Phone: 902-675-9223

www.carvogroup.com